



HOUSING ALLOCATIONS POLICY

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Policy: HOUSING ALLOCATIONS POLICY

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Links to Council Corporate Plan 2025-28

Council ambition	Linked?
Working for a prosperous future <i>We want to ensure the best possible local economy, with opportunities for our residents to succeed and achieve</i>	Yes
Healthier, safer communities Residents should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing	Yes
A greener and cleaner environment <i>It's important to everyone that we look after our environment</i>	No
Restoring the Council to good health <i>We will place our Council on a sound financial footing and ensure resilience – delivering the service our residents deserve and expect</i>	Yes
We ❤ Castle Point <i>We will help create and maintain the best possible place to live in, work in and visit</i>	Yes

Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)

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Equality Impact Assessment undertaken? Yes

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1. Introduction

- 1.1 Every local Housing Authority is required to have a Housing Allocations Policy in accordance with the requirements of The Housing Act 1996 (Part VI) as amended. The Housing Allocations Policy determines priorities and defines the procedures to be followed in allocating social housing.
- 1.2 This Housing Allocations Policy outlines how Castle Point Borough Council “the Council” will assess applications for housing, determine eligibility, qualification and level of housing need, prioritise applications and allocate accommodation.

2. Scope

- 2.1 This Policy applies to anyone who wishes to apply for housing through the Council and is applicable to all allocations of accommodation as per the definition in the Housing Act 1996, [see section 3 on definitions](#).
- 2.2 Secure, introductory or demoted tenancies arising in the following circumstances are not covered by the allocation’s provisions of the Act and therefore fall outside of the scope of this document. These include:
 - a) Succession to a tenancy on the death of a previous tenant
 - b) Assignment of a tenancy by way of a mutual exchange
 - c) Assignment of a tenancy to a person who would be qualified to succeed to the tenancy on the death of a current tenant
 - d) Transfer of the tenancy pursuant to a court order under family law or the Civil Partnership Act 2004
 - e) Where a person becomes a secure tenant on ceasing to be an introductory tenant.

3. Definitions

Allocation of accommodation	<p>The Housing Act 1996 as amended provides that local authorities allocate housing accommodation when they:</p> <ol style="list-style-type: none">a) Select a person to be an introductory or secure tenant of housing accommodation held by the partnership.b) Select a person to be a fixed term tenant of housing accommodation held by the partnership.
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	<p>c) Nominate a person to be an introductory or secure tenant of housing accommodation held by another housing authority.</p> <p>d) Nominate a person to be a starter tenant (also known as probationary) or assured tenant of housing accommodation held by a Registered Provider.</p>
Assignment of tenancy	This is where one tenant transfers their 'legal interest' in the property to another person. The existing tenancy continues, and the tenancy terms and conditions do not change - only the tenant changes.
CBL	Choice based lettings
HAWaH Panel	Housing Allocations Welfare and Hardship Panel's
Immediate family	Parents, spouse, partner or children including stepchildren
MATB1 form	Is a form from the government providing medical evidence of pregnancy and the baby's due date, issued by a medical professional. Also known as a Maternity Certificate
NWMS	National Witness Mobility Scheme
Succession of tenancy	When an eligible person takes over the tenancy with landlord approval, following the death of the tenant of a social housing tenancy.
The Council	Castle Point Borough Council
Transfer of tenancy	This is a type of order made by a court that changes the names of the tenants on the Tenancy Agreement. It means after a couple separates, it is possible for the court to order that one person remains living in the family home and has the tenancy in their sole name.
TIS	Transfer Incentive Scheme – a scheme that allows people who are under occupying to downsize and be paid a sum for each bedroom they relinquish.

4. Aims and Objectives of the Policy

4.1 The aim of this Policy is to ensure the Council provides an accessible, fair and transparent process for allocating the Council's housing. The objectives of this Policy are to:

- a) Outline the options for housing in Castle Point
- b) Explain the eligibility and qualification criteria for housing
- c) Describe how priority is determined within the banding structure
- d) Outline priority on health grounds
- e) Clarify the allocations process
- f) Demonstrate transparency of the process
- g) Provide guidance for appealing decisions, making a complaint and asking for a review.

5. Policy Statement

5.1 Social housing is scarce within Castle Point and therefore this Policy clarifies who will be accepted onto the Council's Housing Register to make the most effective use of the very scarce resource in the Borough.

5.2 The Council's objectives for the Housing Allocations scheme is to:

- a) Provide an accessible, fair and transparent service
- b) Help meet local housing need
- c) Meet the housing need of the most vulnerable
- d) Prioritise those with the greatest / most urgent housing needs
- e) Make the best use of existing social housing stock
- f) Ensure equality of treatment for all applicants.

5.3 The Council operates a Choice Based Lettings Scheme under which applicants can see a choice of housing accommodation and express preference for available properties by bidding for advertised properties.

The Council seeks to give all applicants choice in relation to accommodation but may have to place bids on behalf of applicants in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household or providing move on accommodation from supported housing.

5.4 Whilst the aim of this Policy is to assess, accept and prioritise households most in need of housing, unfortunately demand for housing outstrips supply. This means applicants, in the highest priority and or those with significant medical needs, can wait a considerable time before being rehoused. In view of this the

Council encourage households to consider all options to resolve their housing need.

5.5 The Council is working continuously to:

- a) Improve joint working with registered providers to ensure that social housing is allocated efficiently.
- b) Remove barriers to accessing social housing for homeless households.
- c) Ensure that vulnerable households can navigate the Council's allocations systems.
- d) Promote private housing as an alternative to Council and Housing Association housing.

6. Legislation, Regulation and Guidance

6.1 In developing this Policy, the Council has taken into consideration statutory requirements and other relevant legislation, regulations and guidance.

6.2 Legislation relating to the Allocation Policy is set out in the following:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'
- Homeless Reduction Act 2017 and all subsequent amendments to 2020
- Equality Act 2010
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR)
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Children and Social Work Act 2017
- The Regulatory Framework for Social Housing 2019
- Armed Forces Act 2021
- The Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025

6.3 When framing the Allocations Policy further guidance has been sought from:

- Homelessness Code of Guidance for Local Authorities
- Housing and Health Strategies
- Homelessness and Rough Sleepers Strategies
- Tenancy Strategy

6.4 The Housing Act 1996 (as amended) requires all Local Authorities to give '**reasonable preference**' to certain groups of people who are in most housing need. These groups are set out as follows.

- a) All homeless people as defined in Part VII of the Housing Act 1996, including people who are intentionally homeless and those who are in priority need.
- b) People who are owed a duty by any local housing authority under section 190(2), 193(2), 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3).
- c) People occupying unsanitary, statutory overcrowded or otherwise unsatisfactory housing.
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.

6.5 The Policy is also required to have regard to the following considerations:

- a) The Policy must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166a of the Housing Act 1996 over those who do not.
- b) Whilst there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities should demonstrate why applicants are given a particular priority.
- c) There is no requirement for housing authorities to frame their policy to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis.

6.6 Additional preference can be given to other groups of people who have a reasonable preference, if they have urgent housing needs. The Allocations Code of Guidance provides the following examples to whom housing authorities should consider giving additional preference within their Allocation Policy because they have an urgent need to move:

- a) Those who need to move urgently because of a life-threatening illness or sudden disability.
- b) Families in severe overcrowding which poses a serious health hazard.
- c) Those who are homeless and require urgent re-housing because of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.

6.7 The Social Housing Regulatory Act, 2023 requires local authorities to allocate accommodation in the fairest way possible, ensuring accessibility to suitable homes for people with disabilities and balanced award of priority. The allocation of properties should be transparent made more so by the publication of letting results.

6.8 Social housing tenants who do not have an identified housing need in accordance with the Allocations Policy must pursue mutual exchanges and will not be ordinarily entitled to join the housing register.

6.9 For transfer applicants, the Council expects all the following to be met:

- a) The tenancy to be held for 12 months or longer
- b) Applicant must be the named tenant
- c) A clear current rent account (exceptions can be considered under Transfer Incentive scheme, management transfers and financial hardship)
- d) Property to be kept to the standard in keeping the terms and conditions of their tenancy agreement, as detailed in the Transfer Procedure.
- e) No tenancy breaches or pending legal action.
- f) Have a housing need such as medical, under occupation, overcrowding, domestic abuse, harassment or wellbeing that is detrimental to their wellbeing.

7. Options for housing in Castle Point

7.1 **Castle Point Borough Council Allocations Model** - The Council operate a choice-based lettings scheme for all the social housing properties in Castle Point. Some of those may be targeted for only the applicants who are eligible for them such as age restricted or adapted properties. The Council may make a direct offer of accommodation, to meet the needs of a household or the challenges facing the Council in relation to homelessness.

7.2 **Housing Register** - A Housing Register is a way of recording the details of households who have applied to the council for rehousing. Data from a Housing Register can be used to monitor trends, assess demand and provide grounds for

future housing development and the creation of tailored housing advice services. The Council administers a Housing Register to fairly assess and record the needs of those who apply for housing assistance. Whilst having a Housing Register helps to organise the details of those requiring housing it does not in itself increase the number of properties that become available to be let each year. There is a shortage of housing in the borough and demand far exceeds supply. Unfortunately, it is not possible for the Council to house everyone who applies.

7.3 **Transfer Incentive Scheme (TIS)** - The Council has operated a Transfer Incentive Scheme since April 1990. If tenants under occupy their present home and are willing to move to a smaller property, they are entitled to receive a grant based on the type of property they move to plus an amount for each bedroom that is under occupied. All debt owed to the Council, including Council Tax and the cost of repairs deemed tenant responsibility will be deducted from the payment. If a household has achieved under-occupancy by making household members homeless, then the TIS will not apply. Further details of the TIS is covered in the TIS Procedure.

7.4 **Mutual Exchange** - If you are the tenant of a local authority or a registered provider, mutual exchange or swapping properties with other tenants gives you the best chance of moving. You can exchange your property with any other social housing landlord's tenant, anywhere in the country subject to landlord approval. If you are looking to move for work or to be near to family and friends, national schemes will allow you to see homes across of the whole of the UK. You may exchange with other social housing tenants if everybody involved in the exchange process agrees. Normally an exchange will be agreed by the landlord provided:

- a) Both properties are the right size for the incoming household's needs.
- b) Neither party has breached their tenancy and subject to legal action.
- c) You will need to contact your own landlord.

7.5 **Low-Cost Home Ownership** - If you are interested in owning your own home, then there are schemes which are backed by the government which may be able to assist. More information can be found at: www.gov.uk/affordable-home-ownership-schemes. Your Council or your landlord will be able to provide you with the details of the schemes run locally.

Shared ownership is a great opportunity for those who want to get a foot on the property ladder but can't afford to buy a home outright on the open market. The scheme gives you the chance to buy a share in a brand-new leasehold property (either a house or an apartment) on a part buy/part rent basis. You buy a share of

between 25% and 75% of a home from a registered provider. You then pay a subsidised monthly rent to the registered provider for the remaining share.

If you are interested in registering for shared ownership properties, information on what this entails and how to apply can be found at: Shared ownership homes: buying, improving and selling: How shared ownership works - GOV.UK (www.gov.uk). Your Council or your landlord will be able to provide you with the details of the schemes run locally.

7.6 **Private Renting** - The Council are unable to help everyone who registers for rehousing as demand far exceeds the supply. Considering moving to private rented accommodation allows you to decide where you move to, what type of property you move to and when you move.

There are many internet sites that provide details of available properties including:

Right Move	www.rightmove.co.uk
Zoopla	www.zoopla.co.uk
Spare Room	www.spareroom.co.uk
Loot	www.loot.com
Home	www.home.co.uk
DSS move	www.dssmove.co.uk
On the Market	www.onthemarket.com

Additionally, you may be able to find private rented accommodation through a letting agent which may save a lot of time. It is worth remembering that letting agents may require you to have the finances available to be able to secure the property, whilst fees they can charge are restricted under the Tenant Fees Act 2019, they may still require money for a deposit, rent or have a rent guarantor and you may also have to be able to provide references.

You will find letting agents listed in the local papers, or at: www.zoopla.co.uk/find-agents/letting-agents. If you have difficulties in securing private rented accommodation, the Housing Options Team may be able to assist you.

7.7 **Adaptations to your home** - If you would prefer not to move home but are looking to do so because you or a member of your household are disabled or have a chronic illness that affects your housing requirements, you may like to consider having your current home adapted to meet your needs.

There may be financial assistance that can be provided to help you do this, depending on your circumstances, in the form of a disabled facilities grant. Further information on disabled facilities grants can be found on the Council's

website. If you are a social housing tenant, please contact your landlord. If you are a homeowner or private tenant, please contact the Housing Options Team. Homeowners and private tenants should contact Environmental Health services for advice on how to apply for a Disabled Facilities Grant, to help them adapt their home.

7.8 **Help and Advice** - The Council can offer specialist housing advice to help you keep your current home, source alternative accommodation or provide advice on alternative housing options.

Assistance may be provided by but not limited to:

- a) Mediation services
- b) Referrals to supported accommodation
- c) Advice on joining the Housing Register and applying for social rented accommodation
- d) Advice to those threatened with homelessness
- e) Assistance to obtain private rented accommodation
- f) Specialised housing options for victims of domestic abuse
- g) Registered Providers

7.9 **Registered social landlords** - will be required to advertise a minimum of 50% of their empty properties through the Council. This will be monitored to ensure compliance with their nomination agreement. The lettings criteria for each registered provider may differ. Please make sure you read and understand who is able to bid on each nomination property before you make your bid. The property advert will list information on the landlord of the property. Whilst registered providers will retain their own lettings criteria, they must give due regard to this Housing Allocations Policy when making decisions.

7.10 **New Developments** - The Council is committed to providing high quality homes where people want to live and will continue to provide new housing developments where the financial resources are available, or by working in partnership with registered providers. The Council recognise that newly built properties that are a product of regeneration or restructure schemes may have certain restrictions placed on them when they are let for the first time. This may be dictated by targets set for the development by funders of the scheme and will mean that the property adverts may be targeted at specific groups of applicants e.g. where displaced residents have priority for new housing stock in a particular regeneration area. Some schemes have planning conditions attached to them that limit the allocation of these homes to people who are not able to afford to buy a home that meets their needs on the open market and who have a local connection to the community.

8. Eligibility and Qualification

8.1 The statutory eligibility criteria for social housing are set out in section 160ZA (1-5) of the Housing Act 1996, as amended by the Localism Act 2011. An applicant may be ineligible for an allocation of accommodation under section 160ZA (2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application was made.

8.2 The following persons are not eligible to join the register:

- People who are “subject to immigration control” and those who do not have to recourse to public funds are ineligible to join any housing register in England
- Any other person as prescribed by the Secretary of State.

If a person who has been admitted to the register ceases to be eligible under the above criteria, he or she will be removed from the register with immediate effect.

8.3 **Right to Move** - The Right to Move qualification regulations 2015 states that Local Connection criteria must **not** be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work related reasons to avoid hardship.

To qualify the applicant must be a social housing tenant living in England.

Applicants wishing to join the Housing Register due to work related reasons to avoid hardship can do so provided they can evidence these requirements.

Applications accepted under ‘Right to Move’ will be awarded Band D priority.

The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons and if they were unable to do so this would result in hardship. In determining whether the tenant needs to move the Council will consider the following:

- The distance and/or time taken to travel between work and home.
- The availability and affordability of transport, considering the tenant's level of earnings.
- The nature of the work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.

The qualification regulations only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

8.4 **Applicants under 18 years old** - Applicants under the age of 18 will not normally be able to join the Housing Register. Where a statutory homelessness duty is owed, or where a care leaver is ready to be considered for permanent housing, they will usually be placed with a supported housing provider who will liaise with the Housing Options Team once they are 18 and ready to move.

All efforts, including family mediation, referrals to supported accommodation will be made to prevent homelessness and assist young people to achieve an appropriate housing solution to meet their need.

Where an applicant under 18 is unable to join the Housing Register but is threatened with homelessness full advice and assistance will be offered to the young person for them to return home where it is safe for them to do so or for alternative accommodation to be sourced for them.

As a 16/17-year-old cannot hold a tenancy in law, there will also be a requirement for a 16/17-year-old to have an approved person to act as their trustee in relation to the tenancy agreement. This would normally be a family member or other suitable third party.

8.5 **Armed Forces** - The Armed Forces Act 2021 places a statutory duty on local authorities to give preference to former members of the armed forces and their families for the purpose of allocating housing. This supersedes all previous armed forces covenants and regulations.

Qualification under the statutory duty applies as follows:

- a) The individual is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act. The Council do not apply the 5-year Local Connection rule.
- b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where they served in the regular forces.
- c) The individual is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability.
- d) The individual is a divorced or separated spouse or civil partner of service personnel who need to move out of accommodation provided by the Ministry of Defence.
- e) The local connection criteria **will not** be applicable.

8.6 **Serious Offenders** - Applications made by applicants who are subject to MAPPA (Multi-agency Public Protection Arrangements) will be subject to a robust and appropriate assessment of their eligibility and will be considered where an applicant needs accommodation that can be suitably monitored and managed due to the risk the applicant may pose to others or any risk to the applicant themselves.

An allocation will only be made following a multi-agency risk assessment and once suitable accommodation has been identified and approved. This will consider MAPPA guidance for high-risk offenders.

Applications following a referral of MAPPA will only be entitled to a direct let to manage any risk involved. The property will be carefully selected to meet the recommendations for serious offenders. They will be placed in Band A under the public protection category and will be subject to a direct match. The final decision in relation to a property lies with the landlord.

8.7 **National Witness Mobility Scheme (NWMS)** - The Council supports the National Witness Mobility Scheme (NWMS) and may consider at its discretion referrals made to house witnesses. To assist the national police force to tackle serious crime and to support witnesses in the legal process, the Council will work with colleagues in the NWMS. The scheme enables witnesses to relocate outside their area to a place of safety.

On receipt of a referral, the partnership will consider the level of risk the applicant is facing, and the demand and supply issues at the time.

To protect the identity of the witness, the applicants will only be required to complete a housing application form, on acceptance of the referral. It will be necessary for the applicants to meet the eligibility criteria for entry onto the register in accordance with Section 8.1 of this Policy, and the proof of identity requirements must be complied with. The local connection criteria **will not** be applicable.

The applicant will receive one direct offer of a suitable property. The applicant will not be permitted to place any restrictions on the type of property they will consider.

8.8 **Refugees and Asylum Seekers** - The Council will comply with any government directives in relation to resettlement schemes for refugees or asylum seekers. These are reviewed annually to ensure compliance.

8.9 **Qualification Rules (local connection)** - Applicants qualify to join the Housing Register if:

- a) They have lived in Castle Point continuously for the last five years or more.
- b) Applicants who have paid permanent contracted employment within Castle Point for 24 hours or more a week (16 hours for single parents with dependent children) and:
 - i. the employment has been for a continuous period of 12 months prior to the application; and
 - ii. the cost of travel to and from the place of employment is causing financial hardship (evidence will need to be supplied and a financial assessment undertaken).
- c) For sheltered applicants. See section 8.18

Local Connection Exemptions

- a) Exemptions from local connection are as follows:
- b) Applicant to whom a main homeless duty is owed.
- c) Applicants living in temporary accommodation outside the Borough who had a local connection at the time they were placed there by the Council.
- d) Applicants of no fixed abode, but who met the local connection criteria at point of being homeless can apply.
- e) The applicants are relevant persons for the purpose of the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.
- f) The applicant is a care leaver or surviving domestic abuse as defined under the Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025.
- g) Applicants from outside the Borough who need to be housed within the Borough to receive care or support for themselves or a member of the household and where it is unreasonable to travel to receive the care or support. This will be considered under HAWaH Panel.
- h) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and did have a qualifying local connection to Castle Point through residence in settled accommodation immediately before they moved into their current accommodation.
- i) Where the applicants are travellers or gypsies, and this has prevented local connection through the normal residency criteria.
- j) Applicants being placed under the witness protection scheme.
- k) Applicants moving under the Right to Move scheme.

Table 1: Local Connection Exemptions

8.10 **Disqualification Rules** - There are some circumstances where people are disqualified from joining the Housing Register as the Council will only allocate social housing to those people that it has defined as “qualifying persons” under Section 160ZA(6)(a) of the Act. Where applicants are disqualified from the Housing Register, they will still be able to access advice and assistance on the housing options outlined in section 2 of this document. Where an applicant has been disqualified or accepted onto the Housing Register but is subsequently disqualified; they will be notified in writing. The applicant has a right to ask for a review within 56 days of the decision. See Section 16. The application will be cancelled if no right of review is received.

An applicant will **not** qualify if they have at least one of the following:

8.11 Unacceptable behaviour or tenant debt

- a) Where an applicant or a permanent member of their household has been guilty of ‘unacceptable behaviour’ in their conduct of a current or previous tenancy, they will be disqualified. An exception may be made where someone is homeless, and the council has accepted a duty.
- b) Unacceptable behaviour can include, but is not limited to:
 - i. Owing rent or other housing-related debt from a current or former tenancy with a registered housing provider or a private landlord of 8 weeks or equivalent of their rent or more.
 - ii. Using premises for illegal or immoral purpose.
 - iii. Perpetrates anti-social behaviour.
 - iv. Convictions for criminal offences in or near to the applicant's home where the applicant still poses a threat to neighbours or the community.
 - v. Convictions for a criminal offence relating to abusive behaviour towards a Council employee, partner or contractor.
 - vi. Convictions for housing or welfare benefits-related fraud.
 - vii. Being violent towards a partner or members of the family or anyone in the neighbourhood and been convicted of an offence in relation to this or where it has met the threshold for an injunction or court order for example a non-molestation order.
 - viii. Obtaining a tenancy by deception, for example by giving false information.
 - ix. The applicant is subject to a civil injunction due to unreasonable behaviour.

In determining whether an applicant is disqualified due to unacceptable behaviour, the Council will consider the following:

- a) Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- b) Was the unacceptable behaviour serious enough to have entitled a landlord to obtain an order for possession, whether such an order was sought?
- c) At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of his/her household?

Unacceptable behaviour will result in an initial disqualification period of 12 months, which may be extended unless the applicant has rectified their behaviour. To be re-admitted to the register the disqualification must have been rectified. [See Appendix 2](#).

8.12 **Households in Rent Arrears**

- a) Household in rent or mortgage arrears will not normally be considered for an allocation except in exceptional circumstances such as severe or urgent medical cases or where the council needs to discharge a homeless duty. The Council will consider the reason for the arrears to ensure that those who are only in these circumstances through the actions of others are not unfairly penalised.
- b) Applicants owed a homelessness relief duty living in temporary accommodation, will be offered permanent accommodation, but will be expected to make an agreement to clear any rent arrears. They will be expected to adhere to the repayment agreement even after they have moved into their new home until the arrears are cleared.
- c) Tenants who wish to downsize because of the spare bedroom subsidy in their benefit claim, and they are in rent arrears, and these are getting worse, they will be considered for a smaller property provided they sign an agreement to clear the arrears.
- d) Tenants in arrears where the Council needs to move you, will have the arrears disregarded for the purpose of joining the Housing Register on the provision that a repayment plan is made at the point of making an application.

8.13 **Property Ownership** - Applicants will not qualify to join (or remain on the Housing Register) if they own a property either in the UK or abroad (either freehold, leasehold, under mortgage or shared ownership), unless they can demonstrate that:

- a) They are in housing need and/or it is unreasonable for them to continue to occupy the accommodation **and**
- b) They cannot liquidate or sell the property which would enable them to purchase or rent an alternative property suitable to meet their needs.

Examples where an exception may be made include:

- a) They have a medical condition, and their home is no longer suitable.
- b) They need sheltered or supported accommodation.
- c) They are homeless or likely to become homeless within 3 months of their request due to the repossession of their current home and if they receive any equity this will not be enough to secure alternative accommodation.
- d) A joint owner who has left the property or is leaving the property in order to escape domestic abuse and the perpetrator of the abuse is the other joint owner and the property cannot be sold.
- e) There has been a breakdown in a relationship between joint owners, and one has requested housing, the property has been sold, and they have insufficient resources to secure alternative accommodation.
- f) A homeowner who has been accepted as statutory homeless.
- g) Where a closure order has been served by the authority because the home is hazardous or unsafe.

All alternative housing option must also have been exhausted before a homeowner can join the Housing Register. Where adaptations are needed, applicants will be encouraged to apply for a Disabled Facilities Grant.

Applicants who own property they rent out will be expected to take all necessary legal steps to regain possession. This will apply to properties that are owned outright or still mortgaged and to properties where an applicant's family may currently be residing. Where a homeowner has been unsuccessful in regaining possession.

Where applicants can register, before any offer of accommodation is made, proof will be required that the property has been sold or proof of the fact that a sale has been agreed. Only in exceptional circumstances and where there are significant material overriding reasons would a property be allocated where the applicant still retains ownership of a property.

8.14 **Household Income** - The Council is permitted to consider the applicants' financial resources and whether this is sufficient for them to source their own accommodation. The National Housing says: "After housing costs, an applicant should be left with sufficient income to pay for all other reasonable costs." The Council have therefore considered having different income thresholds for

different sizes of household. Applicants who have a child that is economically dependent on them, must after housing costs, be able to afford to meet their financial responsibilities in this regard. If the household's income is above the threshold in Table 2 below, they will not qualify to join the register. For this purpose, the Council will consider the income of all household members including the income of non-dependent children. All sources of income will be taken into consideration except for disability benefits or payments made in relation to an injury.

	Income Needed (using PRS rents)	Average PRS Rent	Average Affordable Rent	LHA weekly (monthly)
Bedsit/1 bedroom	£37,000	£907	£881	£156.29 (£677.26)
2 bedrooms	£46,000	£1,127	£1,099	£201.37 (£872.60)
3 bedrooms	£53,000	£1,373	£1,340	£253.15 (£1,096.98)
4 + bedrooms	£79,000	£1,974	£1,936	£310.68 (£1,346.28)

Table 2: Income thresholds for acceptance onto the Housing Register

8.15 Savings, Assets and Capital - Applicants with capital/savings/assets/investments more than £16,000 will not qualify to join the Housing Register as they will be regarded as having sufficient resource to source alternative suitable accommodation. This amount is in line with the DWP criteria for eligibility for Housing Benefit. The savings threshold will be reviewed annually in line with any government directives, local economic factors and legislation.

Where these savings are derived from a payment due to injury or disability for members of the armed forces who have recently been discharged unless there is an award towards meeting their housing costs they will not be included in this calculation. On a case-by-case basis the Council may allow applicants who exceed this threshold but require specialist accommodation which cannot be readily sourced within the private rented sector or purchased on the open market to qualify.

8.16 People who are adequately housed - Applicants will not qualify for or be allowed to remain on the housing register if the Council are satisfied that they are suitably and adequately housed, that is, they have no recognised housing need under the Housing Allocation Policy or fall into a reasonable preference category.

The demand for social housing in the area exceeds supply and therefore has to be awarded to those who are in the most housing need. The Council want to manage demand and manage applicant's expectations accordingly.

8.17 Refusal of an offer of accommodation - Where applicants have refused their permitted number of suitable offers of accommodation, they will be removed from the Housing Register and will not be permitted to reapply for 12 months. The 12 months will commence on the date of the refusal of the last offer. Homeless households will be referred to the Homeless Team, and duty may be discharged. The only exception to this will be where applicants have had a significant change in their circumstances since their last offer.

8.18 Sheltered Housing Applicants - The minimum age for sheltered housing applicants is:

- a) For non-Council tenants: 60 years or older
- b) For existing Council property tenant: 55 years or older.

In both cases all members of the applicant's household must be 50 years or older. Sheltered housing does not accommodate families or adult children; only single people and couples can apply. Sheltered housing does not provide care or support facilities such as 24/7 on site staff or personal carers.

The local connection rules are slightly different for sheltered housing applicants because of demand and the need to prioritise the limited availability for local residents. Applicants who do not meet at least one of the following criteria will not qualify for the sheltered housing:

- a) Applicants who have been resident in Castle Point continuously for the last 6 months, or three out of the last five years from date of application.
- b) Applicants who have close adult relatives (siblings, children, grandchildren over the age of 18 (including the step equivalents) immediate great nieces and nephews) who have been resident in Borough for at least 5 years.

8.19 Reduced Preference - Where the Council deem an applicant has reduced preference, they will sit in a band lower than the one they have been assessed for. Reduced preference will apply in the following circumstances:

- a) Applicants who are financially able to secure alternative accommodation for themselves, or they are a homeowner, and an exception has been made to allow them to join the register.
- b) Applicants granted a main homeless duty and have a history of unacceptable behaviour, where they have failed to cooperate.

- c) Applicants who render someone in their household homeless to facilitate to instigate a reassessment of their application with the sole purpose of attempting to achieve a higher priority.
- d) Applicants who deliberately worsen their housing circumstances.

8.20 **Exceptional or mitigating circumstances** - Rarely, there may be exceptional circumstances where the Housing Allocations Welfare and Hardship Panel (HAWaH Panel) may override the Policy subject to a sound business case.

Examples are listed below:

- a) On a hard to let property where there are no natural eligible applicants the bidding criteria may be relaxed.
- b) The home is adapted but applicants needing this adaptation would not ordinarily be eligible for that property type.
- c) Relaxing the bedroom allocation rules to enable a household to consider a smaller property because there is a short supply of the large property they need. This will be subject to considerations as to the sustainability of that home, and the legislation on overcrowding.

8.21 **Negotiated tenancy surrender** - For a landlord to make the best use of resources available, the Council will consider awarding an applicant Band B in exchange for the surrender of their tenancy to:

- a) limit eviction costs
- b) reduce the period properties are left vacant
- c) prevent rent arrears accruing
- d) providing support to a tenant who needs a different housing provision.

This is subject to the surrender of the tenancy being done in a planned way and subject to the following provision:

- a) The applicant is a social housing tenant and has been taken into custody or has to go into a mental health or other special facility for an extended period and
- b) If they committed an offence, it did not constitute a breach of their tenancy agreement and
- c) They have or are likely to be sent to prison or a mental health/special facility for more than 13 weeks and
- d) They have conducted their tenancy in a reasonable way and
- e) Their rent is up to date or
- f) A tenant acknowledges they are not managing and asks for help.

8.22 Where a tenancy is failing, because the housing needs of the individual are complex and not suited to their accommodation, and all other avenues have been exhausted by their landlord, and where the tenant asks for help, the Council may

consider a negotiated tenancy surrender. This will only be considered where there is statutory agency involvement to support the surrender and any onward move, including the sustainment of their new tenancy.

- 8.23 Tenancy surrender would be subject to completion of a comprehensive report, by Housing Management for the consideration of the HAWaH Panel. The HAWaH Panel's decision will be final.
- 8.24 An applicant, who has been granted negotiated surrender priority, may be able to bid for properties within 28 days of the award. However, if an applicant is not in a position to sign tenancy agreements and move into the property once it is ready, the offer of accommodation may be withdrawn and the band award deferred. This process is covered in the related procedure documents.
- 8.25 An applicant would only be awarded this priority where they would not be disqualified from the Housing Register due to any other circumstances.

9. Application and Assessment

- 9.1 To be considered for inclusion on the Housing register all applicants must complete the on-line Choice Based Lettings form:
www.castlepointhomechoice.org.uk.

The information included on the application form must be accurate. Applicants will be required to provide documentary evidence to support the information on their application and demonstrate that they have a housing need, for example proof of identity, address, income, savings and custody / access to children.

- 9.2 Applicants who have indicated that they have a medical, mobility, welfare or hardship will need to complete a medical assessment for or be assessed by the HAWaH Panel. [See Appendix 1 for terms of reference for the panel.](#)

The Council may make any further enquiries and request further evidence as it deems necessary to confirm the information provided on an application, such as contacting current or previous landlords, the police or support workers. If an application is incomplete and / or further information is not provided in the appropriate timeframe the application will be cancelled, and you will be notified in writing of the cancellation.

9.3 The Council will only accept applications from an applicant who:

- a) Is eligible to apply for social housing.
- b) Meets the qualification rules.
- c) Has a housing need within the reasonable or additional preference as stated in this Policy.
- d) Has been approved under an exceptional circumstance (rare).

Once an application has been checked against the eligibility and qualification criteria, the application will be assessed to determine the priority.

Multiple or duplicate applications for the same household are not allowed. If the applicant has already registered, they must decide which application they wish to retain.

9.4 **Who can be included on the application?** - The Council accepts joint and sole applications. Joint applicants will be accepted provided both applicants are eligible, aged 18 or over and intend to occupy the property together as their only or main home. If the joint applicants do not currently reside together the application will be assessed and placed in a priority band using the details of the household member with the greatest housing need.

Additional persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant. Any other person will only be included on an application if the Council are satisfied that it is reasonable for that person to live with the applicant, for example, emerging families. This will **exclude** lodgers or anyone subletting from the applicant. Anyone over 16 years of age included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets but will not be named on the tenancy.

9.5 **Councillors, employees and their relatives** - Registrations can be accepted from employees, elected members, board members and their close relatives, provided they are eligible to apply. Applicants must disclose any such relationship at the time of applying. To ensure transparency and impartiality, employees, elected members, board members must not attempt to apply any undue influence in the handling of an application from friends or close relatives. In these circumstances approval must be given prior to an offer of accommodation within the procedures of the relevant partner landlord. The application will be assessed by management and approved by a Head of Service.

9.6 **Fraud, misrepresentation or withholding information** - It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information, which they have reasonably been required to give, (Section 171 of the Housing Act 1996). Anyone found guilty of such an offence may be fined and could lose the tenancy if they have been rehoused providing false information or deliberately withholding information. Applicants who are found to have made fraudulent claims, will be disqualified from joining the Housing Register and may not reapply for 12 months from the date of their disqualification.

9.7 **Deliberately worsening circumstances** - Whilst this Policy is intended to make sure that those with urgent housing needs are rehoused more quickly, it is not intended to reward applicants who deliberately worsen their circumstances to secure housing. Any applicant who deliberately worsens their housing circumstances in this way will be treated as reduced preference. Any applicant overlooked for an allocation of accommodation in this way will be notified that their priority has been reduced for 12 months, after which time the application will be reassessed based on their then current housing circumstances. [See section 8.19](#)

Examples of this could include but are not limited to:

- a) Applicants who give up a home that they own, rent, or have rights to but choose to leave or dispose of it without good reason in the five-year period immediately preceding the making of their application. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonably been expected to reside, or to sell it.
- b) Applicants who have given up a social housing tenancy in the five-year period immediately preceding the date of their application and this was, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to life and welfare.
- c) Applicants who deliberately move to a home which was clearly unaffordable at the point they move into it.
- d) Applicants who deliberately move into accommodation which will be overcrowded other than to prevent their homelessness and prevent the homelessness of their family.
- e) Applicants who leave suitable accommodation without making suitable provision unless there was good reason to leave.
- f) Applicants who deliberately deprive themselves of capital, equity or income following the sale of a property belonging to them whether jointly or in their sole name to qualify or gain priority for housing. Deliberate

deprivation includes gifting money to relatives and friends and payments to third parties.

9.8 **Verification and Checks** - Key points in the verification process are:

- a) At the point of registration (all bands)
- b) Notification of a change of circumstance
- c) During renewal of application.
- d) When an offer of accommodation is made
- e) At the signing of a tenancy.

Applications must be accompanied by any supporting information and evidence as well as relevant proof of identification. The Council will cancel applications where the documentation has not been provided. Applicants will usually be contacted and given the opportunity to bring the information in first, before it is cancelled.

The Council will verify the addresses for all applicants for the 5 years prior to making the application. This applies equally to private or social landlords. Where the Council is unable to verify the address history, the responsibility will be placed on the applicant to provide documentary evidence.

Where applicants are privately renting, the Council will ask for a landlord reference to confirm the conduct of the tenancy. Proof of any notices served by the landlord are required. This will be mandatory at the time an applicant is offered a property. Where an applicant is unable to provide this, the offer may be withdrawn.

9.9 **Bedroom entitlement** - Set criteria will be used to determine the number of bedrooms an applicant is eligible to bid for, considering the number and ages of all “permanent” members of the applicant’s household. Any adult who resides with the applicant, where the accommodation is their main and principal home, will be classed as a permanent household member. Any child below the age of 18 who resides with the applicant as their main home will be classed as a permanent household member. In cases of shared parenting the general principle is that a child needs one home the Council will not accept responsibility for providing a second home for children to stay with a different parent.

Each of the following will be entitled to one bedroom:

- a) The main householder(s).
- b) The applicant and their partner.
- c) Live in carers and young carers will be entitled to their own bedroom.

- d) Children of the opposite sex will be expected to share until the oldest child is 10 years old.
- e) Children of the same sex will be expected to share.
- f) Where a member of the applicant's household is in full-time education or is serving in the armed forces and does not reside with the applicant throughout the year, but their permanent home is with the applicant.
- g) An additional bedroom will be considered where there is a proven medical need or disability confirming the requirement.

Due to limited availability, families with 5 or more children may be given preference over smaller eligible households for properties with 4 or more bedrooms. When a nomination is made to a Registered Social Provider, their own bedroom rules will be used.

9.10 The eligible property size- is explained on Table 3 below:

	Property Size				
	Bedsit	1 bed	2 bed	3 bed	4 bed
Single adult	X	X			
Couple		X			
Family/Parent plus 1 child			X		
Family with 2 children (same sex)			X		
Family with 2 children (different sex) eldest one being under 10			X		
Family with 2 children (different sex) eldest one being over 10				X	
Family with 3 or 4 children				X	
Family with 5 or more children					X

Table 3: Eligible Property size

9.11 Over Occupation - The shortage of large family sized accommodation is particularly acute and waiting times are therefore substantially longer than for smaller sized accommodation.

9.12 **Under Occupation** - In some cases the bedroom entitlement stated in this Policy does not apply, either for reasons of fairness to the applicant or for reasons of effective stock management. Applications categorised as management transfers or decants will be considered for the same size accommodation as they currently occupy.

9.13 **Pregnancy** – Any applicant who is pregnant will be asked to provide the MATB1 form, then they will be reassessed for a property that is suitable for their household once the child is born. They can only bid on a property upon the birth of the baby.

9.14 **Carers and young carers** - Applicants claiming bedrooms for a carer who needs to live in, will need to provide evidence from Adult Social Care or Children's Services. A young carer will be entitled to a separate bedroom from any siblings, with supported evidence from Children's Services.

9.15 **People with medical conditions who cannot share a bedroom** - Applicants with a medical condition and needing their own bedroom for them or medical equipment will need to provide evidence sufficient to satisfy us of the need for separate bedrooms. Awarding an additional bedroom will be assessed on a case-by-case basis and will involve considering not only the nature and severity of the condition, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the other person who would normally be required to share the bedroom.

9.16 **Fostering** - Approved foster carers and adopters who need to move to a larger home to accommodate a looked after child or a child who was previously looked after by a local authority can apply to the council to bid for homes that provide an additional bed space. This provision also includes special guardians, holders of a residence order and family and friends' carers who are not foster carers but who plan to take on the care of a child and are able to evidence this.

10. **How priority is determined**

10.1 The Housing Register is made up of four bands. These bands are used to rank the level of housing need an applicant has based on their circumstances and the information provided.

- a) Band A: Emergency priority need.
- b) Band B: Urgent priority need.
- c) Band C: Moderate priority need.
- d) Band D: Low priority need.

10.2 The Council does not operate a cumulative need scheme. If you have more than one housing need, the banding for the highest one will be awarded. E.g. homeless households who are owed a main duty will normally sit in Band C, but if they also have an urgent health priority, they will sit in Band B.

10.3 Applications with no priority will not qualify and will not be placed on the Housing Register. You will be entitled to advice and information on other housing options available to you. [See Section 7.6.](#)

10.4 To determine the effective band date, the Council use the following:

- At registration of your application, your effective band date will be the date the Council verify your application after you have provided all the supporting evidence.
- If there is a change of circumstances and your priority goes up a band, the Council will use the date the change was verified.
- If there is a change of circumstances and your priority goes down a band, your effective band date will not change, i.e. it is protected.
- If you are homeless, the effective band date will be the date the Council accepted a homeless duty.
- Applicants surrendering their tenancy under “Negotiated tenancy surrender” the effective band date will be the date of the surrender of tenancy.

10.5 **Banding Summary** - Table 4 below and over the page is a summary of the priority bands on the Housing Register. The detail is captured in the [sections 10.6, 10.7, 10.8 and 10.9](#)

Band	Priority Description
Band A - Emergency Priority Need	Permanent rehousing of a Council tenant we have to move imminently. (within 3 months)
	Risk of death or serious harm
	Witness protection
	Releasing a significantly adapted property; where the household no longer needs an adapted property
	Emergency health priority such as delayed discharge from hospital or equivalent medical facility or former members of the armed forces who have been severely injured whilst serving.
	Council tenants who are underoccupying and on the Tenant Incentive Scheme or tenants who have succeeded a property but they are underoccupying and the Council is seeking possession.
	Emergency welfare; management transfers (Council tenant) and exceptional circumstances
Band B –	Permanent rehousing of a Council tenant we have to move within 12 months.

Urgent Priority Need	Urgent health priority
	Urgent welfare
	Severe overcrowding (statutory and/or lacking 2 bedrooms or more)
	Care leavers (18 and ready to move)
	Move on from supported housing (ready to move)
	s195 Prevention duty or threatened with homelessness (these will join the Housing Register in Band C until they are assessed for Prevention Duty at which point they will move to Band B)
Band C – Moderate Priority Need	s193 (2) Main homeless duty
	s189B Relief homelessness duty
	Overcrowding lacking 1 bedroom
	Moderate welfare
	Homeless applicants pending enquiries
Band D – Low Priority Need	Intentionally Homeless
	Non-Priority Homeless
	Care leavers (not ready to move and inactive to bid)
	Move on from supported housing (not ready to move and inactive to bid)
	Right to Move or work related

Table 4: Summary of the priority bands on the Housing Register

10.6 Band A: Emergency Priority Need

a) Emergency temporary relocations (decants)

Social housing tenants in this situation are living in a property that is due to be demolished, or their home requires urgent works which cannot be done with the tenant in situ, and there is a defined period of 3 months, within which they need to move.

b) Risk of death or serious harm

Applicants whose property is unsafe or where they are fleeing violence.

c) Witness protection and public protection

Where an applicant has been referred as part of the witness protection scheme, this priority will be awarded. Where an allocation is required to ensure protection of the public, following a decision made by Multi-Agency Public Protection Arrangements (MAPPA) or to fulfil agreements made with offender management services.

d) Release of a significantly adapted property

This priority will be awarded to social housing tenants who are living in a significantly adapted home that they no longer require and want to move to a home without adaptations.

e) Emergency Health Priority

Will be awarded where an applicant or a member of their household cannot be discharged from hospital or equivalent medical facility within a reasonable

timescale due to the lack of any suitable accommodation being available. Former members of the armed forces who have been severely injured whilst serving.

f) Under occupation and Succession

Council tenants who are prepared to move to a property with fewer bedrooms than their current property under the Tenant Incentive Scheme. Tenants who have succeeded to a property which is too big for them and the Council wishes to seek possession.

g) Emergency Welfare, Management Transfers and Exceptional Circumstances

Awarded to applicants who either need an emergency move for social welfare or where there is a pressing need to offer alternative accommodation to a social tenant to effectively manage housing stock, remedy an injustice or due to important financial or legal reasons. Examples include (but are not exhaustive):

- i. Exceptional circumstances as determined by the HAWaH Panel.
- ii. Serious risk to the health or safety of the applicant or a member of their family
- iii. Severe disrepair which cannot be resolved within a reasonable timescale, and which puts one or more household members at serious risk to their health as confirmed by an assessment carried out by Environmental Health team or registered social housing provider's surveyor.
- iv. Tenants who are victims of severe harassment or ASB
- v. Domestic abuse cases needing a discretionary tenancy
- vi. Discretionary successions.

10.7 Band B: Urgent Priority Need

a) Relocations (Decants)

Social housing tenants in this situation are living in a property that is due to be demolished, or their home requires urgent works which cannot be done with the tenant in situ, and there is a defined period of 12 months, within which they need to move. If a decant programme will affect the whole or significant part of an estate, a local lettings plan may be adopted. This will include the details about being rehoused off the estate and the right to return once the development is complete.

b) Urgent Health Priority

Urgent health priority will be awarded where an applicant or a member of their household is assessed as suffering from a severe medical condition, mental health illness or disability which is being seriously impacted by their current housing situation and that would be improved by moving to appropriate accommodation.

c) Urgent Welfare

Urgent welfare will be discretionary and determined by the HAWaH Panel; all exceptional circumstances will be considered. This includes but is not limited to:

- i. People with learning disabilities/difficulties who are assessed as having to move to receive care and support or where their current housing is having a detrimental effect on their quality of life and ability to live independently.
- ii. Adoptive parents or prospective adoptive parents who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the well-being of the child or children they have adopted or are planning to adopt.
- iii. People who are fostering children as part of a long-term arrangement and who need a larger home.

d) Severe or Statutory Overcrowding

This priority will be awarded where an applicant's household is overcrowded by two or more rooms or where there is statutory overcrowding. Households that are statutorily overcrowded (as assessed by Environmental Health) will be awarded this priority only after any measures that can reasonably be expected to reduce the overcrowding, such as terminating licence agreements of any non-dependent household members, have been undertaken.

e) Definition of overcrowding

Under the legislation and regulations, and for the purposes of defining overcrowding, two standards can be applied: the space standard and the room standard. The Council use the room standard which states that the room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as partners must sleep in the same room. Children under the age of ten are excluded from this definition. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

f) Child of a tenant

This enables the Council to rehouse adult children of 18 or above within a household with the aim of removing or significantly reducing the overcrowding housing award from the main household where the overcrowding is severe, the property needed is large and limited in number.

The adult child's application is awarded the same priority as the main household and the two applications are linked. Only studios or one-bedroom properties will be allocated to the adult child. Once the adult child accepts an offer, it triggers us to reassess the main household and the overcrowding award will either be reduced

or ideally removed. The main household will not be offered accommodation before the adult child.

g) Overcrowding exemptions

Overcrowding is not applied to a homeless household in temporary accommodation.

h) Voluntary overcrowding

In cases where the Council are satisfied that the applicant has only become overcrowded because of their own voluntary actions which have worsened their housing situation, they will be treated under reduced preference.

i) Care Leavers

This priority will be awarded to applicants who are or were previously looked after by Children's Services. Care leavers can be registered from the age of 16. However, they will remain inactive to bid and in Band D until they are 18 and deemed ready to live independently by their current housing provider. This is to minimise the risk of tenancy failure. A handover of support should take place between the relevant authority and landlord. Care leavers who are currently in care or semi-independent accommodation which is not located in the borough will be exempt from local connection eligibility rules. Once care leavers are no longer being supported by Children's Services, they can retain care leaver preference until they are 24 years old.

j) Move on from supported housing

Applicants residing in supported housing schemes who are ready to move on to independent housing will be awarded this priority. They will remain inactive to bid and in Band D until then.

k) s193 Homeless Prevention Duty or Threatened with Homelessness Prevention duty

Households who are owed a prevention duty by the local authority under the homeless legislation and the Council are satisfied that all other reasonable options have been explored and where priority is required to prevent homelessness within a specific timescale. These cases will join the Housing Register in Band C until they have been assessed.

10.8 Band C: Moderate Priority Need

a) Homeless Households owed a duty. The homeless duties that sit in this award are specifically:

- i. **Main Homeless Duty (s193(2));** households who are unintentionally homeless and in priority need (within the meaning of Part VII of the 1996 Act). Preference will be given to pre-localism cases over other households where the council owes a main duty.

- ii. **Relief homelessness duty (s189B);** households who are owed a relief duty and placed in temporary accommodation under the homeless legislation, where there is a likelihood that the council will owe a main duty.
- iii. **Homeless household awaiting assessment;** all homeless households will join the Housing Register until they are assessed, and a homelessness duty is accepted. If this is prevention duty, they will move to Band B, if it nonpriority homeless or intentionally homeless they move to Band C.

b) Overcrowding

This priority will be awarded where an applicant's household is overcrowded by one bedroom.

c) Moderate Welfare

Applicants awarded a moderate welfare priority will be allocated to Band C as assessed by the HAWaH Panel.

10.9 Band D: Low Priority Need

a) Homeless Households.

The homeless duties that sit in this award are specifically:

- i. Intentionally Homeless; households who are intentionally homeless (within the meaning of Part VII of the 1996 Act).
- ii. Non-Priority Homeless; households who are homeless but not in priority need (within the meaning of Part VII of the 1996 Act).
- iii. No fixed abode

b) Care Leavers

Care leavers can be registered from the age of 16. They will remain inactive to bid and in Band D until they are 18 and deemed ready to move.

c) Move on from supported housing

Applicants residing in supported housing schemes who are not ready will remain inactive to bid and in Band D.

d) Right to Move or Work Related

This is awarded to applicants accepted under the national Right to Move Scheme or where they need to move because of employment.

10.10 Pitches for Gypsies and Travellers

The allocation of any pitches on a Gypsy and Traveller site will be in accordance with the priority given to all applications to the Housing Register. However, additional priority for pitches will be given to close family members of existing licensees, who already live on site, to relieve overcrowding and to maintain family connections on the site. There are currently no sites in the Borough.

11. Priority on health grounds

11.1 Priority on health grounds will only be awarded after an assessment if someone in the household has a severe long-term limiting illness, or a permanent and substantial disability AND their health or quality of life is severely affected by the home they live in.

11.2 A priority medical award is not given based on the medical condition or disability alone but upon the effect the housing circumstances are having on a long term and serious medical condition or disability. The Council will also consider whether their current home can be reasonably adapted to meet your needs. It may also be that there are combinations of serious health or disability concerns that mean that the health or quality of life of a household is being severely affected.

11.3 There are two levels of health priority:

- a) **Emergency Health Priority Award**
This is the highest priority award and will normally be considered where the criteria for a priority medical award is met and one or more of the following conditions also applies:
 - i. someone is in hospital/residential care and cannot return home because it is not suitable
 - ii. risk to life
 - iii. extreme exceptional circumstances as assessed by the HAWaH Panel
 - iv. Current and former members of the Armed Forces who have been severely injured
- b) **Urgent Health Priority Award**
This recommendation will normally be considered if you, someone on your application or for whom you provide care, has a severe long-term limiting illness or permanent and substantial disability. Health or quality of life must be severely affected by the place you live in now.

11.4 The Council's independent Medical Advisory Service will assess medical need for rehousing, determine appropriate band and recommend future housing needs.

12. Change of circumstances

12.1 Once registered it is the applicant's responsibility to inform the Housing Options Team of any change in their circumstances that affects their application.

12.2 Examples could include but are not limited to:

- a) A change of address or contact details, for themselves or any other person on the application.

- b) Any changes in the household of where the applicant lives or in the household included on the application.
- c) Any change in income and/or savings of the applicant.
- d) If the applicant becomes a property owner.
- e) Any medical/welfare or mobility needs which will affect the type of accommodation required by the applicant
- f) Any changes to the immigration status of the applicant.

12.3 Following a change in circumstance the application will be reassessed and may result in a change in qualification, priority band or bedroom/property eligibility. The applicant will be informed in writing of the outcome of their reassessment.

12.4 Failure to notify the Council may result in removal from the Housing Register or the withholding of an offer of accommodation whilst the application is investigated and/or reassessed.

13. Allocations and Lettings

13.1 **Direct lets** - Not all properties that become available will be advertised and offered through choice-based lettings (CBL). There may be circumstances, where the Council may decide there is a need to make a direct offer of housing outside of CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this Policy. Specifically, this would be where there are urgent operational or financial reasons to depart from advertising and letting a property.

Examples include but are not limited to:

- a) Where an applicant is homeless and in temporary accommodation and owed a section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct offer to move applicants out of temporary accommodation to manage any budgetary or legal impact on that council.
- b) Situations where urgent rehousing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed, or to discharge a statutory homelessness duty.
- c) Where the housing need is urgent, where given the applicant's circumstances, it would **not** be reasonable to wait for a successful bid through the CBL system to deliver an offer.
- d) Where an authority has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- e) Where an applicant is not being realistic in the areas they are bidding for.

- f) Where a vacant adapted property becomes available and that property could be allocated to an applicant whose disability needs best match that property regardless of the date they were registered.
- g) Where the decision is that it is inappropriate for the applicant to participate in CBL. For example, a vulnerable applicant nominated by Adult Social Care or Children's Services where the outcome of an assessment is that a direct let is the best letting solution for that applicant.
- h) Other examples, including individual circumstances of some applicants subject to Multi Agency Public Protection Arrangements (MAPPA), or it is assessed they present a risk to themselves or others.
- i) Age designated housing cases where some older applicants are less confident in using the CBL system to increase the take up of sheltered schemes.

A direct let is simply an offer made direct to an applicant without the property being advertised for bidding and will only be made in accordance with the criteria set out above. Allocations of this nature will be kept to a minimum to maintain a fair and transparent Housing Allocation Policy, with the majority of applications being made to applicants that fall within the reasonable preference categories as set out in s167(2) of the Housing Act 1996 as amended by the Homelessness Act 2002.

13.2 CBL Lets - All social housing properties are let via choice-based lettings (CBL). The onus is on the applicant to actively bid for suitable properties.

13.3 Advertising a property

- a) Choice based lettings works by allowing applicants to express interest in available properties that are advertised each week. From those applicants responding (bidding), the successful applicant will be decided in line with the priority and effective date they have been awarded.
- b) Both the Council and Registered Social Providers will advertise their vacant properties, including properties that have been designed or adapted to meet the needs of disabled or older people.
- c) The Council reserves the right to advertise some properties giving preference to certain applicants including but not limited to transfer tenants, Tenant Incentive Scheme (TIS) applicants, homelessness cases or decants to achieve best use of housing stock.
- d) Applicants will be informed at registration what types of property they will be able to bid for. Bids from applicants will only be accepted if they can match the requirements in the advert.

13.4 **Withdrawing a property** - In exceptional circumstances the Council may have to withdraw a property that has been incorrectly advertised. The Council may also withdraw a property in order to make an urgent direct offer for a priority household at any point provided it has not yet been offered.

13.5 **The bidding cycle**

- a) Properties available to rent are advertised for 4 days from midnight on a Wednesday to midnight on the Sunday every week.
- b) It makes no difference when a bid is placed within that timeframe. Bids made in time are all considered equally and ranked according to priority and effective date.
- c) Applicants (or their advocates) wanting to bid can do so directly by accessing the website at any time at home or by visiting locations with internet access such as publicly accessible landlords' offices, libraries, hubs, council contact centres, community groups and support organisations.
- d) Advice and support will be provided to applicants who need it, to ensure they are able to bid for properties.
- e) Applicants can bid for up to 3 properties per week. They will be able to see their position on the list at the time they place their bid, but as other applicants place bids, this position may change.
- f) When an applicant has placed a bid, they will be able to withdraw it, whilst the bidding cycle is open. They will not be able to withdraw a bid after the bidding cycle has closed.

13.6 **Auto bidding** - Applicants 'ready for move on', owed a homeless duty, non-statutory successions or Tenant Incentive Scheme applicants with significant rent arrears will be placed on 'auto bid'. The system will then auto match the applicant to a property to meet their housing need.

13.7 **Advertising similar properties in the same week** - Where there is more than one property of the same description in the same location, only one of the properties may be advertised. The remaining empty properties will be offered to qualifying applicants that have also replied to the original advert. The property advert will show the number of properties of the same type that are available at the same time. An example is where there are a number of flats with a similar description available in a multi-storey block or where a new estate has several identical properties on offer.

13.8 **Failure to bid** - Applicants who fail to bid in any 12-month period will be disqualified and not permitted to reapply for 12 months from the date of the

disqualification. This provided there were suitable properties available, but the applicant failed to bid. The Council will contact the applicant first to assess whether they need further information or support.

14. Shortlisting and Selection

14.1 **Closing date** - When the bidding cycle closes a shortlist is prepared. Applicants are ranked by priority band, effective band date. If there has been a change of circumstances since the bid was placed, the property may not be suitable, and the applicant will be bypassed. Applicants who place bids for properties will normally be shortlisted in the following order:

- a) Applicants in Emergency Band A
- b) By need for any specialist components in the property (such as a significant disabled adaptation)
- c) By housing need band (from Band B down to Band D) (from oldest to newest).
- d) By banding effective date (from oldest to newest)

14.2 **Bypassing a bid** - Your bid may be bypassed if:

- a) Your circumstances do not match the criteria outlined in the property advert.
- b) You have already been successfully shortlisted for another property.
- c) There are public protection concerns.
- d) You, or a member of your household, are involved in anti-social behaviour.
- e) It is identified that you require an adapted home, and the property cannot be sufficiently adapted.
- f) You have rent arrears and are not keeping to an agreed payment plan.
- g) There is a need to make best use of housing stock

14.3 **Successful bidders** - You can only be shortlisted in first place for one property at a time, all subsequent bids will be bypassed, whilst the first bid is resolved. If successful you will be allowed to view the property.

14.4 **Unsuccessful bidders** - You will not be contacted if your bid is unsuccessful. You will be able to bid during the next bidding cycle as normal.

14.4.1 **Viewings** - Each landlord follows their own viewing, offer and sign-up process. Some will invite you to view the property first, whilst others may arrange a home visit or request that you attend a meeting at their offices prior to allowing you to view a property. You will be contacted (by 2 or more methods) either by phone, system message, email or in writing, at least 48 hours before the viewing date. You

will be advised of what information you will need to take with you to any meetings or viewings. You must ensure your contact details are always up to date.

Applicants failing to attend viewings or applicants failing to respond to an offer will be treated as a refusal.

14.5 **Suitability** - An offer is made in writing (often sent by email) containing all the details of the property. If you view before an offer is made an offer letter will be sent after the viewing. It will be subject to a clear rent account or where the applicant is reducing the debt in line with a repayment arrangement. An offer of accommodation must be deemed suitable and should state the following:

- a) Household type and size
- b) Rent and service charges
- c) Property type and size
- d) Adaptations where relevant
- e) Affordability checks where relevant
- f) The right to request a review if the applicant does not agree it is suitable.

It may be accompanied by information on the local area, together with a summary of the Housing Allocations Policy.

14.6 **Limited offers** - The Council operate a limited offer policy as follows:

- a) Homeless households will receive a single offer in line with the homeless legislation.
- b) All Band A applicants will receive a single offer.
- c) Applicants on the Tenant Incentive Scheme will be unlimited offers, as the Council needs larger properties back.
- d) two-offer policy for all categories.

14.7 **Time allowed for accepting an offer** - Applicants will be allowed 2 working days to respond to an offer of accommodation. If there are extenuating circumstances longer may be allowed. Individual circumstances will be considered and applicants with specific needs will be given more time. For example, if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

14.8 **Affordability** - Successful bids may be screened for affordability. [See Appendix 3](#). Where an applicant has a low income, they will be signposted to a support provider for further advice on income maximisation. All applicants must be able to show that they are working and have sufficient income to pay their rent or that they are in receipt of appropriate benefits in order to afford the total amount

payable for their property i.e. rent and additional costs such as service charges. The Council have a duty to protect public funds. Therefore, where an applicant is unable to demonstrate that they will be able to afford any offer of accommodation made to them, the Council retain the right to withdraw the offer.

14.9 **Refusals** - The following are considered refusals:

- a) You fail to respond to an offer of accommodation.
- b) You fail to attend a viewing.
- c) You fail to provide the information requested by the landlord.
- d) You are offered a property, and you decline it.

The consequences of refusing an offer of accommodation will depend on the circumstances in which the offer is made.

- a) It is important for a homeless household to understand that the refusal of a suitable offer of accommodation is highly likely to result in discharge of the homeless duty, the potential loss of any temporary accommodation, and a change to their entry under this Policy.
- b) For all other applicants, if they are subject to a limited offer, refusals may result in disqualification and removal from the Housing Register.

14.10 **Tenancy determination** - Each social landlord has their own Tenancy Management Policy. It is the applicant's responsibility to familiarise themselves with the Tenancy Management Policy of the landlord they have been nominated to.

- a) Most landlords will grant a probationary tenancy to an applicant who has never held a social tenancy before. This will convert to a lifetime tenancy after 12 months.
- b) For some properties, a landlord (but not the Council) will grant a fixed term tenancy between 2 and 5 years. The advert will state clearly if a property is subject to a fixed term tenancy.
- c) Where an applicant has held a social tenancy before and conducted that tenancy successfully, they will usually be granted a lifetime tenancy.

14.11 **Tenancy sustainment** - The Council want people to be able to live happily in their homes and recognise that some people need more support to do this. The Council is committed to:

- a) Signposting the applicant to the right team when they approach us for rehousing.
- b) Considering the support needs, both immediately and longer – term when allocating a home.
- c) Assessing the applicants housing priority correctly.

- d) If the tenancy is failing, the Council will work with the tenant to prevent them from becoming homeless.
- e) Maximising the household's income to promote affordability.

14.12 **Sensitive Lets** - Sensitive lets are rare and must be approved by the Council. There are two main reasons:

- a) Where a household requires careful placement for their safety or the safety of others, the Council may need to consider where they are placed to minimise any risks.
- b) Where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases, the Council may target the advert and select only the most suitable applicants.

14.13 **Hard to Let** - If a property has been advertised at least once and there have been no bids from suitable applicants, the property may be advertised using other means including placing it with a letting agent. The property will be offered to the first eligible applicant that bids for the property on a first come, first served basis, subject to meeting the Council's lettings criteria.

14.14 **Reciprocal arrangements** - On rare occasions the Council may approach a landlord or local authority outside of the region, if there is an applicant it is unable to assist. On agreement they would be nominated to the landlord/authority. At times the Council may be approached by a landlord or local authority outside of the region in similar circumstances. These are called reciprocals, as the landlord who has housed an applicant under these arrangements will be owed a property in return. These will be direct lets.

14.15 **Allocation of sheltered housing**

- a) Sheltered housing is self-contained properties for applicants with a designated age. For a list of Sheltered properties in the Borough, see Appendix 3.
- b) Acceptance into sheltered housing is at the discretion of the landlord. To be considered the applicant must provide evidence of their support needs, if they do not meet the age requirement.
- c) Applicants for sheltered housing must be able to live independently with only low level support needs but will have access to assistance such as an on-site warden and alarm to call for emergency assistance.
- d) If you would like to be considered, you will need to complete the relevant section on the application form. Where an applicant is applying with a spouse

or partner at least one of them must meet the age threshold, but both must be over 50, and they must not have children in the household.

- e) Applicants for sheltered housing will be assessed against the same priority band criteria as general needs applicants and shortlisted for accommodation in the same way.

14.16 Allocation of Extra Care accommodation - The Council does not currently have any extra care accommodation.

14.17 Allocation of Accessible properties for people with disabilities - Accessible properties are homes that have been designed for or significantly adapted to meet the needs of people with physical or sensory disabilities.

- a) Accessible homes will be advertised as part of the CBL scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice.
- b) Applicants with a need for accessible accommodation will be given priority for this over those without that need, and the property advert will make this clear. The advert will also describe the accessible features together with local neighbourhood information to help people choose whether to bid or not.
- c) In selecting an applicant for an accessible property from the shortlist of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority may be given outside of date order, if the vacancy is particularly suitable for the needs of an applicant or the landlord wishes to make best use of stock.

15. Lettings Plans

15.1 Annual Lettings Plan - The Council retains the right to develop an annual lettings plan based on an estimate of the number and type of properties that are anticipated to be available for letting. This plan could include specific opportunities for bidding, which may include limiting bidding for homes in higher demand to those in higher bands. It may also have targets for homeless households and others. Targets will be reviewed annually. Annual lettings plans will be published on the website.

15.2 Local lettings plan - Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether they have a priority need. Specific allocations may be

considered when made to a particular estate or community. They are used to achieve a wide variety of housing management and other housing policy objectives and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community. For a list of the current local lettings plans, [see Appendix 5](#).

15.3 **Section 106 Agreement** - Properties developed on sites that incorporate a 106 agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. Such agreements have been developed to ensure that secure mechanisms are in place to restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a local community need for an affordable dwelling.

15.4 **Publishing Lettings Results** - Lettings results will be published openly on the website and will include the following information:

- a) The property type and neighbourhood
- b) The total number of bids made for the property
- c) The successful applicant's registration date and/or effective date and band
- d) Properties where a direct offer was made and the property was not advertised.

16. Decisions, Complaints and Renewals

16.1 When the Council process an application, it will have to make a number of key decisions such as:

- a) The decision that confirms or denies your eligibility to join the housing register.
- b) The decision that confirms or denies whether you qualify.
- c) The decision that awards your housing need (band).
- d) The decision to reassess your application as reduced preference or treat it under exceptional or mitigating circumstances.
- e) The decision to reassess your priority following a change of circumstance.
- f) The decision to cancel or disqualify your application.
- g) The decision following a submission of a right of review by you.
- h) The decision that deems your refusal of a property as unreasonable or that you cannot afford a property.

16.2 When contacting you with a decision the Council will:

- a) Make decisions with reference to the relevant legislation and the statutory duties.
- b) Consider all relevant evidence before deciding.

- c) Not take irrelevant matters into consideration when deciding.
- d) Make every effort to ensure the decisions are reasonable, exercising discretion if the situation warrants it.
- e) All decisions will be made with due regard to this Policy.
- f) State the reasons for the decision and a full record will be kept.

16.3 It is important to understand the following:

- a) If you provide evidence that you did not provide for your original assessment. This is a **change in circumstance**.
- b) If you think the Council failed to deliver the service properly. This is a **complaint**.
- c) If you disagree with a decision as listed in 6.1.1. This is a **statutory right of review**.
- d) If the Council review your banding. This is **banding review**.

16.4 **Complaints** - If there are any complaints, compliments or comments about this process, applicants are encouraged to use the Council's Complaints Process. Details can be found on the Council's website: <https://www.castlepoint.gov.uk/complaints>

16.5 **Renewals** - All applications will be asked to re-register at prescribed intervals to maintain their application. Applicants will need to contact the Housing Options Team within 14 days of the letter, or their application may be cancelled. If their circumstances change, the Council will reassess the priority and housing need.

- a) Band A – reviewed every 3 months
- b) All other bands - reviewed every 12 months

16.6 To undertake a renewal, the Council will:

- a) Set the correct review period when it makes the initial assessment and then all subsequent reassessments.
- b) The Council's IT system will flag the application on its review date.
- c) This will be assigned to an officer to review.
- d) The Council will write to the applicant or contact them by their preferred method to confirm if their circumstances remain the same.
- e) The applicant has 14 days to respond.
- f) If you fail to respond your application will be cancelled.
- g) If your circumstances remain the same, a new review date of 12 months will be scheduled.
- h) If you inform us that your circumstances have changed, you will be asked to provide the necessary evidence, and your application will be reassessed.

16.7 **Statutory Right of Review** - Applicants have a right to request a review if they are unhappy with a decision including, but not limited to:

- a) Decisions to exclude them from Housing Register.
- b) The level of priority awarded.
- c) Decisions to remove them from the Housing Register.
- d) Suitability of an offer of accommodation.

16.8 Applicants may feel that there has been a failure to consider all relevant matters when deciding or that a decision was unfair. This procedure enables applicants to request that a decision is looked at again.

16.9 A request for a review on a decision in relation to an application should be made to the Housing Registration Team in writing within 21 days of the decision. Please state the reason for the request. An advocate may be appointed by the applicant, but they will need to provide written consent to allow us to share all communication with them.

16.10 Requests for reviews of decisions regarding shortlisting of bids for advertised properties or offers of accommodation should be made to the Council.

16.11 Decisions in relation to a Homelessness Application should be directed to the Homeless Service.

16.12 Reviews will be acknowledged within 5 working day and carried out by an Officer who was not involved in the original decision. A response will be issued within 56 days of the request. The Officer will review the facts, consider the information submitted, apply legislation where relevant in determining the response which will be made in writing. A copy will be retained for record purposes for the duration of the application. All corrective action will be taken if the original decision is overruled and the review is upheld.

16.13 **Judicial Reviews (Legal Action)** - Where an individual or organisation feels the Housing Allocations Policy is unfairly prejudicial, or their case has been dealt with in a prejudicial manner, they may wish to take legal action. They should seek independent advice before doing so. Cases being presented for legal action cannot be heard under a statutory right of review.

17. Monitoring and Continual Improvement

- 17.1 The management actions necessary to ensure the allocations process is fair and transparent are monitored, using a set of Key Performance Indicators (KPIs) by the Interim Head of Strategic Housing.
- 17.2 To ensure that the aims and objectives of this Policy are met and that overall priority is given to those in the reasonable preference categories, the Council will ensure that robust monitoring arrangements are in place to monitor lettings outcomes. Information from the register will be analysed to assess housing need and demand. This will help determine where new social housing is both needed and created.
- 17.3 Applicants' satisfaction levels will also be monitored in order to identify any improvements to the scheme in terms of ease of access to the service and the quality of the information and advice they receive.
- 17.4 Performance information will be published on the Council's website and at the end of each year a detailed report will be published to demonstrate transparency regarding the Council's allocations process.
- 17.5 Audits and reviews provide data reflecting the effectiveness of this Policy and identify opportunities to achieve continual improvement in the management of allocations at the Council. The Council will commission an independent audit of allocations at least once every three years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective actions to be carried out.

18. Data and Records

- 18.1 Personal information that the Council hold in relation to applications will be processed in accordance with Data Protection legislation. Information may need to be disclosed to Registered Providers or other landlords who may be able offer accommodation. More information about how and why the Council may process personal data, and data protection rights is available on the Council's website.
- 18.2 Where an applicant has become ineligible in law or no longer qualifies to remain on the Housing Register; the Council may remove their application, and they may not reapply for 12 months. This will be confirmed in writing, giving clear grounds for taking the action and how to request a review of the decision.

18.3 The reasons for removal may be:

- a) No longer meet national eligibility rules.
- b) Falls under one or more of the disqualification rules.
- c) Providing false or misleading information.
- d) Deliberately worsening their circumstances.
- e) Failure to attend viewings.
- f) Refusal of a second suitable offer (unless the applicant is on the Transfer Incentive Scheme or relinquishing an adapted home).
- g) Failing to re-register when a banding review is undertaken.
- h) Applicant requests removal.

18.4 The Council will keep all records and data in line with its Document Retention Policy and will have robust processes and controls in place to maintain appropriate levels of security for all allocations related data, including how it will share sensitive information with key stakeholders.

19. Equality, Diversity and Inclusion

19.1 A full Equality Impact Assessment (See Appendix 5) has been carried out which determined there is a negative impact specific to those with age, non-English speaking/reading and disability as a protected characteristic.

19.2 The Council promotes equal opportunities and aims to implement and maintain services that ensure no applicant is treated unfairly on the grounds of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability or disadvantaged by the application of criteria that has a direct or indirect discriminatory effect that cannot be justified by law.

19.3 Advice and assistance are available to ensure that the Allocations Policy and Choice Based Lettings scheme are accessible for all applicants. Assistance can be provided to applicants who are unable to search or bid for properties as a result of a disability or assessed vulnerability if required. Information can be translated or made available in different formats, such as large print, upon request if required.

20. Communication

20.1 Once the Policy is approved, a summary document will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and accessible to Council employees.

20.2 The Council recognises good communication is essential in the effective delivery of an Allocations Policy. On registration, applicants will be written to (often by email) and given:

- a) The **date** they were registered
- b) The **priority band** they have been awarded
- c) Their **Login Reference** and **Memorable Date**
- d) Guidance on how to **bid** for a home
- e) **Bedroom** entitlement
- f) Who to contact for advice and information
- g) What to do if they have a **change in circumstance**
- h) How to request a **review** of decisions
- i) Advice on **verification and checks** that will take place.

Further information is available on the website. Applicants must check the accuracy of this information, as it will be used to inform what they can bid for and decide their priority for receiving an offer of housing.

20.3 The Council will provide all tenants with information on how to manage the allocations and housing register process.

21. Review of Policy

- 21.1 This Policy will be reviewed every five years, unless new legislation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.
- 21.2 Where there are changes that are required urgently for legal reasons, minor in nature or changes in government Policy and / or legislation, these changes will be approved by the Director of Housing.
- 21.3 Any major change required to the Policy will be subject to a full public consultation and Cabinet approval or delegated to the portfolio holder.
- 21.4 The financial figures in this Policy will be reviewed annually.
- 21.5 All changes to this policy will be noted on the version control page of this document.

22. Consultation

22.1 The Council is committed to meaningful engagement and involvement. The Council engaged with key stakeholders such as Adult and Children's Social Services in the development of this Policy.

22.2 This Policy has been subject to an eight-week statutory consultation period. During this period, the following groups had an opportunity to provide feedback on the draft policy:

- Homelessness & Housing Teams
- Strategic Housing Services
- Senior Leadership Team at the Council
- Existing Housing Register applicants
- Temporary accommodation tenants
- Residents of the Borough
- Voluntary and Community sector
- All registered providers that operate in the Borough
- Adult Social Care
- Children's Services
- Essex County Council

23. Training

23.1 The Council will maintain a skills/training matrix to ensure that all staff undertaking key roles within the scope of this Policy have appropriate training.

23.2 The Council will operate a detailed competency framework including regular appraisals as part of the associated procedures that sit alongside this Policy.

23.3 The Council will deliver training on this Policy and the procedures that support it, including team briefings; basic allocations training; and more in-depth training for those staff that need greater competence, to ensure all staff understand the responsibilities for allocations.

23.4 Training records will be maintained for all courses attended.

24. Significant Non-Compliance and Escalation

24.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and

escalated as soon as possible, and no later than 24 hours after the incident occurred or of a Council employee being made.

- 24.2 Any non-compliance issue identified at an operational level will be formally reported to the Interim Head of Strategic Housing in the first instance, who will agree an appropriate course of corrective action with the Interim Director of Housing. The Director will report details of the same to a member of the Senior Leadership Team which includes the Chief Executive, Director, Corporate and Customer, Director, Commercial and Assets and Director, Place and Communities, Assistant Director, Legal & Democratic Services and Monitoring Officer and Assistant Director, Finance & Procurement and Section 151 Officer.
- 24.3 In cases of a serious non-compliance the Chief Executive will notify the Leader, Deputy Leader and the Cabinet Member for Health, Wellbeing and Housing.
- 24.4 In cases of serious non-compliance, the Chief Executive will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework.

25. Governance

- 25.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure compliance with the law.
- 25.2 Circumstances beyond the Council's Control - The Council will not be liable for any delay in performing its obligations under this Policy if the delay is caused by a circumstance beyond the Council's control, provided that reasonable action and notification to customers is taken. Examples include strikes, lock outs, acts of God, cyber-attack, the act or omission of any governmental or other competent authority, war or national emergency.
- 25.3 The Chief Executive reports to Cabinet to demonstrate accountability for compliance with the law across the Council. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take decisions for the effective sub delegation of duties within their service areas of responsibility, this to ensure the Council's statutory duties and functions are effectively discharged.
- 25.4 The day-to-day responsibility for managing the Council's allocations implemented in line with this Policy has been delegated, via the Chief Executive, to the Interim Director of Housing.

26. Associated Policies and Procedures

Castle Point Borough Council Anti-Social Behaviour Policy
Castle Point Borough Council Complaints Policy
Castle Point Borough Council Domestic Abuse Policy
Castle Point Borough Council Hate Crime Policy
Council Housing Anti-Social Behaviour Policy
Council Housing Disabled Adaptations Policy
Council Housing Lettable Standard
Council Housing Neighbourhood Management Policy
Council Housing Temporary Relocation (Decant) Policy
Council Housing Tenancy Management Policy

27. Appendices

Appendix 1: Terms of Reference for the Housing Allocations Welfare and Hardship Panel (HAWaH)
Appendix 2: Mitigation of Bad Behaviour
Appendix 3: Affordability checks when allocating social housing
Appendix 4: Age designated properties
Appendix 5: Local Lettings Plans
Appendix 6: Equality Impact Assessment for Allocations Policy

Appendix 1: Terms of Reference for the Housing Allocations Welfare and Hardship Panel (HAWaH)

1. The role of the HAWaH Panel is to:
 - Hear appeals where an applicant has exercised their right to a review, remains dissatisfied with the outcome and wishes to take it further.
 - Make key decisions in relation to exceptional circumstances, which could include disqualification and/or suspension.
 - Make key decisions in relation to hardship and/or welfare need, including enhance priority preference and housing need.
2. Panels members are key officers within the Council.
 - A Panel is minimum of three or more members.
3. The Panel will process requests and appeals by ensuring the following:
 - a. The panel may invite an advocate on behalf on the applicant, and whilst their view will be taken into consideration, they be excluded from the final decision if there is a clear conflict of interest.
 - b. Submissions can be made via an email to housingadvice@castlepoint.gov.uk.
 - c. The presenting officer must complete a Welfare & Hardship referral form (Appendix A) and issue at least three working days before the panel is to be heard.
 - d. The Panel must give due consideration and fair treatment.
4. Approval requires a majority vote.
5. The panel decision is final.

Appendix 2: Mitigation of Bad Behaviour

Applicants who have failed to qualify or have had their preference reduced because of bad behaviour will need to demonstrate how they are rectifying this to qualify or have their reduced preference removed. The table below summarises the causes and evidence required to mitigate it.

Cause	Evidence
They are in arrears of rent advance and deposit loan or other debt owed to the Council.	Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner
Eviction from a tenancy for rent arrears	Minimum six month settled accommodation with up to date rent account. Repayment plan in place and adhered to for a minimum of six months
Eviction from a property for mortgage arrears	Minimum six month settled accommodation with up to date rent account. Repayment plan in place and adhered to for a minimum of six months
Responsible for paying rent and they have rent arrears and/or court costs greater than 14 weeks rent, or if the rent is charged weekly or greater than 4 months if the rent is charged monthly. This will apply equally whether they pay the rent in full, are on partial housing benefit and they pay the shortfall or are in receipt of full housing benefit where the arrears are solely the responsibility of the tenant.	Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner. Confirmation of information provided for a housing benefit claim to be assessed.
Damage to a property and been charged for damages and/or recharges and/or court costs of over £1000.	Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner
Eviction from a tenancy for anti-social behaviour	Minimum six month settled accommodation with no complaints relating to behaviour.

Appendix 3: Affordability checks when allocating social housing

1. Tenancy sustainment

Being able to pay rent and service charges is key to a resident being able to sustain their tenancy. How much a resident can afford to pay for their housing costs will vary depending on the type of accommodation they live in and their financial circumstances. Carrying out affordability checks when allocating a home gives confidence to residents and social landlords that the tenant will be able to afford the home.

2. The law and affordability checks

The allocation of a social rented home is a matter of public law for the local authorities and social landlords. This extends to mutual exchanges and management transfers. Therefore, any decision about an allocation and whether someone can afford to pay the proposed charges can be challenged in court, if that decision was made irrationally, illegally or for failing to follow public law procedural requirements. Therefore:

- a) Decisions must be made using accurate evidence and at the point of allocation.
- b) If the landlord concludes they cannot afford it, the applicant must be given the opportunity to provide additional evidence.
- c) If an applicant states they can afford it, they must be given the benefit of doubt.
- d) The applicant has a right of review or to make a complaint to the Ombudsman if the applicant is not offered the property, they must be given this information when the decision is made.

3. Tenants in rent arrears

The Housing Allocation Scheme clearly sets out qualification rules where a tenant is in rent arrears. Rent accounts are routinely checked at the point of an offer and an affordability check is undertaken, along with any other housing related debt. Current and former arrears will be examined; arrears repayments must be in place and adhered to. The tenant must be able to pay the new rent in addition to any repayment instalments.

4. Practicalities of carrying out an affordability check

To carry out the check, the following must be considered:

- a) Income of the household including salaries, benefits and investments.
- b) Rent and other property charges.
- c) Reasonable living expenses.
- d) Priority debts.

They must be able to afford to support any dependent children or adults in the household. If the result of the check is that an applicant cannot afford social housing it is very unlikely that they will be able to afford private rented accommodation. Alternative sources of income to meet housing costs should be looked at including discretionary housing allowance or social care allowance.

Appendix 4: Sheltered Housing

The table below shows the age restricted properties in the borough. Applicants must be the age shown or over to qualify for these properties.

Scheme/Block	Number of Units	Age Restriction

Appendix 5: Local Lettings Plans

The table below shows the properties subject to a local lettings plan in the borough. The Council does not current have schemes; however Registered Providers do. Future Council developments are expected to s106 agreements and local lettings plan. The table will be populated once a scheme is in management.