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**Woking Borough Council  
Housing Allocations Policy  
November 2019**

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## PART I INTRODUCTION

### 1. Introduction

- 1.1 Every local Housing Authority is required to have a Housing Allocation Policy, which is also known as the Authority's Allocations Policy. This document is Woking Borough Council's Allocations Policy in accordance with the requirements of Section 166A of the Housing Act 1996 (as amended).
- 1.2 In developing the revised Allocations Policy, the Council has had regard to the Housing Strategy, the Tenancy Policy, the Homelessness Prevention Strategy, the Strategic Housing Market Assessment, and the Local Plan. These documents are available on the Council's corporate website at [www.woking.gov.uk](http://www.woking.gov.uk) and are subject to regular review.
- 1.3 Woking Borough Council operates a Choice Based Lettings (CBL) scheme called Hometrak, and is based online at [www.woking.gov.uk](http://www.woking.gov.uk).
- 1.4 This document explains how the Council will allocate its social rent properties and make nominations to Housing Associations within the Borough where the Council has nomination rights. However, individual landlords have their own allocations schemes and tenancy policies, and these will apply where appropriate.
- 1.5 Woking works with Central Government in exceptional welfare and hardship projects, such as the Syrian Refugee Voluntary Resettlement Scheme. The Council will also apply, where appropriate, discretionary decisions for the assessment of housing need and the allocation of social housing. Rehousing of applicants in these circumstances will be with the approval of the relevant Council Committee.
- 1.6 The majority of offers of Council accommodation will be on fixed term flexible tenancies. For further information, please see the Council's Tenancy Policy. Most offers of social housing will be for an initial introductory flexible tenancy for the first twelve months for new tenants. The Council will decide whether to offer a two or seven year fixed term flexible tenancy for its own stock, according to the criteria in the current Tenancy Policy.
- 1.7 Individual Housing Associations within the Borough offer different types of tenancies and applicants who are nominated to a Housing Association will be subject to that landlord's tenancy policy and relevant tenure.
- 1.8 This Policy deals with the assessment of applications for housing, and it is not a statement of how the Council deals with homelessness. There are however references made to the assessment of homeless households within this Policy. There are separate processes and procedures for dealing with homeless applications, and the Council has a Homelessness Prevention Strategy which sets out how the Council will deal with the prevention of homelessness. These details are available on the Council's website.
- 1.9 The Council also wants to ensure that vulnerable applicants in supported accommodation outside of the Borough of Woking are supported back into the Borough. The Council will achieve this by allowing applicants to retain their original Local Connection at the time of the supported housing placement. To balance this, applicants without a Local Connection to Woking, within supported accommodation in the Borough will need to re-connect with their originating Borough before the supported housing placement commenced, or find a private rented property within the Borough. Social housing or financial private rental assistance will not be offered to any applicant without an original Local Connection to Woking that satisfies the qualification criteria within this Policy.
- 1.10 Any person can approach the Council's Housing Options Team for housing advice and assistance. However, affordable housing in Woking is very limited, and the Council no longer holds an 'open' register. Instead, the Council operates a 'managed register', which will require applicants to meet certain qualification criteria. Where the Council is unable to accept an applicant onto the Housing

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Register, it will provide a full housing options advice and support service, signposting the applicant to alternative routes into housing, if possible and where appropriate.

## **2. Key Aims and Objectives**

2.1 The key aims and objectives of this policy are to:

- i. Ensure those in housing need are given preference for housing, in accordance with the Housing Act 1996, the Homelessness Act 2002, the Localism Act 2011, Homelessness Reduction Act 2017, Woking Armed Forces Covenant and relevant Codes of Guidance.
- ii. Allow the Council to better manage its Housing Register and make more efficient use of its housing stock to meet local needs and local circumstances and help promote safe, balanced and sustainable communities.
- iii. Encourage work and mobility
- iv. Consider appropriate priority for tenants who want to downsize
- v. Contribute to the prevention of homelessness
- vi. Ensure all sectors of the community have equal opportunity for a decent home
- vii. Ensure that the process of applying for a home is open, fair, transparent and easily understood.
- viii. Contribute to the reduction of the number of voids occurring and to the length of time properties remain empty.
- ix. Recognise and address the housing and support needs of vulnerable people.
- x. Collect data on housing need as reflected in the Housing Register to inform central government and other statistical returns.
- xi. Demonstrate awareness of and consideration for the diverse needs of applicants.
- xii. Prevention of Housing Register fraud.

## **3. The Housing Register**

- 3.1 The Council maintains a register of applicants in housing need including Council tenants who wish to transfer to a more suitable home. Through the Housing Register assessment process, applicants' housing needs are assessed and a level of priority awarded using a 'Banding' system. The level of priority, and time on the Housing Register, determines who is housed.
- 3.2 Housing Register applications are reviewed annually with applicants invited to renew their applications every year and tell us of any changes in their circumstances.
- 3.3 If an applicant fails to respond to this review and subsequent reminders within 28 days, their application will automatically be cancelled and removed. The applicant will then need to register a new application and be reassessed with a new band and priority date, should they still have a housing need.
- 3.4 Applicants can appeal against their cancellation and removal – see section Appeals and Review Procedures.

## **4. Choice Based Lettings (Hometrak)**

- 4.1 Rather than the Council selecting households from the Housing Register and matching them to a vacancy, Choice Based Lettings allows applicants to bid for suitable properties they are interested

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in on an internet based system called 'Hometrak'. Available homes are advertised on Hometrak and via a fortnightly property sheet. This allows applicants to see what homes are available, giving them the opportunity to express choice and preference in the process of selecting a suitable home.

## **5. Lettings Covered by the Policy**

5.1 Part 6 of the Housing Act 1996 and Part 7 of The Localism Act 2011 requires local housing authorities to comply with certain obligations when allocating housing accommodation. These obligations include allocating in accordance with the Council's Allocations Policy. While the legal definition relates only to certain types of accommodation, in the longer term this policy may also be applied to enable applicants to access private rented accommodation. A Housing authority allocates accommodation when it:

- i. Selects a person to be a Secure or Introductory Tenant of accommodation held by that authority;
- ii. Nominates a person to be given a Secure or Introductory Tenant of accommodation held by another Housing authority;
- iii. Nominates a person to be an Assured Tenant of accommodation held by a Housing Association.

5.2 The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property and "Secure Tenant" includes a person with a Flexible Tenancy granted under s107A of the Housing Act 1985.

5.3 This Allocations Policy therefore applies to Woking Borough Council housing that is let on a Secure, Flexible, Non-Renewable Flexible or Introductory Tenancy and affordable housing for rent owned by a Housing Association and let under an Assured or Flexible Tenancy to which the Council is offered a nomination right.

5.4 Accommodation owned by the Council's independent housing company, Thamesway Housing Limited, may be advertised under Hometrak. However, this accommodation falls outside the scope of the Housing Act 1996 and The Localism Act 2011 and may be subject to a Local Lettings Plan.

## **6. Lettings not covered by the Policy**

6.1 The following are examples of lettings not covered by, or specifically excluded from the Allocation Policy, under the provisions of the Housing Act 1996 and the Localism Act 2011:

- i. Offers of Non-Secure Tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002.
- ii. The conversion of Introductory Tenancies into Flexible or Secure Tenancies.
- iii. Offers of tied accommodation made to Council employees (service occupancies).
- iv. Offers of, or nominations to, accommodation made at the Council's own instigation rather than in response to an application. For example offers to tenants being decanted from their homes to allow major works to take place.
- v. Assignments of, and successions to, Council tenancies.
- vi. Mutual Exchanges of Council tenancies.
- vii. Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation.
- viii. Vesting or disposal of tenancies by order of a Court.

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- ix. Transfers at the tenant's request, where the authority is satisfied the tenant does not have reasonable preference, do not fall within Part 6 and Housing authorities may set their own transfer policies in relation to these tenants.

## **7. Review and Amendments of the Policy**

- 7.1 This Policy is subject to regular review, and where the Policy requires changes which are minor in nature, or where the changes are required urgently for legal reasons, or changes in government policy and/or legislation, these changes will be approved by the Director of Housing in consultation with the Portfolio Holder for Housing. Minor amendments to the Policy are those which do not significantly change existing policy or procedures and/or affect a small number of lettings or applicants.
- 7.2 All changes to this Policy will be noted and an updated Policy document will be uploaded to the Council's website.
- 7.3 The Council will seek to inform applicants of any changes by publishing details on the Council's website and in the Hometrak User Guide.

## **8. Equality and Diversity**

- 8.1 In applying this Housing Allocations Policy the Council is committed to the promotion of equal opportunities for all applicants regardless of race, colour, gender, nationality, religion, sexuality, disability, marital status, family circumstances or age.
- 8.2 The Council has given due regard to the Equality Act 2010, particularly Chapter 1 Protected Characteristics and Chapter 2 Prohibited Conduct, in drafting and applying the Allocation Policy.
- 8.3 The Council operates an equality and diversity policy which can be found on the Council's website and is committed to delivering a fair and equitable service that is appropriate and accessible to all sections of the local community, as well as working to eliminate discrimination on any grounds.
- 8.4 The implementation of a clear and consistent Allocation Policy goes hand in hand with careful equalities monitoring. As part of the housing register application, we ask questions around ethnicity, disability, sexuality, religious beliefs, age, employment and support needs. The data provided by the applicant will help us to monitor that the Policy is operated in a fair and non – discriminatory manner as well as for service improvements.
- 8.5 It is important that the Allocation Policy is understood by all current and prospective applicants. Straight forward information through leaflets is available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance. If an applicant has specific requirements for an interview, they should inform the Council when the interview is booked and we will endeavour to meet those requirements.
- 8.6 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 8.7 An Equalities Impact Assessment has been completed on the entirety of this Policy, and a copy is available upon request to the Council.

## **9. Access to Housing Options, Advice and Information**

- 9.1 Advice and information will be made available to enable applicants to make realistic choices as to which properties to bid for. This will include details of successful bids including their level of priority and the length of time that they have waited on the Housing Register.

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- 9.2 Advice and information on a wide range of housing matters can be obtained from the Council's Housing Options Team. The service is free, confidential and specific to an applicant's housing needs.
- 9.3 The Housing Needs Manager is responsible for this policy, and its operation is regularly reviewed.
- 9.4 A full copy of the Council's Housing Allocations Policy will be provided to any member of the public on request although a charge may apply for this service. A copy of the Policy is also available for inspection at the Woking Borough Council Civic Offices.

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## PART II APPLYING FOR HOUSING

### 10. Who can apply to go on the Housing Register?

As part of a move to a managed Housing Register, the Council is adopting a strong and proactive Housing Options approach under the new Homelessness Reduction Act 2017. People will be offered support to access the housing solution which best meets their needs. This could be Private Rented housing, Low Cost Home Ownership or help to remain in their current home. Social housing will be focused on those who need it most.

10.1 Social housing may only be allocated to “Qualifying Persons” and Housing authorities have been given the power to determine what classes of persons are or are not qualified to be allocated housing. These requirements are in addition to the provisions on Eligibility in respect of persons from abroad which continue to be set centrally.

10.2 The following groups of people are eligible and qualify to be included on the Housing Register:

- i. People aged 16 or over who has been resident in the Borough continuously for the previous two years.
- ii. People who have permanent, full-time (35 hours or more) work in the Borough and have had for the previous two years (unless unable to do so on grounds of disability or carer’s responsibilities)
- iii. Young people aged 16 and 17 to whom the Council has accepted a housing duty
- iv. People found to be homeless who have a local connection, as defined by the Housing Act 1996 Part VII, (as amended by the Homelessness Act 2002; as amended by the Homelessness Reduction Act 2017)
- v. Secure, Introductory and Flexible tenants of Woking Borough Council
- vi. Tenants of Housing Association’s or other housing authorities living in the Borough
- vii. Young people leaving care with a previous local connection to Woking
- viii. People in hospital or prison whose last settled address was in the Borough
- ix. People the Council considers should be Qualifying Persons, because of exceptional circumstances or special needs e.g. Armed Forces “relevant” personnel
- x. Social housing tenants in England who qualify under the Right to Move
- xi. Other people who are eligible by law

10.3 An applicant will be assessed for eligibility and whether they qualify for an allocation at the time of the initial application and again when the Council is considering making an allocation, particularly where a long time has elapsed since the original application.

10.4 Applicants who are informed that they will not be registered may request a review of the decision not to be registered by writing to the Allocations Team Leader. Please see ‘Right to Review’

### 11. The Right to Move - Exception to the Local Connection Criteria – Social Housing Tenants in England.

11.1 WBC will have regard to the Guidance in exercising its functions under Part 6 of the 1996 Act.

11.2 Local Connection requirement may not be applied to Social Housing tenants in England who:

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- i. Have Reasonable Preference because of a need to move to the Borough of Woking to avoid hardship, and
- ii. Need to move because the tenant works or has been offered work in the Borough and has a genuine intention to take up the offer

11.3 Local Authorities should:

- i. Apply the existing “hardship” Reasonable Preference category to Social Tenants who need to move for work related reasons, and
- ii. Set aside a proportion of lets (1% per year of all general needs properties) to enable such tenants to move across local authority boundaries where necessary (the Right to Move quota)

11.4 WBC will ensure that the tenant needs, rather than just wishes, to move for work related reasons, and that, if they were unable to do so, it would cause them hardship.

11.5 Applicants who are social housing tenants in England with an Assured, Introductory or Secure Tenancy and do not reside in the Borough of Woking, will have a local connection if:

- i. They need to move to the Borough of Woking to avoid hardship; and
- ii. Their work is located in the Borough of Woking; or
- iii. They have an offer of work in the Borough of Woking that they have a genuine intention to accept

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

11.7 Appropriate evidence may include:

- i. A contract of employment
- ii. Wage/salary slips covering a three month period and/or Bank Statements
- iii. Tax and Benefits information
- iv. Formal offer letter

11.8 To assess whether they need to move to avoid hardship the Allocations Team Leader will make an assessment and will take into account grounds which include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity; or under the Right to Move criteria.

## 12. Eligibility

12.1 The statutory provisions regarding eligibility are set out in section 160ZA (1-5) of the Housing Act 1996, as amended by the Localism Act 2011.

12.2 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.

12.3 Joint Tenancies - Under section 160ZA (1)(b), a housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the

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person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

- 12.4 Existing Social Tenants - The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Housing Association. Most transferring tenants fall outside the scope of the allocation legislation (section 159(4A)); while those who are considered to have Reasonable Preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5).
- 12.5 Persons from Abroad - A person may not be allocated accommodation under Part VI if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the Housing Act 1996. There are two categories for the purposes of s.160ZA:
- i. a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
  - ii. a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).
- 12.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). As from 30 October 2016, The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (SI 2016/965) also apply.
- 12.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).
- 12.8 The following categories of persons currently do not require leave to enter or remain in the UK:
1. British citizens;
  2. certain Commonwealth citizens with a right of abode in the UK;
  3. Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area;
  4. European Economic Area (EEA) nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive);
  5. persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.
- 12.9 Any person who does not fall within i - iv above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).
- 12.10 If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers).

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

- i. Those granted refugee status (Class A).
- ii. Those granted exceptional leave to remain which is not subject to restrictions on recourse to public funds (Class B).
- iii. Those with settled status (Class C) (indefinite leave to remain, residence), except:
- iv. those who do not pass the habitual residence test
- v. those who arrived as sponsored immigrants subject to an undertaking and the undertaking or the arrival was less than five years ago unless the sponsor has died (in which case they have the same rights as other settled people).
- vi. A person who has humanitarian protection granted under the Immigration Rules (Class D).
- vii. A relevant Afghan citizen, who has been granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules (usually because they worked as interpreters for British troops in Afghanistan) and who are habitually resident (Class E).
- viii. Some people who have limited leave to remain (or enter) with no conditions as to recourse to public funds (Class F). These are people who have been granted leave via specific parts of the immigration rules:
  - Appendix FM – under which people are granted leave to remain on the basis of family or private life in the UK. This may include being the family member of a British or settled person or of a child who has lived seven years in the UK, or those granted leave on the basis of long residence in the UK.
  - Paragraph 276BE (1) – which grants leave to the dependents of the Afghan citizens covered by Class E above.
  - Paragraph 276DG – which grants limited leave to remain to people who would normally get indefinite leave to remain but have not got it because they cannot pass the English/life in the UK tests or because of minor criminal offences.

12.12 Other persons from abroad who may be ineligible for an allocation

12.13 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- i. a person who is not habitually resident in the Common Travel Area (subject to certain exceptions);
6. a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations');
7. As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a);

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8. the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations');
9. a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations;
10. a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

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

- i. an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations);
- ii. an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations);
- iii. a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work);
- iv. a person who is a family member of a person referred to in (i) to (iii) above;
- v. a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations;
- vi. a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there;
- vii. a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

12.15 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

12.16 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

12.17 Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

## 13. Applicants who are not Qualifying Persons

This condition also applies to members of the applicant's household. Applicants who do not qualify include:

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- i. Those who have not lived in the Borough continuously for the previous 2 years (except relevant members of the Armed Forces and social housing tenants in England who qualify under the Right to Move criteria)
  - ii. Those who do not live in the Borough and are relying on employment as a local connection must work in the Borough for at least 35 hours per week (unless unable to do so on grounds of disability or carer's responsibilities) and have done so continuously for the previous 2 years
  - iii. Those who own their own home;
  - iv. Those with savings or assets over £16,000 (excluding pension pots)
  - v. Single people with a gross income above £25,000 per year
  - vi. Households with a gross joint household income above £50,000 per year (The above figures will be subject to regular review)
  - vii. Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered.
  - viii. Those who take part, or have taken part in the last 12 months, in Anti-Social Behaviour or Unacceptable Behaviour (includes family members and/or other members of the household)
  - ix. Those with no housing need including WBC's own Private Rented Scheme (see Policy on discharging the Council's Homelessness Duty into the Private Rented Sector). Housing Need is an indicator of existing deficit: where a household does not have access to accommodation that meets certain normative standards, taking into account household composition.
- 13.1 Applicants applying and eligible for WBC housing with support may be exempt from the above criteria.
- 13.2 Residency requirements will not apply to relevant members of the Armed Forces. However, they may fail to qualify under other Qualifying criteria. Also, social housing tenants in England who qualify under the Right to Move criteria.

## **14. Who can be considered part of the household?**

- 14.1 People in the following categories will be considered members of the household:
- i. People who were part of the household at the date of registration and are still part of that household at the point of allocation
  - ii. A partner who is living in a permanent relationship with the applicant and can prove that they have done for at least twelve months or are married or in a civil partnership and were not included on the original application. If an applicant is unable to live with their partner due to lack of accommodation they may be included as part of the household if they are married, or in a civil partnership or have a child together, can provide evidence that they have previously lived together, or can provide other confirmation that they are in a long term relationship.
  - iii. Children born since the registration date and dependent children (under 18) joining the household, who now reside with the applicant as part of that household. The applicant may be

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required to provide proof that the child resides with them and that this arrangement is reasonable. For this purpose consideration will be given to the details of any Residence Order or informal or negotiated agreements. In cases where a 50/50 residence arrangement exists, consideration will be given to the way in which the arrangement is operated. The main home of a child will usually be taken as being with the parent in receipt of Child Benefit or the Child Tax Credit element within Universal Credit.

- iv. Where there are visiting arrangements for applicants' children, but the children have a permanent home elsewhere, they will not be considered to be part of the household.
- v. Children born since the registration date and dependent children (under 18) joining the household; where it can be proved that the applicant is the sole legal guardian and that there is no other accommodation available. Where there is another legal guardian a decision will be made on an individual basis to agree where it is reasonable to expect the child to be part of the household.
- vi. A dependent relative who has joined the household because they are no longer able to live independently and there are no other options for the family, e.g. where the newly-dependent relative may own a property or occupy a property large enough to accommodate the family. If the dependent relative has only recently moved in with the applicant, further checks will be made around the suitability of the dependent's previous accommodation. Advice will be sought from Social Services and medical professional on whether the relative needs to live with the family. Where this is not considered essential, other options, such as supported housing, will be discussed with the family before a decision is made by the authorised Officer as to whether the relative should be included in the application or advised to make a separate Housing Register application.
- vii. Where the applicant can demonstrate that a live-in carer is essential and is in receipt of Carers' Allowance, one has been identified and has moved in with the household or is ready to do so when accommodation is made available and the Council (in consultation with Social Services as appropriate) agrees a carer is essential.

## **15. Local Connection**

- 15.1 Applicants must live in the Borough for at least the previous two years before they can be included on the Housing Register.
- 15.2 Applicants who do not live in the Borough must have permanent employment in the Borough for a minimum of 35 hours per week (unless unable to do so on grounds of disability) and have done so for at least two years continuously before they can be included on the Housing Register.
- 15.3 Applicants who wish to establish a local connection through a close relative who has lived in the Borough for at least five years must provide evidence that there is a support or welfare need, either for the applicant(s) or the relative who is a local resident.
- 15.4 Within the Borough there are also some properties or new developments that have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under Section 106 Agreements (Planning Policy Agreements). There are restrictions on who can be nominated, and those without the relevant local connection would not be considered. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the Borough as a whole. Applicants will be required to provide evidence to verify their local connection as part of their application for housing in such properties.
- 15.5 Applicants moving into the Borough to take up permanent, full-time work, escape violence, Homeless applicants and children in care placed out of the Borough may be considered to have a

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local connection. There may also be exceptional circumstances where these criteria will not apply in the case of individual applicants.

15.6 “Relevant” Members of the British Armed Forces cannot be excluded from being “Qualifying Persons” due to the absence of a local connection (although they may fail to qualify under other qualifying criteria).

15.7 Also, social housing tenants in England who qualify under the Right to Move criteria.

## **16. Situations in which no local connection will be established**

16.1 An applicant will not establish a Local Connection with the Borough of Woking if s/he is in one of the following classes;

- i. Where the applicant has been placed in temporary accommodation in the Borough of Woking by another Local Authority in exercising their duties under homelessness legislation, or in discharging their homelessness duty. This includes all types of tenure, including Bed & Breakfast accommodation for any length of time.
- ii. Where an applicant has been placed in a bail hostel or other offenders’ interim supported scheme in the Borough of Woking.
- iii. Where an applicant is a full or part-time student studying in the Borough of Woking, from out of area, and without any other Local Connection qualification.
- iv. Where an applicant has been placed into supported accommodation within the Borough of Woking from out of the Borough of Woking, where no Local Connection to the Borough of Woking existed at the time of the placement. A Local Connection to the Borough of Woking will not be established during the supported placement.
- v. Where an applicant is owed a full housing duty by Woking Borough Council under Part VII of the Housing Act 1996, but where no Local Connection to Woking exists under Part VI of the Housing Act 1996. Discretion may be applied in these cases by the Housing Needs Manager and cases will be considered on an individual basis.
- vi. Where an applicant has a court order for a child residency arrangement to a parent or other responsible adult, but where they do not fulfil the Local Connection criteria in this Policy. The Council is not bound by court orders made in respect of child residency orders.
- vii. Where an applicant has been admitted to hospital within the Borough of Woking, and where no other Local Connection qualification criteria is met.
- viii. Where an applicant is in any other interim accommodation that is not a recognised supported accommodation scheme operated by partners working with the Council under contracted arrangements.

## **17. How to Apply**

17.1 Before applicants can bid for a property of their choice they will need to register with the Council. To do this they will need to complete an application form online called ‘Application for Housing Registration’. Applicants should complete a Housing Register online application form and any supplementary forms or further information as required. Proof of identity and current housing and personal circumstances will be required e.g. birth certificate, passport or driving licence, National Insurance Number along with other documents to independently verify this information. This is to ensure that an applicant is a “Qualifying Person” and “Eligible” to be on the Housing Register and to prevent fraud. The Council will write to all those who have been assessed as eligible and qualifying to inform them that they have been registered and that they can bid for homes using

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either the Council's website or Hometrak automated telephone line. A leaflet explaining how to bid for properties will be sent with the registration letter.

- 17.2 It is the responsibility of the applicant to complete the application form accurately. Insufficient information may result in an application being awarded a lower priority, or being excluded from the Housing Register.
- 17.3 The Council acknowledges that not every applicant will have access to a computer or they may not be familiar with such technology. We recognise that some households may need additional help with housing registration and bidding. The Council's Housing Needs Team will therefore provide assistance to those applicants who require help to complete the online registration form. The Council has computer terminals in its reception for this purpose. In exceptional cases, staff can make home visits to an applicant to assist with online registration, but only where there is no other support available. Applicants who need help to complete the form should contact the Housing Needs Team on 01483 743613/01483 743750 or call into the Civic Offices and ask to speak to someone from the Housing Needs Team.
- 17.4 Evidence required - The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is a qualifying person and is not a disqualified person. In addition to other information reasonably requested by the Council, applicants may be asked at any point be asked to provide evidence to satisfy the Council of their on-going qualification under the Policy. Such examples could be:
- i. To establish whether there is still an on-going exceptional and/or unique welfare and/or health reason for living in the Borough. The applicant will need to provide relevant and current evidence from health professionals.
  - ii. To establish whether the applicant has been and is in continuous employment for more than two years. The applicant may need to provide current payslips, the most recent P60 and/or bank statements to support their qualification through employment.
  - iii. To establish whether the applicant has been and is in self-employment for more than two years with an on-going viable venture the applicant will need to provide business accounts.
  - iv. To establish if the applicant's household income remains under the threshold for income and savings.
  - v. All information may be subject to full referencing where necessary, which may also involve referral to the Council's Head of Legal Services.
  - vi. Where applicants have lost employment between the point of application and the point of verification, the application will be removed, unless the applicant meets other qualification criteria such as Local Connection. Application forms can be accessed online at [www.woking.gov.uk](http://www.woking.gov.uk).
- 17.5 The Council aims to assess an application within 10 working days once all relevant proof/documents are received. If the applicant is not eligible for housing their application will not be registered and the applicant will be informed in writing. If the applicant is eligible an information pack will be sent to the applicant.
- 17.6 The pack will include:-
- i. Application number
  - ii. Banding
  - iii. Priority date

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- iv. Bedroom size
- v. Property type
- vi. Details of who has been included as members of the household
- vii. Advice about the right to request a review if they consider any of their registration details to be inaccurate
- viii. A Personal Identification Number (PIN).

17.7 If the applicant is already registered as part of a household on an existing application they will be required to remove their name if they wish to be considered as part of a new application.

17.8 Once an application has been registered it will be placed in one of 4 bands (from A to D) depending upon the applicant's level of housing need and priority.

## **18. Joint Applications**

18.1 Joint applications may be made by:

- i. Unmarried / married / civil partnered couples
- ii. Siblings over 16 years of age

18.2 The Council does not accept joint applications from cross-generational applicants, for example between extended family members, unless in exceptional circumstances on a case by case basis.

18.3 By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. Local arrangements may apply and this will be subject to the discretion of the landlord offering the property and the conditions of their Tenancy Policy. Household composition will be reviewed at the point where an offer of accommodation may be made as part of a verification process of applicant status.

## **19. Applying for Supported Housing through the Supported Living Accommodation Panel**

19.1 Applicants with support needs due to mental health or learning disability will be required to complete the Supported Living Assessment Form. The applicant's Health professional/Support Worker must also complete part of the form. The form may be jointly assessed by a multi-agency panel to ensure an appropriate support package is in place to help tenants with support needs sustain their tenancy or move into more appropriate housing. Priority and suitability for housing will be determined by the Panel.

19.2 The Panel is made up of representatives of relevant organisations including, Community Mental Health Teams, Social Services Adult and Children's Services, housing providers and support providers. The assessment is used to inform decisions on intervention to enable a household to remain in their own home, on placements into supported accommodation and on options for the provision of more settled accommodation including managed move-on arrangements e.g. into the private rented sector.

19.3 If the move-on report states any concerns about an applicant's ability to sustain a general needs tenancy, rehousing assistance may not be offered, and further supported accommodation must be considered. At this stage, the application will not be reassessed into a higher band.

19.4 If an applicant bids as a Band D or Band C, and the Council remains dissatisfied with the applicant's ability to live independently, the bid will be bypassed until further evidence of independent living ability can be produced by the care provider/landlord. If within three months, no satisfactory evidence for a move-on is received, then the bid will be rejected.

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19.5 Supported housing schemes must be recognised schemes under contracted services and will not include bail hostels, or other interim schemes for offenders or privately managed schemes.

19.6 For welfare/support assessments it may be necessary to provide details of any carer, Social Services or other support worker the applicant may have. Where appropriate a joint assessment with Social Services or other support agency will be made. This is to ensure any ongoing support needs are identified. Joint working with other agencies may also identify ways to enable applicants to stay in their current home with appropriate support.

## **20. Sheltered Housing**

20.1 There are nine sheltered schemes available for applicants (singles or couples), who are typically aged 60+ but could also be also be for applicants, particularly those with a physical disability or mobility issues who would benefit from the facilities of a sheltered scheme. All the schemes have lifts.

20.2 These schemes provide a safe environment within a pleasant community. Applicants who otherwise fit the criteria but have a history of anti-social behavior will be considered on an individual basis.

20.3 The schemes are: Bridge Court, Broadway House, Nightingale Court, Nottingham Court, Priors Croft, Shires House, Stream Close, Sutton Avenue and Vale House.

20.4 The schemes are subject to mandatory Independent Living charges.

20.5 Applicants wishing to apply for sheltered accommodation should complete a Sheltered Housing Referral Form.

20.6 The Council positively encourages older transfer applicants, who wish to downsize from family-sized accommodation into one of the sheltered schemes (please see the downsizing incentive scheme).

## **21. Extra Care Housing (Brockhill)**

21.1 This is accommodation for people who can live independently but have significant support and/or care needs.

21.2 To be eligible the applicant must be aged 60 or over (in exceptional circumstances a severely disabled applicant, under 60 may be considered at the discretion of the Extra Care Panel) and have been assessed by the Extra Care Panel as needing this type of accommodation.

21.3 The panel is made up of representatives from Woking Borough Council, Woking Social Care Team and the Care Provider.

21.4 A separate Extra Care Housing application form should be completed for assessment for Brockhill (the Council's current Extra Care Scheme).

21.5 This Policy is not part of the Choice Based Lettings Scheme and the vacancies are not advertised through Hometrak.

## **22. Applications from those living in (Non-WBC) Supported Housing Schemes**

22.1 Applicants with a local connection living in supported accommodation will be assessed according to their housing need and local connection.

22.2 Applicants with no local connection to Woking prior to moving into the scheme will be expected to reconnect with the local authority where they have a local connection e.g. where they were living before moving into the scheme or to the area which is funding their current accommodation.

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22.3 York Road Project – local connection will start from residents moving into the flats above the project or other satellite properties, subject to applicants successfully completing a support plan.

22.4 Looked After Children (LAC) and Formerly Relevant Children (FRC):

Where a young person who is a LAC and/or FRC is identified by Surrey County Council (SCC) as ready to relocate to move-on accommodation, the young person will be placed in Band B.

22.5 This will only apply to applicants where the originating Borough was Woking for the purposes of the statutory duty by SCC. For applicants where Woking is not the originating borough and the duty is held elsewhere, applications will be treated in line with general housing register applications outlined in this policy.

22.6 The Council will not remove any application made on behalf of or by a LAC or FRC but will require confirmation of status and ongoing support by SCC at the time of application and at any review of the Housing Register. Offers of accommodation may be made for both social and private rented housing, depending on availability at the time of 'move on', and only where the Council is satisfied the young person is able to sustain a tenancy with any ongoing support that may be required from SCC. It is the responsibility of SCC to keep the Council informed of all changes in circumstances and relevant information in respect of this applicant group.

## **23. Move-on from Supported Accommodation**

23.1 Applicants from supported accommodation who are ready to move on must provide a move on report from the manager of their supported accommodation confirming that they are ready for independent living. If the report confirms they are ready for independent living their application will be placed in Band C with effect from their supported housing start date.

23.2 This banding assessment applies to both Young Person (not care leavers) and adult supported housing.

23.3 Applicants, who have been placed in supported housing outside of the Borough of Woking, will retain their Local Connection in order to assist them with 'move-on' rehousing options.

23.4 The applicant must have been referred to the supported placement outside of the Borough by a Housing Options Officer at Woking Borough Council.

## **24. Applicants currently serving custodial sentences**

24.1 Applicants who are offenders, currently detained and serving custodial sentences will be subject to the Surrey Offenders Protocol and a full risk assessment, where appropriate, will need to be forwarded to the Council by prison or probation staff prior to the release date. All applicants in this category must have had a local connection with Woking Borough Council immediately prior to going into custody. Applicants will need to register online with support from in-house / outreach prison services.

## **25. MAPPA**

25.1 The Council is a statutory partner of Multi Agency Public Protection Arrangements (MAPPA) and applicants will normally be considered in partnership with probation, police and registered social landlords.

## **26. WBC Tenants applying for a Transfer**

26.1 Existing Woking Borough Council (WBC) tenants with a housing need e.g. overcrowded are eligible to be included on the Housing Register. There may be occasions where for legal reasons, or where the Council considers it appropriate, for tenants to be rehoused where they have not initially applied themselves.

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- i. Existing WBC tenants who have no housing need (where Housing Need is an indicator of existing deficit: where a household does not have access to accommodation that meets certain normative standards, taking into account household composition ) may apply to register with [www.HomeSwapper.co.uk](http://www.HomeSwapper.co.uk)

26.2 Homeswapper is open to all WBC and Housing Association tenants wishing to move.

26.3 Alternatively tenants may choose to move into the private rented sector.

## **27. Under-occupation Transfers**

27.1 The Council positively encourages Transfer applicants, who wish to downsize from family-sized accommodation either into a one bedroom or studio property, or move to appropriately sized accommodation to their housing needs They will be placed in Band B, given an incentive grant (see Council website) according to how many bedrooms they are giving up and have their removal costs paid by the Council.

27.2 The Council reserves the right to extend the Incentive Scheme in future subject to a strategic need in order to improve management of the Council's stock.

27.3 Where the applicant is a tenant of a Housing Association and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements. This is a discretionary process and authorised by the Housing Allocations Team Leader.

27.4 Any outstanding housing debts owed to the Council will be deducted from any incentive grant awarded.

## **28. Applications from those with financial resources**

28.1 Applicants with a joint household gross income of more than £50,000 per year (£25,000 per year for single with no children applicants) or with savings and/or assets of £16,000 or more (excluding pension pots) will not be able to register for housing unless the Council agrees an exception e.g. a household which includes a disabled member with income above this level. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.

28.2 A full assessment of the applicant's financial circumstances will be undertaken and considered against the severity of housing need before a decision is made. The economic climate will also be taken into consideration.

28.3 Household gross income is defined as income (before any deductions are made) from employment, working and child tax credits, child benefit, universal credit, housing benefit, income from investments or savings and overtime if worked on a regular basis.

28.4 Applicants who have sold a property in the last seven years will be asked to provide evidence of the sale and details of any capital gained from the sale. Applicants will be disqualified if they disposed of capital without making adequate housing arrangements, for example, by gifting the capital to relatives or friends.

28.5 Applicants with enough income/resources to purchase a property through a low cost home ownership scheme or to rent a property at affordable rent or intermediate rent levels will be placed

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into band D. They will also be eligible to bid for Thamesway Housing Limited properties and any other properties advertised at affordable or intermediate rent.

## **29. Applications from home owners**

29.1 Ownership of, or an interest in, a property, whether locally or elsewhere (within the UK or outside) is a financial resource that will be taken into account in determining an applicant's ability to meet their housing costs. Homeowners will not be included on the Housing Register unless there are exceptional circumstances e.g. it is unreasonable for them to remain in their current accommodation and/or their housing problem cannot be resolved by adapting their present home or by selling it and purchasing another more suitable property. In considering applications from home owners, the Council will take into account the following:

- i. The applicant's circumstances and, where relevant, the circumstances of other members of the applicant's household.
- ii. Whether adaptation of the present property is a viable option.
- iii. Whether the property could be sold and if so, the expected equity arising from the sale.
- iv. The applicant's financial circumstances, commitments and mortgage potential.
- v. The supply and cost of private market accommodation suitable for the applicant's specific needs.
- vi. Whether the applicant could be expected to move outside the Borough.
- vii. Where an application has been accepted from a home owner in exceptional circumstances the property must have been placed on the open market and the applicant must provide evidence of the completion date and proof of sale prior to any offer being made.
- viii. These will be investigated fully and will include financial and credit checking. This may also involve referrals to the Council's Head of Legal Services and, if appropriate for interviews 'under caution' where there are concerns regarding fraudulent applications. Applicants who own property and who rent that property out will be expected to reclaim the property under lawful process so they can reoccupy. This will apply to properties that are owned outright, gifted to an applicant or still under a mortgage loan process and to properties where an applicant's family may currently be residing.

## **30. Applications from siblings**

30.1 There is a shortage of family-sized accommodation in the borough, i.e. two bedrooms or more. Where siblings (brothers and/or sisters) aged 16 to 35 wish to apply together, a maximum of two people will be allowed to register for a joint tenancy and for a one bedroom property only.

30.2 Where three or more siblings aged 16 or over wish to make an application they will be advised to apply separately as only a two-person joint tenancy will be granted and for one bedroom accommodation only.

30.3 Applicants will also be advised to seek a solution to their housing through the private rented sector.

## **31. Members of the British Armed Forces**

31.1 Housing Authorities are strongly encouraged to take into account the needs of all serving or former Service personnel when framing their Allocation Policies, and to give sympathetic consideration to the housing needs of family members of serving or former Service personnel who may themselves

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have been disadvantaged by the requirements of military service and, in particular, the need to move from base to base. This is in line with the Government's Armed Forces Covenant published in May 2011.

- 31.2 When taking into account an applicant's financial resources in determining priorities between households with a similar level of need, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.
- 31.3 A proportion of properties for former members of the Armed Forces who comply with the 'Qualifying Persons' requirement may be made available under a Local Lettings Plan.
- 31.4 We will ensure that former Service personnel are able to access the housing option which best suits their needs including liaison with Armed Forces specialist housing and support providers.

## **32. Significant Community Contribution**

- 32.1 Applicants or their partners who are making a significant contribution to their community may be able to bid on certain properties advertised under Local Lettings Plans. (See Part III section 18.0 Local Lettings Plans).
- 32.2 They must have been making a valid contribution for at least the last 12 months and contributing at least 30 hours per month (couples with or without children, or single people without children) or 16 hours per month for a single parent and they should expect to continue to contribute. Their contribution must be verified.
- 32.3 Valid forms of community contribution include:
- i. Voluntary work (to be confirmed by a recognized charity or registered association which can include Resident Associations, Youth Organisations, Charity shops, Day Centres, Community Facilities, Faith groups etc.)
  - ii. Providing care to a disabled person or dependent close relative (to be confirmed through a valid claim for Carer's Allowance)
  - iii. Providing Foster Care (to be confirmed by the Local Authority that the applicant and/or partner has been registered as a Foster Carer for at least six months, has provided foster placements and remains registered to provide foster care in future).

## **33. Prospective Adopters**

- 33.1 Applicants who have been approved to adopt and where the adoption of a child has been finalised will be placed in Band C where a housing need e.g. for an additional bedroom has been identified.

## **34. Exclusions from the Housing Register**

### **34.1 Unacceptable/Anti-Social Behaviour:**

Applicants or members of their households who take part in, or have taken part in Anti-Social Behaviour or Unacceptable Behaviour in the last 12 months, for which there is evidence e.g. a court order or a conviction, may not be included on the Housing Register. Such behaviour includes (but is not limited to):

- i. Harassment
- ii. Violence
- iii. Drug dealing
- iv. Eviction for anti-social behaviour

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- v. Domestic abuse
  - vi. Using the property for illegal or immoral purposes
  - vii. Behaviour resulting in the issue of a demoted tenancy
  - viii. Arson or other criminal act involving damage to property or danger to life
  - ix. Hate crime
  - x. Racial abuse
- 34.2 Other forms of Anti-Social Behaviour may exclude applicants from the Housing Register. These include:
- i. Where an application has been made in conjunction with the Police, or granted by the Court for an Anti-Social Behaviour Order
  - ii. Where a representative of the Council has been assaulted and an injunction is being sought or has been obtained
- 34.3 Where Police provide evidence of unacceptable behaviour the applicant will be notified that exclusion from the Housing Register is being considered and given 28 days to provide any additional information to assist in the decision making. The application will remain suspended during this process.
- 34.4 Applicants will be excluded from the Housing Register for a minimum of three years where they or any member of their household is subject to an Anti-Social Behaviour Order or has been evicted from their previous accommodation due to Anti-Social Behaviour within the last two years. Applicants, including family members who are considered to be part of the household, whose Court Order is for more than three years, will be excluded from the Housing Register until the expiry of that Order.
- 34.5 Applicants will be excluded from the Housing Register for three years where they or any member of their household has assaulted or threatened a representative of the Council and an injunction is being sought or has been obtained within the last 2 years.
- 34.6 Applicants will be excluded from the Housing Register for three years where they have knowingly given false or misleading information or withheld information that has been reasonably requested by the Council, or have colluded with a third party to give false information in the last two years.
- 34.7 Applicants found Intentionally Homeless within the last 12 months will be excluded from the Housing Register for a period of 3 years.
- 34.8 Applicants previously excluded from the Housing Register would be expected to reapply as a new applicant following their period of exclusion and their housing need would be reassessed.
- 34.9 Applicants who have an unspent conviction (under the Rehabilitation of Offenders Act 1974) where the Council assesses that the nature of an ex-offender's conviction may make them unsuitable to be a tenant. The Offender Manager will be required to complete a pro-forma giving the Council necessary information, including offence details and engagement with probation services, in order for an assessment to be made. All applications will be dealt with on a case-by-case basis. Where the Council assesses that an applicant is unsuitable to be a tenant, applicants will be disqualified from the Housing Register until their conviction is spent.
- 34.10 **Debts owed to the Council**

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34.11 Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered. Where applicants have lost their accommodation through non-payment of rent and have been found Intentionally Homeless they will be excluded from the Housing Register for a period of 3 years (unless there are exceptional circumstances).

## 34.12 **Fraudulent Applications**

34.13 It is an offence for anyone seeking help from the Council to knowingly or recklessly give false or misleading information, or knowingly withhold information, which the Council has reasonably required the applicant to give on an assessment form for social housing or in response to subsequent review letters, or to fail to notify of a relevant change in circumstances which could affect the priority awarded. The Council will decide when these provisions apply and when to begin legal proceedings.

34.14 It is an offence under the Housing Act 1996 to obtain accommodation on the basis of false or deliberately misleading information. When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property.

34.15 The Council has the discretion to withhold priority from, and suspend or exclude applicants where there is concern that the applicant may be trying to worsen their own circumstances by, for example, moving other people into their current property, or moving into accommodation which is too small for their needs, or where it is suspected that a fraudulent application has been made.

34.16 Those where the applicant has obtained a tenancy by deception and/or attempted tenancy fraud. Applications are subject to full credit checks in all cases and all cases will be passed to the Council's Head of Legal Services who will undertake investigations and which may lead to prosecution.

## 35. **Deliberately worsening circumstances**

35.1 Applicants, who give up a home that they owned, rented, shared, or had rights to but chose to leave or dispose of within the last 7 years of an application being made. 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, using the proceeds to resolve housing difficulties. Housing advice should always be sought before giving up a property or rights to a property. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant gave up their home.

35.2 Applicants who have given up a social housing tenancy within the past 7 years, not due to violence/threats of violence/harassment/anti-social behavior/domestic abuse/hate crime, or any other similar danger to live and welfare. If any of the previous criteria is claimed, this will need to be clearly evidenced by professionals engaged with the applicant. Evidence from the previous social landlord will be taken into account. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant gave up their social tenancy.

35.3 Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on the register, no additional priority will be given. This could include moving from a secure tenancy to insecure or overcrowded or unsuitable accommodation or moving additional people into the property. For an applicant to be considered to have deliberately worsened

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their circumstances there must be evidence that it would have been reasonable for them to have remained in their original accommodation.

35.4 Applicants who deliberately move to a home which was clearly unaffordable, either with or without the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant moved into the unaffordable home.

35.5 The Council has the discretion to withhold priority from, and suspend or exclude applicants where there is concern that the applicant may be trying to worsen their own circumstances by, for example, moving other people into their current property, or moving into accommodation which is too small for their needs, or where it is suspected that a fraudulent application has been made.

## **36. Changes in circumstances**

36.1 Applicants must keep the Housing Registration Team informed of any changes, including financial/income changes, in their circumstances. If this results in a band change, applicants will be informed in writing of the new band, the reason for it and the applicable priority date, and of their right to request a review of the decision (See Part V Reviews and Complaints). If applicants fail to notify the Council of a change in their circumstances e.g receive an inheritance or windfall, we may remove them from the housing register and they will need to reapply. The application will be reassessed on their new circumstances and may mean they no longer qualify for the housing register, or may be given a new band and or date.

## **37. Re-applying to the Housing Register**

37.1 Every application for housing will be reviewed annually with each applicant being invited to confirm that they wish to remain on the Housing Register and to notify the Council of any changes in their circumstances. Applicants will also be encouraged to look for a solution through the private rented sector.

37.2 Applicants are allowed one month after the reminder letter to re-register, after which time the file will be reviewed for other recent contact, e.g. telephone calls, interviews or correspondence. If there is no contact the applicant is notified that they will be removed from the Housing Register unless they contact the Council within three months. If the applicant appears to be vulnerable and/or to have a high priority a home visit may be undertaken.

37.3 If an applicant does not contact the Council within three months a new application must be made which will be reassessed from the new application/registration date.

## **38. Removals from the Housing Register**

38.1 An applicant will be removed from the Housing Register if:

- i. They have never been or they cease to be an Eligible or Qualifying Person
- ii. They fail to re-register within three months following the anniversary of their registration
- iii. They have no housing need including WBC's own Private Rented Scheme (see Policy on Discharging the Council's Homelessness Duty into the Private Rented Sector). Housing Need is an indicator of existing deficit: where a household does not have access to accommodation that meets certain normative standards, taking into account household composition.
- iv. They fail to notify the Council of any changes in their circumstances

38.2 Before removing an applicant from the Housing Register, the Council will provide written notice. The notice will ask the applicant to provide information, which the Council requires to help them decide whether to remove them from the Housing Register. It will give 28 days for the applicant to provide the information and tell them that the Council may decide to remove them if the information

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asked for is not provided or there are reasons why they should not be removed from the Housing Register.

38.3 Applicants will be notified in writing of their removal from the Housing Register with the reasons for it and their right to request a review of the decision (See Part V Reviews and Complaints).

## **39. Fresh Applications**

39.1 Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that their circumstances have changed.

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## PART III ASSESSING NEEDS AND LEVEL OF PRIORITY

### 40. The Legal Framework

### 41. Reasonable Preference Categories

41.1 Reasonable Preference means that the Council must provide certain housing applicants with an advantage or head start compared to other applicants which should result in an allocation of housing (subject to suitable vacancies and a period of waiting).

41.2 In accordance with s166A(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011), Homelessness Reduction Act 2017 and the Council's Housing Allocations Policy gives reasonable preference to:

- i. All categories of homeless people (whether or not the applicant is owed a housing duty) and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation. Applicants owed a section 195 Prevention Duty or section 189B Relief Duty for as long as that duty is owed to the applicant (could be up to 56 days or could be longer than 56 days if the authority choose to let the duty run on beyond 56 days – but note the relief duty cannot run on longer than 56 days if the applicant has been assessed as being in priority need and not intentionally homeless. In such circumstances the applicant will be owed the main 193 (2) duty after 56 days).
- ii. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- iii. People who need to move on medical or welfare grounds, including grounds relating to disability.
- iv. People who need to move to a particular locality within the Borough of Woking, where failure to meet that need would cause hardship (to themselves or others).
- v. Social housing tenants in England who qualify under the Right to Move criteria.

41.3 Applicants will not be given Reasonable Preference if they would only qualify for Reasonable Preference by taking into account a "Restricted Person". A "Restricted Person" is a person subject to immigration control who is not eligible for homelessness assistance because they do not have leave to enter or remain in the UK or have leave which is subject to a "No Recourse to Public Funds" condition.

41.4 The Council now has the power to end the main Homelessness duty with an offer of private rented accommodation, without requiring the applicant's consent.

41.5 Hardship grounds include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity; or under the Right to Move criteria.

### 42. Additional Preference Categories

42.1 In accordance with section 167(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002) the Council will give additional preference to the following categories of people who fall within the reasonable preference categories and who are owed a homelessness duty, including:

- i. Victims of domestic violence.
- ii. Victims of racial or homophobic harassment amounting to violence or threats of violence.

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- iii. Witnesses of crime, of victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- iv. Close family members of convicted perpetrators of harassment, violence or threats of violence who are at risk from victims or victims' families.
- v. Any applicant who needs to move to suitable or where appropriate, adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed or Reserve Forces.
- vi. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- vii. Applicants who are homeless and are owed the main section 193 (2) duty when the 189B relief duty comes to an end because they have been assessed as being in priority need and unintentionally homeless.

42.2 Additional preference will also be awarded to those who need to move because of urgent medical reasons, where failure to rehouse could have life threatening consequences, or will lead to a rapid decline in health. If more than one person in the applicant's household has a medical condition or disability that affects their housing need, these will be taken into account when deciding on medical or disability priority.

42.3 If the applicant's household has several different needs, for example if they are overcrowded and also have welfare or medical needs, the combined need may be taken into consideration.

## **43. Definition of an "Allocation" of Accommodation**

43.1 Under Section 159(2) of the Housing Act 1996, for the purposes of Part VI, a housing authority allocates accommodation when it:

- i. Selects a person to be a secure or introductory tenant of accommodation held by that authority;
- ii. Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority, or
- iii. Nominates a person to be an assured tenant of accommodation held by a Housing Association.

43.2 Accommodation owned by the Council's independent housing company, Thamesway Housing Limited, may be advertised under Hometrak. However, this accommodation falls outside the scope of the Housing Act 1996 and The Localism Act 2011 and may be subject to a Local Lettings Plan.

## **44. Choice Based Lettings: Statement of Choice**

44.1 The Council believes in maximising the choice given to every applicant in relation to accommodation and that applicants in urgent need of housing are given reasonable preference within Hometrak.

44.2 Whilst it will be necessary to allocate some properties in exceptional circumstances outside the Choice Based Lettings Scheme (e.g. for management reasons), the Council will keep this to a minimum.

44.3 Rather than the Council selecting households from the Housing Register and matching them to a vacancy, the Choice Based Lettings Scheme allows applicants to bid for suitable properties they are interested in. Available homes are advertised on the internet and a fortnightly property sheet, which allows applicants to see what homes are available and enables them to play a greater role in the process of selecting their home. There is a very high demand for social housing in the

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Borough and the Council must therefore allocate its stock as quickly and efficiently as possible. This means applicants in Bands B, C and D will be allowed two refusals before having their application reassessed and awarded a lower priority banding.

## 44.4 Management Transfer

44.5 A management transfer is where a transfer is approved for a Council tenant, jointly between New Vision Homes and the Allocations Team Leader and/or Housing Needs Manager.

44.6 Full details of why a transfer is needed must be provided by the Tenancy Management section, and authorised by the Allocations Team Leader in the first instance.

44.7 Applicants will be offered rehousing options suitable for their housing needs under this Policy and this is likely to be a like for like move. This will be based on their current and permanent household and will not include lodgers or any other non-permanent members of the household.

44.8 The applicant will be made one suitable offer of accommodation, and refusal will result in a reassessment of the application e.g. if there was an existing live transfer application at the time of the management transfer request, or be removed if no such application existed.

## 45. Summary of Banding

45.1 Once an application is registered it will be prioritised and placed into one of four 'Bands' (from A to D) according to the applicant's housing circumstances and priority for rehousing. The banding reflects broad levels of housing need which may mean that some changes in the applicant's circumstances will make no difference to the band they are placed in.

45.2 Band A is for emergencies only where an applicant requires an immediate move because, for example, of substantial damage arising from a fire in the home. Given the urgency for a move applicants in this Band will be made one direct offer only of suitable accommodation by the Council.

| Band A                               | Emergency need to move - one direct offer only  |
|--------------------------------------|---|
| Medical or disability<br>(Emergency) | a) Where an applicant's medical condition is expected to be terminal within a period of twelve months and re-housing is required to provide a basis for the provision of suitable care. Supporting evidence from a health professional will be required.<br>b) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening<br>c) The applicant is unable to access their accommodation due to reasons relating to the medical or disability needs of the applicant and requires re-housing into accommodation suitable for their use.<br>d) The applicant's accommodation is directly contributing to the serious deterioration of the applicant's health and the condition of the property cannot be brought to a required standard within a reasonable period of time – usually 6 months |
| Welfare & Hardship                   | a) Emergency need to move determined by the Council and authorised by the Housing Needs Manager<br>b) Applicants who need to move due to domestic abuse/actual violence or threats of violence/extreme harassment/intimidation/ hate crime.<br>c) Exceptional circumstances due to significant problems associated with an applicant's occupation of a dwelling, and there is a high risk to them or their household's safety if they remain in the dwelling / area.  |

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| Private sector properties unfit or unsanitary                        | <p>a) Applicants in the private sector living in dwellings where all three of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• the Council’s Housing Standards Team has determined that the property poses a Category 1 Hazard under the Housing Health and Safety Rating System, and</li> <li>• the Council is satisfied that the problem cannot be resolved by the landlord within six months, and</li> <li>• as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant’s health.</li> </ul> |
| Emergency Management Transfers                                       | <p>a) Where a management transfer is approved for a Council tenant, where approval has been agreed by the NVH jointly with the Allocations Team Leader.</p>   |
| <b>Band B</b>  | <b>Urgent Need to Move</b>  |
| Major works, demolition or redevelopment                             | <p>a) Where a Council tenant has to move, either temporarily or permanently, whilst major works are undertaken to their current property, or where their property is due for demolition or refurbishment.</p>   |
| Welfare & Hardship   | <p>a) Where an applicant’s current accommodation is causing hardship and an urgent move is required in order to receive care or support.</p>  |
| Release an adapted property  | <p>a) Where a social housing tenant is willing to transfer to a suitable non-adapted property and is releasing an adapted property or designated older persons property which is then subsequently offered to the Council for re-letting.</p>   |
| Move-on from Care (Surrey County Council)                            | <p>a) A care leaver (LAC) is ready and prepared to move to independent settled housing, which may be in the social or private sector, and both of the following criteria apply:</p> <p>b) The care leaver possesses the life skills to sustain a tenancy including managing a rent account, and</p> <p>c) The care leaver has been assessed for a support package, and one is in place.</p>   |
| Statutory Succession   | <p>a) Where an applicant has succeeded to a Woking Borough Council tenancy, but is required to move to a smaller property.</p>  |
| Under Occupation   | <p>a) Where a Woking Borough Council tenant will release a home with one or more bedrooms over their current housing need under this Policy.</p> <p>b) Where the applicant is a tenant of a Housing Association (normally a Housing Association) and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements.</p>                             |
| <b>BAND C</b>  | <b>Identified need to move</b>  |
| Homeless households  | <p>a) Applicants who are homeless and are owed the main section 193 (2) duty when the 189B relief duty comes to an end because they have been assessed as in priority need and unintentionally homeless.</p>  |
| Applicants living in unsatisfactory housing lacking basic facilities | <p>a) An applicant without access at all to any of the following facilities:</p> <ul style="list-style-type: none"> <li>• Kitchen</li> <li>• Bathroom</li> <li>• Inside WC</li> <li>• Hot or cold water supplies</li> </ul> <p>b) An applicant who occupies a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery</p>  |

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|   | of the premises is required in order to comply with the Order as defined by s.33 of the Housing Act 2004.  |
| Move-on from Supported Accommodation                          | a) Applicants from supported accommodation, under contracted arrangements, who are ready to move-on following a satisfactory move-on report being submitted by the care provider/landlord.   |
| Medical or Disability (High)                                  | a) Where an applicant or a permanent member of an applicant's household (currently residing with the applicant) is assessed as having an identified health or welfare need to move and whose housing is unsuitable for non-urgent medical reasons, or due to their disability, and whose housing conditions directly contribute to causing ill health.   |
| Welfare & Hardship  | a) The applicant has some other compelling (but not urgent) need to live in Woking which, if not met, will cause on-going hardship.  |
| Overcrowding  | a) The applicant has been assessed as statutorily overcrowded by the Council's Private Sector Housing Officer, provided that any overcrowding is not a result of deliberate actions or failure to adhere to housing advice<br>b) Where a household is two bedrooms short of the Bedroom Standard   |
| Adoption and Foster Carers                                    | a) Applicants who have been approved to adopt and where the adoption of a child has been finalised will be placed in Band C where a housing need e.g. for an additional bedroom has been identified.<br>b) Applicants who have been confirmed by the local authority to be Foster Carers and have been registered as a Foster Carer for at least 6 months, has provided foster placements and remains registered to provide foster care in future. |
| Armed Forces  | a) Armed Forces 'relevant' personnel with additional preference and a local connection to the Borough  |
| Reasonable Preference – no Local Connection, exceptional need | a) Applicants who do not meet the qualification criteria and have no Local Connection but who have been assessed as having an exceptional or emergency need to move, as authorised by the Housing Needs Manager or the Strategic Director.   |
| <b>BAND D</b>   | <b>Low or reduced housing need</b>   |
| Move on from Care (Surrey County Council)                     | a) Applicants who are Looked After Children who are currently in a residential or foster placement or other supported placement, whereby Surrey County Council has the statutory duty towards and where no agreement is in place with the Council to plan move-on accommodation.   |
| Medical (Low)   | a) Households with non life threatening conditions which are aggravated by their housing circumstances and affect quality of life by making treatment less effective   |
| Move-on from Supported Accommodation                          | a) Applicants from supported accommodation, under contracted arrangements, where the Council has not received a satisfactory move-on report by the care provider/landlord.   |
| Sharing facilities – unique welfare need                      | a) An applicant is living in accommodation where the facilities are shared with non-relatives, and there is a unique and/or exceptional welfare need. This does not include adult children living in family homes or adult siblings living in a family home or shared home.  |
| Homeless households   | a) An applicant who has been assessed as homeless, is in priority need, but has been found intentionally homeless within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.   |

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|   | <p>b) Applicants who have been assessed as homeless but not in priority need with the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002</p> <p>c) Applicants owed a section 195 Prevention Duty or section 189B Relief Duty for as long as that duty is owed to the applicant (could be up to 56 days or could be longer than 56 days if the authority choose to let the duty run on beyond 56 days – but note the relief duty cannot run on longer than 56 days if the applicant has been assessed as being in priority need and not intentionally homeless. In such circumstances the applicant will be owed the main 193 (2) duty after 56 days).</p> |
| Armed Forces                                | <p>a) Serving Armed Forces ‘relevant’ Personnel with Reasonable Preference and a local connection to the Borough</p> <p>b) Armed Forces ‘relevant’ Personnel with Additional Preference but no local connection to the Borough.</p>   |
| Overcrowding                                | <p>a) Where a household is one bedrooms short of the Bedroom Standard</p>   |
| Refusal of offers/failure to view           | <p>a) Applicants who, having successfully bid for a property, refuse to accept it, twice within 12 months for no evidenced reason and assessed as an unreasonable refusal by an Allocations Officer.</p> <p>b) Emergency Management transfers in Band A who refuse one suitable offer of rehousing where they have an existing transfer application live at the time of the management transfer request.</p> <p>c) Applicants who, having successfully bid for a property, fail to view a property without a reasonable cause and as assessed by an Allocations Officer.</p>  |
| Adult children/siblings sharing family home | <p>a) Adult children (aged 16 years and over) living with parents/guardians/family members sharing the family home, or adult siblings living together without any statutory overcrowding or welfare issues, other than a desire to access independent accommodation.</p>  |
| Households without dependent children       | <p>a) Households without dependent children who have sufficient bedrooms for their own use but are sharing facilities with non family members</p>   |
| Reasonable Preference – no Local Connection | <p>a) Applicants assessed as falling into one of the Reasonable Preference groups, but where there is no Local Connection to the Borough of Woking.</p>   |
| Financial                                   | <p>a) Applicants with enough income/resources to purchase a property through a low cost home ownership scheme or to rent a property at affordable rent or intermediate rent levels will be placed into band D. They will also be eligible to bid for Thamesway Housing Limited properties and any other properties advertised at affordable or intermediate rent.</p>   |
| Right to Move                               | <p>a) Applicants applying under the Government’s Right to Move initiative, assessed on a case by case basis.</p>  |

## 46. Registration and Banding Dates

- 46.1 The effective date is usually the date that the application is received. However, if all the necessary documentation is not provided in order to make an assessment within 28 days of receipt of the application, the effective date will be delayed to the date when all the necessary information is received.

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46.2 If an applicant is awarded “Emergency” or “High” priority on the grounds of medical or welfare needs, the Band date will be amended to the date that the medical priority was awarded.

46.3 Where an application is moved to a higher priority band, the Band date will be the date the application moved into that band. This happens each time the application moves up a band.

46.4 If the application is moved to a lower priority band for the first time, the Band date will be the date the applicant joined the Housing Register. However, if the application has previously been in that lower band, the Band date will be the original date when the applicant was registered in that band.

## **47. How applicants are prioritised**

47.1 In the first instance the Council will assess each application to determine eligibility to go on to the Housing Register. Where an applicant is eligible the Council will assess their circumstances in accordance with this policy and determine which priority band they should be placed in. This assessment will also determine the size and type of accommodation an applicant is eligible for. Once assessed, applicants are placed in date order except where any Local Lettings Plan may apply.

## **48. Awarding priority to people who need to move on medical grounds**

48.1 Medical priority may be awarded if the medical condition is aggravated as a direct result of the property (not the local environment or surrounding area) being occupied. Applicants who indicate that they or anyone in their household have an illness or disability, which they feel is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation are requested to complete a online Medical Information Form. The Council may write to the GP, hospital consultant, Occupational Therapist or other professionals involved where appropriate and request further information. This information will be considered and where appropriate advice may be sought from the Council’s Independent Medical Adviser.

48.2 The Medical Adviser will take into account all the relevant factors and will recommend the priority that the application should receive on medical grounds as either:

48.3 In this document it is not possible to indicate the level of priority which particular conditions may attract, as each application is assessed on its merits and some medical conditions affect people in different ways. However, some common conditions are detailed at Appendix A with guidance as to factors that may influence priority.

## **49. Re-assessment of Health Needs**

49.1 A re-assessment may be carried out at any time when the Council has reason to believe it necessary and may result in an applicant’s medical priority being increased, decreased or removed. Examples of situations in which a re-assessment would normally be triggered include the following:

- i. New information has come to the Council’s attention and/or the Council has reason to believe the level of priority previously awarded may be inappropriate.
- ii. An applicant is not actively participating in the bidding process under the Council’s Choice Based Lettings Scheme (Hometrak).
- iii. An applicant has refused a direct offer of suitable accommodation.

49.2 Applicants are entitled to request a re-assessment of their health needs if there is new information for the Council to consider. Such request should be made to the Allocations Team Leader or Housing Needs Manager.

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## **50. Awarding priority to people who need to move on welfare grounds**

- 50.1 There may be an urgent need for settled accommodation because of risks posed to an applicant's welfare, which other applicants would not face. For example, there may be care and support needs which make it important that settled accommodation is available so that these needs can be met and support services arranged, or the applicant will face hardship if unable to give or receive support.
- 50.2 The Council will contact carers, Social Services or other support workers as appropriate in conducting a joint welfare/support assessment. This is to ensure any ongoing support needs are identified. Joint working with other agencies may also identify ways to enable applicants to stay in their current home with appropriate support.
- 50.3 Welfare issues will be taken into consideration in deciding which band an application should be placed within as set out below.

## **51. Awarding priority to people who are overcrowded**

- 51.1 Overcrowding is assessed by comparing the applicant's current accommodation against the size of property the household requires.
- 51.2 In assessing the number of bedrooms in the applicant's current accommodation the Council will:
- i. Disregard kitchens, bathroom(s), living rooms (one per household) and any room with a floor area of less than 6.5 square meters. It is assumed that any room not on this list (e.g. second reception room) can be used as a bedroom as long as it is suitable to be used for that purpose;
  - ii. Take account of bedroom size – a double bedroom (suitable for two people sharing) is assumed to have a minimum floor area of 10.2 square meters and a single room (suitable for one person) a minimum of 6.5 square meters.
  - iii. Applicants will be banded accordingly based on the outcome of these assessments. Overcrowded households will also be considered for alternative accommodation such as that provided by Thamesway Housing Limited or privately rented accommodation.

## **52. Awarding priority to people who are occupying Insanitary or Unsatisfactory Housing**

- 52.1 Applicants without access at all to any of the following facilities:
- i. Kitchen
  - ii. Bathroom
  - iii. Inside WC
  - iv. Hot or cold water supplies
- 52.2 Where an applicant raises these concerns about their current home it will be necessary for the Council's Housing Standards Officer to conduct an assessment of the accommodation under the statutory Housing, Health and Safety Rating System. This assessment will determine whether any 'Category 1 hazards' exist in the home that give rise to the award of greater priority to move (e.g. because of serious disrepair that presents a threat to the household's health). The results of such assessments may lead to enforcement action being taken against the property owner to address the hazard(s) identified and may not therefore necessarily lead to the award of greater priority for rehousing. This includes properties where there is evidence of damp. We would expect the landlord to take action to remedy the problem in the first instance and for the resident to cooperate with the landlord to resolve such issues.

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52.3 Where an assessment indicates Category 1 hazards are present under the Housing, Health and Safety Rating System, the following course of action MAY be taken.

## **53. Awarding priority for people giving up a disabled adapted property**

53.1 Disabled adapted properties are in short supply. Tenants occupying, but who no longer need, either for themselves or a member of their household, accommodation with adaptations that would meet a particular demand for another household, will be offered Band B priority to enable them to vacate the adapted property.

## **54. Awarding priority in certain circumstances to WBC tenants (Statutory successors)**

54.1 Statutory successors who have succeeded to a property larger than they require

54.2 Under Part 6 of the Housing Act 1985 the Council can require a successor in these circumstances to move to another more suitable property. To facilitate such a move the successor must apply to transfer through the Housing Register. They will be placed in Band B. The applicant may bid for up to twelve months. If no bids have been made after six months the Housing Officer would issue a Notice of Seeking Possession (NOSP) and pursue legal action as necessary before twelve months from death of the tenant has elapsed.

## **55. Awarding priority where there is no statutory right of succession**

55.1 This situation arises where a Statutory Succession has already taken place.

55.2 People who have no right to succeed to the Council tenancy following the death of the Council tenant they have been living with must apply to the Housing Register if they wish to be rehoused. However, there is no guarantee that an offer of accommodation would be made.

55.3 An assessment of the applicant's housing need will be made. Housing advice and assistance will be provided depending on the priority need of the applicant or household. See Tenancy Policy re Discretionary Succession.

## **56. Awarding discretionary priority**

56.1 The Housing Needs Manager has discretion to award higher priority where the applicant's (or a member of the household's) needs are considered exceptional e.g. Child Protection issues.

56.2 Where the defining features of an application (e.g. need for a specifically adapted property) are considered to be so exceptionally severe as to warrant immediate/imminent rehousing, the Council reserves the right to make a direct offer outside the framework of its Allocations Policy.

56.3 Where applications are received from households who need or receive support from carers on a full time residential basis or during the night, the Council will, wherever possible, take account of the applicant's need for an extra bedroom to accommodate their carer. Such requests will need to be verified by supporting medical information, form part of a formal care package where appropriate, and be approved by the Special Needs Internal Panel (SNIP).

## **57. Joint to Sole Tenancies**

57.1 The situation frequently arises in social housing, particularly in cases involving relationship breakdown, where one party to a joint tenancy wishes to have the tenancy put in their sole name. Alternatively, the tenant who has left might find it difficult to secure rehousing if they are already a joint tenant of another property – in these circumstances they often ask for their names to be removed from joint tenancy agreements.

57.2 As a general rule, landlords, whether they are housing associations or councils, cannot unilaterally end a joint tenancy or remove names from a tenancy agreement at the request of a joint tenant. If

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one party to a joint tenancy serves a notice to quit this has the effect of terminating the whole of the tenancy leaving the tenant in occupation at risk of eviction by the landlord.

57.3 The county courts have powers to order the transfer of tenancies from joint to sole names in certain circumstances. Tenants in this position are best advised to seek professional legal advice.

## 58. Assessing the size of accommodation needed

58.1 The Council is committed to reducing levels of overcrowding within the Borough and to making the most effective use of the social housing stock. Using clear and consistent criteria each application will be assessed to determine the size of accommodation required based on the number of people in the household, gender, age and the relationships between household members. Other factors such as health and welfare issues (described above) will also be taken in to account.

58.2 The Council's criteria for assessing the size of accommodation a household requires and can bid for, is summarised below.

| Number of bedrooms required | Single Person  | Couple | Couple or lone Parent + |                            |   |  |   |   |
|-----------------------------|--|--------|-------------------------|----------------------------|---|--|---|---|
|                             |  |        | Child 0-12 months       | 1 Child over 1 year of age | 2 Children same sex 0 - 17 years of age | 2 children opposite sex 1 - 9 years of age | 2 Children opposite sex 10 -17 years of age | Each child 18+ will be allocated a separate bedroom |
| 0 (Studio)                  | ✓  |        |                         |                            |   |  |   |   |
| 1                           | ✓  | ✓      |                         |                            |   |  |   |   |
| 2                           |  |        | ✓                       | ✓                          | ✓                                       | ✓  |   |   |
| 3                           |  |        |                         |                            |   |  | ✓   |   |
| 4*                          | <b>*Subject to individual household assessments (See Examples Below)</b> |        |                         |                            |   |  |   |   |

58.3 Example scenarios:

- i. Couple or lone parent with two children under 10 (opposite sex) are eligible for two bedrooms.
- ii. Couple or lone parent with two children under 18 (same sex) are eligible for two bedrooms.
- iii. Couple or lone parent with two children (opposite sex) ages 10 and 12 are eligible for three bedrooms.
- iv. Couple or lone parent with three girls aged 9, 12 and 17 are eligible for three bedrooms.
- v. Couple or lone parent with three children, 12 year old boy and two 14 year old girls are eligible for three bedrooms.
- vi. Couple or lone parent with five children ages 20, 18, 17, 15 and 13 will be registered for both four and five bedrooms (if the 15 and 13 year old are the same sex then they will be expected to share). Likewise a couple or lone parent with four children aged 18 or over are eligible for five bedrooms but would be allowed to bid on four bedroom properties

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- vii. Couple or lone parent with four children including two daughters aged 20 and 11 and a son aged 11 are eligible for four bedrooms but would also be allowed to bid on three bedroom properties
- viii. Two children (same sex) are expected to share providing they are both under 18.

*(The term couple is deemed to be a heterosexual couple or a same sex couple, whether married, in a civil partnership or cohabiting)*

- 58.4 The following are examples of some of the exceptions that may be made to the Property Criteria:
- i. The home to be allocated includes special adaptations and there are no other applicants of the correct household size available that require those adaptations
  - ii. The allocation is the result of an emergency
  - iii. The home is being used as temporary accommodation
  - iv. The home is being let under the terms of a Local Lettings Plan
- 58.5 Applicants who have shared access to children who are not dependent upon them will not automatically be eligible for consideration for an additional bedroom. In deciding where dependent children should be housed an assessment will be made of the housing circumstances of each parent to decide whether there is suitable alternative accommodation available for the child. An additional bedroom will only be available where no other suitable accommodation is available for the child to occupy.

## **59. Local Lettings Plans**

- 59.1 Section 167(E) of the Housing Act 1996 enables local authorities to allocate particular accommodation to people of a description, whether or not they fall within the "reasonable preference" categories, provided that overall the authority is able to demonstrate compliance with Section 167 of the Act. This is the statutory basis for "Local Lettings Plans" (LLPs).
- 59.2 LLPs will have an important role to play in widening housing choices for local people and contributing to balanced and sustainable communities. The national and regional housing agendas are encouraging new housing schemes to be mixed tenure, catering for a range of needs and aspirations.
- 59.3 LLPs may sometimes be designed so that properties are made available to households that would not otherwise have the opportunity to access affordable housing. This is to ensure that affordable housing seeks to meet a range of housing needs. There may be instances, therefore, where the Council will seek to assist households with limited housing need.
- 59.4 LLPs may be used under this Allocations Policy to achieve wider social and economic objectives. For example, they may be used to:
- i. Deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment or involved in significant community contribution or to enable existing tenants to take up an offer of employment
  - ii. Create mixed and sustainable communities by allocating accommodation sensitively, taking into account any special circumstances affecting applicants and the wider community
  - iii. Attract key workers into the borough by giving them priority for a small number of properties even though they may not fall within one of the reasonable preference categories
  - iv. Provide accommodation for Members of the British Armed and Reserve Forces

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- v. Ensure properties which are particularly well suited to people with adaptation needs are prioritised most effectively or where the location of particular accommodation may address accessibility issues (e.g. ground floor flats for people with mobility problems or sensitive lets where older residents still reside)
  - vi. Consider child density within communities in order to ensure community stability in the longer term (e.g. the number and ages of children comprising a household seeking accommodation will be used to inform letting decisions)
- 59.5 The Council will also work with Housing Associations and Thamesway Housing to develop LLPs for new developments and disadvantaged areas where there is an identified need for such intervention. These policies will be carefully considered to ensure that in correcting an imbalance in one area they do not create another elsewhere.

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## PART IV HOUSING SUPPLY AND THE LETTINGS PROCESS

### 60. Introduction

- 60.1 The number of households applying to Woking Borough Council for housing greatly exceeds the number of Council, Housing Association and Thameswey Housing properties available for letting each year and in response to this situation, the Council is working hard to develop other housing options as a means of boosting supply.
- 60.2 Woking has a buoyant private rental market and through its Private Rented Schemes, the Council assists applicants to access privately rented homes both in and out of the Borough. Where there is likely to be a lengthy wait for Council or Housing Association properties, applicants will be encouraged to take up offers of alternative accommodation in the private rented sector which includes Thameswey Housing. Private sector housing options therefore form an important element of housing supply.
- 60.3 Households accepted for housing under current Homelessness legislation may be offered accommodation in the private rented sector. If the offer is considered to be reasonable and suitable, refusal of the accommodation will end the Council's duty and no further offers of accommodation (including Council or Housing Association) will be made.
- 60.4 Other vacancies in the Borough occur from time to time with Housing Associations and from new Social or Affordable housing developments. When homes on new developments are allocated we try to achieve balanced and sustainable communities as quickly as possible. In some cases where a Housing Association builds new homes, it may be a planning condition that only certain people with a specific local connection to the area can be offered the accommodation.
- 60.5 Some properties are designated or adapted for people who are elderly, frail, have disabilities or have special support needs. When such sheltered or adapted properties become available they will, where possible, only be let to people who meet the relevant eligibility criteria.
- 60.6 Priority within bands will be on a date order basis, according to the date the applicant was placed into that band.

### 61. What type of tenure will be offered?

- 61.1 Introductory Tenancy
- i. Generally given to all new tenants of Woking Borough Council. These tenancies usually last for 12 months from the tenancy start date but in certain circumstances an Introductory Tenancy can be extended.
  - ii. Tenants transferring from another social landlord may go onto either a Secure or Flexible Tenancy. This does not apply to tenants given Temporary Accommodation who will be given a Non-Secure Tenancy.
  - iii. Before the start of an Introductory Tenancy, tenants will be told which kind of tenancy (Secure or Flexible) they will be granted at the end of the introductory period.
  - iv. After the introductory period the tenancy automatically becomes either a Secure Tenancy or a Flexible Tenancy, unless we have begun proceedings to end the tenancy (served Notice) due to a breach of the Tenancy Agreement.
- 61.2 Secure Tenancy
- i. Most of our tenants have a Secure Tenancy which gives them a number of rights. To end this type of tenancy we must get a Possession Order from the Court. Applicants moving into sheltered accommodation will be granted Secure Tenancies.

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- ii. Any existing Secure or Assured tenant where they choose to move to another Social Rented home, whether with the same or another landlord, or because they need to move due to redevelopment works will be granted a Secure Tenancy (this does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

## 61.3 Flexible Tenancy

- i. Introduced through the Localism Act, a Flexible Tenancy is one that is offered for a specific period of time, as opposed to the traditional “lifetime tenancy”. The period of time is known as the “fixed term”.
- ii. The length of the Flexible Tenancy will be for seven years in almost all cases but the tenancy will be reviewed towards the end of the fixed term. In exceptional circumstances we will consider offering a Flexible Tenancy on less than seven, but more than two, years. Please refer to the Council’s Tenancy Policy for further information.

61.4 Demoted Tenancy – The Council will use demoted tenancies to take action against tenants who have been involved in anti-social behaviour. Demoted tenants have some of the same rights as secure tenants; however, they can be evicted more easily.

61.5 Assured Tenancies – are granted to housing association tenants or other private tenants giving them the right to remain in the property unless the landlord can prove to the courts that there are grounds for possession.

61.6 Assured Shorthold Tenancy - this is the most common type of tenancy, usually for a fixed term. If there is no fixed term or the fixed term is less than 6 months, the landlord still cannot recover possession until six months from the start of the tenancy.

61.7 Non-Secure Tenancy – granted to homeless households providing only limited rights of occupation of a property (typically Temporary Accommodation including Private Sector Leased accommodation).

## 62. Advertising Properties Available for Letting

62.1 Properties which are ready to let will be advertised for three days only of the fortnightly cycle on the Council’s website. A property sheet is available from the Council’s Online Services Area in the One Stop Shop at the Civic Offices.

62.2 The advertisement will set out the eligibility criteria which may include:

- i. Minimum and maximum numbers of people in the household
- ii. If children are allowed or required
- iii. If there are age-limits
- iv. If the property is particularly suitable for someone with mobility problems
- v. If pets are allowed
- vi. Whether it is sheltered or supported accommodation
- vii. Who owns the property and whether it is a specialist landlord
- viii. The weekly rent including any other charges
- ix. Whether subject to a Local Lettings Plan

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62.3 Where a property that has been advertised does not attract a successful bid in the first bidding round, the eligibility criteria will be reviewed and consideration will be given to widening eligibility and/or re-advertising the property.

62.4 In times of particular demand, the Council reserves the right to advertise and/or offer certain properties only to applicants within certain bands, within certain sub-categories within a band or through a Local Lettings Plan.

## **63. Bidding for Properties**

63.1 Eligible applicants can make up to three bids per cycle for properties advertised by telephone bidding, or by bidding online via the website [www.woking.gov.uk](http://www.woking.gov.uk).

63.2 Applicants must bid during the first three days of the cycle.

63.3 There are four computers in the Online Services Area in the Council Offices for customers to use where applicants can 'bid' on available properties. There are also four telephones for customers to use where applicants can place bids via the automated telephone line.

63.4 Information on the bidding process is set out in the 'How to use Hometrak' leaflet which is provided in the Hometrak Information Pack sent out to all registered applicants. <http://www.woking.gov.uk/housing/hometrak/step.pdf>

63.5 Applicants with support needs and those who have difficulty with written English can be assisted by a member of the Council's staff. Applicants will be allowed to nominate a representative who can carry out the bidding process on their behalf.

63.6 All bids are checked to ensure that they meet the eligibility rules. Bids that are made for properties which the applicant is not suitable for will be excluded from consideration. Applicants who consistently bid for properties for which they are ineligible may be contacted to discuss how to bid.

63.7 A bid will only be considered if:-

- i. There is no current offer of another property (making an offer to an applicant makes all other bids from that applicant ineligible whilst the offer is live)
- ii. The application is not currently suspended
- iii. The bid is received by the deadline at the end of the end of the third day of the first week of the cycle
- iv. The applicant is eligible for the property (including property size and type, any age restrictions and any other stated criteria)
- v. In order to encourage sustainable communities some applicants, although registered on the Housing Register, may not be eligible for an offer of a property if there is Police evidence of behaviour likely to cause housing management difficulties or present a risk or danger to other tenants.

63.8 The applicant will be contacted to determine their first choice if they have bid on three properties and have come to the top of the list for all three properties. However, the final decision is at the landlord's discretion and reasons will be given to the applicant.

## **64. Selecting Successful Bids**

64.1 All eligible bids for each property are placed into priority order. Priority is decided first by band and second by date order within each band and thirdly by the effective date. If there are no eligible bidders for a property, the Council may decide either to make a direct offer, or to re-advertise.

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- 64.2 In certain circumstances for example redevelopment sites priority is decided in the following order;
- 64.3 i. Band
- 64.4 ii. Based on phasing programme
- 64.5 iii. Band date
- 64.6 iv. Effective date (date application was registered)

## **65. Making an Offer of Accommodation**

- 65.1 In order to minimise delays multiple viewings may be arranged as appropriate. A multiple viewing is when a number of suitable applicants are invited to view the same property on the same day. Applicants are required to bring proof of identity to the viewing. Unverified applicants (those who have not had a home visit) will be advised via the "Invitation to view letter" to contact the Council within 24 hours in order to arrange for verification, a home visit and confirm their eligibility prior to the viewing date. Failure to respond may result in the withdrawal of the offer.
- 65.2 The applicant will be offered the property and may be invited to sign for the tenancy at the viewing. If the property being offered is refused, the next short listed person is selected.
- 65.3 In order to encourage sustainable communities some applicants, although registered on the Housing Register, may not be eligible for an offer of a property if there is Police evidence of behaviour likely to cause housing management difficulties or present a risk or danger to other tenants.
- 65.4 Home visits are part of the allocations process in order to verify an applicant's housing circumstances.

## **66. Direct Offers of Accommodation**

- 66.1 Certain applicants will be allocated accommodation outside of the Housing Allocations Policy where there are exceptional management or community safety issues or where there is a need for a specifically adapted property. These applicants will be informed of their position. This may include homeless applicants to whom a statutory duty is owed if there is no suitable temporary accommodation available. This will occur only as a last resort.
- 66.2 The Council has a duty to rehouse displaced occupiers into suitable accommodation either:
- i. Under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be rehoused as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or
  - ii. Following the compulsory purchase of a property under the Land Compensation Act 1973.
- 66.3 In the following circumstances the Council may use its discretion to make a Direct Offer:
- i. "Special circumstances", e.g. under Multi-Agency Public Protection Panel Arrangements (MAPPA) or Community Incident Action Group (CIAG). One offer, in line with policy, will be made and, if it is unreasonably refused, applicants will lose their priority and be placed in the appropriate band as assessed for their housing circumstances.
  - ii. Under-occupiers who have succeeded to a tenancy but need to move to a more suitable property who has failed to exercise choice by bidding for properties.
  - iii. Under-occupiers seeking to move who are living in much-needed family-sized properties, who have highly specific requirements.

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- iv. Applicants in Band A whose needs are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.
- v. If a dwelling is of a specialist nature (e.g. purpose built for the physically disabled) or is suitable for adaptation for a known applicant.
- vi. The dwelling is required as a temporary measure to provide accommodation for an existing tenant whilst major repairs are carried out in their property and they need to be decanted in the meantime.
- vii. Applicants in temporary accommodation must bid on all suitable properties following their acceptance by the Council as being homeless. The Council reserves the right to make a direct offer in certain circumstances e.g. where an applicant has not placed any bids over a sustained period of time in which we would have expected them to have bid successfully. If the direct offer is refused, the applicant's banding will be reassessed and legal action started to regain possession of the temporary accommodation.

66.4 In the above cases, a suitable offer will be made. A suitable offer of accommodation is one which so far as possible matches the size and type of property for which the applicant is eligible, and is not in an area which is known to be unsafe for that applicant.

66.5 When an offer, including any direct offer, is made to a homeless applicant, the offer letter will explain that it is a final offer, and that if it is refused, the applicant will have the right to ask for a review of whether it was suitable for their needs. Any review will be conducted by the Housing Needs Manager. If the offer is refused either verbally or in writing notifying the Council and a review has been requested, the property will not be held open and will be immediately re-offered to another applicant. Applicants may request a review of the suitability of the accommodation offered whether or not they have accepted the offer.

## **67. Reasons why an applicant may not be made an offer**

67.1 Tenants who have a current application to buy their home at the time a bid is made for a property.

67.2 The support needs of the applicant are such that the applicant will be unable to maintain an independent tenancy and there is an insufficient care package or floating support package available to provide support to ensure the tenancy is successfully maintained.

67.3 Where an application is checked at the point of offer, and it is found that the information provided by the applicant has changed or is incorrect. For example, where someone bids for a three bedroom property but only has a two bedroom need.

67.4 Where an applicant bids for a property that is unsuitable for their needs (e.g. following a Social Services assessment) or the property cannot reasonably be adapted to meet their needs.

67.5 Where a property has been incorrectly advertised.

67.6 Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered.

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## 68. Refusing Offers

- 68.1 Applicants will be allowed two refusals on properties they have bid for (unless they have been accepted as homeless or they are in Band A and the property offered is considered suitable where it will be one offer only). Following two refusals an applicant's level of priority will be reassessed and may be cancelled.
- 68.2 Applicants in Band A must give their reasons for refusal in writing to the Allocations Team Leader for consideration. The property will not be held vacant while the refusal is investigated – it will be let to another applicant.
- 68.3 If there is a clear mismatch e.g. where the applicant or property details were recorded incorrectly, the offer will be withdrawn and the applicant notified by letter.
- 68.4 If there is no obvious mismatch, the application will be suspended whilst the Allocations Team Leader investigates the reasons for refusal. The Council will consult any other appropriate officers/professionals or agencies involved with the household before deciding whether the offer was reasonable and will inform the applicant of the decision by letter.
- 68.5 If the offer is found to have been a suitable one, the Council will advise the applicant of the reasons for this finding and of the effect the decision has on their application. They will also advise the applicant of their right to request a review of the decision.
- 68.6 If the offer is found to have been unsuitable, the Council will withdraw the offer and reinstate the priority.
- 68.7 The following action will be taken where there are refusals in the following circumstances:-
- i. Where an under-occupier has succeeded to the tenancy: the Council can obtain possession by offering alternative accommodation. The Council's Housing Management Service will be advised so that they can commence possession proceedings.
  - ii. "Special circumstances" case: the applicant will be advised that their priority has been removed and they will be placed in the appropriate band if they are eligible persons. Any professionals involved in the case will be kept informed at all stages.
  - iii. Urgent Management Move: the priority status will be removed and the tenant's application will be reassessed.
  - iv. All other offers: the priority status will be removed and the case will be reassessed.
- 68.8 If the offer is to a homeless household the reasons for the refusal must be considered in consultation with the Housing Options Team who will take the following action:
- **Accepted Homeless Household:** they will be advised that the Council intends to end the full homelessness duty and, if the applicant is occupying temporary accommodation provided by the Council, that eviction proceedings will commence. The applicant will also be informed of the right to a review of the suitability of the accommodation offered.
- 68.9 The Council reserves the right to refuse to shortlist or to make an offer of accommodation on management grounds (for example where offering the property to the highest priority applicant might put others at risk) or where new information has been received which alters an applicant's priority.

## 69. Feedback on Let Properties

- 69.1 All properties let through Hometrak will be published on the website. Details provided include the number of bidders for each property and the band and registration date of the successful applicant.

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Information on Direct Offers is not available on the recent lets page of the website; this is because the property has been allocated outside of the short listing Choice Based Lettings process.

## **70. Offers to Council Employees, Councillors or their Relatives**

70.1 Where an offer is being made to a Council employee, Councillor, or one of their relatives or friends, the Director of Housing, in consultation with the Borough Solicitor, must authorise the offer before it is made.

## **71. Reciprocal Arrangements with Other Landlords**

71.1 From time to time other local authorities may request, in exceptional circumstances, assistance with accommodation for a particular applicant whose needs cannot be met in their own Borough.

71.2 Any such requests should be considered as favourably as possible subject to suitable vacancies.

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## PART V REVIEWS AND COMPLAINTS

### 72. Right to Review

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

- i. Not to put someone on the Housing Register (or exclude them from bidding) who has applied to be put on it or to remove someone from the Housing Register other than at his or her request.
- ii. That an applicant is ineligible for an offer.
- iii. Other decisions relating to this Policy including banding and priority dates.

72.1 Applicants may request a review of the decision to exclude their application at any time during the exclusion period. If the original decision to exclude the application is upheld, the suspension will continue for the remaining period. If the exclusion is overturned the application will be re-activated immediately.

### 72.2 Procedure for carrying out the review

72.3 A request for a review must be made within 28 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.

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

72.5 The officer carrying out the review will carry out an investigation, taking careful note of relevant legislative requirements, Statutory Instruments and the prevailing Code of Guidance. If not already received they will invite the applicant to make written representations or, if the applicant is unable to do this or would be disadvantaged by this method, the reviewing officer may hear oral representation. In some cases both written and oral representations may be allowed, and the applicant may appoint someone to act on their behalf in making them.

72.6 In reviewing a decision on ineligibility for an offer the reviewing officer will determine, where appropriate, whether the applicant has remedied the reason for the ineligibility being imposed. Where an applicant is excluded because they have sufficient financial resources to meet their own housing needs, they would need to prove a change in their financial circumstances that removed the reason for their exclusion. Where the applicant is excluded due to a breach of their tenancy, they would need to demonstrate, for example, that they have modified their behaviour e.g. by paying off rent arrears, remedying damage or allowing repairs to be carried out. If legal action has been withdrawn or a Court Order has been given in favour of the tenant, then the local authority will carry out a review.

72.7 If the reviewing officer finds that the officer who took the decision did not take relevant information into account they will refer the file back to that officer for re-consideration of their original decision as part of the review process.

72.8 The reviewing officer will notify the applicant of their decision within eight weeks of the request for a review (although this time limit may be extended by agreement with the applicant). Where a review is requested the applicant has the right to be informed of the review decision along with the grounds.

### 72.9 Decision which the Reviewing Officer can make

72.10 The outcome of the review could be one of the following:-

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- 72.11 Original Decision Upheld: the letter will give the reasons supporting the review decision. There is no right to request a review of the decision reached on this review. In cases of exclusion from the Register or of ineligibility for an offer, the applicant will be advised (as appropriate):-
- i. A fresh application will be considered if the applicant was ineligible due to being subject to immigration control and the applicant's immigration status has changed
  - ii. Applicants/ex-applicants who have been excluded from the Housing Register on grounds of serious anti-social behaviour must demonstrate good behaviour for the period of their exclusion before a fresh application will be considered
  - iii. Applicants or any member of their household who knowingly gave false/misleading information or withheld information will not have a fresh application considered for three years
  - iv. Applicants who have assaulted a member of staff must demonstrate good behaviour for three years before a fresh application will be considered
  - v. When the applicant has paid off rent arrears, remedied damage, legal action has been withdrawn or they can prove that a local connection has been established they can apply to have the ineligibility for an offer removed from their file
- 72.12 Original Decision Quashed: the letter will explain what action the Council will take as a result and their reasons for doing so and the application will be reactivated immediately.
- 72.13 Applicant provides the Reviewing Officer with New Information: (i.e. information not known to the officer who took the original decision) the review will end and the file will be returned to the Registration Officer for fresh enquiries to be made and a fresh decision to be issued. In such cases applicants will be advised of their right to request a review of the new decision.
- 72.14 Where an applicant has been excluded at the discretion of the senior manager or relevant panel (e.g. MAPPAs, supported housing panel) the applicant would need to appeal against the recommendation.
- 72.15 An applicant has the right to request:-
- i. Such information to enable him/her to assess how the application is likely to be treated, including which Band they are likely to be placed in
  - ii. Whether housing appropriate for their needs is likely to be available and how long it is likely to be before an offer is made
  - iii. A local authority to inform them of the facts of the case that are likely to be taken into account when considering whether to allocate accommodation to the applicant
  - iv. Notification in writing of a decision that they fall within a lower preference category on grounds of behaviour and the reasons for it
  - v. A review of the decision to give lower preference on the grounds of behaviour, of the facts considered and of any decision to exclude them from the Policy
- 72.16 Where the applicant is not satisfied with the assessment of medical priority carried out by a Housing Officer the case will be referred to the Council's Medical Adviser.

## 73. Complaints

- i. The Council has a formal complaints procedure. Applicants can use the complaints procedure if they believe that:
- ii. Something has been done badly or wrong in the service delivery

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- iii. Something has not been done that should have been done
  - iv. The service has not been delivered in accordance with policies and procedures
  - v. If they have been treated in an impolite or discourteous manner
- 73.1 All complaints will be investigated and the applicant will receive a written response within the timescale set out in the complaints policy.
- 73.2 Full details of the Council's complaints process can be found on the Woking Borough Council website ([www.woking.gov.uk](http://www.woking.gov.uk)) under "Our Commitment to our Customers".

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## PART VI CONFIDENTIALITY AND ACCESS TO PERSONAL INFORMATION

### 74. Confidentiality

- 74.1 Personal information provided to the Council by Housing applicants is confidential. In normal circumstances, this information is only disclosed to other housing providers (housing associations) where an applicant has successfully placed a bid on one of their properties so that they can determine whether an offer of accommodation can be made. Applicants give their consent to disclosures in completing the Housing Register application form.
- 74.2 The Council's Housing Register is registered under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), and information on it including medical information is received, held, and disclosed only for registered purposes. We deal with all applications in a confidential manner, and applicants have the right to see information on their file relating to their application, except where this involves confidential third party information. If an applicant is not eligible, does not respond to the annual review or is removed from the Housing Register, their assessment form will be kept for two years before being destroyed.
- 74.3 Personal information is only disclosed to other parties with the applicant's specific consent or in exceptional circumstances where disclosure without consent is warranted. These are defined as follows:
- i. Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed;
  - ii. Where information is required by a local authority department in order to carry out statutory functions or by external auditors;
  - iii. Where information is required by the police as part of a criminal investigation.
- 74.4 In the event of information needing to be disclosed without the applicant's previous consent, in the exceptional circumstances described in paragraph 73.3 above, the person concerned should be informed wherever possible that this is happening unless there is a reason not to do so e.g. where it may compromise a criminal investigation.
- 74.5 Medical information obtained from the applicant's GP or other healthcare staff cannot be passed on without prior consent from the professional(s) involved. The information obtained from Social Services cannot be passed on without consent of the relevant member of staff, or in their absence the relevant Team Manager.
- 74.6 At the lettings stage, where an allocation is made into Council-owned property, the content of the application file is passed to the Council's Housing Management Service to form the basis of the tenancy file.
- 74.7 Where a nomination is made to a Housing Association's property, the Housing Register application is retained by the Council but relevant information may be copied to the new landlord where applicable.
- 74.8 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.
- 74.9 The fact that a person is an applicant to the Housing Register shall not be divulged (without their written consent) to any member of the public.

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## **75. Access to Personal Information**

- 75.1 All applicants for housing have the right to see information held about them by the Council, in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). The right applies to all personal information regardless of the date that information was recorded.
- 75.2 In order to request access to personal information, applicants must write in to the Housing Needs Manager. The Council will require proof of identity such as bank card, birth certificate or driving licence, before an access request can be processed.
- 75.3 The requested information will be provided to the applicant within a maximum of 56 days. A charge of £10 will be made. Files are edited where necessary, for example to exclude information restricted by law or evidence provided by a third party (e.g. healthcare professional). In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the professional(s) concerned, asking for a letter of confirmation to be submitted to the Council.
- 75.4 When the information is ready it will be made available to be collected from the Civic Offices unless the applicant confirms in writing for it to be sent through the post to a specific address.
- 75.5 If the applicant considers that the personal information held by the Council is inaccurate, they may request that it is amended or removed from their file. In the event of a disagreement, the information will remain on file and the applicant's comments will be recorded on the file.
- 75.6 Disclosure of information may be denied by the Council in any of the following circumstances:
- i. The information could prejudice criminal proceedings;
  - ii. The information is subject to Legal Professional Privilege;
  - iii. A medical or care professional is of the opinion that disclosure could result in risk of serious harm to the person concerned or to others as a result of disclosure.

# DRAFT

## APPENDIX A: FURTHER MEDICAL INFORMATION

- Asthma:** This is a very common condition in adults and children, which can be influenced by factors outside the home. It is often difficult to establish whether rehousing would help and many applications will not be awarded priority. If the current accommodation is damp, we would refer the matter to the Council's Environmental Health Service or the Council's Housing Management Repairs Service to determine the impact this may have on the household's health and whether through remedial work to the property, the problem could be resolved.
- Epilepsy:** A current tendency to epilepsy may suggest a need for accommodation on the ground floor or with a lift available. Priority will depend on the severity of the condition. An episode in the past with no current tendency would not usually lead to any priority being awarded.
- Stress or depression:** These conditions are often influenced by factors outside the accommodation or by other housing needs such as overcrowding for which priority is already given. Many applications will therefore not be awarded priority. An individual assessment will be made as to how the current accommodation affects the medical condition.
- Mobility difficulties:** We will not award any priority where current housing meets the household's mobility needs. Priority will differ depending on the severity of the difficulty and the unsuitability of the property. Factors such as the number of steps within and leading to a property will be relevant. If you are physically unable to access your home due to your mobility difficulties, and it would not be reasonable for necessary adaptations to be carried out we will award high priority and may consider an urgent discretionary allocation outside of the Allocations Policy.