



## ASHFORD BOROUGH COUNCIL

### **Housing Lettings Policy**

First Issue: November 2008 (CBL Point Based)

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Service: Property Team, Housing

**This authority believes in and promotes equal opportunities for all, irrespective of age, race, religion or belief, disability, gender or sexual orientation. We try to ensure that our letting policy is fair and open and targets those with the greatest need.**

### **Policy Outline**

This Lettings Policy consists of the following three parts:

Part 1 - Background Information

Part 2 - Prioritisation and Allocation

Part 3 - Local Lettings Plans and Local Needs Schemes

### **Ashford – Simply Better**

Ashford Borough Council's "Mission" is "to protect and improve the quality of life of every resident of the Borough, now and in the future."

If you need help with reading or understanding this document, please take it to the Civic Centre, Tannery Lane, Ashford, Kent or phone 01233 331111. We will try to provide a reading service, translation or any other format you may need.

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# **Part 1**

## **Background Information**

# 1.0 Statement of Choice

## Fairness

Our aim is to:

- follow our policy on fair access to our service;
- ensure the widest possible access to social housing by offering people choice of accommodation, this includes alternative options in the private sector.
- give prospective tenants the opportunity to express their preferences about accommodation (wherever possible), whilst allowing us to meet the local needs of Ashford.
- promote access to all forms of affordable social housing and housing in other sectors.
- promote equal opportunity of access and participation for everyone, whatever their personal circumstances.
- not discriminate on the grounds of race, religion, sex or marital status, sexual orientation or disability.
- provide information relating to our service, giving you the opportunity to make the best choice possible regarding accessing the Council's housing service.
- ensure that Choice Based Lettings gives you a choice and a stake in where you live to assist in creating more stable, viable and inclusive communities.
- write our publications in plain English and offer translations, large print or a reading service where needed to help make an informed housing choice.
- only share the information we receive with other registered social landlords or other organisations which handle public funds or where we have an information sharing protocol such as with the police where we believe there is significant risk of harm and not with any other party and treat personal information confidentially.

## Excellence

Our aim is to:

- welcome you politely and to be courteous and efficient.
- respond to the needs of our customers and our partners and ensure the views of our customers are heard.
- set out clear standards for services so that everyone knows what to expect.
- Provide anybody with re-housing advice regarding access to social or other forms of housing, both over the phone and in person.
- direct applicants to the appropriate team or agency where specialist advice is required eg, debt advice, welfare rights.
- meet our legal and strategic requirements whilst considering the needs of the local community.
- confirm in writing any decision made in relation to an application for housing.

- commit to delivering a high quality service and set clear performance standards to assist us to achieve our targets.
- reflect on the service provided by the Housing Options Team and plan into the future, allowing for continuous improvement.
- Reflect the aims of the homelessness strategy
- ensure that, where discretion is used, the decision reflects policy and is consistent and transparent.

### **Your Rights and Responsibilities**

- you have the right to appeal on any decision made regarding access to the register, band awarded or offers of accommodation made.
- you should provide full and accurate details on all forms or correspondence in relation to your application for housing.
- you should tell us immediately if your circumstances change in any way, e.g. your address, family details, medical condition.
- you should reply to all correspondence sent from us needing a reply.
- If you are made an offer of property or nominated to a housing association, you should always advise the Housing Officer of your decision within the specified time scale.
- when refusing an offer or nomination you need to complete a form explaining why the property is not suitable.

## 2.0 Aims and Objectives

The Choice Based Lettings Scheme Policies and Key Objectives are:-

- To be customer led
- To be clear and transparent
- To improve people's choices and housing options
- To ensure we help people most in need
- To comply with the legal requirements
- To make full and effective use of all housing stock
- To achieve partnership working to meet housing need in Ashford
- To achieve sustainable communities and minimise refusals of property by allowing people to choose where they live
- To ensure the widest possible choice of homes are available to people on Ashford's Housing Register
- To aid the prevention of homelessness and to meet the targets set in the Homelessness Strategy
- To provide improved information about housing demand and need
- To be fair, simple to understand and transparent in its rules
- To maximise the participation of all applicants, including vulnerable applicants, in the lettings process
- To monitor the diversity of the borough and to ensure that hard to reach groups are offered the maximum opportunity to participate.
- To monitor the applicants on the housing register and lettings by the different strands of diversity and ensure that no groups are inadvertently excluded
- To promote equality of opportunity in housing services

However well Housing maintain the Housing Register or develop the Choice Based Lettings Scheme, it will not change the fact that only a minority of people wanting social housing will be able to access it. This is because of the growing gap between supply and demand. A key element of the scheme will focus on alerting applicants to other options to resolve their housing problems, or to secure a move.



### **3.0 Review of the Lettings Policy**

The policy has undergone a period of legal scrutiny by Counsel and incorporates amendments to ensure that it complies with the law.

In addition, we will regularly review the lettings policy to ensure that it is supporting the Council's Key Targets and the Housing and Homelessness Strategies and is meeting, as far as possible, the needs of those on the Housing Register.

The policy is also reviewed by the Housing Options Monitoring Group which consists of members of the Tenant Scrutiny Panel and officers from Housing. The group is open to anyone who has an interest in the issues dealt with by the Housing Register or Choice Based Lettings.

This group has assisted in developing this Lettings Policy and will continue to meet to monitor and make amendments to the scheme as legislation, case law or local circumstances dictate.

Due to these continued improvements and the amendments needed to keep the Lettings Policy up to date, it has been agreed that minor amendments (judgement made by Head of Housing) can be made to the Lettings Policy by an Information Item going to Elected Members advising of the proposed amendment and the reasons for such amendment. An effective date, at least one calendar month ahead would also be given.

If the Head of Housing does not receive any objections, then the amendment will become Policy on the effective date. If objections are received from the Elected Members, the Head of Housing would take the proposed change of policy to Cabinet.

## **4.0 Ashford Borough Councils Housing Register**

### **4.1 Housing Needs Survey and Identified Need**

In 2010 Ashford Borough Council carried out a district-wide survey of housing need. The purpose of the survey was to examine the housing requirements (needs, aspirations and demands) of households across the area.

The key findings were:

- Average local incomes are not sufficient to purchase even the lowest priced homes with 70% of households being unable to purchase.
- Only 30% of households can afford to rent even the lowest priced private rented homes without assistance. In a 2014 assessment this figure was estimated to be 41% - 48%.
- Whilst there is currently great demand for one and two-bedroom homes, there is a significant predicted increase in the number of households requiring a property with three or more bedrooms over the next 13 years.
- Every year there is a shortfall of 450 affordable homes (council rented, RSL rented, intermediate rented and shared ownership) becoming available across the area

### **4.2 The Housing Register**

Ashford Borough Council hold a Housing Register which is intended to be a single point of entry into Social Housing for the whole of the borough of Ashford. The demand for housing exceeds supply and the register exists to enable us to prioritise those households who are in greatest need and to maximise their opportunities for re-housing.

The Council's Lettings policy and operation of the Housing Register is intended to reflect government legislation and guidance and the Council's other key policy documents and strategies, such as the local housing needs survey, the housing strategy and the homelessness strategy.

We do not intend to use this register as a true reflection of local housing need as this is measured more accurately by the housing needs survey. The register may however be used as an additional tool to help determine and measure the need of those households within the borough who have been registered with housing need points and who have a reasonable chance of obtaining accommodation via the Housing Register.

### **4.3 Choice Based Lettings**

This is the scheme which the Council has adopted to let all available property that it has responsibility for. This includes Council owned property, Registered Social Landlord (RSL) property to which the council has nomination rights and Low Cost Home Ownership schemes. The Choice Based Lettings Scheme has undergone extensive consultation with both customers and stakeholders and it is intended to give the maximum possible choice and information to applicants.

## **5.0 Alternative Housing Options**

### **5.1 Mutual Exchanges**

For those wishing to move, an additional option is to exchange with another tenant, either Council or Registered Social Landlord. This is the best way of moving for those who are not on the Choice Based Lettings Scheme.

If you are a tenant of Ashford Borough Council you may register with [www.homeswapper.co.uk](http://www.homeswapper.co.uk). Once you have entered your details into this system, the HomeSwapper website is able to look for a property match on your behalf. You would be notified by text or by email when they have found a potential match and you can also view the property details on the website which is available for use at the Civic Centre.

You must get permission from Housing before any move is arranged. More details are available from either the Customer Services Team or the Housing Area Management Team.

### **5.2 Housing Advice**

If you find yourself homeless, or threatened with homelessness, or just needing advice regarding your situation you should call us straight away on 01233 331111. The Customer Services Team will take some details from you and determine whether you need to see a housing options officer that day.

If you prefer, you can complete our self-assessment form which is available on our website (search homelessness) and an officer will aim to contact you within 72 hours to offer advice and information regarding your best housing option.

### **5.3 Gypsies and Travellers**

There is a Local Authority owned site based at Chilmington and a separate Housing Register is kept for applicants who wish to be considered for a plot on this site. Tenancies of the plots are offered on a strictly date order basis. For further information you should contact a member of the Housing Area Management Team on 01233 331111.

## 6.0 The Supply of Housing and the Demand for Housing

We manage a stock of **4945** properties as at 1<sup>st</sup> April 2019. This is made up of houses, flats, maisonettes and bungalows. There are an additional **3850** properties within the borough owned and managed by our Registered Social Landlord (RSL) partners.

As at 1<sup>st</sup> April 2019 the Housing Register had **1388** applicants in housing need.

Housing Waiting List	840
Applicants to whom a homeless duty has been accepted	103
Transfer Applicants	378
<b>Total</b>	<b>1321</b>

During the year 2018/19 we accommodated **516** households as shown below:

Homeseeker Applicants	260
Homeless Applicants (households to whom a full homeless duty has been accepted)	98
Transfer Applicants	158
<b>Total</b>	<b>516</b>

## 6.1 Stock Profile

A stock profile incorporating details of both Housing Association and Ashford Borough Council stock across the borough is available online. A copy can also be obtained by telephoning one of the Property Officers.

## 6.2 Registered Providers of Social Housing

Ashford Housing Services works in partnership with Registered Providers, also known as Housing Associations (HA's) to develop "affordable housing" within the borough.

HA's currently provide over 3000 units of accommodation in the borough (excluding property provided within Local Needs Schemes as detailed in Section 39.1). The properties they have vary from one-bedroom flats to five bedroom houses as well as bungalows, Sheltered Housing and Special Need accommodation. (See 6.3 below)

These Landlords provide much of the available property in Ashford. We advertise details of their available properties along with our own via the Choice Based Lettings Scheme (CBL).

Some rents are higher than others, and will depend upon whether the property is an Affordable or Social rent (see section 6.4). However, many rents are within Housing Benefit / LHA levels. Most HA's will only accept nominations from Ashford Borough Council via the Housing Register and generally only one nomination per property is made.

## 6.3 RSL'S with Developments in Ashford

<b>Name of Association</b>	<b>Type Of Property</b>
Accent Peerless	Houses, flats, maisonettes
Optivo	Houses and flats
CDS Co-Operative Development Society	Houses and flats
Clarion	Houses, flats, bungalows
English Rural Housing Association	Local needs houses and bungalows
Housing & Care 21	Sheltered flats
Hyde Housing Association Limited	Houses and flats
Moat Housing Society	Houses, flats, bungalows
Stonewater Association	Houses, flats, bungalows.
Salvation Army Housing Association	Flats, houses
Southern Housing Group	Houses, flats, bungalows.
Sanctuary Housing Association	Local needs houses
Golding Homes	Flats, houses
Orbit	Flats, houses
Places 4 People	Flats, houses
Town & Country	Flats, houses
West Kent	Flats, houses

## **6.4 Affordable and Social Rents**

Housing Associations may let their accommodation as either a Social or Affordable rent. This will depend upon the incoming tenant and the tenure type (see section 6.5)

An Affordable rent may have a rent level of up to 80% of the market value. This can mean that it may exceed the HB/LHA level. The landlord may reject a nomination on the basis that such a property would be deemed unaffordable under their policy

Ashford Borough Council lets all its new build accommodation built after 1<sup>st</sup> April 2012 as Affordable and also converts a proportion of its two and three bedroom properties to Affordable Rent upon void but the rent is within HB/LHA. In all cases, the property advertised on Kent Homechoice will state the rent level for the property whether it be let on a Social or Affordable basis. If unavailable at advert stage, it will be confirmed at offer stage.

## **6.5 Tenure Type**

Ashford Borough Council have developed a Tenancy Strategy outlining what forms of fixed term tenancy will be offered to applicants and in what circumstances.

Many HA's that work within our area have also updated their Tenancy Strategies and may now offer the new Fixed Term Tenancies to new social tenants.

A Fixed Term Tenancy is one that has a fixed term i.e. the property would be let to the incoming tenant for a fixed period of 5 years only, after which the landlord will take possession of the property by serving the correct notices. These tenancies can be renewed under certain circumstances but exactly when, where and why this would occur will be outlined within the landlords own strategy and/or policy.

A new social tenant will be offered a Fixed Term Tenancy in most instances but current secure tenants will continue to retain a Lifetime Tenancy should they transfer into or within local authority stock.

However, these changes propose implications for the applicant's security of tenure where mutual exchanges are concerned and so this should be discussed with your landlord where you are mutually exchanging from a secure Lifetime Tenancy to a Fixed Term Tenancy.

## **6.6 Expiry of Fixed Term Tenancies**

If you are an applicant that has been issued with a notice to terminate your Fixed Term tenancy after review, you may re-apply to join the housing register subject to our eligibility criteria.

A fixed term tenancy may be reviewed in the following circumstances:

- Behaviour of tenant or household
- Financial circumstances
- Need to dispose of or refurbish the property
- Level of occupancy / special requirements

However, the reason for the termination will affect your band assessment and / or eligibility for re-housing with Ashford Borough Council and there is no guarantee that we will be able to accommodate you.

In addition, if you are registered for re-housing for this reason, you will be expected to actively bid for alternative accommodation. If an applicant fails to do so within the first six weeks a Property Officer or Area Manager will bid on their behalf.

If your landlord makes suitable alternative accommodation available to you and you fail to accept the offer, you will be treated as having worsened your circumstances and will have your priority for re-housing greatly reduced in line with our policy.

For full details of our Tenancy Strategy, please see our website.

## 7.0 Applying to the Housing Register

To apply for housing, you need to complete the online Choice Based Lettings Scheme Housing Application. The application can be started and saved for you to return and complete at any time. Upon its submission you will be informed of any supporting documents that you will need to provide within 28 days.

The supporting information should be provided either:

- By hand at the Civic Centre
- By post to Housing, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL. Please do not send originals
- Uploaded direct to your Kent Homechoice application using the online service
- Sent to [cbl@ashford.gov.uk](mailto:cbl@ashford.gov.uk)

If the online application is not correctly completed or the information requested is not submitted within the time scale your application could be delayed or even cancelled.

Paper forms are no longer in use. If you require assistance with completing the online form please contact the Property Team on 01233 331111.

If you do not have your own computer with internet access, there are facilities available at the following places:

- The Civic Centre
- Ashford Libraries

**An email address is required to make an online application.** If you do not already have one you will need to create one using a free service. You should do this prior to starting your application as the computers at the Civic Centre do not allow access to the email account websites.

We may ask more questions upon receipt of your application if we need more details so we can assess your degree of housing need or if we need to learn more about your previous housing circumstances.

Following the application you may be asked to provide a reference from your landlord. We also carry out a verification of your application and this may include an unannounced visit to your property.

You must provide copies of birth certificates before we can process an application but we will typically make our assessment based upon the information stated on your application form.

If we need to verify any of your circumstances or need clarification you may be asked to provide proof of residency for household; this could be a copy of a utility bill, bank statement, a copy of your tenancy agreement, confirmation from benefits agency or other documentation.

If you are in employment and we believe that you may exceed our Means Testing criteria we will also ask for a copy of your P60 and your last two months payslips (or Tax Return Summary if self-employed). Applicants that are not currently in employment may be required to show confirmation of the benefits that they receive to confirm that they have no concealed income.



We may ask you to provide documentary proof in support of your application, including independent written confirmation of circumstances.

We may also carry out a credit reference check using Experian to establish if information given is correct or where we require verification of a situation. Approval for such a check is required by a Senior Property or Options Manager and only an officer holding the licence will be authorised to undertake it. The officer will record each use of Experian using the appropriate form.

Advice is available to any person with regard to housing including his/her prospects of obtaining an allocation under the scheme before he/she has completed and submitted an application form and on alternative housing options. This is available via telephone at 01233 331111.

## **8.0 How we Assess your Application**

The Lettings Policy operates with a bands system to measure the level of housing need for each application. All applicants have the right to see what band he/she is allocated and the basis for awarding it under the Housing Act. All applicants are placed in the appropriate group (see section 32.0). Those applicants with the greatest need will have the highest band within their group. The criteria for awarding housing need bands are set out in section 34.0. We may, however, exclude applicants or reduce the priority of applicants as detailed in sections 13.0 and 14.0.

An application for Choice Based Lettings should be submitted as per instructions set out within section 7.0. We then tell you, by letter, what band we have awarded and the basis for awarding it to you and try to give you an indication of how long it may take to get a property based on regular bidding activity.

If you do not qualify for an offer of accommodation or will have your priority reduced, we will write and explain why.

An applicant has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and has the right to request a review of any such decision about the facts of his case and to be informed of the decision on the review and the grounds for it.

If your circumstances change, you can reapply, or if you feel that the assessment of housing need is wrong you can ask for a reassessment by way of a review to the Housing Operations Manager.

Because of the high demand for housing, and the large numbers of applicants waiting for housing, being on the Housing Register does not guarantee an offer of accommodation.

### **8.1 Change of Circumstances**

Where an applicant has had a significant change in their circumstances, the application will be suspended until we have confirmation of the change and whilst awaiting reassessment (typically within 6 weeks). During the suspension period the applicant will be unable to bid.

This rule also applies where the applicant has made a review of a homelessness decision and is awaiting a final response with a reassessment timescale of 8 weeks.

## 9.0 The Next Stage

### 9.1 Your Assessment

Once your application has been assessed and entered onto the Housing Register, you will receive a letter, normally within 6 to 8 weeks of receipt of your application confirming your application details. We will:

- State your band award
- State which group you have been placed in.
- Give the size (and if applicable the type) of property you are eligible for.
- Confirm the effective date.
- Include a reminder about informing us of any change in circumstances.
- Give details of our appeal and review procedures.
- Give a registration number.
- Explain, if applicable, why an application is suspended and when the suspension will be lifted.
- Explain if applicable why an application has been refused or had its priority reduced

If your circumstances change, you must complete a change of circumstances form to enable your application to be reassessed. If you inform us of a change in circumstances without providing evidence, your application will be given the status of “suspended” until you provide us with confirmation of that change.

A change of circumstances could include a change of address, the birth of a child, a change in medical condition or threat of homelessness.

If you feel that the assessment of housing need is wrong you can ask for a reassessment.

You can ask to see your personal file, but we make a charge of £14 if the request is manifestly unfounded or excessive or if you request further copies. This to cover administrative costs.

### 9.2 Annual Review

You will be asked to confirm each year that the information you have given on your application form is correct and that you want to remain on Ashford Borough Councils Housing Register. If you do not respond within 28 days, your application will be removed from the list.

If your application is removed, you may request a review of this decision, which must be made within 3 months to avoid an alteration to your priority date or the need to reapply to the Housing Register.

### **9.3 Applications from Minors**

Where an applicant is aged between 16 and 18 their application will be kept on hold until they have undergone an assessment that aims to ascertain their ability to sustain a tenancy.

If the applicant is considered to be able to sustain a tenancy their application will be activated and they will be able to bid for available properties. However, any grant of a tenancy would take effect as a trust in which a designated responsible adult would hold the legal interest and would be subject to the applicant receiving the appropriate level of support.

If the applicant is assessed as being unable to sustain a tenancy, their application will be kept on hold until they become 18 years of age. However, where they have a specific need to be re-housed, the applicant will be referred to Social Services for an assessment and for support in exploring their options, which will include referral for supported housing if appropriate.

Any applicant aged under 18 will need to attend an appointment with their parent or guardian to see a Property Officer or a Housing Advisor.

## **10.0 Receiving an Offer of Property**

### **10.1 Selection Procedure of Successful Applicant after the Bidding Process**

Once the advertisement deadline has passed, the Property Team will produce a report on the computer system listing all the applicants who applied.

The successful applicant for each property will be the one who is eligible under this policy to be offered the property with the highest Band, and the earliest Priority Date within the group prioritised for the vacancy.

The priority date is the date the application was registered or the date they were awarded an increased band. Where there are more than one suitable applicant with the same band and priority date the successful applicant will be determined by establishing the time and date that the application was completed (i.e. all information supplied).

Where a property has no suitable Band A-C applicants, those in band D will be considered as eligible but not in the following circumstances:

- They are adequately housed
- They have no local connection
- They exceed the means testing criteria

Exceptions to this may be made for Exception Site, very hard to let or Sheltered / Extra Care properties.

Decisions on which group is prioritised will reflect the quotas shown at Section 32.1. Each potentially successful applicant will be checked to ensure they still meet the eligibility criteria.

Permission from the Head of Housing must be sought where any housing is to be offered to an applicant that is either a member of staff or closely linked with the authority.

### **10.2 Offering a Property**

Prior to an offer being made, the Property Officer will check the applicant's circumstances and ensure all the details given at the time of the application are correct. As part of this check we will request verification documents be supplied within 24 hours of notification of an offer. Notification will be in the form of an email, text and telephone call (or letter if required). If an applicant cannot supply documents within 24 hours, we can give an extension of time (typically a further 24-48 hours) as long as the applicant has made contact with us and are contactable regarding the issue within that 24 hours.

Failure to supply documents within 24 hours or the agreed timescale will result in withdrawal of the offer.

If the check is satisfactory, a formal offer, in writing will be made to the applicant. If, on making the check, the applicant is found not to be eligible for the offer, no offer will be made.

If the property to be offered is owned by a HA then the applicants full details will be made available to the landlord online so that they can contact the applicant directly.

If you are a tenant of Ashford Borough Council and not receiving an Assisted Move, we will inspect your current property before we offer other property under the Choice Based Lettings Scheme. This is to ensure that it meets the required standards, and will not result in any expense to the Council when you move out.

If you are top of a several shortlists, where possible we will endeavour to give you the choice of which property you may be offered. Once you have been offered or nominated to a property, your other bids will be discounted and you will be ineligible to make further bids until you refuse the offer. However, a Property Officer may exercise discretion in special circumstances.

### **10.3 Viewing the Property**

Once the offer has been made, contact must be made within 48 hours to make arrangements to view the property in accordance with the Void Dwellings Procedure. The viewing timescale is also within 48 hours of the offer if the keys are available and the void works are complete. Failure to view within specified timescales or to co-operate with the Area Manager can result in withdrawal of the offer.

Personal identification for each prospective tenant will need to be brought to the viewing. This can be in the form of a passport, driving licence or medical card.

At the viewing, the applicant will be given further information about the property, repairs to be carried out, date when the property is expected to be available, conditions of tenancy and, where necessary, advised if he/she will be awarded a paint pack.

The officer attending the viewing the property will ask you to read the tenancy agreement to ensure that you fully understand your obligations as a council tenant before signing it. At this point you will also be given advice about how and when to pay your rent and the expected level of behaviour once the tenancy has commenced. You are given your own copy of the tenancy agreement to keep. Please keep it in a safe place, it is an important document and details your rights and responsibilities, and ours as your landlord.

At the time that you collect or receive the keys to the property we will need to know how you expect to pay your rent. If you receive benefit then you will need to have completed a Universal Credit or Housing Benefit application form online (please check with the Area Manager which is required). You will not be given the keys to the property without providing confirmation of a completed benefit application or having paid 2 weeks rent in advance.

If you are receiving Universal Credit, are working or are of pensionable age but are not in receipt of pension credit you will need to pay two weeks rent in advance. You must pay this at the Civic Centre before we release your keys. This is not a blanket policy and if you feel you will have difficulty finding two weeks rent money in advance then you should speak to your Area Manager at the time of viewing.

## **10.4 Tenancy Start Date**

This will also be discussed at the time of viewing with the Area Manager but is normally the same day if the viewing takes place on the Monday or it will be the Monday following the viewing date if it occurs on any other day of the week. Keys are normally given out after 2 pm on the Friday prior to the start date.

## **10.5 Refusals of Property**

Where a property is refused, the applicant with the next highest priority within the same group, if there is one, will be considered. If there is not another suitable applicant within that group the property will either be offered to the person at the top of a different group or re-advertised.

When a property is refused we ask you to complete a refusal form.

If an applicant fails to respond to an offer of accommodation or is not contactable within 48 hours we may suspend the application until we have contact.

## **10.6 Requirement to Pay Off Arrears Under Former Tenancy**

Applicants who owe arrears under their former council tenancy may be required, prior to being offered a new tenancy, to enter an agreement to make regular payments to discharge the arrears under the former tenancy. This applies whether or not a possession order was made in respect of the former tenancy on grounds of the arrears.

## **10.7 Right to Buy Applications**

When a council tenant has submitted a Right to Buy application, an offer of re-housing can only be made if the tenant has not accepted their Section 125 Offer Notice, after which time the application will be suspended.

## **Part 2**

### **Prioritisation and Allocation**



## 11.0 Legal Framework

This policy complies with the requirements of Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, and The Localism Act 2011 And Armed Forces Statutory Instrument 2012. Part VI of the Housing Act 1996 covers:

- Lettings of Local Authority stock to new tenants
- Transfers requested by Local Authority tenants
- Lettings of Local Authority stock to current tenants of HA's and
- Nominations that the council makes to the HA's

It sets out the circumstances of applicants to whom reasonable preference must be given when deciding who will be offered property.

The policy takes account of:

- The Allocation of Accommodation, Code of Guidance for Local Housing Authorities
- Right To Move: Statutory Guidance on social housing allocations for local authorities in England
- The Homelessness Code of Guidance 2018
- The Homelessness Reduction Act 2017
- The Homelessness (Review Procedure etc.) Regulations 2018

There are certain lettings, which are included within the Lettings Policy, although the rules under the Housing Act do not specifically apply to them as follows:

- Where the council needs to provide alternative accommodation for a council tenant whilst carrying out repairs or improvements to their property.
- Where the council has a duty to re-house residential occupiers following a compulsory purchase and provides suitable alternative accommodation under s39 of the Land Compensation Act 1973, or under the Rent Agricultural act 1976. Where it is not possible to provide a permanent tenancy immediately, the household will be registered with Band A within the scheme.
- Where the council grants a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house under the Housing Act 1985, s554 or s555.

### **11.1 The Lettings Policy does not apply to the Following Situations, which are also not covered by the Rules in Part VI**

- Temporary accommodation provided for homeless people under Part 7 of the Housing Act 1996.
- Where the Council grants a service tenancy to a Council employee for the better performance of his/her duties.
- Mutual exchanges between Council tenants or Council and RSL tenants under the Housing Act 1985, s92.

- Where a secure tenant dies, and there is a person qualified to succeed the tenant under s89 of the Housing Act 1985, then that person becomes the secure tenant.
- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, s90.
- Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy if the secure tenant died immediately before the assignment. That person becomes the secure tenant.
- Where a Court makes an order about who is to be the secure tenant under:
  - (a) s24 of the Matrimonial Causes Act 1972 (property adjustment orders in connection with matrimonial proceedings);
  - (b) S17(1) of the Matrimonial and Family Proceedings Act 1984, (property adjustment orders after overseas divorce); or
  - (c) Clause 1 of Schedule 1 of the Children Act 1989, (orders for financial relief against parents).
  - (d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership etc).

## **11.2 The Basic Priorities**

The Housing Act 1996 (as amended) requires all Local Authorities to introduce a lettings scheme to reflect the priorities defined by the Act, and to give reasonable preference to: -

- People who are homeless (within the meaning of Part VII of the Housing Act 1996 act;
- People who are owed duties by any Local Authority under Section 190(2), 193(2), 195(2) of the Housing Act 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996;
- People occupying unsanitary housing or who are overcrowded or living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds including grounds relating to disability. This includes those who have sustained serious injury, medical condition or disability as a result of service in the Armed forces.
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

We are, however, able to take into account the financial resources available to the applicant to meet his/her own housing need as set out within sections 13.0 to 17.0.

### **11.3 Eligibility to be Considered for an Allocation**

To be considered for an allocation:

1. You must have a housing need as defined by this policy
2. You must be aged 16 years or over (See section 9.3)
3. You must not be ineligible by virtue of s.160ZA (2) or (4) of the Housing Act 1996 (as amended by the Localism Act 2011).
4. You must be a Qualifying Person (s.160ZA(6)(a)) as defined by this policy (see section 13.0)
5. No allocation can be made to 2 applicants jointly if either of them is ineligible by virtue of s 160ZA(1)(b) of the Housing Act 1996
6. You must be eligible as defined by the Allocation of Housing and Homelessness (Eligibility) (England) 2006 as amended by the Allocation of Housing and Homelessness (Eligibility) (England) 2018

## **12.0 Local Connection**

### **12.1 Outside Applicants**

Applicants living outside the borough may apply to join the Housing Register, but due to the excessive demand on the limited housing stock in Ashford, they may be deemed Non Qualifying (Section 13.0) or their priority may be reduced if they do not meet the local connection criteria, see Bands (Section 34.0).

If you are living outside the borough because you have been placed in temporary accommodation by Ashford Borough Council under the homelessness legislation, your priority will not be reduced if you can demonstrate that you had a local connection to Ashford as defined in Section 12.2 prior to the temporary accommodation placement.

If you are or have been a member of the armed forces, please see Section 19.0

If you are currently in prison, please see Section 29.0

If you are a social tenant outside the borough experiencing hardship in relation to work location see Section 30.0.

An applicant placed in refuge accommodation will not have Local Connection criteria applied but will be given no additional priority.

### **12.2 Definition of Local Connection**

The definition of an applicant who has a local connection to the Ashford Borough, is as follows:

- You have your only or main home within the boundaries of the district covered by Ashford Borough Council and have lived here for a continuous period of at least one year
- You (not a member of your household) must be in permanent paid work in the Ashford Borough (full or part-time employment of at least 16 hours per week) and that employment must have been for a continuous period of one year
- If you live outside of the borough at present, you must have lived in the Ashford Borough for at least five out of the past ten years or
- You have an exceptional need to live within the Ashford Borough Council area as determined by a Property Officer. This is subject to housing need and the reasons why you wish to live in Ashford or
- You need to move to the borough to give or receive support from a close family member (for these purposes immediate family encompasses a parent or parents, a child or children, a sibling or siblings or other relationship where it can be demonstrated there is a genuine need to give, or receive support). Such family members must have been resident for a minimum period of one year.

We will allow registration for Homeless applicants to whom we owe a Relief Duty even if they have not obtained the full years residence as this is necessary to enable the authority to discharge its duty to rehouse them.

## **12.3 How you would lose your Local Connection**

You would lose your local connection if:

- Since applying to join the Housing Register you have moved outside the borough and no longer meet any other local connection conditions
- You had a local connection through your employment in the area, but this has changed. If you are or have been a member of the Armed forces please see Section 19.0

## 13.0 Qualifying Persons

Under S.160ZA(6)(a) a Housing Authority may allocate to individuals who are defined as “Qualifying Persons”. The authority may decide the classes of people who are, or are not, Qualifying Persons (with the exception of those already deemed ineligible (under S.160ZA (2) or (4)) and certain members of the Armed Forces as per section 19.0.

Ashford Borough Council may consider the following when deciding upon whether an applicant is a Qualifying Person. If they are found not to be a Qualifying Person this authority has the power to refuse them entry to the register.

### 13.1 Behaviour

An applicant will not be deemed as a Qualifying Person if they or a member of their household have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

In making a decision about whether a person is unsuitable, the Council will consider all the circumstances but will particularly take the following into account:

1. The existence of any criminal proceedings for or convictions for criminal offences.
2. The existence of any Civil Orders or Anti Social Behaviour Orders or pending procedures for such.
3. Any Court Orders for possession or pending actions for possession
4. Any other matters relating to the behaviour of the applicant or a member of his household such as:
  - Gained or attempted to gain property by giving false information as part of their application.
  - Assaulted, threatened, verbally abused or harassed an employee, agent or elected member of the council or RSL.
  - Have been convicted of financially defrauding a Local Authority

Where an applicant is not deemed a Qualifying Person, their application will not be registered and they will be informed in writing of the decision.

The Council will usually regard a person as non qualifying if the behaviour is sufficient to entitle the Council to obtain a court order for possession under s 84 Housing Act 1985 on any grounds mentioned in Schedule 2 Part 1 of that Act (other than Ground 8) and if they are, at the time of the application, still unsuitable.

Where it is felt that discretion may be exercised due to exceptional circumstances the authority may instead reduce their priority as detailed in section 14.0

Where a member of the household is deemed non qualifying on the grounds of serious behaviour, the application as a whole may be refused. This decision is at the discretion of the Housing Operations Manager.

## **13.2 Means Testing**

An applicant exceeding the means testing thresholds will not be deemed a Qualifying Person and their application will be cancelled. There are exceptions to this as outlined in section 17.0.

Where an application is made by a sole applicant where it is known that they have a partner with whom they currently or intend to live with, the income of both parties will be assessed as a whole whether or not both parties are approaching as applicants.

## **13.3 Local Connection**

An applicant that does not meet our local connection criteria (see section 12.0) will not be considered a Qualifying Person and will be informed in writing that they will not be added to the register and be considered for accommodation.

Armed Forces applicants as set out in section 19.0 and Right To Move applicants in section 30.0 will be excluded from this policy.

Further exceptions may be considered whereby a reduction in priority may be given (section 14.3)

## **13.4 Adequately Housed**

An applicant that is deemed adequately housed under this policy will not be considered a Qualifying Person and will be informed in writing that they will not be added to the register and be considered for accommodation.

Exceptions to this may be awarded Band D (or E) at Property Officer discretion but only in the following circumstances:

- Applicants with local connections to exception site developments. These applicants will be deemed ineligible for any other offer and have their priority reduced.
- Applicants over 50 (unlikely to qualify for a mortgage) may join the register for sheltered accommodation only and will have their priority reduced.

## **14.0 Reduction in Priority**

### **14.1 Finances**

#### **Means Testing**

Section 166A (5) of the Housing Act 1996 allows us to alter the priority of an applicant.

Applicants that meet or exceed the thresholds set out in Section 17.1 of this policy may have their priority reduced to band D if they are one of the Exceptions. The reduction in priority will be in place until their situation changes.

#### **Debts – Rent Arrears and Former Tenant Arrears**

We may also take into account, using section 166A (5) of the Housing Act 1996, current or former tenancy arrears due to non-payment of rent, charges for use and occupation or due to damage to the property owed to us or to another Local Authority or social landlord when prioritising.

If this applies to you, your application will be registered but you will be ineligible for an offer of accommodation until the debt is reduced to a reasonable level. A reasonable level is considered to be £400.

If your application is already registered but you falls into arrears which exceed £400, your application will become ineligible for an offer of accommodation.

If you are successful in a bid and your arrears are £400 or less, you will be given the opportunity to clear the arrears immediately (within 2 working days). If you are unable to clear the arrears then the offer will not be made.

We would not ordinarily make an offer of re-housing to any applicant with rent arrears of £400 or above and we would not allow an applicant to sign a new tenancy agreement unless they had a clear rent account. This is subject to the discretion of the Housing Operations Manager and exceptions may be made in exceptional circumstances where an agreement to repay the arrears is in place and being adhered to (see section 10.6 above).

If Court Action is being taken to get an outright possession or a Bailiff's Warrant for eviction, no offers of housing should be made without the agreement of a Housing Operations Manager.

If a housing register applicant is a tenant in the private sector and being removed from their property due to wilful or intentionally accrued rent arrears they will be awarded Band D on the housing register regardless of their other housing needs that would otherwise have obtained them a higher band.

If the housing register applicant is in temporary accommodation and being made an offer as part of their homelessness application, they will be required to pay any debt on their rent account prior to offer.



## **14.2 Worsened Circumstances**

Section 166A (5) of the Housing Act 1996 (amended by the Homelessness Act 2002) allows us to alter the housing priority of an applicant whose behaviour or the behaviour of a member of their household has affected their suitability to be a tenant.

The types of behaviour the Council may take into account are deliberately making your housing circumstances worse, for example by giving up secure accommodation such as with a Local Authority or Registered Social Landlord without reasonable cause.

Where this is the case an applicant's priority will be reduced to Band D for a period of two years although this is at the discretion of the Housing Operations Manager.

An applicant can also be considered as having worsened their own circumstances if they refuse an offer of suitable accommodation made to relieve (under section 189B) or prevent homelessness (under section 195).

## **14.3 Local Connection**

Where an applicant does not meet our local connection criteria (section 12.2 above) they would typically be deemed unsuitable for an offer of accommodation as they will not be a Qualifying Person (section 13.0 above).

Exceptions may be considered where the applicant is eligible for sheltered accommodation. However, they will be restricted to this form of accommodation when bidding and have their priority reduced to Band D. This enables the authority to make best use of hard to let stock.

## **14.4 Personal Housing Plan - Failure to Comply**

As part of new Homelessness Reduction Act 2017, there is a duty to assess and agree a personalised housing plan with our customers that approach due to threat of homelessness. You must cooperate with the plan and take the reasonable steps needed to prevent or relieve your own homelessness. Failure to cooperate with the plan and its reasonable steps can mean that the authority no longer has a duty to provide any further advice or assistance.

A reduction in priority (Band D) may be awarded on the housing register (low priority) for the period of non-cooperation (or until a successful appeal) if you do not take the reasonable steps to cooperate. This will only be applied where the Housing Options Officer responsible for the case has issued an advance warning notice.

Those that are vulnerable or unable to reasonably cooperate will not be subject to the downgrade.

## **15.0 Procedure for Deciding on Cases of Non Qualification / Reduction in Priority**

This decision is taken by a Property Officer and is based on the circumstances at the time of the application, taking account of all relevant circumstances, for example, the health of the applicant, any dependants or other factors.

A determination of an applicant's suitability to be a tenant will be objective and the decision will be taken with reference to relevant information such as Police or Environmental Services reports or by reviewing landlord's records. An applicant will be notified of any decision in writing and of the grounds for the decision (s 160 ZA (9) of the Housing Act 1996).

An applicant who has, in the past, not been deemed a Qualifying Person due to unacceptable behaviour may make a fresh application if they consider their behaviour should no longer be held against them due to changed circumstances. Unless there has been a considerable lapse of time, it will be the applicant's responsibility to show that their circumstances or behaviour have changed. We may ask you to provide us with two references from the police, probation services or your landlord.

A person whose priority is reduced will be notified in writing of the decision and the grounds for it and will be advised that they can request a review of the decision. An applicant will also be notified of any conditions of which it is likely that the council will require to be satisfied before a fresh application may be successful.

If it is decided that your application will be cancelled, suspended or have a band altered for a period of time, you will be notified of this and given details of:

- Any conditions of which the council is likely to require to be satisfied in order to reinstate your application or band before the expiry of the period
- Your rights to a review of the decision and how you can request a review of your application.

The kind of factors of which the council may indicate that it is likely to require to be satisfied in order to reinstate a band or to regard an applicant as Qualifying on re-application are reduction of rent, a change in circumstances or of immigration status, improved behaviour verified by at least two independent professional bodies or neighbours who have resided beside you for a reasonable period of time.

Where an applicant has worsened their own circumstances by refusing an offer of suitable accommodation made to relieve (under section 189B) or prevent homelessness (under section 195), the band may be reinstated if the offer was not found to be suitable upon the submission of evidence to support this.

## 16.0 Definition of a Household

The following are **'households'** for the purposes of this policy. Members of the same family currently living together including:

- § Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- § Relatives living together, including parents and children (and step children).
- § Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.

Other relatives such as grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins may be considered as part of one household if there is a permanent and independently proven need for the separate households to be housed together.

Where an applicant requests re-housing with an individual outside of their household, we will require independent confirmation that there is a permanent and significant medical or support requirement that they be considered as one household.

Children included within an applicants housing application must be resident with the applicant on a full time and permanent basis to be able to be considered as part of the household for the purposes of a housing application. We will require evidence of this. The only exception to this will be where there is a court order stating that the applicant has residency of the child for at least 50% of the time.

Where there is more than one child being considered for re-housing who are not resident full time, we may only award one additional bedroom.

Household members that are ineligible or non qualifying under the Housing Act and / or this policy may not be considered as part of the household when assessing housing need.

### 16.1 Bedroom Eligibility

In April 2013 the government introduced new rules whereby a tenant (of working age) with one or more “spare” bedrooms will have their housing benefit rate reduced. It is important to note that a “spare” bedroom for housing benefit purposes will differ from the current bedroom eligibility as set out within the Lettings Policy.

Therefore, a tenant accepting an offer of social housing that would currently be affordable could find themselves with a benefit reduction resulting in their property becoming unaffordable. If the tenant was unable to make up the shortfall in their rent, they risk the loss of their tenancy.

Applicants being offered accommodation with Ashford Borough Council will be made aware at registration stage and prior to sign up of any potential shortfall. Those applicants being offered accommodation with a Housing Association will be informed at offer stage and may then need to discuss the issue with their Area Manager.

If an applicant feels that they would not be able to afford the size of property to be offered under CBL criteria due to the shortfall in housing benefit, they may request an alteration of their application to allow a smaller bedroom eligibility. However, this “bedroom eligibility downgrade” may result in a reduction to their priority in some circumstances. An example is below:

*A family in a one bedroom property with a boy age 6 and girl age 8 will qualify for a three bedroom property on the housing register but will only be eligible for a two bedroom housing benefit rate. This may make a three bedroom property unaffordable and so they may request to be considered for two bedroom property instead. When bidding for three bedroom property their band would have equalled band B (lacking two bedrooms) but as they have given up their need for the third bedroom they only enter band C (lacking one bedroom).*

Ashford Borough Council has the right to withdraw an offer of accommodation on the basis that it is obviously unaffordable.

# 17.0 Means Testing

## 17.1 Applicants for General Needs Housing

Section s.160ZA (6)(a) Housing Act 1996 (as amended by the Localism Act 2011) allows the authority to decide who will be or will not be a qualifying person and section 166A (5)(a) of the Housing Act 1996 allows us to give less priority to an applicant who has financial resources available to meet their need

A person may not be deemed a Qualifying Person if they meet one of the following criteria:

- Exceed the income thresholds (benefits are included with the exception of Child Benefit, Housing Benefit and Maintenance payments)
- Have the means to purchase property on the open market or via shared ownership. As at 1<sup>st</sup> Feb 2018 a sheltered one bed flat can be purchased in the region of £130k.
- Have the means to privately rent suitable accommodation for a minimum of one years (i.e. savings see sections 17.2 and 17.3 below).

### Rent Levels

When considering rental values (for assessing ability to rent for one year or for savings depreciation calculation), we use the updated average rent levels which can be seen at [http://www.home.co.uk/for\\_rent/ashford/current\\_rents?location=ashford](http://www.home.co.uk/for_rent/ashford/current_rents?location=ashford)

### Thresholds

- 1 Bed Need = £30,000 per annum gross (before deductions)
- 2 Bed Need = £40,000
- 3 Bed Need = £40,000
- 4 Bed Need = £50,000
- 5 Bed Need = £50,000

The thresholds will be reviewed annually. Last review was March 2018.

Applicants exceeding the threshold or found to have the means to meet their own needs will no longer be deemed a Qualifying Person and their application will be cancelled. They will be informed in writing of this decision and the opportunity for review (See Section 37.0).

Exceptions :

- Applicants requiring adapted or specialist accommodation that cannot reasonably be obtained in the private sector
- Applicants with local connections to exception site developments. These applicants will be deemed ineligible for any other offer and have their priority reduced.
- Those wanting sheltered accommodation. These will only be eligible for sheltered accommodation and have their priority reduced.
- Transfer applicants (Ashford Borough Council and Registered Providers within Ashford) will not be deemed non-qualifying but may have their priority reduced unless under occupying or giving up specialist accommodation.
- Applicants over 50 (unlikely to qualify for a mortgage) may join the register but will have their priority reduced.

- Applicant accepted as Homeless where discharge into the private rented sector is not possible at current time.

Appeals over eligibility or reduction in priority on the grounds of means may be dealt with via a refused application to Homebuy and / or an expenditure sheet completed via Citizens Advice Bureau or StepChange which would show inability to sustain rental or mortgage repayments.

Their application for CBL will be held as Suspended until the results of the Homebuy application / expenditure sheet are received.

## **17.2 Owner Occupiers**

If an applicant owns a home, the equity available will be considered as part of the assessment.

If the home has been sold within the last 6 years we will use a depreciation calculation of equity received minus the approximate average yearly expenditure for rent for each year that has passed since the property was sold. If the property was sold more than 6 years ago we will not take this into consideration when assessing means unless funds are still available which should be disclosed as savings.

If the applicant has equity that would enable them to privately rent a suitable property for a minimum period of one year then they will not be deemed a Qualifying Person.

If you are an owner-occupier and need to move please give all details on your application. The Council's Property Officers will assess whether you can meet your housing needs from your own resources. In making this assessment we will ask you to give details of your income and savings, and two independent valuations of your property, also mortgage or other costs outstanding.

## **17.3 Savings**

If an applicant has savings, these will also be considered as part of the assessment.

If the applicant has savings that would enable them to privately rent a suitable property for a minimum period of one year then they will not be deemed a Qualifying Person.

## **17.4 Reduction in Priority for Means**

The decision to reduce an applicant's priority or deem them to no longer qualify is discretionary and all of the circumstances will be taken into account in making the decision.

At the initial interview/assessment stage of an application we would discuss the various options available and would take into account any high priority debts, i.e. rent arrears, council tax, gas, electricity, unpaid fines and maintenance. We will also consider threat of homelessness.

Where an applicant requires specialist accommodation (i.e. supported, sheltered or adapted as confirmed by a health professional) the Housing Operations Manager will decide whether a reduction in priority should apply on the grounds of means.

## **18.0 Health or Medical Problems**

### **18.1 Medical /Welfare Need**

Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Below are examples of where priority would be awarded.

#### **Band A – Urgent medical or welfare needs**

- Any life threatening illness being made worse by housing conditions
- A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property)
- Any person who requires specifically adapted accommodation which they are lacking i.e. fully wheelchair accessible.
- Any person who cannot be released from hospital until alternative accommodation is secured.

#### **Band C – People needing to move on medical or welfare grounds, including grounds relating to a disability**

- Severe mental health problems affected by current accommodation.
- Elderly persons with moderate to severe arthritis which significantly affects mobility (e.g. spine, legs) living upstairs or on a steep hill.
- Conditions requiring on going medical treatment, being very severely exacerbated by living conditions (e.g. extreme cases of asthma).
- Conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location.
- Any person who requires accommodation with a flush floor shower which they are lacking

To be assessed under this criteria we ask you to complete a medical form which is assessed firstly by a Property Officer. To confirm the situation we will where necessary and with the applicant's permission, contact their medical practitioner or request that their supporting agency complete a Kent Agency Assessment (section 18.3 below).

Where other members of the household who are on the application have medical /welfare problems we award the band based on the individual in the highest need.

Where other members of the household have a medical condition but are not on the application, we are unable to take them into consideration.

### **18.2 Physical Disability**

Where property for those with physical disability is needed, we take the advice of the Occupational Therapy Department, Kent County Council.

They advise on the property required, and on any extra adaptations needed. The points are in two bandings as per the Kent Agency Assessment (section 18.3), which reflect the need of the applicants, in managing the tasks of normal daily living, and how their present property affects them.

When an offer of this type of property is made, the offer may be subject to confirmation from the Occupational Therapist that it fully meets the applicant's needs.

Where the property doesn't fully meet your needs then an assessment will be carried out as to the nature, extent and cost of any (further) adaptations and a decision will be made about the suitability of the offer.

This is especially important where applicants have a need for an adapted three bedroom property as ground floor properties of this size are rarely available. However, offering an applicant accommodation that requires major adaptations to meet their needs will only be allowed where all other options have been exhausted.

### **18.3 Kent Agency Assessments (KAA)**

Under Kent Agency Assessments, Social Services, the Health Authority or other statutory sector agencies may request priority consideration for clients with special needs that are being adversely affected by their current accommodation. Examples would include a patient who cannot be discharged from hospital because their accommodation will adversely affect their condition, or a person whose mental health is being made worse by their accommodation and a move would improve their prognoses.

Referrals are assessed for either a Critical or Moderate need according to the severity of the applicant's situation with a corresponding band award. (see Sections 18.0 and 34.0)

If more than one KAA is received per household, i.e. one for each applicant, then the band will only be awarded against the KAA providing the highest priority.



## 19.0 Forces Applicants

Forces applicants are assessed under the same criteria as all other applicant.

However, further to the Localism Act 2011 and Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012/2989, regular armed forces applicants will not be subject to assessment under local connection criteria.

A relevant person under this legislation is a person who:

- is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where
  - (i) the spouse or civil partner has served in the regular forces; and
  - (ii) their death was attributable (wholly or partly) to that service; or
- is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

Where an applicant served prior to 5 years from the time of their application, they will be assessed under the local connection criteria.

Where the applicant is currently serving in the regular Armed Forces, we only assess the application when we have a confirmed date for discharge.

A decision of ineligibility for forces applicants, who do not meet the local connection criteria, will not be applied if an applicant can demonstrate that their welfare would be seriously prejudiced. Means testing will still be applied although lump sum compensation payments may be disregarded in exceptional circumstances.

For this purpose "the regular forces" and "the reserve forces" have the meanings given by Section 374 of the Armed Forces Act 2006.

### 19.1 Armed Forces Covenant

Whilst the Covenant does not confer any specific advantage for the armed forces community it does require that members (current regular / reserve personnel, veterans and service families) don't suffer any disadvantage as a result of their armed forces connection.

Under the Covenant, children of armed forces personnel (whilst still at dependent age) are considered part of the armed forces community regardless of the marital status of their parents (and so covered under the Covenant). The MOD encourage local authorities to include provision for separated/divorced spouses or civil partners as they transit out of the Armed Forces Community and therefore each application will be given due consideration to ensure that they are not disadvantaged.

## **20.0 Tied Accommodation for Farm Workers**

For Ashford applicants, this authority will inform the Employer and the Occupier of our decision within three months of a request for re-housing via an Agricultural Dwelling House Advisory Committee (ADHAC). If it is accepted the application will be registered and awarded band A.

Where Ashford Borough Council is under a duty under s 27 and 28 Rent (Agriculture) Act 1976 it has the power under this Lettings Policy to make a direct offer of suitable accommodation to the occupant of the dwelling-house concerned in order to comply with that duty.

A direct offer of accommodation will be made if the applicant has failed to bid or be successful in a bid within 8 weeks. If suitable property has not been available to bid for then we will consider extending the time that the applicant may bid before we make a direct offer.

## 21.0 Management Moves from Social Housing

In **very exceptional circumstances only**, the Head of Housing (in their absence delegated to a Housing Operations Manager) may authorise band A. In circumstances where Management Move band A have been awarded, this will be recorded and monitored.

Where band A is awarded, it will be applied to the application for a period of 8 weeks. After 8 weeks we will review whether you have been bidding for suitable properties. If you have not made effort to bid for suitable property or if you have refused suitable property then we will consider removing your band award. Alternatively, if suitable property has not been available to bid for then we will consider extending the time that the band is placed on your application.

Band A for Management Move can only be applied in relation to council tenants or housing association tenants in Ashford whose landlords have agreed to make any vacancy available to the council. The exceptions to this are sections (iv) and (vii).

Those awarded a Management Move will be subject to Automated Bidding to ensure that regular bids are made for available accommodation. Failure to accept a suitable offer made via an automated bid may result in the removal of the band award.

Consideration to awarding Management Move band A would only be given in the following circumstances:-

**(i) A Move Required On Grounds Such As Structural Problems with Property**

Management Move points would be awarded if you are a tenant of an Ashford Borough Council property and a move is required to enable structural problems with your property to be rectified.

**(ii) Discretionary Tenancy Succession Where No Rights Exist**

See section 22.1 below for details.

**(iii) Where an Ashford Borough Council Employee with a Tied Tenancy Is Leaving Employment**

Residential Scheme Managers with tied tenancies who have been satisfactorily employed by the Council for at least five years may be given management move points to obtain accommodation via the Housing Register when they leave service or are asked to leave their accommodation provided they are eligible under the criteria set out in this policy.

**(iv) Reciprocal Arrangements between Authorities for Enabling Cross Boundary Lettings in Cases of Extreme Need (Kent and Medway High Priority (Reciprocal) Scheme.**

In very exceptional circumstances, where it is of strategic benefit to the Authority, Housing Officers may negotiate a reciprocal letting arrangement with another Local Authority in Kent. Authority to agree to a reciprocal arrangement must be obtained from the Head of Housing. In the event that

authority is given, band A may be applied to the applicant nominated by the other local authority. The Band will only be applied following written confirmation from the other Local Authority that they will reciprocate with an urgent offer to a nominee of our choice as and when required.

**(v) Domestic Violence**

The Home Office defines Domestic Violence as “any violence between current and former partners in an intimate relationship, wherever violence occurs. The violence may include physical, sexual, emotional and financial abuse”

Ashford Borough Council works with victims of Domestic Violence to offer help and guidance and to try to resolve housing issues.

Where a case of Domestic Violence has been established and where the victim is unable to return home, the Housing Options Officer will look at all the housing options available to the victim. Where no other options are available the applicant will be given band A and, if they have been a tenant of the council or of an Registered Social Landlord immediately prior to the Domestic Violence, they will be allowed to bid for a property of the type and size that match their previous home.

**(vi) Crime and Disorder**

Where an applicant is a victim of a serious incident of crime or disorder in their current home or in the vicinity of their current home, Ashford Borough Council will work with the Community Safety Unit to enable them to stay in their home. However, where this is not possible and where the Community Safety Unit and the Council agree that it is unreasonable for them to continue to occupy their home, the Head of Housing may authorise band A.

**(vii) National Witness Mobility Scheme**

The National Witness Mobility Scheme (NWMS) is funded and managed by the Office for Criminal Justice Reform in the Home Office and works with police forces and housing authorities to streamline the process of rehousing seriously intimidated witnesses.

The purpose of this scheme is to enable witnesses to relocate outside their local authority area to a place of safety. In some circumstances within this category of management move only, the applicant may not currently be a tenant of social housing.

In cases of this nature NWMS will work with Ashford Borough Council in accordance with the provisions of the Housing Act 1996 and the Homeless Act 2002. This means that we will have a duty to investigate where we believe individuals are threatened with homelessness because it is not reasonable or safe for them to remain in their current home or because they are suffering from domestic violence. Households awarded Band A via the National Witness Mobility Scheme will be limited to 2 per financial year.

On occasion it may be necessary for the individual to apply for housing via our Housing Register and the Head of Community & Housing **may** consider authorising band A.

**(VIII) Discretionary Grant of New Tenancy after Joint Tenant Has Served Notice to Vacate**

Where a joint tenant provides this authority with an Notice to Vacate the tenancy will be terminated. A new tenancy may then be signed by the remaining tenant if the property is deemed suitable under this policy (section 22.2 below).

If the property is found not to be suitable i.e. it is too large, we will award the applicant band A so that they can secure an offer of suitable accommodation via Choice Based Lettings.

**(VIII) Strategic Award for Four Bedroom Downsizers**

A social tenant in Ashford living in a four bedroom plus property and under occupying by a minimum of two bedrooms will be awarded a Band A at the discretion of the Head of Housing but only where there is a proven need to move and a better use for the property strategically.

To encourage a move there is a short list of incentives that would be tailored to the tenant in Line with the Assisted Move options as authorised by the Housing Operations Manager.

**(X) FIT Termination**

Where a Family Intervention Tenancy has been conducted successfully and the applicant is ready and required to move on to suitable settled accommodation, the applicant will be awarded Band A and subject to the usual 8 weeks' time frame for bidding via Auto Bids.

**(XI) SAFE Project**

Where a SAFE Project Tenancy has been conducted successfully and the applicant is ready and required to move on to suitable settled accommodation, the applicant will be awarded Band A and subject to 12 weeks' time frame for bidding via Auto Bids.

Award of Band A under these circumstances is not automatic and it will only be given where the tenant is unable to return to their previous accommodation.

**(XII) Strategic Discretion**

Any other situation as agreed by the Head of Housing where a need to Transfer within our own stock has been evidenced and where it would be of significant strategic benefit to the authority. The reason for award must be evidenced and shown to be necessary, reasonable and proportionate.

## **22.0 Tenancy Succession**

### **22.1 Discretionary Tenancy Succession where no Rights Exist**

The Head of Housing will consider awarding band A for Management Move, if the applicant was living in the accommodation in question as his/her only or principal home at the time of the tenant's death and either

- (a) had been living with the tenant for the year prior to the tenant's death; and
  - (b) is a close family member, partner or carer
- or
- (c) the applicant has accepted responsibility for the tenant's dependants and needs to live with them in order to do so

In accordance with section 86A of the Housing Act 1985 (as amended by the Localism Act 2011) if the tenancy commenced on or after 1st April 2012, this band will only be available if the applicant was living in the accommodation in question as his/her only or principal home at the time of the tenant's death and be the deceased's tenants spouse or civil partner.

The applicant will be given a time frame of eight weeks to bid and obtain property of a size deemed adequate by Ashford Borough Council for their needs. This period can be extended only if a property of a suitable size is unavailable during this period.

Alternatively, the Head of Housing may grant a tenancy of the same property to the remaining occupant, should he/she see fit and should such an allocation have no adverse implications for the good use of the housing stock and should the applicant have sufficient priority under the allocation scheme. This type of allocation is authorised as an exception to normal letting arrangements under s 166A(6) of the Housing Act 1996. Applicants will be classified as a Transfer if they are succeeding the tenancy and as a Homeseeker if the tenancy has already been succeeded.

### **22.2 Discretionary Grant of New Tenancy after Joint Tenant Has Served Notice to Vacate**

The Housing Operations Manager may authorise the allocation of a tenancy to the remaining joint tenant following the notice to vacate in the circumstances that such an allocation does not have an adverse implication for the good use of housing stock and our ability to provide for housing need. This type of allocation is authorised as an exception to normal letting arrangements under s 166A(b) of the Housing Act 1996 and would allow the remaining tenant to apply for a fresh tenancy and the council to grant it.

In the circumstances that the allocation of the property would not be a good use of housing stock and would effect our ability to provide for housing need, the existing applicant will be given a time frame of eight weeks to bid and obtain property of a size deemed adequate by Ashford Borough Council for their needs. This period can be extended only if a property of a suitable size is unavailable during this period.

## 23.0 Homeless Applicants

Homeless applicants are expected to actively seek accommodation in both the social and private sector and to comply with the Personal Housing Plan.

In offering accommodation to homeless applicants, local authorities can discharge their legal duties to households in a variety of ways. Under Part VI of the Housing Act 1996 [as amended] and for the purposes of the allocation of social housing to homeless households, Ashford Borough will duly notify applicants that they have discharged their legal duty under the provisions of Section 193 (6) (c) of Part VII of the Housing Act 1996 [as amended].

For the purpose of this policy only, an applicant is categorised as Homeless (HML) when this authority owes a Relief Duty as advised by a Housing Options Officer. See Section 32.0. Those being assessed under the Prevention Duty will be classed as Homeseeker (H) until such time that they enter the Relief Duty.

Applicants that approached the authority as homeless prior to April 2018 are referred to as Legacy with those that approached after being referred to as HRACT.

A Legacy Case can bid for available accommodation via CBL but can also be made a direct offer under Part 7 of the Housing Act 1996. An Introductory Tenancy will be issued for 12 months.

There are two types of offer that can be made to HRACT Cases :

A final accommodation offer which is:

- an offer of an assured short hold tenancy to the applicant
- which is approved by the authority for ending the s.193C(4) accommodation duty, and
- which provides a fixed-term tenancy of at least six months.

A Final Part 6 Offer which is:

- an offer of accommodation under Part 6 of the Housing Act 1996, i.e. resulting from an allocation on the council's housing register
- which is made in writing, and
- which states it is a final offer for the purposes of section 193C.

Homeless applicants may also be offered accommodation in a Private Sector Leased property, see Section 23.3

### 23.1 Homeless applicants: Offers of Settled Accommodation in Social Sector

The council may make a Final Part 6 offer directly to a homeless household (HRACT Case) as permanent accommodation in order to relieve (under section 189B) or prevent (under section 193) homelessness.

The council may make a Direct Part 7 offer directly to a homeless household (Legacy Case) as permanent accommodation in order to end their duty under Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002).

In these circumstances the Local Authority will offer an introductory tenancy.

An applicant on an introductory tenancy which has been conducted satisfactorily for a period of 12 months will automatically be offered a Fixed Term tenancy.

Introductory tenants are usually prevented from moving via transfer within the first 12 months of their tenancy. However, applicants housed via a direct offer will be allowed to remain on the register if there is an identified and proven need to move to alternative accommodation.

Applicants will have their application removed if the property is considered suitable in size and type.

Alternatively, the authority may choose to refrain from offering social housing and instead discharge its duty directly into the private sector (section 23.2)

### **23.2 Homeless Applicants: Offers of Settled Accommodation in the Private Sector**

The council may make a Final Accommodation Offer of a property in the private sector to a homeless household as settled accommodation in order to relieve (under section 189B) or prevent (under section 193) homelessness.

An applicant's agreement is not required and it applies to both HRACT and Legacy Cases

These private rented sector offers must be 6 month Assured Shorthold Tenancies (or longer) and the accommodation must be suitable

Applicants have the right to request a review of the suitability of the accommodation.

Those that lose this accommodation intentionally may be subject to a band reduction on the grounds of "Worsened Circumstances" should they re-apply to the housing register.

### **23.3 Homeless Applicants in Private Sector Leased Property: Special Bidding Requirements under CBL**

Homeless applicants (in both Prevention and Relief stage) can be offered a non-secure tenancy for a Private Sector Leased property which is classed as Temporary Accommodation. They will be required to actively seek rehousing via the Choice Based Lettings Scheme.

If they have not successfully bid for property within the first 6 months of being registered, their application may be passed to the Property Support Officer who will bid regularly for a suitable property on their behalf or set up Automated Bidding.

Failure to accept a suitable property offered as a result of a successful auto bid can result in the discharge of the applicants Relief or Main Duty.

An applicant in a PSL property may receive a final offer of accommodation as detailed in 23.1 and 23.2.



## **24.0 Decant Applicants**

### **Applicants' Requiring a Move because of a Requirement to Decant them from their Existing Property as a Consequence of a Private Finance Initiative (PFI) or for Any Other Reason**

Ashford Borough Council tenants who need to move for the purpose of decanting them from their existing home will be awarded band A and allowed to bid for properties in accordance with the policies set out within this document.

If they have not successfully bid for property within the first 6 months of being registered, their application may be passed to a designated officer who will bid regularly for suitable sized property on their behalf or set up automated bidding. Occasionally, for the purposes of meeting any targets set within the terms of the PFI, it may be necessary to make a direct offer of property.

It is at the discretion of the Head of Housing whether this policy be applied to tenants of other social landlords where the landlord cannot meet the need themselves and where it would be of benefit for the borough for Ashford Borough Council to assist.

Where a block of flats is being decanted and the residents registered for CBL on the same date, priority on the shortlists will be determined firstly by eligibility for the property and then by date of occupation.

## **25.0 Care Leavers: Award of Band**

Where an applicant applies to us upon leaving care and is aged between 18 and 21 and has been in care for a consecutive period of two years then they will be regarded as a vulnerable applicant and at risk without secure accommodation and will be awarded a band C as such. A reduction of band for care leavers who do not meet the local connection criteria, will not be applied if an applicant can demonstrate that their welfare would be seriously prejudiced. For these applicants, additional local connection criteria may be considered such as to establish a connection of some kind with the borough such as a resident family member or past residence.

## 26.0 Key Workers

Key workers should visit [www.helptobuyese.org.uk](http://www.helptobuyese.org.uk) to investigate their housing options as they are no longer routinely prioritised for social housing via Choice Based Lettings in Ashford. There may however be the rare exception as set out under a specific Local Lettings Plan or by a particular Landlord.

A key worker is usually defined as a police officer, nurse, doctor, schoolteacher, firefighter or person whose work is of particularly high importance to the well-being of the community and who works in the borough of Ashford or within a 20 mile radius from the borough boundary. A decision of who qualifies as a key worker will be determined by the Housing Operations Manager, with a right of appeal to Members. A supporting letter from your employer may be required.

The decision as to whether an applicant qualifies as a key worker may be determined before or after an applicant has made a bid for property earmarked for priority for key workers under the Choice Based Lettings Scheme.

## 27.0 Over 50's Schemes and Assessment

### 27.1 Sheltered Accommodation

These schemes provide tenants with their own independent home and there is usually a communal area for social activities. Sheltered Housing Schemes also provide housing related support to those that need it. Most schemes are very active, with clubs, classes and social functions available.

Accommodation varies in each scheme, but normally consists of flats of various styles and sizes, and 7 of the schemes have a few one or two bedroom bungalows. There is a guide about sheltered property that gives more information, if you would like a copy please contact the Housing Management Team on 01233 330688 who will be happy to send you one or look online at [www.ashford.gov.uk](http://www.ashford.gov.uk).

This type of property is for older people with support needs and a decision on an applicant's need and level of required support and their eligibility for sheltered housing would be made by either a Property Officer or by a Scheme Manager either at the time of application to the housing register, at point of shortlist or at an applicant's request.

Occasionally we will consider an applicant who is younger than 50 where this would be the best use of the property and where it provides the best solution to an applicants needs. Some schemes run by Housing Associations, however, specify that you must be aged 60 or over.

A needs assessment helps us to decide whether you would be suitable for Sheltered Housing. The assessment will look at some of the following:

- Do you require assistance with mobility in your home
- Do you require assistance with mobility outside of your home
- Do you need assistance with organising your finances
- Do you currently have a care package
- Are you able to cope with routine household chores yourself?
- Are you isolated or vulnerable as a result of a condition or your age?

Where the Scheme Manager does not consider that you are suitable for Sheltered Housing, your case would be referred to the Housing Operations Manager (Older Persons Services) for a decision.

If you are not considered suitable you may not be offered Sheltered Housing.

When allocating sheltered properties the hierarchy of priority is as follows:

1. Preference to those assessed as requiring sheltered accommodation and over 60 and then over 50.
2. If no such applicants then preference to those over 60 years of age (without assessed need)
3. If no such applicants then preference to those over 50 years of age (without assessed need)

## **27.2 Non Sheltered**

Our bungalows, and some designated blocks of flats (Ferdinand House, Engineers Court and Martin House) are for over 50's only.

Our non sheltered bungalows are for over 50's only unless it has full wheelchair access or a flush floor shower present, in which case priority is for those in need of those adaptations as confirmed by a medical professional such as an Occupational Therapist.

Occasionally we will consider an applicant who is younger than 50 for an un-adapted over 50's property where it would be the best use of the property and where it provides the best solution to an applicants needs.

St Mildred's in Tenterden is not age restricted but there are many older residents in situ and so whilst these will not be designated over 50's flats we will let any vacancies sensitively which means that we will carefully select the incoming tenant to compliment the existing community.

## **27.3 Extra Care Sheltered**

Extra Care Sheltered Accommodation is for over 55's with a confirmed care requirement.

There are currently four schemes in Ashford advertised via Choice Based Lettings:

- Joseph Hadlum Court (Housing & Care 21) - Ashford Town Centre
- Chamberlain Manor (Housing & Care 21) - Ashford Town Centre
- Quarry House (Housing & Care 21) – Aldington (Local Connection Scheme)
- Spires (West Kent Housing Association) - Tenterden

Priority is not based on the housing register position alone. Instead a panel meeting is held for each available property to discuss the interested applicants and establish the most suitable candidate.

If you are interested in these properties, you should apply to our housing register at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) and contact Adult Social Services (03000 416 161) to request an assessment of your care needs.

Chamberlain Manor has a proportion of flats available for shared ownership. You should contact Housing & Care 21 (0345 608 4021) if you are interested in these properties.

## **28.0 Under Occupation**

### **28.1 Assisted Move - Eligibility Criteria**

This scheme helps tenants who are currently living in Ashford Borough Council owned, family size accommodation and who wish to move to smaller accommodation via the Choice Based Lettings Scheme.

To qualify you must be a tenant of this Council and your rent account must be at an acceptable level as agreed with the Housing Operations Manager depending on the individuals' circumstances.

For applicants in family sized accommodation you must also be aged 50 years or above and be moving from a house, flat or maisonette with at least two bedrooms to a smaller flat or bungalow. If you meet these criteria, you would be given Band B for under occupation / releasing family sized accommodation and would be advised via your registration letter that you are eligible for the Assisted Moves Scheme.

The property you move to may be owned by the Council or a Housing Association.

We undertake all arrangements, including disconnection and reconnection of things such as telephone, T.V. cooker, washing machine. In addition we may be able to make a cash payment. The cash payment will be subject to a clear rent account and upon the returned property having not been subjected to abuse.

The payment values are:

- £1000 for downsizing and releasing family accommodation
- An additional £500 for those releasing four bedroom accommodation
- An additional £1000 if transferring to a sheltered bedsit.
- Where a tenant is unable to fully clear the property, we may provide assistance although this is the discretion of the Senior Neighbourhood Manager.

This scheme as detailed above is also extended to include any tenant left in occupation of a property fully adapted for the use of a disabled person where the need for the adaptation no longer exists.

### **28.2 Under Occupation and bedroom eligibility**

A social tenant within Kent that is under occupying may be entitled to a minimum award of Band C (Band B if within Ashford) unless they fail to be a Qualifying Person or require a band reduction.

A social tenant within Ashford (over 50) that is under occupying and wishing to downsize with a one bedroom requirement may apply for two bedroom older person's accommodation in the interests of releasing large family sized accommodation. They will have the same level of priority as those with a one bedroom need.

This will only be permitted if the applicant is state pension age or if the tenancy is considered as financially sustainable by the Senior Area Manager (Income and Arrears) who will make a decision based on the current rent account, the applicant's

income and after discussion with the applicant to advise how much they would need to pay and the repercussions of rent arrears.

### **28.3 Assistance for Remedial Works**

Where we need to carry out any remedial work, and the nature of the work means the tenant/s cannot reasonably remain in occupation, we provide suitable alternative property. We arrange for the move and the return to the property when the work is completed. This includes disconnection and reconnection of services, telephone etc.

## **29.0 Applicants in Prison**

A band cannot be awarded until your day of release and upon confirmation of your living circumstances. An appointment should be made to see a housing adviser immediately upon release to discuss housing options and to provide a correspondence address.

If an applicant is to be homeless upon release the homeless protocol should be submitted by the prison relocation officer prior to the date.

### **29.1 High Risk Offenders – Special Arrangements**

The housing of High Risk Offenders will be carried out as part of a multi-agency arrangement with the police, probation services, social services, health professionals and other relevant bodies. An area and type of property acceptable to the council, taking into account the advice from all other agencies, will be agreed and a High Risk Offender will be offered a limited amount of choice via the Choice Based Lettings Scheme. The address of the Offender will be disclosed to the relevant agencies.



## 30.0 Right To Move

The government has issued Right to Move - Statutory guidance on social housing allocations for local housing authorities in England.

The purpose of Right to Move is to allow existing social tenants to apply to move across local authority boundaries and not be disadvantaged by Local Connection criteria with the intention of preventing hardship and encouraging tenants into work.

The Right to Move regulations prevent local authorities applying their usual local connection criteria to existing social tenants who work in the borough or need to take up an offer of work where hardship would be experienced if they continued to live in their current location. Existing local connection criteria for Ashford states that the applicant must have worked here for a minimum of one year and so this will be expanded for Right to Move applicants with the removal of the one year timescale and to include those that have offers of work.

When considering the definition of work for this purpose, the guidance document sets out what should be considered and the authority will satisfy itself that the work is genuine and appropriate.

In terms of the priority awarded to such applicants the guidance advises that existing social tenants should be given reasonable preference. Band C will be awarded to those meeting the Right to Move criteria only. If they have additional housing needs, they will be able to attain the higher bands if appropriate.

However, Band C would result in a two to three year wait for rehousing due to low supply and so the hardship experienced could result in loss of the employment or inability to take up the offer. Therefore, to assist such applicants the government advises a Right to Move quota be implemented whereby a small proportion of properties per year (1% equating to approximately 6 properties for Ashford) are set aside and prioritised for these applicants.

The Right to Move quota will be reviewed and monitored after the first year and annually after.

## 31.0 Rural Local Connection Criteria

### **(Excluding Local Needs Schemes) - Sustaining Village Communities in Conjunction with the Affordable Rural Local Needs Housing Guidelines**

The Council's policy is that over a two year period, 50% of properties from the Parishes listed in the tables below will be offered to an applicant who meets the local connection criteria.

When re-letting Council and RSL properties in the parishes indicated in the table below we will give priority to applicants who have a housing need and who fulfil the following local connection criteria:

- Have lived in the parish for a continuous period of at least 5 years immediately before making an application.

or

- Have lived in the parish for any period totalling at least 7 years within the previous 10 years immediately before making an application

or

- Have been employed for the previous two years in either a full-time or part-time capacity within the parish (part-time is defined as a minimum of 10 hours per week)

or

- Need to move into the parish or an adjoining parish to take up full-time employment where the role is pertinent to the local community

or

- Need to return to the parish to enable the applicant to either give or receive support to or from an immediate family member (for these purposes immediate family encompasses a parent or parents, a child or children, a sibling or siblings or other relationship where it can be demonstrated there is a genuine need to give, or receive support).

So that we can fulfil this policy, with the exception of Sheltered Housing, all vacancies within the parishes specified below will be advertised with priority to be given to an applicant who meets the local connection criteria. The only exception to this will be if the 50% has already been met.

The percentage of properties let to those with a local connection will be monitored quarterly with a report in the Housing Services Quarterly Performance Report.

The parishes this policy relates to are the small parishes. We have used the Statutory Instruments 1307 and 625 as a guide to inform our choices with a few exceptions.

## Local Connection Parishes

*Aldington & Bonnington	*Appledore	*Bethersden	*Biddenden	Bilsington
Boughton Aluph & Eastwell (Goat Lees)	Brabourne	Brook	*Challock	Charing* & Charing Heath
Chilham and *Old Wives Lees	Crundale	*Egerton	*Godmersham	Hastingleigh
*High Halden	Hothfield	*Kenardington	Little Chart	*Mersham & Sevington
Molash	Newenden	Orlestone/ Hamstreet	*Pluckley	*Rolvenden
Ruckinge*	*Shadoxhurst	*Smarden	*Smeeth	*Stone-cum-Ebony
*Warehorne	Westwell	*Wittersham	*Woodchurch	*Wye with Hinxhill

\*denotes a village with an existing Local Needs Scheme

**NB** Due to the current insufficient demand, the Local Connection policy excludes Sheltered Housing.

Tenterden with St Michaels, Great Chart with Singleton, Kingsnorth and Stanhope are not local connection parishes.

Boughton Aluph and Eastwell are combined for the purposes of Local Connection and the boundary extends into parts of Kennington. We are currently unable to record local connections for Kennington and so when allocating properties in Boughton Aluph and Eastwell we will use Council Tax records to confirm current residence within the village boundary. We cannot guarantee to note other connections such as family support, employment or previous residence unless you have stated that your connection is to Boughton or Eastwell specifically.

## 32.0 Groups on the Housing Register

All applicants will be placed in one of three groups which record housing need. The criteria for being placed within each group is as follows.

### **HWL** - Housing Waiting List (Homeseeker)

The largest group on the Housing Register, it includes:

- Applicants for general needs housing inside Ashford who do not yet reside within Social Housing
- Applicants for general needs housing outside Ashford who reside within Social Housing
- Applicants in supported accommodation where the support is no longer required and those who require specialist or supported accommodation.
- Those households who have made a Homeless application to this Authority where a Prevention is owed but the Relief or Main duty has not been accepted.

### **TRF** - Transfer

This group is for existing Ashford Borough Council and Housing Association tenants who reside within the Ashford borough.

### **HML** – Homeless Group

Those households who have made a Homeless application to this Authority where a Relief Duty is owed but the Main Duty has not been discharged. Applicants who would fall into this group include

- Those placed in Temporary Accommodation properties where the Main Duty has not yet been discharged
- Those placed into a social home on an introductory, non-secure or an Assured Shorthold tenancy, but who require a move to more suitable property in order to discharge the Main Duty

## 32.1 How we Decide which Group is Offered Each Property

When allocating a property that does not have a specific local connection stipulation, or is not earmarked for applicants meeting special criteria (e.g. key workers or households with a need for a fully adapted property) a quota system will be operated. The aim of the quota system will be to offer the properties advertised through the Choice Based Lettings system to applicants in different groups on the register, consistently with the statutory duties to high priority applicants. When deciding on the percentage of properties to be apportioned to each group, direct offers will be taken into account for the HML group.

HML 25% of properties to be offered to Homeless applicants to ensure in conjunction with the Homelessness Strategy that we are ensuring that sufficient homes are made available in order to fulfil our statutory duties.

HWL 37% of properties to be offered to Housing Waiting List applicants in order to balance the needs of applicants applying for social housing for the first time with other priority groups to comply with the reasonable preference criteria

TRF 38% of properties to be offered to transfer applicants, this is to ensure that we are enabling movement within the existing stock and creating vacancies. We also need to ensure that other housing association and council tenants are moved on to ease overcrowding and again, to create mobility within the housing stock.

In addition, we need to ensure that we are rehousing those tenants requiring a decant from their existing home as a result of the regeneration meeting our commitment to our Private Finance Initiative Scheme (PFI) to rehouse those tenants requiring a decant from their existing home as a result of the regeneration.

- (a) The council has the right to prioritise a group for an offer of accommodation if it is necessary to do so in order to meet its targets for lettings to each group. If a group is prioritised for the offer, the offer will be made to the applicant with the highest priority in that group. If that applicant rejects the offer, the offer may be made to applicant with the next highest priority in that group.
- (b) In the absence of any group being prioritised for the offer, the offer will be made to the applicant with highest priority overall.
- (c) An offer will only be made after a person's suitability for the offer in terms of size and type of accommodation has been confirmed.
- (d) In the event that 2 applicants at the top of the list have the same band and priority date, the offer will be made to the applicant whose application was completed first (i.e. all information submitted)

These quotas will be monitored and adjusted on a quarterly basis and reported in the Housing Services Quarterly Report.

## **32.2 Subgroup Prioritisation**

Within the three main groups there are subgroups. Where necessary this authority may choose to prioritise adverts to a subgroup to enable pressures and priorities to be managed effectively.

We may prioritise a proportion of properties for Ashford Borough Council tenants that have been seriously financially affected by the government's recent changes to HB eligibility criteria (Social Size Criteria).

Such applicants must have had an assessment undertaken by their Area Manager that confirms their need to move as a priority.

## **32.3 Withdrawing Properties**

It is sometimes the case that properties may be withdrawn from Choice Based Lettings for strategic purposes. Direct allocations are recorded.

## **32.4 Sensitive Lets**

Where a vacancy arises in an area that has been subject to a significant level of antisocial behaviour it may be advertised as a sensitive let. This means that priority may not be given to the applicant in the highest priority in the interests of sustainable communities.

## **32.5 Right To Move**

We will prioritise 1% of properties per year under this scheme. See section 30.

## **32.6 Street Purchases**

Ashford Borough Council currently has a programme of purchasing properties from the open market, to increase our level of stock and thereby reduce the amount of costly temporary accommodation required for homeless households.

All street purchase properties will be advertised through Kent Homechoice and allocated as follows, except where it has been agreed that a tenant may remain in situ:

- Ashford Borough Council Transfer tenants thereby creating a void within our stock that will subsequently be offered to a Homeless applicant living in temporary accommodation

Or

- Our Homeless category applicants

The quota of allocation to the Homeseeker group will be provided through voids arising from current stock from this Authority and Housing Associations.

## 33.0 Property Categories

The table below shows the size and type of property suitable for different household groups. Applicants will only be considered for the property sizes/types as shown below unless there is an independently proven need for an alternative form of accommodation or they have requested a “bedroom eligibility downgrade” (section 16.1)

Property	
One bedroom flat or studio flat	Single Person or Couple (any age) including expected baby unless stated otherwise.
Flat or maisonette with two bedrooms	Family with one or two children of same sex* /2 adults who do not live as a couple e.g. parent and adult child, adult siblings, person needing care and carer. Pregnancies not included.*
Flat or maisonette with three bedrooms	Family with two, three or four children. Pregnancies not included*
House with two bedrooms	Family with one or two children of same sex. Pregnancies not included.*
House with three bedrooms	Family with two, three or four children. Pregnancies not included*
House with four or more bedrooms	Family with four or more children. Pregnancies not included*
Bungalow with one or two bedrooms, or a general needs property appointed for those over 50	Couple/Single Person (over 50). Downsizing applicants in Ashford (and over 50) with a one bedroom need may equally be considered for two bedroom bungalows if financially viable, see Section 28.2.
Property within a sheltered housing scheme	Couple/Single Person (over 50) Applicants may need to have a need for supported housing as determined by a Lettings Officer or Scheme Manager.
A specialised property for those with permanent physical disability	Applicants with a permanent need for this property as confirmed by a medical professional.
<p>*This applies to those who have children permanently living with them and would not normally include pregnancies.</p> <ul style="list-style-type: none"> <li>• Discretion may also be awarded in connection with bedroom eligibility as per section 16.1 above and 33.1 below.</li> <li>• For houses, preference is given to families with children under 16 years old with the exception of Housing Association properties. This rule does not apply where an Ashford Borough Council house has an adaptation such as a flush floor shower.</li> <li>• Adapted houses will be prioritised for families with permanently resident children regardless of their age.</li> </ul>	

### **33.1 Choice Based Lettings Bedroom Eligibility Criteria**

- One bedroom is required for every couple
- One bedroom is required for every single person that cannot be paired with another
- One bedroom is required for two children of the opposite sex until at least one reaches the age of eight years old.
- One bedroom is required for two children of the same sex until at least one child reaches the age of eight years old and there is an age gap of eight years.

Exceptions may be made where

- medical evidence is supplied that confirms a need for separate bedrooms
- the applicant is a tenant of Ashford Borough Council, over 50 years of age and is under occupying. See Section 28.2.

Please note that bedroom eligibility for assessment under the Lettings Policy currently differs from that used in connection with Housing Benefit calculations and therefore a “bedroom eligibility downgrade” (section 16.1 above) may be requested if necessary.

### **33.2 Assessing Bedroom Size**

There may be occasions where applicants with two children of the same sex are occupying a property with a very small second bedroom. If when assessing the size of the second bedroom it is established that it would not be possible to fit a second cot, bed or bunk bed into the room we may award Band C for lacking a suitably sized bedroom.

When assessing the size and suitability of a second bedroom, the ages of the children will be considered (i.e. very young children would not be expected to occupy bunk beds safely whereas older children could manage sufficiently). We may also consider the use of the other rooms available i.e. can the main bedroom be more suitably used by the children.

Whilst a band would be awarded for lacking a bedroom under the above circumstances, the applicant would be eligible for a property with the same number of bedrooms only but with a larger second bedroom.

A bedroom that is under 54 square feet would not ordinarily be considered as a bedroom and may be discounted for the purposes of assessment.



## 34.0 Housing Need Bands

The following table is a description of housing needs bands applicable to all groups on the housing register and the circumstances in which they can be awarded.

### Band A – Urgent housing needs

Applications from persons who meet the following criteria:

	Tick
High KAA or urgent medical / welfare needs as agreed with this authority (see section 18.1 above)	
Management Transfer (section 21.0) including social tenants in Ashford under-occupying and releasing four bedroom accommodation	
Land / Rent Act - Where it is not possible to provide a permanent tenancy immediately but where subject to the Land Compensation Act 1973 or The Rent Agricultural Act 1976	

### Band B – Serious housing needs

Applications from persons where none of the above in Band A applies but who meet the following criteria:

Major overcrowding - Lacking two or more bedrooms.	
Living in supported housing where support is no longer required under MOP.	
Category one hazard exists which cannot be resolved within a reasonable time. Must be confirmed by this authority	
Social tenants in Ashford under-occupying and releasing family size accommodation of two or three bedrooms.	
Social tenants in Kent (outside Ashford) under-occupying by two or more bedrooms.	

### Band C – Reasonable preference

Applications from persons where none of the above in band A or band B applies but who meet the following criteria:

People who are Homeless.- Main Duty Accepted section 193 Housing Act 1996	
Those that have been identified as being owed a Prevention or Relief Duty under Part VII of the Housing Act 1996	
Sharing basic facilities (kitchen, bathroom/WC)	
Minor overcrowding - Lacking one bedroom	
Lacking Basic facilities (kitchen, bathroom, inside WC)	
Social tenant in Kent (outside Ashford) under-occupying by one bedroom.	
Property in disrepair, with a Category 1 hazard that can be resolved within a reasonable timescale.	

Property Unfit - Lacking cold / hot water supplies, electricity, gas, or adequate heating	
Living in insecure housing - Where an applicant is required to leave supported accommodation which is not covered by the MOP. Or care leavers who lack secure accommodation.	
Moderate Kent Agency Assessment or significant medical/welfare need	
Mobility within Kent where hardship would occur / is present without a move i.e. in order to give or receive care, access specialised medical treatment, or to take up a particular employment, education or training opportunity where failure to meet that need would cause hardship. Social tenants may instead be assessed as Right To Move (see below)	
Right To Move – Social tenants only where hardship would occur / is present without a move in relation to “work” where failure to meet that need would cause hardship. See section 30	

### **Band D – General**

Applications from persons where none of the above in band A, band B or band C applies, or:

Adequately Housed (Has local connection and is without means)	
People who are intentionally homeless or worsened circumstances	
People who are homeless (owed duty) by another local authority under section 193(2) or occupying accommodation secured by any such authority under section 193(3) of the Housing Act 1996 or owed equivalent duty under housing act 1985.	
Where band A, B or C applies but the applicant is unreasonably non-compliant with their personal housing plan and have received adequate warning	
Where band A, B or C applies but they have no local connection with the district.	
Where band A, B or C applies but they meet or exceed the financial threshold	

### **Band E – General without priority**

Applications from persons where none of the above in band A, band B or C applies, and:

No local connection with the district	
Meet or exceeds the financial threshold	

## **34.1 Assessment Restrictions**

### **Notice to Vacate**

Applicants that are private renting and that have been issued with a notice may be awarded Band C from the date that it is provided regardless of Priority Need. This is only the case where the notice is correctly served, the deposit has been protected and where the applicant has demonstrated that they have not worsened their circumstances.

### **Hazards**

If an applicant agrees to accept an otherwise suitable private rented property with outstanding repairs on the basis that there is an agreement in place between landlord and tenant (such as a reduced rent) they will be ineligible to join the register on that basis even if there are Category 1 Hazards present that were already in existence. Exceptions to this will be at the discretion of the Senior Property Officer, or Housing Operations Manager in her absence. Those with hazards present will be advised to contact the Private Sector Team.

Applicants in social housing where there are issues with disrepair will be directed to contact their landlord for resolution and will not be eligible for the register on the basis of any hazards present. Exceptions to this are outlined at Section 21.0 Management Moves or may be made by the Senior Options Officer, or Housing Operations Manager in her absence, if there is an additional and significant medical condition exacerbated by the presence of an unavoidable and / or unintentional hazard on the part of the tenant.

### **Repossession**

An applicant that owns their own suitable accommodation but is facing repossession will be deemed ineligible on the grounds that they are adequately housed until the point that they have vacated (due to eviction) or meet alternative banding criteria.

### **Move On**

Applicants in supported accommodation in Ashford that have been nominated by their accommodation provider under the Move On Protocol will be awarded band B although this can be removed at the request of the nominating organisation.

### **Separating Household in Suitable Accommodation**

Where a household are separating and occupy suitable accommodation, they will be directed to receive Legal Advice. Where a family with children may have rights to remain in the property they will be expected to explore and exercise those rights for prior to application processing. The applicant without rights may then be considered on the register but all usual eligibility criteria still applies. Any applicant that has failed to exercise their rights to remain in a property that would be deemed suitable and affordable will have worsened their circumstances and will as such be subject to a reduction in priority.

### **Tenancy Sharing**

If an applicant chooses to rent a property in conjunction with another household (i.e. both households are named on the tenancy agreement, or the applicant on the agreement sub lets to another), we will not award a band for sharing a property.

## **34.2 Band Award Date**

An applicant's priority date is the date of registration or the date that they entered a higher band. If their band is downgraded at any point, their original application date or band date (if returning to a previously awarded lower band) will be used.

The priority date of higher band entry is the date of the assessment and formal award of that band. A date of registration will be altered after three months if an applicant has failed to provide information causing an assessment delay. The registration will then be moved to the date of all information being supplied. A Senior Property Officer may give discretion if there are satisfactory reasons for the delay.

## **34.3 Lower Demand Properties**

Where there are no expressions of interest from eligible applicants, a property will be re-advertised or used as emergency accommodation

If a property is not let after two submissions to Kent Homechoice, it may be directly offered to a suitable applicant without the requirement to bid as long as they are registered and assessed under this policy.

## **35.0 Elected Members Involvement in Decisions**

The Allocation of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) prevents a housing authority's elected members' involvement in allocation decisions when either:

- (a) the unit of housing accommodation concerned is situated in their electoral ward or
- (b) the person subject to the decision has their sole or main residence in the member's electoral ward

In consideration of legal guidance and best practice Elected Members will not be involved in decisions regarding the allocation of individual properties within the Ashford Borough Council area. This does not prevent a member from seeking or providing information on behalf of their constituents. Elected members remain responsible for determining allocation policies and monitoring their implementation. The regulations do not affect elected members being involved in policy decisions that affect the generality of a ward's accommodation.

## **37.0 Appeals Procedure**

An applicant has a right to request a review of their application if they are dissatisfied with any decision made in relation to their housing application. The Council operates a two stage appeals procedure.

The first stage is for a request for a review to be made to the Housing Operations Manager within 21 days of receiving notification of the original decision. The decision made by the Housing Operations Manager will be notified to the applicant in writing within 28 days.

If the applicant is still unhappy with a decision then they may apply for a further review by an Appeals Panel, which is made up of Elected Members. A request of this type should be submitted within 21 days of receiving the second notification of decision and should be made to the Housing Operations Manager. A request for a further review will be passed to Legal and Democratic Services to arrange an Appeals Panel Hearing. You will receive written notification of the date of the Appeals Panel giving you at least 7 days notice.

## 38.0 Complaints

We aim to provide a high standard of customer care and to treat every application equally. If you don't think we have dealt fairly with you then you are free to ask for an explanation. If you are dissatisfied with our explanation then you can make a formal complaint to:

The Head of Housing  
Ashford Borough Council  
Civic Centre  
Tannery Lane  
Ashford, Kent TN23 1PL

Telephone: 01233 330688  
Fax: 01233 330425  
Email: [cbl@ashford.gov.uk](mailto:cbl@ashford.gov.uk)

Your complaint will receive a written acknowledgement within 3 working days. A full response will be sent within 15 working days. If you are not satisfied with the response you have received you may contact the Deputy Chief Executive at the Civic Centre. Further information regarding Ashford Borough Council's complaints procedure is available via our website or from the Council offices.

If you are still not satisfied by our response you may wish to contact one or all of the following agencies for advice:

Citizens' Advice Bureau  
Seabrook House  
Church Road  
Ashford, Kent  
TN23 1RD  
Telephone: 01233 626185

Shelter  
[www.shelter.org.uk](http://www.shelter.org.uk)  
Freephone National Helpline

Telephone: 0808 800 4444

### Your Local Councillor.

If you do not know who your Councillor is, a full list of Councillors is available at the Council Offices – just ask one of our staff members. The list is also available on the Council's website at [www.ashford.gov.uk](http://www.ashford.gov.uk)

### Your Member of Parliament.

Damian Green MP  
House of Commons  
London SW1A 0AA

Telephone: 020 7219 3911  
Fax: 020 7219 0904  
Email: [greend@parliament.uk](mailto:greend@parliament.uk)

(As a result of forthcoming changes to the boundary commission, after the next general election, the Member of Parliament for those residing within the Saxon Shore Ward will be different to the rest of the Ashford Borough)

If you have followed the Council's complaints procedures and are still not satisfied with the response you can also contact the Local Government Ombudsman Advice Team at the following address:

Local Government Ombudsman,  
PO Box 4771  
Coventry CV4 0EH

Advice Line: 0845 602 1983 email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)  
Or you can visit the website [www.lgo.org.uk](http://www.lgo.org.uk)

## **Part 3**

### **Local Lettings Plans and Local Needs Schemes**



## **39.0 Lettings Plans and Local Needs Schemes**

### **39.1 Local Needs Schemes**

Local needs schemes are special schemes for letting properties owned by Registered Social Landlords in rural areas. This is not housing stock to which the Housing Act 1996 Part VI applies and the schemes do not form part of the council's housing lettings policy. However, properties available for let under the schemes are advertised on the Choice Based Lettings system.

The purpose of the rural needs schemes is to let affordable rural homes to people who meet specified local connection criteria, thereby enabling people to remain in the village where they have lived and worked rather than being forced out by high house prices or rents.

The requirement to meet the special local connection criteria are stated in the Affordable Rural Housing Needs Guidelines and will be clearly stated on any advertisement for local needs properties which appear on the Choice Based Lettings system.

To find out the criteria for local needs schemes contact the Housing Strategy Officer.

### **39.2 Existing and Future Local Lettings Plans**

The Local Lettings Plan is a discrete lettings policy which forms part of the main housing lettings policy. It applies to a limited part of the housing stock (whether council owned or RSL owned, to which the council has nomination rights). Under the local lettings plan special criteria are applied to determine to whom properties are offered in order to address an identified social need, for example the need to build or maintain a sustainable local community.

The council may consider in relation to new housing developments, and, exceptionally, in relation to existing sites, whether there is a need for a local lettings plan.

The council will monitor the impact of the lettings plan in order to ensure that, overall, the policy as a whole accords reasonable preference to applicants entitled to it under Housing Act 1996 Part VI.

Please see Section 38.3 below for a list of historical LLP's documents. These have been superseded by one overarching lettings plan, Section 38.4, which has been in place since 1<sup>st</sup> December 2015.

### **39.3 Previous / Specific Local Lettings Plans**

1. Hyde Housing Association - Bramble Lane, Wye
2. Moat Housing Association – Stanhope Estate, Ashford
3. West Kent Housing Association – Pattisons Farm, Aldington
4. Sanctuary Housing Association – Belgar Farm, Tenterden
5. Swale Housing Association – Morgan Close, Ashford
6. West Kent Housing Association – Whitfeld Villas, Ashford
7. Ashford Borough Council – Brookfield Court
8. Moat Homes Ltd – Repton Park, Ashford
9. Moat Homes Ltd and Affinity Sutton – Latitude Walk
10. West Kent Housing – Hardinge Road
11. West Kent Housing – Hunter Avenue
12. Hyde Housing Association – Sturges Road
13. Town and Country Housing Association – Repton Park
14. Ashford Borough Council - HRA Cheeselands, Biddenden
15. Ashford Borough Council – HRA Luckley House, Wye
16. West Kent – Cheeseman’s Green
17. Golding Homes - Kings Avenue
18. Moat Housing – Crown House, Town Centre
19. Ashford Borough Council – Poppy Fields
20. West Kent Housing – Knoll Lane
21. Hyde – Lancaster Close, Hamstreet
22. Town & Country – Newtown Railway Works
23. Ashford Borough Council - Chequers Green, Shadoxhurst
24. Town & Country – St Margaret’s Place, Bethersden

## 39.4 Current Local Lettings Plan - 2015

This Local Lettings Plan has been in place since 1<sup>st</sup> December 2015 and supersedes all previous plans. See Section 38.2.

### 1. Justification for Lettings Plan

- This lettings plan is for the new build social rented properties to which Ashford Borough Council have nomination rights via choice based lettings. ( If you have a specific project which requires a stand alone Local Lettings Plan to be introduced, this can be considered on a case by case basis .) It is designed to support sustainable lettings in accordance with the Kent Sustainable Communities Protocol. It also aims to meet housing need whilst preventing potential management problems on the development.

### 2. Aims

- To allocate to those in housing need.
- To create a local thriving community.
- To inhibit the problems of anti-social behaviour (ASB) reported, relating to the rented properties.
- To inhibit potential breaches of tenancy.
- To ensure land covenants are complied with
- To encourage tenancy sustainment.

### 3. Allocation and Letting

- The properties will be advertised through Kent Homechoice, Choice Based Lettings. Existing tenants of a Registered Provider or the Council will be given Assured or Secured Tenancies. The intention is to issue starter tenancies to any new tenants and convert them to a fixed term/ assured tenancy after 12 months\* if the tenancy has been conducted in satisfactory manner. *\*could be extended to 18 months*
- The individual Registered Providers Exclusion Policy may also apply when considering applicants.
- An affordability check needs be carried out with shortlisted applicants to assess ability to afford rent
- The aim is to offer properties in the following manner 37% home seekers, 38% transfer and 25 % homeless applicants

### 4. Rural Sites

- In parishes covered by our Rural Local Connection Criteria, on first let we will aim to let 100% of vacant properties to applicants who have a proven local connection to the Parish and a housing need for the type and size of available property (as defined by Ashford Borough Council Lettings Policy under the section entitled Rural Local Connection Criteria). Subsequent lets will be made in accordance with Ashford Borough Council Lettings Policy

## 5. Age distribution and child density

- In line with the aims of the Kent Sustainable Communities Protocol, we wish to ensure that the development has a mixture of residents reflecting the local community and maximising community cohesion wherever possible
- Any specifics regarding ages and numbers of children for each type of property will be detailed in the Kent Homechoice advert for the site.

## 6. ASB and Tenancy Breaches

- Applicants and members of the household will not be the perpetrators of serious and/or ongoing nuisance or anti-social behaviour at their current home, or in the local community, or had any legal action as a result of nuisance or anti-social behaviour taken against them including a Notice of Seeking Possession.
- Applicants will not have been evicted for nuisance or anti social behaviour from any previous addresses. Discretion may be exercised if the applicant can show that they have over a period of not less than 2 years rectified their behaviour.
- Applicants and members of the household will not have a recent or unspent criminal conviction/s which will impact upon the management of the tenancy or the local community. Further investigation will be required to confirm status of aforementioned convictions before a decision is reached.
- Applicants will not be in rent arrears for their current home. If arrears are because of a delay in Housing Benefit and or Universal Credit such that a Housing Benefit and or Universal Credit payment is owing equivalent to the whole of the arrears, applicants will need to show this is the case and that they have dealt with their claim appropriately and are paying any estimated contributions (e.g. non-dependent deductions) regularly.
- Those applicants who are looking to downsize will be given consideration.
- Applicants will not have been evicted for rent arrears from a previous home. ( Timescale 4 years or subject to discussion where applicable with the Ashford Borough Council Lettings Team)
- Applicants will not have any outstanding or current tenancy Notice for any breaches of tenancy where the grounds for the Notice has not been addressed.

## 7. Other Criteria

- We will not house applicants who own their own homes or a property elsewhere.
- (Unless it has been agreed to because of the applicant's disability issues and following discussion with the accepting Registered Provider and in conjunction with means testing and financial check (Section 17 of ABC Lettings)).
- For reasons of community stability, we will aim to have 50% of tenants in employment.
- We will only house those households and or inclusive persons who have been assessed as at risk if they have an appropriate support package in place and there is evidence they are engaging with this support. An applicant may be excluded if they seem unlikely to be able to meet the conditions of general needs dwelling without additional support and we are

unable to determine that appropriate support is available and in place at the time of letting.

- We will aim to limit the number of households who are deemed to be at risk to 10% to ensure sustainability and management of the neighbourhood.
- Developments with lease agreement terms may need to be considered on an individual basis and discussed as required.

## **8. Monitoring of Lettings Plan**

- Ashford Borough Council will monitor the impact of this lettings plan to demonstrate that it does not discriminate on equality grounds.

## **9. Role of Ashford Borough Council**

- Allocate properties in accordance with its policies and procedures, the local lettings plan and Choice Based Lettings.
- Monitor the local lettings plan on an annual basis to ensure it remains viable.
- Carry out the verification of potential nominees by telephone.

## **10. Role of the Registered Provider**

- Advertise properties via Choice Based Lettings and update Locata accordingly

**NOMINATION AGREEMENT**

**BETWEEN**

**HOUSING ASSOCIATION**

**AND**

**ASHFORD BOROUGH COUNCIL**

**2017**

## **INTRODUCTION AND OBJECTIVES**

Ashford Borough Council is committed to ensuring that void properties within the Borough are to let to applicants in housing need.

The Council aims to create balanced communities by making the best use of all the stock in the Borough, having regard to the needs of the community.

Ashford Borough Council administers the Housing Register, which incorporates any appropriate statutory requirements from which nominations will be sought.

## **PURPOSE OF THIS AGREEMENT**

The purpose of the Agreement is to establish procedures that will enable the Council and **Housing Association** to: -

- a) Provide a single access route into social housing in the Borough;
- b) To ensure that **Housing Association** supports the Council in meeting its responsibilities towards the homeless;
- c) Target housing resources most effectively and appropriately to endeavour to meet the housing needs of the Borough;
- d) Ensure effective liaison and free-flow of information between **Housing Association** and the Council;
- e) Ensure that properties are let without unreasonable delay;
- f) Continue to maintain a high standard of services and information provided to people seeking housing in the Borough;
- g) To allocate sensitively to seek to achieve balanced communities;
- h) Identify appropriate support needs for vulnerable people to ensure that an offer of suitable accommodation is made and appropriate lettings take place;

## **DEFINITIONS**

**Association** – Shall mean Housing Association

**Council** – Shall mean Ashford Borough Council

**Agreement** – Shall mean this Nominations Agreement

**PRP** – Shall mean any Private Registered Provider of social housing as defined within section 80 Housing and Regeneration Act 2008

**Housing Register Policy** - Shall mean the Council Housing Lettings Policy

**Nomination** – Shall mean a person who is registered on the Council's Housing Register and who is nominated by the Housing Register to a property in accordance with this agreement

**True void** – Shall mean empty homes that are available to let, excluding a reasonable proportion of housing set aside to satisfy internal transfers, decants, mobility and move-on agreements

**Decant** – Shall mean that the property is due to become uninhabitable due to improvement repair or other work

## **NOMINATION PROCEDURE**

This procedure is for the nomination arrangement between the Council and the Association in relation to the properties the Association owns within the Ashford Borough.

The obligations are:

- The Association will provide a minimum of 75% of its true voids for nomination from the Housing Register, this includes waiting list and homeless applicants;
- On all new developments within the Borough, the Council will have 100% nomination rights for first lettings;
- On all developments built after 1<sup>st</sup> October 2004 the Council will have 80% of relets but will be advised of all voids on a six monthly basis;
- On all developments built before 1<sup>st</sup> October 2004, the Council will have 75% of relets but will be advised of all voids on a six monthly basis;.
- The remaining 20% or 25% can be used at the discretion of the Association;
- The percentage of true voids made available to the Council should be a variety of types and sizes of dwellings reflective of the property profile within the Ashford borough;
- All nominations should be in line with the Council's Lettings Policy and with the Choice Based Lettings Scheme;
- In the event of a **known** serious offender being nominated, a full risk assessment will be provided by Police and Probation and via the Council's Housing Options Team at the point of nomination;
- Where appropriate a Local Lettings Plan will be used in accordance with Ashford Borough Council's Lettings Policy. The Local Lettings Plan outlines the nominations that will be requested;
- The Association will provide a full breakdown of voids by size, type and location on a six monthly return basis and indicate the properties used for their internal transfers;
- The Council will advertise all vacancies via the Choice Based Allocations System. Adverts can be placed daily and run for 5 days.
- The nominations process will be:
  - Vacancy led; and
  - A maximum of two nominations provided for each vacancy, (see below).

## **TIMESCALES**

Ashford Borough Council will publish a complete and correct advert within 24 hours of its placement on Locata.

When nominating to a re-let, the Council will provide the Association with a maximum of two nominations for their void property within 2 days of the closing date of the bidding period for that property. The Council will also identify a new applicant who will be nominated and details forwarded to the Association on the same day that the Council is informed by the Association of the first two applicant's refusals.



On new developments one nomination per dwelling will be provided to the Association within a week of the Choice Based Lettings advert closing.

Where more than one nomination is sent, the Association must inform the Council of any refusal reasons prior to letting the property. The Council will respond within 24 hours with approval to proceed.

## **INFORMATION**

The Council will provide the Association with access to the Choice Based Lettings Housing Application for the applicant nominated to the void. The Council will also provide access to any other information that is relevant to the applicant's housing application.

## **GROUND FOR REFERRING A NOMINATION BACK TO THE COUNCIL**

The Association may refer an application back to the Council where:

- The applicant is unable to provide proof of identification or necessary documentary evidence in support of an application;
- The applicant is unable to provide documentary evidence that they have an ability to pay the rent for the home either via their own resources or entitlement to Housing Benefit;
- The applicant has significant rent arrears owed to a previous landlord, has not established a formal agreement for repayment and is not making regular payments pursuant to the terms of that agreement.
- The applicant is unable to conduct an independent tenancy and support is not yet in place.
- There is a history of ongoing and serious anti-social behaviour
- Any other reason detailed by the Associations published allocations policy
- The Association has undertaken an Affordability Assessment (standardised procedure within Associations own policy) and deemed the property to be unaffordable. Reviews to be handled directly by the Association within 24 hours.

## **GROUND FOR REFUSING A NOMINATION**

The Association maintains the right to refuse a nomination from the Council if it can be demonstrated by the Association that the nominee would be an unsuitable tenant for the particular property they have been nominated to on one of the following grounds:

- The Council has provided incorrect information about the applicant significant enough to make the applicant unsuitable as a tenant
- The Association has uncovered additional undeclared information about the applicant significant enough to make the applicant unsuitable as a tenant
- The applicant does not have a local connection and one is required
- There is an identified lettings plan and the applicant does not meet the

criteria

- Any other reason detailed by the Associations published allocations policy
- The Association has undertaken an Affordability Assessment (standardised procedure within Associations own policy) and deemed the property to be unaffordable. Reviews to be handled directly by the Association within 24 hours.

Where there is disagreement between the parties to this Nominations Agreement the Association would be required to provide to the Council written justification of their reasons for refusing the nominee. If the Council accepts these reasons a further nomination will be provided within two days of accepting the Associations reasons for refusal.

If the Council does not accept the reasons for refusing the nominee, the decision will be referred to management level for a mutual decision to be reached between the Council and the Association.

If a mutual decision cannot be reached at management level, the case will then be referred on for a mutual decision to be made between the Head of Housing at the Council and the equivalent senior management level at the Association.

### **MONITORING AND REVIEWING**

- The Association will inform the Council when a nominee has commenced their tenancy; this should be logged on Locata by the organisation that listed the advert.
- Both parties will maintain records to monitor the effectiveness of the Agreement;
- This Agreement will be reviewed in six months from the date of signing and thereafter on an annual basis by both parties;
- Any amendments to the Agreement should be made in writing and agreed by both parties;
- Should either party wish to terminate this agreement they must give six months written notice to the other party;

### **PROFILE OF STOCK OFFERED**

The Agreement, as stated in this document, applies to all properties available for rent owned by the Association within the Ashford Borough and supersedes any previous nomination agreements.

### **DETERMINATION OF DISPUTES**

- Any difference or question arising out of this Agreement, between the parties, that has not been resolved to the reasonable satisfaction of either party, shall be determined in the first instance by:

**“Name of Officer Post”** at the Association and the Housing Operations Manager at the Council

### **THIRD PARTY RIGHTS**

- None of the provisions of this Agreement are intended to, or will, operate to confer any benefit under the Contracts (Rights of Third Parties) Act, 1999, on a person or body who is not named as a party to this Agreement.

Signed by.....

Designation.....

For an on behalf of the Council

Date.....

Signed by.....

Designation.....

or and on behalf of the Association

Date.....