

# WAVERLEY BOROUGH COUNCIL

## HOUSING ALLOCATION SCHEME

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**Version control**

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## **WAVERLEY BOROUGH COUNCIL HOUSING ALLOCATION SCHEME**

### **1. INTRODUCTION**

This document sets out Waverley Borough Council's Housing Allocation Scheme as required by s.166A of the Housing Act 1996. It identifies the priorities that the Council will follow in the letting of its own Council stock and those Registered Provider (housing association) properties, to which it has nomination rights.

In drawing up this scheme the Council has consulted with the Registered Providers (housing associations) with which the Council has nomination arrangements and local voluntary and statutory agencies.

The intention in developing the Allocation Scheme has been to have a scheme that prioritises housing applicants with a housing need and a local connection to Waverley.

#### **1.1 Legal Background**

In framing the Housing Allocation Scheme the Council has had regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011, the Homelessness Reduction Act 2017 other relevant legislation
- Equality Act 2010
- Welfare Reform Act 2012
- 'Allocation of Accommodation: guidance for Local Authorities in England', Department for Communities and Local Government (DCLG) 2012
- 'Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England' (DCLG) 2013
- Right to move statutory guidance on social housing allocations for local housing authorities in England (DCLG) 2015
- Housing Allocations – Members of the armed forces (circular 04/2009), April 2009
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Existing case law
- The Council's Tenancy Strategy 2012
- The Council's Homelessness Strategy 2018 - 2023
- Letter from the Department of Communities and Local Government to all Chief Housing Officers (England) concerning eligibility regulations (17 October 2012)

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

## 1.2 Statement on Choice

Waverley Borough Council offers choice to all eligible applicants for social housing through its Choice Based Lettings scheme – ‘Waverley Homechoice’. Through the scheme applicants have an opportunity to express their preference for area and type of housing – known as placing a bid. Applicants are normally not penalised if they subsequently decide to refuse a property that they have asked to be considered for and been offered. However, in some instances this can happen or we will need to restrict choice, and section 29 explains circumstances when this can happen.

## 1.3 Equal Opportunities

This Council is strongly committed to fairness and equal treatment for all. The Council aims to treat all service users equally no matter what their race, ethnic origin, nationality, religion, cultural and social background, asylum or refugee status, sex (including gender re-assignment), sexuality, marital/civil partnership status, pregnancy/maternity, age or disability/health (including mental health, learning disability and HIV status). In doing so we aim to prevent unlawful discrimination and to take positive action to promote equality of opportunity for everyone. The Council has carried out an Equalities Impact Assessment in relation to the scheme and also operates the scheme in accordance with the Rehabilitation of Offenders Act 1974.

## 1.4 Data Protection and GDPR

Information regarding a person’s application for housing is protected by the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) and will not be disclosed to any third party or member of the public without the applicants express consent unless the Council is required to do so legally. By signing the housing application form, an applicant gives consent for Waverley Borough Council to make relevant enquiries with regard to their housing need and their potential ability to manage a future tenancy. The declaration also gives express consent to share such information with partner Registered Providers (e.g. housing associations) or other Social Housing providers (e.g. Councils) when nominating applicants to be tenants of their properties. The Council also reserves the right to check information provided by customers with a data matching service.

Applicants are entitled to request information by Subject Access Request (SAR) under the DPA and GDPR. This is a right of access to information which is subject to certain exemptions. Applications can be made to Waverley’s Data Protection Officer by email to [dpo@waverley.gov.uk](mailto:dpo@waverley.gov.uk) or by post addressed to the Data Protection Officer at the Council offices.

The Council's website contains further information relating to the assessment and the processing of housing application information, within the privacy notice including retention timescales. – [www.waverley.gov.uk/housingoptions](http://www.waverley.gov.uk/housingoptions).

## 2. SCOPE

The following lettings are covered by this allocation scheme: -

- The selection of applicants to be offered secure, introductory and flexible tenancies and other types of tenancies that may be offered in the future, by the Council
- Transfers at a Social Housing tenant's own request
- Nominations for offers of assured tenancies, flexible / fixed term tenancies or other tenancy types from Registered Providers or other similar bodies e.g. other Social Housing providers

The following are examples of lettings not covered by this allocation scheme:

- Offers of non-secure Council tenancies to homeless households in pursuance of any of the Council's duties under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Housing and Regeneration Act 2008 and the Homelessness Reduction Act 2017.
- Transfers of tenancies made by Court Order under the: Matrimonial Causes Act 1973; Matrimonial and Family Proceedings Act 1984; Children Act 1989; Family Law Act 1996, under the Civil Partnership Act 2004 or other family legislation
- Successions to secure Council tenancies on the death of the tenant
- Assignments of secure Council tenancies to a person who is qualified to succeed
- Mutual exchanges of Council tenancies
- Nominations to Assured Shorthold Tenancies by the Housing Options Team to prevent homelessness where the landlord is a Registered Provider or private landlord
- Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply

## 3. TYPE OF SCHEME

This allocation scheme is a **BANDING SCHEME**. Applicants are placed in one of three bands ranging from A (highest need) to C (medium need), which reflect their housing need, local connection to Waverley and the Council's priorities for housing allocation.

There is also a discretionary pool for applicants who don't meet the banding criteria for band A-C but who the Council is legally obliged to consider. Other applicants may also be placed in the discretionary pool e.g. those that the Council may need to house in the

future (such as applicants living in supported accommodation) but who are not yet ready to live independently.

The criteria and details of the banding scheme are set out in section 11 below.

#### **4. REGISTRATION**

To be able to apply for social housing vacancies in the Waverley Borough area applicants must be registered on the Housing Register administered by Waverley Borough Council. Registering on the Council's Register enables applicants to also apply for any Housing Association vacancies in the Borough, where they are working in partnership with the Council.

The Registered Providers/Housing Associations\* in Waverley are listed below. Please note that these organisations do not have to allocate all their properties through Waverley's allocation scheme and some that specialise in supported housing may take referrals from social services. However, the majority of housing association vacancies in Waverley are advertised and allocated through the scheme.

Abbeyfield Wey Valley Society Limited

A2 Dominion Housing Group Limited

Ability Housing Association

Accent Group Housing (formerly Peerless Housing Group)

Advance Housing and Support Limited

Anchor Hanover Group

Andrew Windsor Almshouse Charity

Aster Group Housing

Clarion Housing Group (formerly Affinity Sutton & Downland Housing Association)

English Rural Housing Association

Haig Housing Trust

Hastoe Housing Association Limited (including properties formerly owned by Wyvern Rural Hyde Housing Association)

Heylo Housing Limited

Hyde Housing Association Limited

Landspeed Limited

London & Quadrant Housing Trust

Metropolitan Housing Trust Ltd

Mount Green Housing Association Limited

Origin Housing (formerly St Pancras and Humanist Housing Association)

Pilgrim Homes (Pilgrims' Friend Society)

Sage Housing Association  
Sampson's Almshouses  
Southern Housing Group Limited (including properties previously owned by James Butcher Housing Association)  
Sovereign Housing Association Limited  
Stonewater Housing Association (formerly Raglan Housing Association)  
Synergy Housing Limited  
Thames Valley Housing Association Limited  
Transform Housing & Support  
Vivid Housing Limited (Formerly First Wessex & Sentinel Housing Associations)  
Weybank Housing Co-operative Limited (part of the CDS Co-operative Housing Society)  
Whitmore Vale Housing Association

\*Other partner Registered Providers may join the scheme from time to time

## **5. WHAT IS THE HOUSING REGISTER?**

The Council maintains a list of people in need of affordable rented social housing known as the Housing Register. The Register is the primary access route into social housing in Waverley. The demand for housing exceeds supply and the Register exists to enable all households who are in need of housing to be included on a single list. It also maximises their opportunities for housing by ensuring the efficient use of housing stock. It includes the following types of applicant, subject to their meeting the eligibility criteria: -

- Current tenants of the Council or its Registered Provider partners needing to move
- New housing applicants
- Homeless households
- Applicants with special needs requiring more specialist housing e.g. senior living housing

By joining the Housing Register those in housing need can be considered for vacancies that occur in properties owned or managed by the Council or any of its Registered Provider partners.

## **6. WHO CAN APPLY TO THE HOUSING REGISTER?**

The Housing Register is open to anyone aged 16 years or over, who is eligible by law for inclusion. (See Section 7, Exclusions from the Housing Register)



Whilst young people aged 16 and 17 may join the Housing Register, they will not be entitled legally to hold a tenancy until they are 18. Social services may in some circumstances consider it appropriate to underwrite a tenancy agreement for an applicant who is under 18. Young people aged 16 or 17 will not normally be allocated an independent tenancy without appropriate support.

Where an application is received from a lone parent aged 16 or 17, the Council will seek the applicant's consent to undertake a joint assessment with social services of their housing, care and support needs, in order to identify the most appropriate type of accommodation for the young parent. Consent will not be sought if there are child protection concerns and to seek such consent might endanger the welfare of the child of the young parent.

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

## **7. EXCLUSIONS FROM THE HOUSING REGISTER**

The following persons are not eligible for entry on the Housing Register for the allocation of social housing: -

- Persons from abroad who are subject to immigration control as defined within s13(2) of the Asylum and Immigration Act 1996, unless they are:
  - a) An existing secure or introductory tenant or an assured tenant of housing accommodation allocated to them by a housing authority
  - b) In a class of persons prescribed by the Secretary of State as being eligible for an allocation under Part VI of the Housing Act 1996. Subject to certain conditions these currently include:
    - Persons granted refugee status
    - Persons granted exceptional leave to remain
    - Persons granted indefinite leave to remain
    - Persons who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC).
    - Certain Nationals from countries that have recently acceded to the European Union who have not complied with the Worker's Registration Scheme or who are not exempt from the Scheme.

It should be noted that local authorities are not legally able to grant tenancies to certain persons from abroad where they are prohibited from doing so by statute or regulations. The legal rules are amended periodically therefore the determination of persons who are to be excluded from the register may have changed since this document was published. The legal provisions on eligibility

of persons from abroad are complex and the Council will have to carry out appropriate checks in all cases to ensure that applicants are treated fairly and legally.

- Certain persons from abroad not subject to immigration control but who are NOT habitually resident in the Common Travel Area (i.e. the UK, the Channel Islands, the Isle of Man and Republic of Ireland). This includes British Nationals arriving from abroad and any person, who is a national of any of the countries in the European Economic Area (EEA), where habitual residence must be established unless an EEA National is a worker, or has a right to reside in the UK.
- An applicant or any member of their household, where the Council is satisfied that he/she is:
  - a) Guilty of unacceptable behaviour that is considered that which, if the applicant were a secure tenant, would entitle the housing authority to an outright possession order under the grounds for possession in the Housing Act 1985 Schedule 2 part 1. Such behaviour includes:
    - Breaching a condition of the tenancy agreement.
    - Failing to pay the rent.
    - Causing nuisance to neighbours.
    - Being convicted of using their home for immoral or illegal purposes.
    - Being convicted of an arrestable offence committed in, or in the vicinity of their home.
    - Causing the condition of the property to deteriorate by a deliberate act, or by neglect.
    - Making a false statement to obtain a tenancy

**and**

  - b) The behaviour is serious enough to make the applicant unsuitable to be a tenant

**and**

  - c) The applicant is unsuitable, by reason of that behaviour; at the time the application is considered.

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

The Council will write to anyone who is being excluded from the Housing Register giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Register. (See Section 35, Review Procedure)

Where an applicant who the Council in the past has decided is to be treated as ineligible, considers that his/her unacceptable behaviour should no longer be held against him/her and that therefore they should no longer be treated as ineligible, they may make a fresh application to the Council. On that fresh application it will be for the applicant to show the Council that their circumstances or behaviour have changed so that they should not now be excluded (unless there has been a considerable lapse of time). Any such change will be considered by the Council on its merits and against the Council policy and local conditions at the time of the fresh application.

If there has been a considerable lapse of time since the Council decided that an applicant is ineligible that applicant may make a fresh application. The Council will consider that application on its merits and against the Council policy and local conditions at the time of the fresh application and in consultation with other relevant agencies.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing list is ineligible, it will inform the applicant in writing. The applicant will be given 28 days to provide information showing that they are eligible. If they do not reply within this period, or if they reply but the Council remains of the view that they are ineligible, they will be removed from the Housing Register.

Where the Council decides that an applicant is to be treated as eligible it may nonetheless consider any behaviour by the applicant or a member of their household, which affects their suitability as a tenant when determining the priority to be awarded to their application. (See also Section 22 Rent Arrears and Other Housing Debts and Section 29 Factors Affecting Offers of Accommodation).

Amendments to legislation under the Localism Act 2011 give the Council the power to consider other classes or groups of people as not qualifying for inclusion on the housing register. The Council has decided that the following households no longer / do not qualify to be on its housing register:

- a) Owner Occupiers or those with a financial interest in a property – exceptions may apply on a case by case basis to elderly owner occupiers with a local connection (see below) who need low demand senior living accommodation and whose home/assets are not of sufficient value to secure such accommodation privately
- b) Applicants with an annual household gross income (i.e. before tax and regardless of outgoings) in excess of £60,000 or savings/assets in excess of £30,000.
- c) Applicants who have within 5 years of the date of application disposed of, or deprived themselves of an asset and/or suitable accommodation, which they could reasonably have been expected to use to resolve their housing difficulties.

- d) Applicants who have previously benefitted from the Right to Buy / Right to Acquire of a Waverley property or the Right to Buy / Right to Acquire of a property outside of Waverley. Exceptions may be made on a case by case basis, such as relationship breakdown, where one partner is unable to live in the property and has no legal rights to force sale or release any equity.
- e) Applicants who currently have an outstanding Council Tax, Housing Benefit, rent arrears, deposit bond or rent in advance debt to Waverley and who have not made and maintained suitable repayment arrangements with the Council's debtors section. A suitable repayment arrangement will normally mean having an agreed plan in place and payments have been maintained for a period of at least 6 months. Exceptions can be made to 6 month rule regarding rent in advance/fees etc. paid by the Council if the applicant has only just been helped into a private rent, as long as repayment agreement has been made and started. Where the debt is no longer collectable by the Council e.g. bankruptcy, Debt Relief Order, Individual Voluntary Arrangement, the Council can assess the behaviour that led to the uncollectable debt and reserves the right to exclude, suspend or reduce the priority banding of an applicant for 1-3 years, taking into account the amount of uncollectable debt and the behaviour that led to it.
- f) Applicants who are currently social landlord tenants living outside of Waverley. Exceptions may be made for those who are elderly tenants who need low demand senior living accommodation and need to move to Waverley to receive support from family members. Exceptions may also be made on a case by case basis for others with a local connection to Waverley placed in short term supported social housing accommodation outside of the borough and needing to move to the borough to receive support and re-build their lives. Exceptions may be made under Right to Move (see 14.3)
- g) Applicants who are housing association tenants of a property in Waverley for which the Council does not have nomination rights. Exceptions may be made on a case by case basis for those needing to move on from supported housing. However, move-on would normally be expected to be provided by the borough/district where the client lived prior to referral to the supported housing and not Waverley.
- h) Applicants who have been evicted from Council, housing association or private rented property for rents arrears, illegal sub-letting, as a perpetrator of domestic abuse or antisocial behaviour in the last 5 years. Exceptions may be made if there is persuasive evidence that appropriate repayment arrangements have been made, a person is vulnerable and has received and co-operated with support to rebuild their lives or if there is evidence that the behaviour has been amended and another tenancy has been successfully maintained.
- i) Applicants with current or former rent arrears with Waverley or another social landlord and have not made and maintained acceptable arrangements to repay their debt.
- j) Applicants who have deliberately given false information or withheld information in connection with a housing application or welfare benefit claim and following investigation by the Council or DWP, this has resulted in their housing application being cancelled or a housing benefit overpayment or being found guilty following a prosecution for fraud.

- k) Applicants (excluding Social Housing tenants living in Waverley in Council or housing association properties to which the Council has nomination rights) who do not fulfill at least one of the following criteria:
- a) Lived in the borough for the last 5 years
  - b) Lived in the borough for 3 out of the last 5 years
  - c) Lived in Waverley for at least 5 years in the past
  - d) Have close relatives living in the borough (parents, adult children or adult brother or sister) and have done so for at least the last 5 years
  - e) Have worked in the Borough for at least one year and the work is 16 or more hours a week and a permanent contract.

Note - exceptions will be made to the local connection criteria for the following:

- those who are serving in the Armed Forces or who have served in the Armed Forces within 5 years of the date of application under Part VI of the Housing Act 1996. Exceptions may also be made for bereaved spouses/partners of Armed Forces personnel who are required to leave accommodation provided by the Armed Forces.

- for care-leavers with a connection to any Surrey District or Borough

- for existing social housing tenants in England who need to move to Waverley due to work reasons and who meet the criteria under the Right to Move as outlined in section 14.3.

- on a case by case basis for other exceptional cases e.g. applicants fleeing domestic abuse or other vulnerable people for whom returning to their area of origin would place them at risk and there is clear documented third party evidence of the risk e.g. from Police, Probation, Social Services etc.

-on a case by case basis to the financial criteria restriction when in the view of the Council it is in its strategic interest to do so e.g. Social housing tenant in Waverley with savings in excess of £30,000 in a three bedroom property assessed as needing to move to one bedroom accommodation. However, in such a case they tenant would not be entitled to the Council's downsizing payment as outlined in section 26.

## **8. WHO CAN BE CONSIDERED PART OF THE APPLICANT'S HOUSEHOLD?**

Members of the applicant's household will normally be permanently residing with the applicant as their only or principal home at the time of registration and still be resident with the applicant at the time of allocation of a property.

a) Partners

- A partner who is living in a permanent relationship with the new applicant or tenant.

b) Children

- New applicants: children born since the registration date and dependent children (under 18) joining the household, who now reside with the applicant as part of that household and have done so for a minimum period of 6 months. The applicant will be required to provide proof the child resides with them and that this arrangement is reasonable. For this purpose consideration will be given to the details of any residence order or informal or negotiated agreements and receipt of child benefit. In cases where a 50/50 residence arrangement exists, consideration will be given to the way in which the arrangement is operated. Where the arrangement is that the child spends a greater part of the week with one parent than the other it will normally be concluded that there is just one principal home. Normally, children will only be accommodated in one home even if a 50/50 residence arrangement exists.
- Tenants: children born since the start of the tenancy and dependent children (under 18) joining since the tenancy started, who now reside with the tenant as part of that household and have done so for a minimum period of 6 months. The tenant may be required to provide proof that the child resides with them and that this arrangement is reasonable. See 'new applicants' above for details to be considered.
- Where children of members of the household visit, for example as part of access arrangements, but have a permanent place of residence elsewhere, they will not be considered to be part of the household.

c) Separated Families

- Where members of a household who previously lived together and are currently prevented from living together as a family unit due to lack of adequate accommodation and have very limited prospects of securing alternative accommodation together.
- Couples who wish to live together where there is a child born to the couple and they are prevented from living together because of a lack of accommodation where a joint application has been made and there are very limited prospects of securing alternative accommodation together.

d) Dependants

- A dependant relative who has joined the household because they are unable to live independently and there are no other reasonable options for the family. The family will be expected to provide evidence to support this. Where necessary the advice of the Council's independent Medical Adviser

or other independent Medical Adviser, may be sought on whether the relative needs to live with the family. Where this is not considered essential, other options, such as senior living or supported accommodation, will be discussed with the family before a decision is made by the Homechoice Manager or his/her deputy as to whether the relative should be included in the application or advised to make a separate application. Adult siblings would be expected to make individual applications unless there is clear independent evidence of dependence or support/caring requirements.

e) Carers

- A carer, where the applicant can demonstrate that a live-in carer is necessary and the Homechoice Manager (or his/her deputy), in consultation with the Council's independent Medical Adviser, agrees that a carer is necessary. The applicant would be expected to provide written confirmation from their GP, Hospital Consultant, or details of the community care assessment by their Care Manager (where SCC fund the cost of the care) that a carer is necessary.

## 9. REGISTRATION PROCESS

- a) All new applicants requesting re-housing and tenants requesting transfers must complete an application form to register on the Housing Register. Currently this is a two stage process with a pre application form followed by a main application but the Council will keep this under review and reserves the right to change the process in the future.
- b) New applicants for rehousing and transfer applicants **must** provide the required supporting documentary evidence. Supporting documentary evidence will normally include: -
  - Proof of identity for all household members and evidence of their right to be allocated housing in the UK if they are not British Citizens. Note: Under housing regulations some people have the right to reside in the UK but no right to housing.
  - Proof of current address
  - Confirmation of financial circumstances, savings and assets
- c) If the application form is incomplete it will be returned to the new applicant or tenant for completion. The date of the application will be the date the fully completed form and supporting documentary evidence is received at the Council.
- d) If any required supporting documentary evidence is not received the application will be returned to the new applicant or tenant to provide the documents required.

- e) Waverley is committed to preventing fraud in all aspects of its business and as a precaution it reserves the right to carry out additional verification checks including the use of commercial data matching services.
- f) If the Council is satisfied that the new applicant or tenant is eligible to be on the register, an initial assessment will be made based on the information on the application form and any other information available. All eligible applicants or tenants will be assessed and placed in the appropriate bedroom category for their household size and in one of the three priority bands, or discretionary pool, in date order of registration.
- g) If the new applicant or tenant is not an eligible or qualifying person, the Council will notify them in writing, giving the reasons for the decision and informing them of the right to request a review of the decision. (See Section 36, Review Procedure). A copy of this letter may also be sent to Social Services or other voluntary or statutory agency or confirmed advocate, if they are involved or if it is considered appropriate.
- h) In Waverley more people need housing from the Council and Registered Providers than is available. Most new applicants and transferring tenants in housing need have to wait many years before they will be offered a suitable property and some may never be offered a property. Information will be provided by the Housing Options Team about alternative options in the housing market, which include private sector opportunities and shared ownership.

## **10. APPLICATION UPDATE AND RENEWAL**

- a) Applicants are required to notify the Council of any changes in their personal circumstances in order that any necessary amendments can be made to their application.
- b) Once a year, normally on the anniversary of an application, the Council will send out a renewal form to applicants. All applicants who receive this form must complete and return it within 14 days.

If the notice is not returned within 14 days the application will be automatically cancelled. This means that the application will be removed from Waverley's Housing Register.

If the applicant wishes to appeal against a decision to cancel their application they may contact the Council in writing within 21 days of the date of the cancellation letter to request a review. (See Section 36, Review Procedure).

If following an update or the renewal of an application a change in the applicant's circumstances results in a band change, the Council will inform the applicant in writing of the new band, the reason for it and the applicable



priority date, and of their right to request a review of this decision. (See Section 36, Review Procedure).

- c) The Council reserves the right to review the banding priority of any application, at any time, as part of regular verification checks or if new, relevant information becomes available.
- d) Applicants must also ensure that their contact details held by the housing service are up to date. In the event that the Council is unable to contact an applicant or receives no response following contact by telephone, email or letter, applications will be suspended and subsequently cancelled.

## **11. HOW NEEDS ARE ASSESSED**

The Council's assessment of an applicant's needs consists of:

- Placing them in one of three priority bands A-C, or the discretionary pool, as appropriate (See Section 12, Priority Bands)
- Assessing the size of home that they need

The system for determining priority has been designed to ensure that reasonable preference is given to the following groups of people, as required by s166A, Part VI of the Housing Act 1996 (as amended):

- People who are homeless (within the meaning of Part VII of the 1996 Act as amended by the 2002 Homelessness Act and the Housing and Regeneration Act 2008);
- People who are owed a duty by any local housing authority under s190 (2), s193 (2) or s195 (2) of the 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 insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds including grounds relating to a disability; and
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

Additional preference is given to those meeting one or more of the above criteria and who a) are serving in the regular forces and suffering from a serious injury, illness or disability attributable (wholly or partly) to the person's service or b) formerly served in the regular forces or c) a spouse or civil partner who is required to leave forces accommodation following the death of that person's spouse or civil partner who has served in the armed forces and whose death is attributable (wholly or partly) to that service or d) is serving or has served in the reserve forces and is suffering

from serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

The scheme has been framed to allow additional preference to be given to those households identified as having the most urgent needs and/or multiple needs.

In addition, for the purpose of defining how preference is to be awarded, the Council can take into account local circumstances in determining which applicants are to be given preference under the scheme e.g. financial circumstances, local connection and behaviour of an applicant or a member of their household that affects their suitability to be a tenant

### **People detained in Prison**

If prior to imprisonment the applicant is on the housing register and has been resident in the borough of Waverley for 3 out of 5 years immediately prior to imprisonment (this excludes other sections of the local connection policy), time in prison will be counted as time on the register.

Prisoners who qualify as having a local connection as defined above will be required to have a risk assessment completed by the probation service between one and two months prior to release. This will enable their application to be moved to the appropriate band following the re-assessment of the application.

## **12. PRIORITY BANDS**

The three priority bands are: -

- ❑ **Band A – Highest housing need** - (Emergency and high priority applicants who have a strong local connection)
- ❑ **Band B – High housing need** (Applicants with an urgent need to move who have a strong local connection)
- ❑ **Band C – Medium housing need** (Applicants with a medium housing need and a strong or medium local connection)
- ❑ **Discretionary Pool** (applications that do not meet the A-C criteria but who the Council is legally obliged to consider or other cases such as those with a local connection to Waverley not yet ready to move on from supported accommodation)

The type of applicants that would fall into each band are summarised below – there are more details about each criteria in Section 14. These should be read in conjunction with these tables for a full explanation of the criteria. Please note that the order in which the categories within the bands are listed below is not related to order of priority in any way. There is no priority order within each band other than by date.

Generally, as part of the process in assessing banding priority, consideration is given as to whether the applicant has explored and exhausted all other opportunities of resolving their housing need e.g. has the applicant (or those supporting the applicant) made genuine efforts to find alternative accommodation that may meet their need in the private rented sector?

In instances where the Council is not satisfied such efforts have been made or when the housing applicant has unreasonably declined to make any such efforts, a higher banding may be withheld.

Band	Criteria	Examples
A	<p><b>Highest housing need</b></p> <p>Emergency and high priority</p>	<p><b>Medical emergency and/or disability because current accommodation is wholly inappropriate to occupy e.g.</b></p> <p>Discharge from hospital where a property is completely unsuitable for an applicant to return to long term, no suitable adaptations can be made in a reasonable timescale and there are no realistic alternative housing options. This would include applicants who need to move to suitably adapted accommodation because of serious injury, medical condition or disability which s/he, or a member of their household, has sustained as a result of service in the Armed Forces.</p> <p>Applicant or member of their household has a life threatening condition and the accommodation is wholly inappropriate to occupy</p> <p><b>Exceptional circumstances/urgent welfare grounds e.g.</b> child/adult protection/safeguarding, domestic violence, substantiated threats to life etc – supporting third party evidence from Police/Social Services/Health - and there are no other realistic options to secure alternative housing</p> <p><b>Severe environmental health grounds e.g.</b> Demolition, prohibition order, major subsidence or extreme disrepair and there are no other realistic options to rectify the problem or to secure alternative housing.</p> <p><b>Emergency Strategic Priorities e.g.</b></p> <ul style="list-style-type: none"> <li>- permanent urgent decants from Council housing</li> <li>- high priority under occupation (social housing tenant in Waverley giving up 2 or more bedrooms)</li> <li>-releasing urgently needed disabled adapted social housing in Waverley e.g. wheelchair adapted family sized accommodation</li> <li>-urgent housing management transfers</li> </ul>

		<p>-approved ineligible successors/eligible successors and Notice served</p> <p>-urgent need to move for Waverley social housing tenants whose homes cannot reasonably be adapted for a household member's disability</p>
<p><b>B</b></p>	<p><b>High housing need</b> Urgent need to move</p>	<p><b>Significant medical hardship e.g.</b></p> <p>Current home is unable to address the major proportion of the applicants needs and is having an adverse effect on the medical condition of the applicant or a household member. Includes an assessment as to whether reasonable alternatives to social housing are available</p> <p><b>Severe social hardship or multiple needs e.g.</b></p> <p>Child/Adult protection reasons supported by Social Services/Police/Health/Support agency</p> <p>Urgent need to move within 5 miles of family to give or receive essential support confirmed by third party professionals</p> <p>Household urgently needs to move to live within 5 miles of a specialist medical facility or special school.</p> <p>Social Housing tenants under Right to Move – see section 14.3</p> <p><b>Priority overcrowding e.g.</b></p> <p>- 2 or more bedrooms deficient or other exceptional circumstances, Category 1 HHSRS Overcrowding Hazard and all reasonable steps have been taken to resolve the issues - including securing alternative private rented accommodation</p> <p>-Social housing tenants in Waverley lacking one or more bedrooms where at least one child is over 10 (mixed sexes)</p> <p><b>Priority prevention of homelessness cases e.g.</b></p> <p>Loss of tied or armed forces accommodation through no fault of applicant and official notice given</p> <p>Young people leaving care and assessed as ready for and needing social housing</p>

<p><b>B</b></p>	<p><b>High housing need</b></p> <p>Urgent need to move</p>	<p>Former Waverley Council tenants who have voluntarily given up their tenancy for special reasons by agreement and are ready to be re-housed e.g. hospital, rehab, supported, care</p> <p><b>High priority/strategic lettings e.g.</b></p> <ul style="list-style-type: none"> <li>-move on from supported housing schemes recommended following independent living assessment where the resulting vacancy is released back to the Council for nomination or to help free up and make best use of supported housing</li> <li>-less urgent permanent decants of council housing</li> <li>- less urgent housing management transfers</li> <li>-less urgent need to move for social housing tenants to accommodation that is adapted / can be adapted</li> <li>-under occupation of social housing by one bedroom and the Council has nomination rights to the resulting vacancy</li> <li>-reciprocal or mobility arrangements with other Councils or housing associations</li> <li>-Multi agency public protection cases following liaison with the Police etc</li> <li>-Succession cases where tenant is under occupying the home and notice not served</li> <li>-Homeless households in temporary accommodation where there are special/exceptional circumstances or where the temporary accommodation is urgently needed by the Council</li> <li>-Separated households - Two existing social housing tenants wishing to become one household and releasing accommodation that is in demand</li> <li>-Where it is in the Council's interest's to prioritise a transfer to release properties that are in high demand</li> <li>-ADHAC (agricultural dwelling house advisory committee) where an agricultural worker resident in the borough is to be displaced and is entitled to rehousing under the Rent 1976 (Agriculture) Act 1976</li> </ul>
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		<p><b>Environmental Health / Housing Health and Safety Rating System (HHSRS) factors e.g.</b></p> <p>Category 1 Housing Health &amp; Safety Rating System (HHSRS) disrepair /health and safety issues that cannot readily be addressed by the landlord or through Council enforcement action and where a move to other private rented or other housing is not appropriate/reasonable</p> <p><b>Armed service or former armed service personnel or their bereaved spouse/partner with a local connection to Waverley and assessed as being in housing need.</b></p>
<p><b>C</b></p>	<p><b>Medium housing need</b></p> <p>Identified housing need</p>	<p><b>Applicants who need to move on medical and/or disability grounds where the housing circumstances have a significant effect on the medical condition.</b></p> <p><b>Homeless households e.g.</b></p> <ul style="list-style-type: none"> <li>-those in temporary accommodation owed S193 duty</li> <li>-other unintentionally homeless households</li> <li>-those sleeping rough or at risk of sleeping rough and engaging with the Housing Options Team</li> <li>-Households asked to leave current accommodation through no fault of their own</li> <li>- Homeless applicants with a local connection to Waverley who are owed a prevention or relief duty under the Homelessness Reduction Act 2017. Similar arrangements will apply to care-leavers owed a homelessness prevention or relief duty. However, to reflect the HRA 2017, a homeless care-leaver previously supported by Surrey County Council will have a local connection to any Surrey Borough or District, including Waverley. A homeless care-leaver placed into care from Waverley will usually have a higher priority (band B) than those who are not (Discretionary Pool or band C), when it is confirmed s/he is ready to live independently.</li> </ul> <p><b>Other strategic lettings e.g.</b></p> <ul style="list-style-type: none"> <li>-those in private rented accommodation (Assured Shorthold Tenants) needing to move to more affordable housing</li> <li>-tied tenants seeking alternative accommodation</li> </ul>

<p><b>C</b></p>	<p><b>Medium housing need</b></p> <p>Identified housing need</p>	<p>-Other supported housing cases assessed as ready to move on from supported housing</p> <p>- Applicants living in Council housing in Waverley identified for major development or demolition, who are not required to move for at least 6 months and do not wish to be housed within the development area. Banding will be reviewed following granting of planning permission or in the event that the re-development is no longer going to take place</p> <p><b>Unsatisfactory or insanitary conditions e.g.</b></p> <p>-those sharing accommodation with household members not included in their application e.g. with relatives/friends</p> <p>-Category 2 Housing Health &amp; Safety Rating System (HHSRS) disrepair/lack of facilities/health and safety issues that cannot readily be addressed by the landlord or through Council enforcement action and where a move to other private rented or other housing is not appropriate/reasonable</p> <p><b>Social / Welfare hardship e.g.</b></p> <p>-moving a household nearer to a source of essential support or to help social services deliver a care plan</p> <p>-cases where there is serious and substantiated fear of violence or harassment or to relieve other social welfare hardship. Supporting professional third party documentation required</p> <p><b>Armed Forces or former Armed Forces personnel or their bereaved spouses / partners assessed as being in housing need but no local connection to Waverley.</b></p> <p><b>Overcrowded Social housing tenants living in Waverley lacking one bedroom where all the children are under 10 years old.</b></p>
<p><b>D</b></p>	<p><b>Discretionary Pool</b></p>	<p><b>Transfer applicants whose needs do not meet Bands A-C criteria but who were on the housing register prior to implementation of the revised Allocation Scheme in 2013.</b></p> <p><b>Applicants with a local connection to Waverley in supported housing in Waverley or other local areas but are not yet ready to move on. These applicants will normally be suspended and unable to place bids until their</b></p>

		<p><b>circumstances have been reviewed.</b></p> <p><b>Homeless applicants with a legal right to be considered for an allocation of housing e.g.</b></p> <p>intentionally homeless households with a connection to Waverley – will remain in discretionary pool for 6 months</p> <p>homeless applicants owed a prevention or relief duty under the Homelessness Reduction Act 2017 with no local connection to Waverley. However, applications are likely to be cancelled from the Housing Register following relief duties being accepted by another authority as a result of a referral by Waverley.</p> <p><b>Armed Forces or former Armed Forces personnel with no housing need, with or without a local connection.</b></p> <p><b>Care-leavers with a local connection to Waverley but not ready to live independently. These applicants will normally be suspended and unable to place bids until their circumstances have been reviewed.</b></p> <p><b>Elderly applicants in need of senior living accommodation where a case can be made for moving closer to family support and the housing needs cannot be reasonably met elsewhere. Alternatively elderly applicants, on a case by case basis, where the senior living housing vacancies are in less demand.</b></p> <p><b>Other cases that don't meet the A-C criteria but whose circumstances are considered sufficient to warrant inclusion in the discretionary pool.</b></p> <p><b>Where the Council has evidence that a housing applicant is unable to successfully maintain a tenancy or to live independently (but is not of a view that such evidence currently warrants excluding the applicant from its Housing Register), an application may be placed in the Discretionary Pool.</b></p> <p><b>Vulnerable applicants who need support but have disengaged with or are not co-operating with support and are considered unable to successfully maintain a tenancy.</b></p> <p><b>Cases where an application has been demoted following an assessment of behaviour e.g. behaviour that led to debts that are no longer collectable, instances of fraud or</b></p>
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		<b>deception or substantiated evidence of verbal abuse or physical aggression towards staff or Members of Waverley Borough Council or other housing providers.</b>
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### **13. TIME LIMITED AND CHANGING BANDS**

#### **13.1 TIME LIMITED BANDS**

Applicants will normally be eligible to remain in Band A for a three-month period and Band B for a six-month period. This will be subject to review at the end of the time limit and may be extended depending on the circumstances of the case.

Factors, which will be taken into account include:

- whether there have been suitable properties advertised through the Homechoice scheme within the timescale that the applicant has been unwilling to bid on
- Whether offers of accommodation have been made within the timescale and if a property offered has been refused, the suitability of the offer and the applicants' reason for refusal.

#### **13.2 CHANGING BANDS**

If it is assessed that the applicant's circumstances change so they are no longer eligible for their current band and they have to be moved to a lower band, their priority date will normally stay as their original priority date. If the applicant's circumstances change so that they have to be moved to a higher band their priority date will normally become the date the circumstances changed or the date they are assessed or confirmed.

### **14. ASSESSMENTS**

#### **14.1 MEDICAL PRIORITY**

Applicants who indicate that they or anyone in their household have an illness or disability, which is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation, are requested to complete a medical self assessment form. The Council considers this information, together with any relevant information provided by health professionals working with the person concerned. In most cases the Council will seek advice from the Council's Medical Advisor (or other independent medical advisor) who is an independent health professional.

Assessments are made of the effect of present housing on the state of health of the applicant or anyone in the household. In reaching a decision the Council will consider whether the overall effect on the household or any member of the

household is sufficiently severe to warrant inclusion in a higher band and whether the Council or its housing association partners could provide accommodation that would alleviate the medical condition or substantially reduce the difficulties caused by it.

In each case the recommendation is based on the judgment of need and take into account whether all other reasonable alternative housing options have been actively pursued. Households with medical needs will be placed in one of the following bands: -

- **Band A - Medical Emergency** will be recommended where the applicant or one of the household has a life threatening condition which is seriously affected by their current housing and the current accommodation is wholly inappropriate to occupy. Band A will also be given where current housing conditions and/or other circumstances are having such a major adverse effect on the medical condition of any member of the household as to warrant emergency priority. All recommendations for Medical Band A must be referred to the Council's Medical Advisor or other independent medical adviser.
- **Band B – Medical Hardship (Major)** will be recommended where the current housing conditions are having a major adverse effect on the medical condition of the applicant or one of the household, which creates a particular need for them to move. Medical Hardship will also be recommended where the applicant is ready to be discharged from hospital and is unable to return to their home because of unsuitability on medical grounds but would be able to sustain a tenancy in other more suitable accommodation. All recommendations for Medical Band B must be referred to the Council's Medical Advisor or other independent medical advisor.
- **Band C – Medical Hardship** Need to move on medical and/or disability grounds where the housing circumstances have a significant effect on the applicant's (or household member) condition but rehousing would only have a marginal impact on long term improvement and where there are no other suitable housing options. Recommendations for Band C will not always be referred to the Council's Medical Advisor or other independent medical advisor. However, where there is a recommendation for Band C Medical Hardship and this is one of a range of needs, the Council's Medical Advisor's opinion may be sought as to whether additional preference should be given and the applicant placed in a higher band.

The Council's Medical Advisor or other independent advisor will make a recommendation on each referred household considered as a whole, based on the effect that their existing accommodation has on the medical condition of household members, and the anticipated benefit from rehousing.

Medical priority will be reviewed and may increase or decrease under the following circumstances if: -

- the applicant(s) move to alternative accommodation
- there is a change in the composition of the household

- there is a material change in the medical condition of an applicant or other member of their household.
- the condition is pregnancy related following the birth of the child
- the condition is acute and the applicant had been awaiting treatment and the treatment has now been completed.

Medical priority may not be awarded if the condition is short term and the applicant would normally be expected to make a full recovery, e.g. broken leg.

Medical priority may also be time limited in certain circumstances and reviewed at the end of the priority period. In such cases priority may be extended if suitable accommodation has not become available over the time limited period.

In general, if an applicant has a medical condition which could warrant a higher medical priority than their present priority, but the applicant lives outside of the Borough of Waverley, the higher priority would not normally be awarded.

The final decision on the medical priority awarded rests with the Council and not with the independent medical advisor and will also include an assessment as to whether alternative non-social housing options could reasonably be available.

## 14.2 ENVIRONMENTAL HEALTH PRIORITY

Where an applicant has indicated that the household is living in insanitary conditions, including lacking one or more of the following: -

- Food preparation facilities (i.e. sink and space for a cooker)
  - Inside W.C.
  - Bathing and personal washing facilities
- or
- A Housing Health and Safety Rating System (HHSRS) hazard may exist

the Housing Team may make a referral to the Environmental Health or Private Sector Housing Team for consideration under the Housing, Health and Safety Rating System (HHSRS). Band C will normally be awarded if the Environmental Health/Private Sector Housing Team's assessment is that property comes within a category 2 hazard that cannot be rectified in a 12 month period, which puts the local authority under a general duty to take appropriate action.

An applicant will be placed in Band B where the Environmental Health Team or Private Sector Housing Team recommends urgent rehousing because their dwelling is in such a severe state of disrepair that cannot be addressed by enforcement action or it would not be reasonable or financially viable to do so.

Applicants will be placed in Band A where there are Severe Environmental Health grounds that cannot be rectified within in 12 months e.g.

- I. If the Environmental Health Team has notified that a Prohibition Order or Demolition Order is being issued, i.e. properties containing a category 1 hazard where the service of a Prohibition / Demolition Order is the most appropriate course of action, or
- II. If emergency rehousing is essential, e.g. Compulsory Purchase Order to enable site clearance for a road-widening scheme, or
- III. Where there is a statutory duty to re-house
- IV. Extreme disrepair/derelict conditions that cannot be addressed within 12 months e.g. major subsidence

Before awarding any banding based on Environmental Health Priority, an assessment will also be made as to whether the applicant could reasonably be expected to access alternative private sector housing or resolve the sub-standard housing issues identified.

### 14.3 SOCIAL WELFARE PRIORITY

Where there are social/welfare needs the Homechoice Team will consider the recommendations of Social Services and other relevant agencies and take into account any multiple needs. They will place the applicant in the appropriate band as follows: -

- **Band A – Exceptional Circumstances** will be agreed where there are exceptional circumstances or multiple needs, which warrant emergency priority. This may include Schedule 1 Offenders, whose timely rehousing is a Public Protection issue and households where an emergency move is required on the grounds of Child Protection and it would be unreasonable to expect them to remain in their current accommodation. It may also include extreme cases of violence or harassment where the victim is at substantiated and serious risk of harm if they remain in their current home. For such a recommendation to be made it is expected that full and detailed consultation had been undertaken with the relevant agencies and that the required supporting documentation had been provided. Authorisation by the Housing Needs Manager or his/her deputy is required. (See Section 15, Cumulative Needs)
- **Band B – Severe Social Hardship** will be agreed where there are multiple needs that warrant high priority or following a welfare agency referral, where an urgent need to move is agreed through full and detailed consultation with Social Services, the Police or other welfare agency. Such cases may include where a household urgently needs to move to give or receive care or support; for child protection reasons or other social/welfare reasons or multiple needs that warrant high priority. Supporting documentation needs to be provided. It may also include cases of violence or harassment where a move to a different location is a critical factor in contributing to the safety and wellbeing of the victim. Authorisation by the Housing Needs Manager or his/her deputy is required. (See Section 15, Cumulative Needs).



#### 14.4 MOVE ON ARRANGEMENTS

- ❑ **Move on from Supported Housing – Band B** is awarded when an applicant is confirmed as being ready to move from Supported Housing within the Borough or via a nomination agreement, into independent accommodation. Before awarding this banding the Council will assess information provided by the applicant and their support worker(s) in the Council's Independent Living/Social Care Assessment form. Applicants who register for housing but who are professionally assessed as not yet ready for independent living will be placed in the discretionary pool until they are ready. Cases considered for move on may also be discussed by the Waverley Single Housing Panel and the views of the Panel will be taken into account as part of the assessment.
- ❑ **Young People Leaving Care – Band B** is awarded where rehousing has been agreed between the Council, the Leaving Care Team and the young person as part of their Pathway Plan and they either have a local connection or are being rehoused under the terms of a Surrey-wide agreed protocol.
- ❑ **Voluntary Surrender – Band B** is awarded where a commitment in writing has been made by the Council to rehouse a former Council or Registered Provider tenant who has voluntarily given up their tenancy in special circumstances. These circumstances include a Council or Registered Provider tenant going into an institution e.g. prison, long term hospital stay, specialist rehabilitation project etc so that they can be assisted with accommodation on discharge. Another example of voluntary surrender is people that give up a tenancy within a very short period of occupancy, often returning to their family or parental home because they find they cannot manage an independent tenancy and require more suitable supported accommodation or need to receive support to develop independent living skills before being offered further accommodation.

#### 14.5 OTHER HIGH PRIORITY CATEGORIES

- ❑ **Management Transfers – Band A** may be awarded in exceptional circumstances if a transfer is recommended by the Tenancy and Estates Manager where there are significant and insurmountable problems associated with the tenant's occupation of a Social Housing dwelling and there is significant personal risk to the tenant or their family if they remain in the dwelling.

Where a management transfer is agreed the household will normally only be eligible to bid for similar size and type property e.g. house to house, flat to flat, unless it is agreed by the Council in exceptional circumstances that they may bid for other types of accommodation. If the household is already registered for a move they may still be considered for properties of the type and size they would be eligible for under their original registration, but their priority for this will remain the same as prior to a management transfer being agreed.

**Management Transfers – Band B** Occasionally urgent housing management cases arise that do not warrant band A priority but a strong case can be made to facilitate a move following consultation and agreement from Senior Housing Managers e.g. significant change in circumstances meaning the current Council home is unaffordable, less urgent housing management cases where other avenues to resolve matters have been exhausted or are inappropriate.

- **Permanent Decants – Band A** is awarded if a property is **imminently** required for essential works, which cannot be undertaken with the tenant in situ, and the tenant will not be returning e.g. development schemes, property disposal, structural work or modernisation. If the need to move is not imminent the household will be placed in Band B. Decant priority is usually only available to existing Waverley Borough Council tenants. Note: The arrangements for Temporary Decants do not fall within this policy – see the Temporary Decants policy.
- **Council interest moves – Band A** is awarded to facilitate a tenant's move from a Council or Registered Provider property in one of the following circumstances: -
  - **Release adapted property** – at the Council's discretion, on an individual case by case basis - if there is no need for the adaptations present in the tenant's current property e.g. a walk-in shower or wheelchair access, and the Homechoice Team has identified an applicant for whom these adaptations are appropriate.
  - **Disabled Adaptations** – Band A will be awarded to Council and Registered Provider tenants (where the Council has the nomination right to the resulting vacancy) where it is not reasonable or practical to carry out adaptations in the tenant's current home and a move to alternative accommodation is urgently needed. Band B will be awarded where adaptations are not reasonable or practical to carry out and accommodation is needed between 6 months and a year.
  - **Make best use of adapted stock** – where a tenant needs major adaptations and their current property does not meet their housing needs, and those adaptations are either not feasible or cannot be carried out cost effectively and there may be a more suitable alternative property available.
  - **Under-occupation** – to enable Council tenants under-occupying property to move to smaller accommodation if they are relinquishing two or more bedrooms. Transfers to smaller accommodation who will be relinquishing one bedroom will be placed in Band B.

Registered Provider tenants in Waverley will also be awarded Band A in the above circumstances where the Council has the nomination right to the resulting vacancy.

- **Eligible Successor moving to smaller accommodation** – Housing Management will advise the Homechoice Team of under-occupiers

who have succeeded to a Council tenancy, where the Council can and does wish to exercise the right to obtain possession by offering alternative accommodation. These households will initially be placed in Band B and will be supported to bid. They will move up to Band A once a Notice of Seeking Possession under Ground 16 of the Housing Act 1985 has been served

- **Ineligible Successor where the Council approves rehousing to smaller accommodation** – Housing Management will advise the Homechoice Team of those households resident in a Council or Registered Provider property where the tenant has died and no other household member has succession rights to the tenancy, and they have been approved by Senior Housing Officers for rehousing to smaller accommodation. These households will be placed in Band A and supported to bid. After 3 months, providing suitable vacancies have arisen which they could have successfully bid for, they will be moved to the discretionary pool and action will be taken to recover the property.

In deciding whether to approve a household for an offer, the following factors will be taken into account: -

- Length of time they resided with the tenant before their death
- The nature of the relationship between themselves and the tenant
- The age of the household members
- Any medical and/or social factors
- The level of demand for the type and size of property required
- Whether the household would be likely to have been allocated a suitable property if they had made an application to join the Housing Register when they first moved into the property
- Their ability to finance accommodation in the private sector
- Any other relevant considerations

**Ineligible Successors** who the Council does not agree to accommodate will be advised to join the Housing Register and their application will be assessed according to their needs. The Council will take action to recover possession of the property.

□ **Homelessness**

- **Homeless in temporary accommodation where a duty is owed and there are special circumstances – Band B** is awarded where a homeless household, who is owed a duty under Part VII of the Housing Act 1996 as amended, has been provided with temporary accommodation by the Council, which is not suitable to meet the needs of the applicant or a member of their household and the only prospect of meeting them is through the provision of permanent accommodation e.g. disability, child protection issues.



All other homeless applicants with a local connection Waverley where a main homelessness duty is owed will be placed in Band C including those owed a prevention or relief duty under the Homelessness Reduction Act 2017. Other homeless people within the meaning of Part VII of the Housing Act 1996 but to whom the main duty has not been accepted will be placed in the discretionary pool. Households owed a prevention or relief duty under the Homelessness Reduction Act 2017 but who do not have a local connection to Waverley, will be placed in the Discretionary Pool.

Intentionally homeless households will be placed in the discretionary pool. After at least 6 months has passed since the intentionality decision was made, the application can be re-assessed and placed in the appropriate band according to the applicant's circumstances.

- **Overcrowding – Band B** is awarded to tenants who are living in accommodation assessed as having a category 1 Overcrowding Hazard as defined by the Housing Act 2004, or where there is a Court Order to rehouse, except where the tenant has caused the overcrowding by inviting additional persons to live with them. Before awarding such a banding an assessment would be made as to whether all reasonable steps had been taken to remedy the situation, including securing more suitable accommodation elsewhere in the private sector
- **High Priority Overcrowding– Band B** is awarded where a household is two or more bedrooms deficient, has not deliberately worsened their housing situation and has taken all reasonable steps to remedy the situation. Where a household is one bedroom deficient they will normally be placed in Band C. However, occasionally exceptional cases may exist where although an applicant is one bedroom deficient under the policy, the living arrangements are such that Band B priority maybe appropriate to reflect the extent of the overcrowding or hazard. This would follow detailed assessment, taking into account the number of occupants, the size of the accommodation, relevant concerns of other agencies and whether all reasonable steps had been taken to remedy the situation. **Band B** will also be awarded to overcrowded social housing tenants needing three bedroom accommodation where the eldest of two children of opposite sex is 10 years old or older or where there are three children and at least one is 10 years old or older.
- **2 Tenants wishing to become 1 Household – Band B** is awarded where two Council or Registered Provider tenants living in separate tenancies wish to live together and where occupying either property would mean that the household would be two or more bedrooms deficient or where it is considered to be in the Council's strategic interest to secure two properties for one or to release a family sized property on a case by case basis (See Section 24, Bed Size Eligibility)
- **Where temporary accommodation or homeless prevention accommodation is needed urgently.** On a case by case basis priority may be given to households living in temporary accommodation

or accommodation where the Council has nomination rights and used to prevent homelessness, to release vacancies for other households under threat of homelessness.

□ **Tied, Agricultural Dwelling-House Advisory Committee (ADHAC) & H.M Armed Forces cases required to vacate within 6 months**

- **Tied – Band B** is awarded where a household with a substantive and long standing local connection living in tied accommodation is due to retire or has received notice due to redundancy and is required to vacate their accommodation within the next 6 months. Tied households where there is no requirement to vacate within the next 6 months will be placed in Band C.
- **ADHAC – Band B** is awarded where an agricultural worker resident in the Borough is to be displaced and is entitled to rehousing under the Rent (Agriculture) Act 1976.
- **H.M.Forces – Band B** is awarded where an H.M. Armed Forces applicant with a previous substantive and long standing local connection, who would be considered to be in priority need under the homeless legislation is required to vacate their service accommodation due to retirement or leaving the forces with at least 5 years service. If an applicant is discharged early, other than on grounds of ill health or disability, they will be awarded band C.

□ **Current and Former Members of the Armed Forces**

To recognise the valuable contribution made to the country by serving and former members of the Armed Forces, Waverley's allocation scheme prioritises applications as outlined below:

- **Band B** is awarded where an applicant or their spouse/civil partner has at least a medium connection to Waverley (see16), is assessed as being in housing need or urgent housing need and is serving in the regular armed forces (as defined in Section 374 of the Armed forces Act 2006) or has served in the regular armed forces within five years of the date of their housing application. Similar priority can be awarded where a bereaved spouse/civil partner with a connection to Waverley where their spouse civil partner served in the regular Armed forces and their death was attributable (wholly or in part) to that service. In addition such priority can be awarded to serving or former reserve forces personnel with a medium connection to Waverley, who are suffering from a serious injury, illness or disability which is attributable (wholly or in part) to that service.
- **Band C** will be awarded in the above circumstances where there is no local connection to Waverley.
- **Discretionary band** Armed forces applicants, as outlined above, where there is no assessed housing need, will be placed in the

discretionary band irrespective of whether or not they have a local connection.

- 
- **Mobility**
  - **Special Mobility Arrangements – Band B** is awarded where a commitment has been made to assist a tenant from another local authority within Surrey under the Surrey Mobility Scheme in order to meet the Council’s obligations under this scheme.
  - **Reciprocal Arrangements – Band B** is awarded where agreement with another local authority exists to carry out reciprocal rehousing and a reciprocal move is owed under this agreement. The Housing Needs Manager reserves the right to initiate, accept or refuse reciprocal arrangements according to circumstances prevailing at the time.

To qualify for Band B in either of the above cases it is not a requirement that the applicant has a local connection.

□ **Engagement with Services and ability to maintain a tenancy**

Some vulnerable applicants with support needs may disengage with statutory or voluntary services that in turn makes them less likely to be able to sustain a tenancy if offered accommodation. Often such applicants are of no fixed abode, or a “revolving door” homeless case and have chaotic lifestyles. Many are referred to the Waverley Single Housing Panel for this reason. If such applicants disengage with services, they will be placed in the discretionary pool until such time as they re-engage and co-operate with support workers, then they will be eligible to move up to Band C. Where such disengagement is due to a disability or chronic medical condition, e.g. a severe and enduring mental health problem their original application date will be retained when moving up to Band C.

Where the Council has evidence that a housing applicant is unable to successfully maintain a tenancy or to live independently (but is not of a view that such evidence currently warrants excluding the applicant from its Housing Register), an application may be placed in the Discretionary Pool.

Such applications may still be considered for referral to supported housing if considered appropriate but would not normally be considered for general needs accommodation. The banding can be kept under review following assessment of new information or evidence that clearly demonstrates that the applicant is able to maintain a tenancy.

In making such a decision, the Council will assess a client’s housing history including reasons for loss of previous accommodation or threatened loss of current accommodation. Factors will include rent payment record, co-operation with available support and any evidence of inappropriate or antisocial behaviour towards landlords, neighbours, statutory/voluntary agency staff or Council staff or elected Members. The

degree to which any medical factors may negatively affect behaviour will also be taken into consideration in consultation with the Council's Medical Advisor.

## **15. CUMULATIVE NEEDS**

As part of the assessment of an applicant's needs, those applicants who have a range of needs, which would, when considered independently of each other, place them in the same band; will be identified. These cases will be assessed to identify those applicants whose needs, when considered cumulatively, are deemed to be so severe as to warrant them being placed in a higher priority band. Where such exceptional circumstances exist and a higher priority band is thought to be appropriate the Housing Team, having fully considered the details of the case, will forward their recommendation to the Housing Needs Manager to seek authorisation that the applicant be placed in a higher priority band. Before awarding such a banding an assessment would be made as to whether all reasonable steps had been taken to remedy the situation, including securing more suitable accommodation elsewhere in the private sector.

## **16. REVIEW OF FLEXIBLE TENANCIES**

Since 2014 the Council has offered housing applicants who are not already social housing tenants, an introductory tenancy followed by a 5 year flexible tenancy. In the final year of a flexible tenancy the tenancy will be reviewed. The review is to ascertain whether the flexible tenancy can be renewed for a further 5 years. The review will take into account changes in household circumstances including household size and financial resources. There would usually be three possible outcomes:

- The household circumstances are such that the tenancy can be renewed.
- The household circumstances are such that the tenant is no longer eligible for social housing and/or has financial resources that mean they no longer qualify for social housing.
- The household continues to be eligible for social housing but their circumstances are such that they no longer need the same size accommodation. If they need smaller accommodation they can register to down size and receive the appropriate priority to do so as outlined in banding scheme above. If they need larger accommodation they can also register for such a move and be assessed as outlined in the banding scheme.

## **16. LOCAL CONNECTION**

Unless exceptional circumstances exist applicants normally need to have a local connection with Waverley to join the Housing Register as outlined in 7 j).

However, given the high housing pressure in the Borough, more priority will be given to applicants with a significant housing need who have a stronger local connection with the borough as outlined below.

In cases where applicants have returned to the UK after living abroad, the local connection can only start to be accrued when the applicant has established recourse to public funds.

Two types of local connection may be established: 1 – **Strong Connection** (Substantive and Long Standing Local Connection) or 2 - **Medium Connection**. Some applicants may have no local connection for the purposes of this allocation scheme.

1. **Strong Local Connection** (Substantive and Long Standing Local Connection) – This is defined as the applicant or the partner having five years continuous and settled residence in the Borough at the time of the application. Applicants will only be placed in Band A or Band B if they have this greater local connection **and** if their circumstances meet the relevant Band A and B criteria. However, this may be waived for certain designated cases (e.g. Care leavers and Armed Forces personnel in housing need and who have medium local connection) or in other exceptional circumstances at the discretion of the Housing Needs Manager.

2. **Medium Local Connection** – This is defined below. Applicants will only be required to meet one of the following conditions to establish a local connection: -

- ❑ Either the applicant or partner has, by choice, lived in the Borough of Waverley for at least 3 out of the 5 years immediately preceding the date the application is made or reviewed; or
- ❑ Either the applicant or partner has, by choice, lived in the Borough of Waverley continuously for at least 5 years at any time in the past; or
- ❑ Either the applicant or partner has been employed in the Borough of Waverley for at least 12 months (*In certain circumstances exceptions may be made to the time limit for employment where an applicant or their partner is considered to be a key worker and they are being considered for designated key worker accommodation.*) and
  - remains in employment in the Borough continuously from the date of their application, and
  - the employment is permanent (not temporary), and is for a minimum of 16 hours per week; or
- ❑ Either the applicant or partner has a close relative that lives in the Borough of Waverley and has done so for at least 5 years immediately preceding the date the application is made or reviewed. For the purposes of this paragraph a close relative means mother, father, adult son or daughter, brother or sister; or
- ❑ Either the applicant or partner has demonstrated to the Council's satisfaction that a local connection applies to the Borough of Waverley through special/exceptional circumstances.

For the purposes of this section, residence in the Borough is not of a person's choice if it is in consequence of being detained under the authority of any Act of Parliament.

Applicants will initially be placed in the relevant band according to their housing need **and** which type of local connection they have established. Local connection can be acquired if they do not have it at the time of applying so if, for example, an applicant has a medium local connection and subsequently acquires a high local connection they may be moved to Band A or B **if** their circumstances meet the criteria for either of those bands.

Applicants with a local connection will also have to satisfy the financial criteria before being placed in Band A, B or C. (See Section 19, Financial Assessment)

No local connection – applicants with no local connection will generally not be eligible to go on the housing register unless exceptional circumstances apply or they are relevant armed forces or former armed forces personnel.

Transfer applicants (i.e. existing Waverley Council or Housing Association tenants in Waverley where the Council has nomination rights to their homes) are not required to meet any local connection criteria.

Applicants who previously had a local connection to Waverley will not normally lose the connection if as a result of the Council's homeless prevention and relief duties they are assisted by the Council to secure alternative accommodation outside of Waverley, that ends the homelessness duty.

## 18. PRIORITY DATES

- ❑ An applicant's priority within the bands will normally be based on their application date and they will be considered on a date order basis i.e. the longer they have waited the higher their priority
- ❑ If an applicant **moves up a band** their application date will be the date that they moved into that band. This ensures that applicants gaining a higher level of priority do not overtake applicants who have had that higher level of priority for longer. Certain exceptions may apply when moving up from the discretionary pool to band C (see section 14)
- ❑ If an applicant **moves down a band** their application date will be the date that applied when they were previously in that band or any earlier date when they were in a higher band. This ensures that applicants do not lose out by having to start at the bottom of the lower band
- ❑ The Council reserves the right to adjust priority dates on a case by case basis in certain circumstances e.g. where an application is cancelled due to lack of response to an annual review form and the applicant at a later date can provide compelling evidence that in the opinion of the Housing Options Manager or Homechoice Manager warrants discretion in regard to the priority

date for the new or re-application. This could also apply on a case by case basis in instances where two joint applicants separate and the second applicant is required to register in their own right.

## **19. FINANCIAL ASSESSMENT AND THE PREVENTION OF FRAUD**

The financial criteria set out in 7. a) – j) are current at the time of implementation of the scheme but are subject to review. The Council expects applicants to honestly declare whether they own or have previously owned property(ies), disposed of an asset, exercised the Right to Buy / Right to Acquire and the amount of their household income and savings. Confirmation of financial circumstances will be required and the Council reserves the right to carry out its own verification, including the use of commercial data matching services.

Under Section 171 of Part VI of the Housing Act 1996 as amended, makes it an offence for an applicant to:

- Knowingly give false information
- Knowingly withhold information which the housing authority has reasonably required the applicant to give in connection with their application

The circumstances in which an offence is committed could include providing false information:

- On an application form for social housing
- In response to a request for further information in support of the application
- During review proceedings

Anyone found guilty of attempting to obtain accommodation by deliberately giving false information or withholding information relevant to their application is liable to be prosecuted and fined up to £5000. The Council will consider using all available means to prosecute anyone suspected of such an offence.

Ground 5 in schedule 2 of the Housing Act 1985 (as amended by S.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting on the tenant's instigation.

Whether the Council chooses to prosecute an applicant or not, if following an assessment of an application the Council decides that a person has given false information or withheld information, it can take one or more of the following actions:

- a) Remove the applicant from the Housing Register.
- b) Not allow the applicant to join or re-join the Housing Register for a period of time ranging between 1 and 3 years.
- c) Demote the application to the Discretionary Pool for a period of between 1-3 years or suspend the applicant from bidding for 1-3 years
- d) Instigate criminal proceedings.

The applicant will be informed in writing of the Council's decision and action taken and have a right to request a review of the decision in line with the Council's allocation scheme review procedure.

The Council reserves the right to keep the above actions/penalties under review to take into account significant changes in circumstances, assessment of additional information and legal requirements.

The Council also reserves the right to implement any of the actions a) - d) above, on a case by case basis, in situations where a housing benefit overpayment has been made as a result of a housing applicant acting fraudulently by withholding information about changes in their household or financial circumstances from the DWP or the Council.

## **20. DELIBERATELY WORSENING CIRCUMSTANCES**

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority under the scheme, no additional priority will be given.

This is where an applicant moves from accommodation that was available for their occupation; that was as suitable, or more suitable for them than the accommodation they have moved to; and which it was reasonable for them to have continued to occupy.

For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation.

An applicant is entitled to request a review of a decision that they have deliberately worsened their circumstances. (See Section 36, Review Procedure)

## **21. TARGETS**

- The allocation scheme is designed to give reasonable preference to those categories of housing applicant requiring it under the legislation. Since the launch of choice based lettings in 2007 the allocation scheme has helped re-house applicants in most housing need from a range of circumstances, tenures and bands. It has therefore not been necessary to target a certain number of lettings to certain bands or applicant types. However, the Council reserves the right to do so if this ever becomes necessary following consultation with the Housing Portfolio Holder.
- If numerical targets were introduced they would be kept under review and may be changed at the discretion of the Housing Needs Manager to take account of changing demand and/or supply factors, performance to date on achieving the targets and the relative needs of the priority groups between themselves.



## 22. LOCAL LETTINGS PLANS

A local lettings plan that identifies local lettings priorities and is outside of this policy, may be applied in the following circumstances: -

- Where there are estate management problems or issues affecting the sustainability of an area. A local lettings plan may be used where steps are needed to prevent or reverse social conditions that are threatening the housing rights of most residents or the value of the stock. The local lettings plan must: -
  - Cover a clearly defined geographical area
  - Have clear objectives aimed at tackling demonstrable social problems in a specific area or street
  - Be part of a wider strategy for tackling these problems
- On a new housing development/ or regeneration/modernisation/refurbishment scheme, normally in excess of 10 units, if it is considered that the usual advertising of such vacancies will not deliver a reasonable mix of households to achieve a balanced and sustainable community. Any local lettings plan will be agreed with the social housing landlord concerned.
- On a scheme by scheme basis Waverley may devise specific allocation criteria when regenerating particular areas in the borough in order to meet the needs of households directly affected by such proposed schemes. Tenants will not usually be required to be registered on the Council's Housing Register or to bid under Waverley Choice Based Lettings Scheme. Instead tenants will be directly matched to particular redeveloped properties based on an assessment of the households' circumstances and the criteria in the development specific local allocation scheme.
- Following this process any remaining vacancies on such new developments will usually be allocated according to this main Allocation Scheme through advertising on Waverley's borough wide Choice Based Lettings system.
- On Specific Rural Housing Schemes, where planning permission specifically relates to the housing being provided to meet local housing need. Normally for such schemes properties will be offered to those applicants that bid for a property, who have a local connection and who are in the greatest housing need.

Local connection for this purpose can be established if the applicant and/or his/her partner: -

- are living in the village or parish at present or
- are employed in the village or parish at present
- were born and brought up in the village or parish but now live elsewhere or
- have close family within the village or parish e.g. mother, father, brother, sister

Length of residence or employment is taken into account and priority given to those with the greatest connection. If there are no suitable applicants in the village or parish then applicants from the next neighbouring parish or parishes can be considered on a concentric circle basis.

## **23.RENT ARREARS AND OTHER DEBTS**

### **23.1 Summary statement**

Applicants with debts to the Council or another landlord and who have set up a repayment plan and have maintained regular payments for at least 6 months will be able to join the Housing Register, irrespective of the level of debt.

Applicants with debts to the Council or another landlord (excluding current rent which must be cleared), who have maintained a repayment plan for at least 6 months and place a successful bid for housing, will be overlooked for that property unless they have reduced their original total debt to under £500.

Applicants will be expected to clear their current rent balance (including any water or heating charges) before offer – see detail in 23.2-23.5 below.

Failure to maintain repayment arrangements, even after reducing the debt as outlined above, will also result in a successful bid being overlooked and further suspension from the Housing Register.

### **23.2 SOCIAL HOUSING TENANTS (COUNCIL OR PARTNER REGISTERED PROVIDER)**

Social housing tenants already on the register but with rent arrears or who owe other housing related debts to the Council or other provider, will be placed in the appropriate band according to their needs.

However, to be an active application and able to bid for advertised properties the applicant will need to have entered into and maintained suitable repayment arrangements. Suitable repayment arrangements will normally be for at least six months. Applicants will normally be suspended from bidding where they have not entered into and maintained suitable repayment arrangements for their rent arrears or other housing related debts.

To be eligible for an offer of accommodation following a successful bid, social housing tenants must normally have a clear rent account unless the landlord (Council, Housing Association) agrees to waive this requirement. The Council reserves the right to still withhold the offer if it is not satisfied with the reasons for the waiver.

In addition, before an offer of accommodation social housing tenants must not owe the Council any of the following housing related debts:

- ❑ Housing Benefit Overpayment
- ❑ Court Costs

- ❑ Former Tenant Arrears
- ❑ Unpaid Recharges
- ❑ Council Tax arrears
- ❑ Any other outstanding debts to the Council e.g. deposit bond debt

Or social housing tenants must have maintained suitable repayment arrangements for the above debts for at least 6 months and reduced the total of all the debts to below £500.00.

Exceptions may be made to the rent arrears and housing related debt requirements if tenant is eligible for the Council transfer incentive payments that would clear debts (See section 26).

Tenants subject to a Notice of Seeking Possession (NOSP) on the ground of rent arrears or on a suspended possession order would not normally be eligible for a transfer or be able to bid. However if (or when) the Notice expires and no new Notice is served, or they clear their arrears, they will again be eligible for a transfer subject to the provisions on other debts outlined above.

### **23.3 HOMELESS HOUSEHOLDS IN TEMPORARY ACCOMMODATION**

Homeless households in Council provided temporary accommodation with rent arrears or other housing debts are normally considered on the same basis as other Council or Registered Provider tenants with debts. The following housing related debts will be taken into account: -

- ❑ Housing Benefit Overpayment
- ❑ Court Costs
- ❑ Former tenant arrears with Waverley Borough or any other social landlord
- ❑ Arrears from any hostel placements or Bed and Breakfast accounts
- ❑ Deposits paid by the Council to secure a private tenancy.
- ❑ Rent paid in advance by the Council to secure a private tenancy
- ❑ Unpaid recharges
- ❑ Council tax arrears

Tenants in temporary accommodation subject to a Notice to Quit (NTQ) where there are rent arrears would not normally be eligible for an offer unless they clear the debt in full.

### **23.4 APPLICANTS IN THE PRIVATE SECTOR OR LIVING WITH FRIENDS OR RELATIVES OR OF NO FIXED ABODE**

Where an applicant is living in private sector accommodation, living with relatives or friends or has no fixed abode, they will be placed in the appropriate band according to their needs.

However, if an applicant has current rent arrears with their landlord/friend or relative or current or former debts to the Council, they will not be able to be active on the Housing Register and bid for advertised properties, until they have entered into and maintained suitable repayment arrangements with their landlord and/or the Council. Suitable repayment arrangements will normally be maintaining payments for at least six months. Applicants will normally be suspended from bidding where they have not entered into suitable repayment arrangements for their rent arrears or other housing related debts.

To be eligible for an offer of accommodation following a successful bid, applicants living in private rented accommodation or with friend or relatives must normally have a clear rent account unless the landlord, friend or relative agrees to waive this requirement. The Council reserves the right to still withhold the offer if it is not satisfied with the reasons for the waiver.

In addition, before an offer of accommodation applicants living in private rented accommodation or with friends or relatives or of no fixed abode must not owe the Council or other former social landlord, any of the following housing related debts:

- ❑ Former tenant arrears with Waverley Borough or any other social landlord
- ❑ Housing Benefit overpayment
- ❑ Court costs
- ❑ Unpaid recharges
- ❑ Arrears from any hostel placements or Bed and Breakfast accounts.
- ❑ Deposits paid by the Council to secure a private tenancy. This does not include the current tenancy. However, the applicant will be advised that the deposit for the current property must be returned as soon as it is vacated.
- ❑ Claims against Deposit Bonds previously provided by the Council
- ❑ Rent or fees paid in advance by the Council to secure a private tenancy
- ❑ Council tax arrears

Or applicants must have maintained suitable repayment arrangements for the above debts for at least 6 months and reduced the total of all the debts to below £500.00.

### **23.5 APPLICANTS IN ACCOMMODATION PROVIDED BY ANOTHER SOCIAL HOUSING PROVIDER E.G SINGLE PERSON HOSTEL**

Applicants with rent arrears or other housing related debts residing in supported or hostel accommodation provided by another social housing provider or charity are normally considered on the same basis as private sector accommodation with debts – see 23.4.

### **23.6 DISCRETION AND VARIATIONS TO RENT ARREARS AND OTHER HOUSING DEBTS POLICY**

- a) Under normal circumstances applicants who owe money as outlined in 23.2-23.5 above and have not maintained an agreed repayment arrangement will be suspended from bidding for properties
- b) Applicants who successfully bid will not be offered a property until they have:

Scenario one:

- i) cleared any current rent arrears (including any water and heating charges) and
- ii) cleared other housing related debts outlined in 23.2-23.5 or

Scenario two:

- i) cleared all current rent arrears (including any water or heating charges) and
- ii) entered into and maintained a satisfactory repayment arrangement for the housing related debts outlined in 23.2-23.5 for least 6 months and
- iii) reduced the total housing related debts outlined in 23.2-23.5 to below £500.00.

This policy may be departed from in exceptional cases at the discretion of the Council's most Senior Housing Officer or his/her delegated senior officer or officers. Examples of exceptional cases may include:

- The applicant or tenant's need to move is considered of sufficiently high priority to override the requirement to clear all housing related debts on exceptional social welfare or medical grounds. Applicants will be expected to continue to repay the debts following a move.
- A Council tenant is eligible for a grant under the Transfer Incentive Scheme (for under-occupation moves) and this is sufficient to clear all outstanding housing related debts.

The Council reserves the right to suspend an applicant from bidding in circumstances where an applicant places multiple bids on advertised properties but there is no prospect of an offer being made due to the level of the outstanding debts.

When an application is suspended but then made active again, this does not normally adversely effect the priority date. However, in instances where an applicant persistently breaks repayment arrangements, the Council reserves the right to also adjust the priority date for an application so as not to disadvantage the vast majority of applicants who have maintained debt repayment arrangements.

### **23.7 BANKRUPTCY, DEBT RELIEF ORDERS AND INDIVIDUAL VOLUNTARY ARRANGEMENTS**

In circumstances where an applicant owes debts to Waverley but is bankrupt, has entered into Individual Voluntary Arrangements or has a Debt Relief Order or other debt relief measures, these debts are normally not collectable by the Council.

However, in regard to the Housing Register, the Council reserves the right to assess the behaviour of the applicant that led to these historic debts. The behaviour that led to the debt could, for example, include not complying with the terms and conditions of their original tenancy or failure to have paid a landlord the housing benefit/local housing allowance that the applicant had received.

Following an assessment of the circumstances that led to the written off, uncollectable debt, the Council reserves the right to either exclude an applicant from the Housing Register for a period of 1-5 years or/or suspend or/or demote the application for 1-5 years, depending on the amount of debt and the behaviour that led to it.

The applicant will be informed in writing of the Council's decision and action taken and have a right to request a review of the decision in line with the Council's Allocation Scheme review procedure.

The Council reserves the right to keep the above actions/penalties under review to take into account significant changes in circumstances, assessment of additional information and legal requirements.

### **24. BREACH OF OTHER TENANCY CONDITIONS INCLUDING ANTI SOCIAL BEHAVIOUR**

Where a Council or Registered Provider tenant has been served with a Notice of Seeking Possession or a demoted tenancy has been obtained through the Courts, due to a breach of one or more of the tenancy conditions (except rent arrears-See Section 23, Rent Arrears and Other Housing Debts Policy), an applicant will not be eligible for an offer of accommodation until or unless the circumstances have been rectified to the satisfaction of the Council.

Where a private sector tenant has been subject to a Court Order for a breach of tenancy conditions other than for rent arrears an applicant may not be eligible to bid, subject to a full assessment of the circumstances that led to the order being obtained.

When the Notice of Seeking Possession expires or the breach that led to its service is satisfactorily remedied or they no longer have a demoted tenancy they will be

eligible for an offer. However, their priority date will be reduced by the length of time they were subject to a valid Notice of Seeking Possession or demoted tenancy.

This Breach of Tenancy Conditions policy may be departed from in exceptional cases at the discretion of the Council's most Senior Housing Officer or his/her delegated senior officer or officers, for example:

- The applicant or tenants need to move is considered a sufficiently high priority to override the policy on social welfare or medical grounds, and the circumstances fall outside the remit of the Community Harm and Risk Management Meeting/Joint Action Group and the Housing Management moves procedures.

## 25. BEDROOM ELIGIBILITY

The number of bedrooms for which applicants are eligible is determined by the following guidelines which reflect housing benefit criteria that will apply to both private and social housing tenants in April 2013. Where a property has two living rooms and one can reasonably be used as a bedroom, it will be allocated on that basis.

One adult or couple	One bed
Couple or lone parent with one child	Two bed
Couple or lone parent with two children of the same sex under 16	Two bed
Couple or lone parent with two children of opposite sex under 10	Two bed
Couple or lone parent with two children of opposite sex where one is over 10	Three bed
Couple or lone parent with three children	Three bed
Couple or lone parent with two children of the same sex where one is over 16	Three bed
Couple or lone parent with 4 or more children	Three or four bed

The Housing Team may add a bedroom where the Medical Adviser recommends this as essential but before doing so checks will need to be made as to Housing Benefit or other housing payment eligibility.

Applicants will be advised that they stand a greater chance of successful rehousing if they bid for the smallest property for which the number of people in their household is eligible, because supply is greater the fewer bedrooms there are. Supply of the largest properties, which have four bedrooms and two living rooms or 5 bedrooms is virtually non-existent. Applicants will be advised to refer to the Council's website for details

regarding vacancies occurring in recent years as an indication of supply of different property types.

There may be occasional exceptions to the above guidelines for example: -

- Certain 2 bedroom properties designated for older people may be allocated to a couple or single older person if there is not demand from a household entitled to a two bedroom property
- Under local lettings plans

Note: bedroom criteria are subject to change in the future based on changes to DWP/Universal Credit, Housing Benefit entitlements.

### **Household composition and bedroom entitlement**

The Council understands that due to the scarcity of family sized accommodation in the borough households with older children e.g.13 plus, may not be successful in bidding for housing until such time as some of the children are 16 or 18 plus. However, as family sized social housing is so scarce compared with the Council's stock of one bedroom properties; the Council does reserve the right to review household composition each year. In carrying out such reviews we generally expect that over 18 year olds should register for one bedroom housing in their own right.

Additionally and so as not to hold up the rehousing of the other household members on the original application, we would consider it reasonable for such individuals to take the necessary steps to secure alternative accommodation whilst they wait themselves to bid for one bedroom social housing, such as accommodation in shared houses in the private sector; if, in the judgment of the housing options team, this is realistic and achievable.

Factors such as employment, further education, medical, caring and special needs factors would be taken into consideration in the Council's assessment of reasonable household composition and bedroom entitlement.

### **26. INCENTIVE SCHEME FOR UNDER-OCCUPYING TENANTS TO MOVE TO SMALLER ACCOMMODATION**

A number of secure Council tenants under-occupy large family sized accommodation. To encourage such tenants to move to smaller accommodation a cash grant may be payable, and in certain approved cases assistance with removals can be provided.

The grants payable at the date of this policy are as follows:

From	To	Amount Payable
3/4 bed family home	1 bed flat, bedsit or bungalow including sheltered or 2 bed elderly designated	Up to £1500



2 bed family home	1 bed flat, bungalow, or bedsit including sheltered or 2 bed elderly designated	Up to £1200
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The above sums are maximum amounts payable and are payable to secure tenants only – not introductory or flexible tenants. The precise amount will be at the discretion of the Homechoice Manager or deputy taking into account outstanding rent arrears, other debts to the Council or any necessary recharges following the move. The amounts payable are applicable at the commencement of this Allocation Scheme and the Council reserves the right to review the amounts payable, the criteria under which they are paid or remove the cash grant scheme.

Some housing associations may also offer incentive schemes to their under-occupying tenants.

## **27. VERIFICATION OF APPLICANTS CIRCUMSTANCES**

Applicants are responsible for ensuring that the housing application details held by the Homechoice and Housing Options teams are up to date and correct. This includes contact numbers, email address, changes of address and changes in household composition. The Council will request relevant documentary evidence to verify household changes e.g. birth certificates, confirmation of receipt of child benefit etc. as outlined in section 9. Additionally the Council will also become aware of household changes following contact from applicants for housing options advice or from contact with applicants who are already social housing tenants through tenancy audits or other home visits.

Where resources allow, applicants whose bids are placing them high on bidding lists may be visited and the Council reserves the right to undertake unscheduled visits in order to verify circumstances or in instances of suspected fraud. Other checks can include use of data matching services.

### **Property condition**

For Council tenants registered for a transfer, if the condition of their current property has deteriorated owing to acts of waste or neglect by the tenant or another person residing in the property, such that it is appropriate for a Notice of Seeking Possession under Ground 3 of Schedule 2 of the Housing Act 1985 to be served, the matter will be referred to the Housing Management Section. They will not be eligible to bid until any Notice served has expired or the situation remedied, whichever is the sooner.

If work is required to bring the property up to a standard that enables it to be let with minimal work being undertaken by the Council the tenant will be advised of the exact nature of the work and a timescale will be agreed for this work to be carried out. Alternatively, on a case by case basis, they can provide a signed agreement that they are prepared for the Council to undertake the work and to be recharged for it. Only then will they be eligible for an offer.

In the case of a housing association tenant transferring, a visiting officer from the Council will alert the housing association if it is considered that the condition of the property is poor and that the tenant may be in breach of their tenancy conditions. The housing association may subsequently request the Council to “suspend” any offer of accommodation until they have carried out their own inspection to determine if the tenant is in breach of their tenancy conditions. This may result in an offer being withdrawn.

Similarly in regard to private rented tenants on the housing register, if following a visit by housing options officers the poor condition of the home is considered to be result of avoidable neglect by the tenant/applicant, an application may also be suspended.

## **28. CHOICE & OFFERS OF ACCOMMODATION**

As far as possible all properties will be advertised and let under the Council’s Choice Based Lettings scheme - Waverley Homechoice. The exception to this is in the very rare instances when a particular property is so ideally suited to the special needs of a particular high need household (e.g. those requiring specific disabled adaptations), that it would be unreasonable to advertise the vacancy under the scheme as this would unduly raise expectations for other households.

An offer of accommodation will normally be made to the eligible applicant in the highest band, starting with Band A through to Band C or the discretionary pool with the earliest application date (See Section 17, Priority Dates), whose household size best fits the property by comparing the size of the property with the number of people on the application.(See Section 24, Bed Size Eligibility)

The Council reserves the right, in exceptional circumstances, to offer a property out of a strict Band priority and waiting time order to an applicant who has special needs and for whom the particular property is uniquely or unusually suitable (e.g. location, layout, access or capacity for adaptation) to meet those needs.

In order to make best use of social housing stock in Waverley some properties may be advertised as ‘preference maybe given to larger households’ or ‘to those with a medical need for ground floor accommodation or ‘needing disabled adaptations’. In these instances the property may be offered to a household with less priority on the short list but who meets the preference requirement to make best use of the accommodation. For example, the Council has very few 4 bedroom properties so large three bedroom properties, particularly those with a living room and dining room, will often be advertised as ‘preference for larger households’.

In some instances advertised properties attract very few bids or no bids. This can occur, for example, when advertising senior living properties. In the scenario when there are no bids or those that have bid refuse the property, the Council reserves the right to allocate the property to eligible clients to whom the Council owes homeless prevention or relief duties, following assessment by the Council’s Housing Options Team. Alternatively such low demand properties will be re-advertised and the

Council may also explore alternative strategic options such as short term leasing or redevelopment.

In the event that targets are set for each band and it is found that they are not being met, properties may be offered to applicants from a specific band to ensure that the target for that band is met.

Prior to arranging a viewing a Housing Officer will undertake the following checks in respect of the shortlisted applicant:

- a) Confirm that correct details for the applicant and their household are held on the Council's Housing Register database and electronic document storage system.
- b) Carry out debts checks with Housing Options, Council Tax and Housing Benefit teams. Applicants will be overlooked for an offer and / or considered to be no longer eligible to be on the register if the criteria outlined in 7 a) – J), that stops people qualifying for inclusion, are considered to apply to them. For example, if a person joins the register, successfully bids for a property but then is found to owe Council Tax arrears and they have not made and maintained an acceptable arrangement to repay the debt; they will be overlooked for an offer, have their application suspended and if the situation persists may be excluded from the register entirely. See section 23.
- c) Where the applicant is eligible for an offer the applicant will be contacted (usually by phone) to discuss the offer and an appointment will be arranged to view the property. It is the applicant's responsibility to ensure that their contact numbers, email and address details given to the Homechoice team are up to date and that they respond urgently to messages from the Homechoice team advising that they are being considered for an offer. Failure to do so will mean the property will be offered to the next person on the shortlist and their application will be suspended.
- d) Following the viewing, applicants are required to sign a pre-tenancy declaration form to confirming their current housing circumstances. Failure to complete this form will mean the Council will overlook the bid and suspend the application.
- e) If following assessment of the pre tenancy form the applicant is either ineligible for an offer or has not provided any requested information or documentation within the given timescale, the Council will overlook the applicant and move onto the next applicant on the shortlist. The application will normally be suspended whilst it is reviewed.
- f) Many housing association and some Council properties are let at higher 'affordable' rents rather than lower 'social' rents. In these instances housing associations will conduct their own affordability checks (and any other checks they deem necessary) as part of the process of determining if they can accept a nomination from the Council and offer a tenancy

Similarly, the Council will conduct its own affordability checks on applicants wanting to be considered for Council properties let at 'affordable' rents. The

reason for these checks is to avoid applicants accepting tenancies that are unaffordable are then very likely to face debt and/or future homelessness.

The checks are undertaken by the Council's rents team based on an applicant's income and entitlement to benefits. Offers of financial assistance from family or friends to help the applicant afford such affordable tenancies **are not** taken into account. The reason for this is two fold: firstly, there is no guarantee that such offers will continue and secondly, because it would be unfair on other housing applicants in housing need who do not benefit from such offers of financial help.

## **29. VIEWING A PROPERTY**

An immediate viewing will be arranged if the property is vacant and in a safe condition to conduct a viewing. If this is not possible the applicant will be advised when the property is due to become vacant and that they will be contacted to make an appointment to view once the keys have been received and the property is in a suitable condition to conduct a viewing. For senior living schemes the applicant will need to make an appointment with the appropriate Scheme Manager to view.

Following the viewing the applicant will be required to confirm whether or not they wish to accept the property by 10.00 a.m. of the next working day after the viewing, otherwise they will normally be deemed to have refused it.

If the applicant accepts the property they will be invited to a sign up appointment for the tenancy with their Housing Officer.

If the previous tenants have stated that they were victims of racial harassment, prospective tenants of black and minority ethnic origin will be advised of this after they have viewed the property and expressed an interest in it, but before they formally enter into a tenancy.

If the applicant refuses the property, the next eligible person is selected. An applicant will not normally be penalised for refusing a property but if 3 suitable properties are bid on but then refused by an applicant, the Council reserves the right to suspend an application for a period of 3 months. The Council also reserves the right to suspend an application again, if, following another successful bid, the applicant again refuses a property they have bid on.

Following a number of unreasonable property refusals, the Council reserves the right to review the application and consider cancellation on the basis that the applicant has unrealistic expectations of what social housing can provide or if it is considered that there are no reasonable prospects that the applicant will ever accept an offer of social housing that they successfully bid on.

Applicants/Joint applicants are required to provide ID at the sign up for a tenancy (passport, driving licence or birth certificate etc.) and the Council reserves the right to carry out checks on the authenticity of documents supplied. In addition, to help combat fraud, a picture is taken of the applicant/joint applicant by a member of staff. Sign up will not go ahead should the applicant and partner refuse to consent to a

photograph being taken. The offer will be withdrawn and the application would not be considered until such time as the applicant and partner are willing to co-operate.

### **30. FACTORS AFFECTING OFFERS OF ACCOMMODATION**

An applicant may not be considered for an offer of accommodation if any of the following circumstances exist: -

- ❑ The applicant is a Council or Registered Provider tenant with a valid Notice of Seeking Possession or equivalent or a demoted tenancy has been obtained through the Courts. (See Section 24, Breach of Tenancy Conditions)
- ❑ The applicant has current rent arrears and/ or owes other housing related debts. (See 23, Rent Arrears and Other Housing Debts Policy)
- ❑ The applicant is a private sector tenant who has a Court Order against them in relation to their accommodation. (See Sections 23 and 24).
- ❑ Applicants who do not meet the financial criteria (See 7, a) – e))

An applicant may not be considered for an offer of accommodation in a specific geographical area if any of the following apply:

- ❑ The applicant or a member of their household is excluded from a geographical area as a result of Court action e.g. subject to a Criminal Behaviour Order or injunction or non-molestation order relating to a person known to be living in that area .
- ❑ There are other valid housing management grounds to exclude the applicant or a member of their household from a specific geographical area e.g. they were previously evicted from the area. Such a decision would be based on issues of community safety and reached following full and detailed consultation with all the relevant agencies.
- ❑ The Council reserves the right, if an applicant has had a history of unacceptable behaviour or is considered vulnerable in some way, to reduce the choice of that applicant. The applicant will be able to bid for properties they wish to be considered for but the Council will decide which property is most likely to be suitable. It may be that the applicant would be overlooked for a number of properties they bid for during this period.

### **31. HOUSING FOR OLDER PEOPLE**

Waverley Borough Council has two types of accommodation that are more suitable for older people. These are: -

- ❑ **One bedroom flats or bungalows**

There are some one bedroom properties in a few areas of the Borough that are particularly suitable for older people who can live independently. To be eligible the applicant must normally meet any age criteria which may apply. However, ground

floor flats or bungalows can also be offered to younger people with health problems who have been awarded medical priority for ground floor accommodation. For some flats fairly good mobility is necessary, as they are on the first floor without a lift. Where there are no eligible applicants, consideration will be given to the applicant with the highest level of priority who is considered suitable.

□ **Senior Living Accommodation**

This type of accommodation is for applicants aged 60 and over (or 50 and over with a recognised disability), who are able to manage alone. This includes applicants who are able to support and care for themselves with the help of a social services care package. Applicants will need to pass an assessment as to their suitability for Senior Living Accommodation and this will be carried out by a Senior Living Community Officer. All Senior Living Accommodation comes with the added security of an unobtrusive alarm system linked to a monitoring centre and applicants must be willing to have this feature in their home.

The assessment for clients under the age of 60 with a disability would include the suitability and appropriateness of a placement in a scheme intended for older applicants. Consideration for disabled clients under the age of 50 for Senior Living Accommodation can be assessed on an exceptional, case by case basis, taking into account the needs of the clients and the suitability of the placement.

Senior Living Accommodation is not suitable for those who need personal support and care services without the necessary package/service in place.

**General**

Approved applicants for Senior Living Accommodation for older people who do not have a substantive and long standing local connection will be placed in Band C. However, they may be moved to Bands A or B if they subsequently acquire substantive and long standing local connection and their circumstances meet the criteria for Bands A or B as outlined on pages 18-21.

Different lower age limits may apply to older person accommodation or Senior Living Schemes both within Waverley Borough Council's accommodation and in our partner Registered Providers' accommodation. The age criteria will be specified in the property adverts.

**32. APPLICATION PROCESS AND ASSESSMENT FOR SENIOR LIVING ACCOMMODATION**

Applicants may indicate on the application form if they wish to be considered for Senior Living Accommodation. They may also be referred by relatives, social workers or doctors, or the Council's Medical Advisor or other independent medical advisor may recommend Senior Living Accommodation. If contact is made by a third party the applicant will need to be contacted and asked to complete an application form.

Before an offer of Senior Living Accommodation is made, the applicant is invited to visit the scheme. An assessment will be carried out to assess that the particular accommodation is suitable for the needs of the applicant.

Note: Consideration may be given to transferring existing Senior Living Accommodation tenants between or within the schemes outside of the Choice Based Lettings scheme where they are registered for a transfer, and there is a clear reason as to why such a transfer would be beneficial to the tenant and have a positive impact on the management of the scheme concerned.

### **33. SUPPORTED ACCOMMODATION FOR PEOPLE WITH SPECIAL NEEDS**

There is a limited amount of supported housing in and around Waverley that is suitable for people with support needs who are also homeless or threatened with homelessness and have a local connection. This includes: -

- Young people
- Younger single parents
- People with learning disabilities
- People with mental health problems
- People with substance misuse problems
- People with other vulnerabilities

The Council has nomination rights to some Supported Housing providers. All of the schemes provide accommodation for approximately two years with a requirement for the resident to move on either after a certain period or when they are capable of living independently. These properties are accessed through referral from the Council's housing options team, social services or occasionally by self referral, rather than through advertising via choice based lettings and this Allocation Scheme.

### **34. SELECTION CRITERIA AND PRORITIES FOR SUPPORTED HOUSING**

Before any nomination is made by the Housing Options Team to a Supporting Housing provider, clients are assessed according to their needs, options and support requirements at the time of the referral, together with any potential risk they may present to themselves and others. An assessment is made in respect to their suitability for the scheme and respective priority compared to other applicants.

- Normally overall priority is given to homeless applicants that are assessed as suitable, to whom the Council has or may have a statutory duty to secure accommodation, unless there is a suitable applicant with a higher need for supported accommodation at that time.
- Where there is more than one suitable applicant for the vacancy and the applicants are assessed as having a similar level of need for housing and support, given that

there is a shortage of supported accommodation in the Borough, priority will be determined on the basis of the applicant's local connection followed by their application date. (An applicant with a local connection will normally be given priority over an applicant without a local connection even if they have an earlier application date).

### **35. ALLOCATIONS TO SUPPORTED HOUSING**

The process for allocating vacancies varies slightly between the different landlords but is similar to that followed by the Council as detailed below.

- a) Vacancies or prospective vacancies are notified to all the potential referrers by letter, or e-mail, inviting nominations by an agreed date. Referral organisations may include:
  - Housing Options Team
  - Community Mental Health Recovery Service Team
  - Learning Disability Team
  - Adult Social Care Team
  - Single persons hostels
  - Transform Housing Association
  - Voluntary agencies

However, external agencies will require the support of the Housing Options Team (sent in writing/by email to the supported housing provider) when referring a client for supported accommodation which requires a Waverley connection, in order for the referral to be assessed.

- b) Referrals are made using the supporting housing provider's form. All applicants should be on the Housing Register or be eligible to join the register at the time of the referral. Self-referrals to supported housing are not normally accepted, as most schemes require the applicant to be referred by a statutory or voluntary agency.
- c) On receipt of referral forms all applicants are assessed by the Supported Housing provider according to their eligibility criteria for the scheme and to see if any further information is required. Referrers will be advised if an applicant is ineligible or if further information is required e.g. occupational therapy reports, risk assessment, medical reports, etc. Once the appropriate referral documents have been received, interviews will normally be held with all those who have been identified as potentially suitable for the vacancy.
- d) Allocations for supported housing (subject to the number of applicants considered suitable for the scheme) are normally considered by the supported housing provider. Where more than one client has been referred for a vacancy, the supported housing provider will make an offer of accommodation based on



the housing and support needs of the individual concerned and the scheme where the vacancy is occurring. If the vacancy requires a local connection to Waverley, the client's level of connection to Waverley will also be taken into account. Usually, a vacancy would be offered to someone with a local connection over and above someone without local connection, unless no suitable applicant with a local connection exists. The final decision on suitability rests with the supported housing scheme manager.

- e) Any appeals against allocation decisions in respect to supported housing are dealt with under the Council's review procedure (See Section 35, Review Procedure) in the case of a decision made by the Council. Where the appeal is against the decision of a voluntary agency or RSL the applicant will need to follow that organisation's appeals process.

### **36. REVIEW PROCEDURE**

If a housing applicant has a concern about why they are not eligible for the Housing Register or if the applicant considers that their circumstances have not been assessed and banded correctly, s/he can raise any concerns with the Housing Options or Homechoice teams in the first instance. This provides an opportunity for assessment decisions to be clarified or explained in more detail and any errors or misunderstandings can be corrected.

If the applicant remains dissatisfied, s/he can either register a complaint through the Council's Complaints procedure or request a formal review, as outlined below:

An applicant has the right to request a review of the following decisions: -

- ❑ That they are ineligible to join the Housing Register or that they have become ineligible
- ❑ That they are ineligible for an offer
- ❑ That their application has been cancelled other than at their request
- ❑ Any other decisions relating to the Waverley Borough Council Housing Allocation Scheme, including banding and priority dates.

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

Procedure: -

- ❑ A request for a formal review must be made by writing to the Housing Team within 21 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable
- ❑ An applicant may provide any additional information that they think the Council should take into account when reviewing its decision. This must be in

writing and provided within 14 days from the date the Council notifies the applicant that it is carrying out a review

- The applicant will be advised of the outcome of the review within 8 weeks unless the applicant has agreed to an extension of time
- There is no right to request a further review

Reviews of decisions made under Part VII of the Housing Act 1996 (Homelessness) are outside the scope of this Scheme.

### **37. SHARED OWNERSHIP AND SHARED EQUITY**

Shared ownership and shared equity properties are advertised and allocated by the Help to Buy Agents for Surrey – (currently Radian) or other housing associations. Applicants can register direct with Radian and will be assessed by the housing association in accordance with their policy. This can include whether the scheme requires a local connection to the Parish e.g. Rural Exception Schemes), if the scheme is funded by Homes England and the applicant's financial ability to proceed with a purchase. If a share of a Waverley Borough Council shared ownership property is offered for resale in accordance with the terms of the lease, the property will also be advertised and allocated through Radian. In order to maximise the value of shared ownership schemes and to make best use of the social housing stock in the borough, Radian will prioritise applications from existing Council or housing association tenants and those with a local connection to Waverley on schemes that are not funded by Homes England, above those from other applicants. Further details are on the Council's website.

### **38. DISCRETION AND DELEGATED AUTHORITY UNDER THE ALLOCATIONS SCHEME**

This Allocation Scheme has been designed to provide a comprehensive policy framework and follow current legislation, government guidance and case law. In addition it takes into account local housing need and provision at the time of writing. It is important that the Allocation Scheme remains sufficiently flexible and responsive to individual needs, changing legal requirements, case law and local circumstances.

Clearly, the Council must retain the ability to act appropriately in such situations. Therefore, as the Council considers every case individually on its own merits, the Council's most Senior Housing Officer, or his/her delegated senior officer or officers, is permitted to exercise his/her discretion (subject to compliance with the provisions contained in legislation and in any regulations or guidance laid down by the Secretary of State):

- To depart from the policy framework set out above where there may be situations which would operate unfairly to restrict an applicant's entitlement to housing

- In such situations where the applicant can demonstrate exceptional circumstances or where there are compelling strategic reasons to do so
- To offer accommodation to housing applicants assessed as requiring care and support on the condition that they comply with an agreed care plan or such supervision requirement as may be deemed appropriate
- To vary the Council's standard Terms and Conditions of Tenancy as necessary (other than those stipulated by statute under Section 103 of the 1985 Housing Act) on an individual basis in appropriate cases by agreement or in accordance with Section 103 of the Housing Act 1985 (apart from Terms and Conditions required by law)
- As otherwise set out in this document

And in consultation with the Lead Member or Portfolio Holder:

- To implement such amendments as may be required to ensure compliance of the Allocations Scheme with the legislation and Government Guidance
- To make minor amendments to the scheme to ensure that it remains responsive to individual and local housing needs and reflects current processes