

FULL COUNCIL – MONDAY 24 FEBRUARY AGENDA ITEM 7 - APPENDIX 1

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– Draft consultation version September 2019

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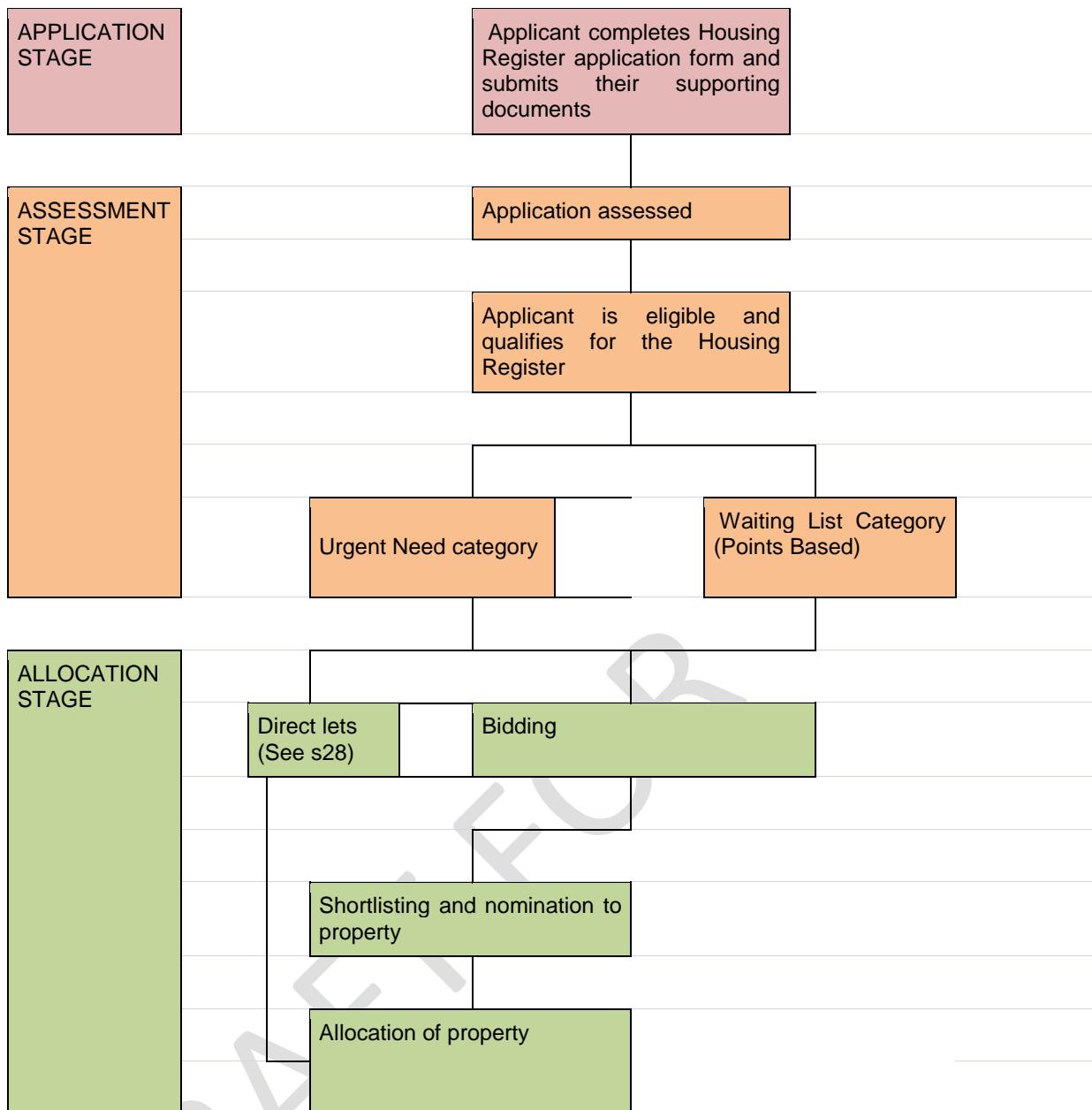
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1. Introduction

- 1a The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in Rother. We have designed this policy to help us meet the following objectives:
- Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities
 - Maximise the use of social housing stock in the district
 - Assist Rother District Council and its partners in meeting statutory duties, particularly in relation to ensuring reasonable preference to priority groups
 - Reduce temporary accommodation use
 - Prevent people becoming statutorily homeless
 - Allocate social landlords accommodation fairly and in an open and transparent way
 - Minimise property void periods
 - Promote social inclusion
 - Promote and achieve equality of opportunity
- 1b It must be recognised that the demand for social housing within the district of Rother is very high and cannot be met from the available resources. Only those in the highest housing need are likely to obtain social housing in Rother. In certain cases where applicants have the same level of priority the applicant with a local connection to the area (parish cluster) will take priority. This policy will help us to prioritise those in the highest housing need, and to do this we must exclude those who are able to access housing in the private sector (whether rented or ownership) from the highest need category.

The Customer Journey

- 1c The flow chart below sets out the expected customer journey from making the initial application to join the Council's housing register, to successful allocation of social housing.



2. Background

- 2a Rother District Council (the Council) transferred its social housing stock in 1996 and no longer owns any 'council' housing. It has nomination rights to some of the social housing stock in Rother owned by social landlords when the property becomes vacant. Primarily, this policy document sets out how we use those nominations rights.
- 2b The purpose of this document is to set out the Council's policy for:
 - Who can apply to the Council's Housing Register
 - How the Council assesses applications to the Council's Housing Register

- How the Council allocates homes in the Rother district owned by the Council's social landlord partners, and for which the Council has nomination rights
 - How the Council will deal with requests for a review of decisions made
- 2c The Council and its partner social landlords use a choice based lettings scheme called Sussex Homemove and available properties are advertised through this scheme. All applicants who apply for social housing become members of Sussex Homemove and can search and 'bid' for properties that they are interested in. The 'bidder' with the highest level of priority will be offered the property, in accordance with this allocations policy.
- 2d Optivo own and manage the majority of Rother's social housing stock, following large scale voluntary transfer (LSVT) in 1996. The Council has a 100% nomination right to access Optivo's new build social housing stock and 75% of relets. The Council also generally has up to 75% nomination arrangements with other social landlords operating in the Rother district that are administered by Rother District Council through the Housing Register function. Social housing stock in Rother equates to approximately 9.7% of total housing stock in the district. This compares to the national average of 17.4% of all housing stock. The following social landlords have social housing stock within Rother:
- Clarion www.clarion.com
 - English Rural Housing Association www.englishrural.org.uk
 - Five Villages Housing Association www.fivevillages.org.uk
 - Hastoe Housing Association www.hastoe.com
 - Optivo Housing Association www.optivo.org.uk
 - Orbit Housing Association www.orbit.org.uk
 - Sanctuary Housing www.sanctuary-housing.co.uk
 - Southern Housing Group www.shgroup.org.uk
 - Sussex Housing and Care www.sussexhousing.org.uk
- 2e All nominations and lettings dealt with under this policy are for social and affordable rented properties, however, single nomination agreements are in place for supported housing and these are dealt with by East Sussex County Council - Adult Social Care Services. The current schemes dealt with in this way are:
- The Orangery, Bexhill
 - Newington Court, Ticehurst
 - St Bartholomew's Court, Rye Foreign
- 2f The following supported accommodation is subject to direct letting:
- 181a London Road, Bexhill
Pathways, Bexhill

- 2g In many instances supported housing will have additional qualification criteria. If the applicant feels they require this type of property they should contact the Council's Housing Needs team for further advice.
- 2h Shared ownership homes are not dealt with under this policy. Details can be found at: Homebuy - <https://www.helptobuyese.org.uk/>

3. Equality

- 3a The Council will ensure its policies and practices are non-discriminatory and will promote equality by preventing and eliminating discrimination on the grounds of race, disability, gender, age, sexual orientation, religion, pregnancy, or marriage status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The Council's aim is to create an environment where equality is at the heart of everything we do.
- 3b The impact of this policy on the diverse range of groups within our community will be monitored to ensure it promotes equality to everyone. In order to achieve this, all applicants will be asked to provide details of their circumstances and any personal information when they apply to join the housing register.
- 3c The Council will ensure all eligible and qualifying applicants have equality of information about the service and equal opportunity to apply, express an interest in and receive offers of accommodation.
- 3d To ensure that vulnerable groups are not disadvantaged in applying to the housing register, the Council will offer assistance to complete the online form if the applicant is unable to use a computer and has no friend, relative or advocate assisting them. When this is not possible the Council may refer the applicant to an outside organisation who will assist the applicant to submit an application.

4. Legal Framework

- 4a The Council is required by law to have an allocation scheme for determining priorities and for defining the procedures to be followed when allocating social housing.
- 4b Although the Council no longer has a statutory duty to administer a formal Housing Register, (i.e. it is able to contract out this function) it has made a policy decision to retain the register as a means of identifying needs, prioritising applicants and informing the Housing, Homelessness and Rough Sleeping Strategy for the district. This policy has been produced to ensure that the Council meets its legal obligations.

5. Deliberately Withholding Information or Providing False Information

- 5a Fraudulent behaviour is not acceptable and appropriate action will be taken.
- 5b It is a criminal offence if a person, in connection with the exercise by the Council of the allocation of housing accommodation:
 - knowingly or recklessly makes a statement which is false; or
 - knowingly withholds information which the authority has reasonably required from that person in connection with the allocation of housing
- 5c The Council decides when these offences apply and when to institute criminal proceedings.
- 5d The Council may bring a criminal prosecution of this offence, which on conviction would result in a maximum fine of up to £5000.
- 5e In addition, where the applicant has been allocated accommodation, civil proceedings may be brought to enable the landlord to repossess the applicant's home.
- 5f The Council may request supporting documentation in relation to any application from any member of the household to determine if a person is an eligible or qualifying person. It may request details in order to assess the application. This may include information including financial, medical, employment, property ownership or information relating to the disposal of a property or any other material that may be required from time to time to allow the council to reach a decision under the policy.
- 5g Failure to provide the requested information may lead to an application being suspended for a period. Continued failure to provide any information will lead to an application being cancelled. Any applicant or third party person submitting information under this policy may be liable to prosecution.
- 5h Any person found to have supplied false or misleading information will have their application cancelled.

6. Members of the Council, Staff and their Relatives

- 6a So that the council can be seen to be acting transparently and equitably, the following rules apply:

Applications

- 6b Any housing register applicant, including existing housing association tenants, must tell the council when they apply to the housing register if they are:

- An elected member of the Council; or
 - A council member of staff; or
 - A board member of a partner social landlord; or
 - A relative of any of the above
- 6c All applications in any group set out above will be identified on the council's computer systems to show their status under this section of the Allocations Policy.
- 6d Where an applicant fails to disclose the above information but it subsequently comes to the council's attention, the Housing Register application will be cancelled.

Lettings

- 6e The approval of the Council's Housing Needs Manager is required for any lettings made to all applicants in any group set out above.

7. Confidentiality, Data Use, and Data Protection

- 7a All information held on the Housing Register is confidential and will be used for the purposes of allocating social housing.
- 7b By signing the Housing Register application form (including electronic signatures where relevant), applicants give their consent for the Council to disclose information about them that is necessary in order to assess their application. Data will also be used for the purposes of identifying types of housing needs across the district and appropriate information will be disclosed to our housing association partners
- 7c Information about Housing Register applicants is only disclosed without an applicant's consent in the following defined circumstances:
- In accordance with s115 of the Crime and Disorder Act 1998 as part of a criminal investigation;
 - Where there is a serious threat to the applicant themselves or to another party's staff or contractors if the information is not disclosed;
 - Where information is relevant to the management or support duties of a proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

8. Access to Personal Files

- 8a An applicant is entitled to see the entry on the Housing Register relating to them and receive a copy of the details held. An applicant will be notified of any status or priority change to their entry on the Housing Register.

APPLYING TO THE HOUSING REGISTER

9. Eligibility and Qualification

- 9a When assessing applications to join the register we will ascertain whether an applicant is eligible to register and if they qualify for an allocation of accommodation.

9.1 Eligibility

By law, the Council is only allowed to allocate accommodation to an applicant who is eligible for an allocation. Whether an applicant is eligible or not is set out in legislation and, in very broad terms, will be determined by their immigration status and whether they have made their usual home in the UK.

Joint tenancies: Where two or more people apply and one of them is not eligible, the Council may allocate to the person who is eligible.

Existing tenants: The eligibility provisions do not apply to applicants who are already secure, assured or introductory tenants.

If this section applies to you and you require further assistance please contact a member of the Housing Needs Team who will be able to advise you.

9.2 Qualification Criteria

- 9.2a Applicants who meet the following criteria are able to apply to join the housing register:

- are aged 18 or over
- have a local connection to Rother or are exempt from having a local connection with Rother as set out in Appendix 2.

- 9.2b In order to qualify as having a local connection in order to join the housing register, applicants must meet at least one or more criteria relating to the following:

1. Residing in the District

The applicant or joint applicant has lived in the district, by choice, in their only home for a period of at least three years out of the last five years. Applicants will be awarded local connection to the parish cluster where this applies.

2. Family in the District

The applicant or joint applicant has close relatives who reside in a parish or ward in the Rother area as their only or principal home and have done so for at least the previous five years. Close relatives are defined as parents, adult children or brothers or sisters, including corresponding step relationships. Applicants will be awarded local connection to the parish cluster where this applies.

Relatives who are not considered to grant a local connection are grandparents, grandchildren, aunts or uncles, carers and non-adult children. These persons will only be used to establish a local connection where the Council considers that it is necessary for the applicant to be accommodated within the parish or ward in order to provide or receive medical or social care to/from the relative and at the discretion of the Council.

3. Employment in the District

The applicant or joint applicant has permanent paid employment (or a confirmed offer of such in the district). This must be for a minimum of 16 hours per week but will not include seasonal or temporary contracts.

A person carrying out work on a self-employed basis must be able to demonstrate that on average they work at least 16 hours per week and the majority of the work carried out is undertaken within the district. Applicants must be able to demonstrate that their work is not marginal or ancillary.

Local connection will be awarded to the parish cluster where the majority of this employment is carried out.

4. Military Personnel

Military personnel as defined in the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012:

Former and serving members of the Armed Forces (defined as those who left the armed forces within 5 years of the date they make an application for housing) will be given local connection to the Rother District and will be eligible for vacancies in all areas if they meet the following criteria:

- a) Serving members of the regular armed forces who need to move because of a serious injury, illness or disability attributable wholly or partly to their service;
- b) Former members of the regular armed forces;
- c) People who ceased ,or will cease, to be entitled to live in Ministry of Defence accommodation following the death in service of their armed forces spouse or civil partner;

5. Care Leavers

If an applicant is (or was) a 'child in care' and has been placed in the district by an out of district care authority, the applicant will qualify under local connection providing they have been resident in the district for three out of the last five years.

6. Fleeing Violence

Those fleeing violence will be given local connection, providing evidence can be provided that they are unable to return to their place of origin due to fear of further violence.

7. Refugees

Refugees who were dispersed to and are living in the Rother district and who have been granted leave to remain within the last six months will be given local connection.

9.2c Additionally, a person will not qualify to join the housing register if they:

- have Council or housing related debt that is in arrears, owed to a social or private landlord
- are currently in prison
- have provided false or misleading information or have withheld information that has been reasonably requested
- have been rehoused into social housing by the Council in the preceding 12 months
- have caused unacceptable or anti-social behaviour
- are a home owner or have sufficient means to afford alternative accommodation in the private sector
- have deliberately worsened their housing circumstances

9.2d See below for details:

Housing or Council Related Debt

Applicants with social housing or Council related debt in arrears in excess of £1000 will be ineligible until evidence has been provided that the debt has been paid or the applicant has maintained a payment agreement for at least the last six months. Applicants with outstanding debts with our housing association partners are likely to be rejected for properties by the housing association until the debt has been paid in full.

People Currently in Prison

People who are currently in prison are invited to contact us upon leaving prison, or shortly prior to release with the support of prison support staff, using the duty to refer protocol on the full range of housing options available to them.

People Giving False or Misleading Information

People giving false or misleading information or withholding information that has been reasonably requested will not qualify to join the Housing Register.

People Who Have Been Housed Recently

Applicants who have been rehoused into social housing by Rother District Council within the last 12 months unless there has been a significant change to their circumstances and the accommodation is no longer suitable for their needs. This will only include cases where there is a significant need to move on medical grounds or the household composition has changed and the household is under or over occupying social housing accommodation.

Anti-Social Behaviour

An applicant or member of their household who the Council has identified as being involved in anti-social behaviour will not qualify for social housing until they have sustained 12 months with no reported issues of anti-social behaviour against them.

Home Owners and Those with Sufficient Means

Applicants with sufficient financial means to secure their own accommodation will not qualify. This will include:

- a) Homeowners - Applicants that own or part own a property that the Council considers they could reasonably reside in (even if they are not currently living in it) or where if the property were sold, the equity could be used to purchase alternative suitable accommodation elsewhere in the district.

If an applicant owns a share in a property but is unable to live there, for example as a result of a relationship breakdown, the Council will consider if the value of the share is above the savings limit of £16,000 (in line with the upper threshold for Universal Credit qualification, as they are deemed to have enough financial resources to rent in the private sector). The Council will consider this to be above the threshold for financial resources, regardless of any other outstanding debts and the applicant will not qualify.

In certain circumstances where a homeowner has specific medical needs the Council will take into consideration the supply of accommodation suitable for the applicants specific needs and if the applicants housing need can be met in the Rother area. Where the Council agrees to assist a homeowner with rehousing the applicant must place their property on the open market immediately.

- b) Applicants with an income in excess of £35,000 or a combined gross joint income of over £60,000 (disregarding disability benefits) will not qualify because they are deemed to have sufficient financial resources to enable the applicant and their household to find alternative accommodation in the private sector.

The figures are set as of April 2020 and will be reviewed three yearly to take account of inflationary changes.

- c) Any applicant with savings over £16,000 (in line with the upper threshold for Universal Credit qualification) will not qualify as they are deemed to have enough financial resources to rent in the private sector. Any deliberate disposal of assets (for example giving money away) in order to qualify will disqualify the applicant.

Applicants are required to disclose any savings they may have and failure to do so may result in the applicant being removed from the register.

Deliberately Worsening Housing Circumstances

Where the Council is satisfied that a housing applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in the last 12 months, in order to qualify for a higher priority or to qualify for the Housing Register, then the applicant will not qualify to join the Housing Register for a period of 12 months. Examples of this include:

- Selling a property that is affordable and suitable for the applicant's needs
- Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

- 9.3 Any applicant found to be 'ineligible' or 'non-qualifying' will be excluded from joining the Housing Register unless they become 'eligible' or 'qualifying'. The Council will write to all applicants found ineligible or non-qualifying, advising them of the reason.
- 9.4 Applicants can request a review of the decision to exclude them and the review procedure is set out on Page 29.
- 9.5 If an applicant becomes 'eligible' or 'qualifying' they must reapply using the online form and provide supporting evidence which confirms they are now 'eligible' or 'qualifying'.
- 9.6 Please note these categories may be updated if new legislation, guidance or regulations are introduced or if existing legislation, guidance or regulations are changed.

1. Who can be Included on an Application

- 10a An applicant can only include as part of their application members of their immediate family who live with them (or it is reasonable to expect would live with them) or other people who have an extenuating need to live with them. These include:
- Applicant's spouse, civil partner or a person with whom the applicant resides as their spouse or as if they were civil partners.
 - Dependent children (children under 16, and children aged 16-18 who are in, or about to begin, full time education or training or who for other reasons are unable to support themselves and who live at home) who live with the applicant or who might reasonably be expected to live with them, where the applicant is the parent or guardian and is in receipt of Child Benefit. Applicants with contact arrangements for children will not normally be eligible for family type accommodation where the children have accommodation available to them with the other parent or guardian.
 - Any other non-dependant adult who can demonstrate they are normally permanently resident with the applicant or have a clear need to be so. This will not include lodgers or anyone subletting from the applicant.
 - Dependant Relatives – a relative who has joined or needs to join the household because they are unable to live independently will be included on the application only if there are no other housing options. Evidence from an appropriate social care professional will be required.
 - A carer can be included on the application where it can be demonstrated that;
 - a) a live-in carer is essential on a 24 hour, daily and continuing basis; and
 - b) a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available; and
 - c) if the applicant were to claim Housing benefit the extra bedroom would be awarded, in conjunction with Housing Benefit regulations.
- 10b Receipt of carers allowance does not necessarily mean that it is necessary for the carer to live with the person being cared for. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits and supporting medical evidence to show the need for a live in carer.

1. Who Cannot Be Included on an Application

- 11a The following individuals cannot be included on an application

Family members not currently living with the applicant

The Council will not include in Housing Register applications, any family members who are not resident in the UK at the time an application is submitted. These household members will only be considered once the family has been reunited in the UK and can clearly demonstrate that the family member added to the application for social housing is residing in the UK lawfully.

Others who cannot be included on an application

- Family members who already have an existing housing application
- People sharing a property who are not in a relationship with the applicant

2. Applying for Medical or Welfare Priority

- 12a Applicants wishing to apply for medical priority must complete the medical section of the online form and provide supporting medical evidence which detail the diagnosis, symptoms and prognosis. If additional information is required a medical assessment form will be sent to the applicant.
- 12b Applicants wishing to apply for medical priority after their application has been assessed must request a Medical Assessment Form from the Homemove team.
- 12c It is highly unlikely that a GPs letter which simply states the applicant's medical condition and their wish to move will be enough evidence to constitute proof of a medical need to move. The Council requires evidence that a person's medical condition makes their current housing circumstances unsuitable and that options to support an applicant to remain in their home have been exhausted. Further information about how medical priority is assessed is detailed in section 19.

3. Change in Circumstances

- 13a Applicants will be required to inform the Council immediately as soon as practicable normally with 28 days of any change in their circumstances which may affect their qualification to join the Housing Register or priority for housing.
- 13b A change in circumstances includes:
- A change of address for the applicant or any other person on their application
 - Any additions to the household or any other person the applicant would like included in the application, for example, the birth of a baby. The Council will

- decide whether the additional person can be included in the application, through application of the Allocations Policy
- Any member included in the Housing Register application who has moved out of the applicant's current home
 - Any change in income, assets or savings, where these are above the thresholds set out in section 9.2
 - A decline or improvement in a household member's medical condition
 - Death of a household member
- 13c When the Council is informed of an applicant's change in circumstances, their Housing Register application is reassessed to take into account the new information. The Council will confirm in writing whether they are still eligible to remain on the Housing Register and whether there is a change to their priority for social housing.

14. Renewal of Housing Applications

- 14a All applicants will be required to re-register their application every year. Applicants will be advised when they are required to re-register. Failure to respond to the request to re-register will result in the application being cancelled. The Council reserves the right to ask for additional supporting information that is required to re-assess the application.

ASSESSING AND PRIORITISING HOUSING APPLICATIONS

Housing Needs Assessment

15. Housing Need Categories

- 15a All successful applicants to the Housing Register will be placed into one of two categories. These categories are known as Urgent Need category and Waiting List category.

Urgent Need Category

- 15b Applicants who meet the Urgent Need category criteria outlined below will be placed in the Urgent Need category and will be awarded the same level of priority as other applicants in that category.
- 15c **Please note, applicants in the Urgent Need category (other than those currently renting social housing which does not meet their needs) will only be placed on this list if they are assessed by the Council as having particular difficulty accessing other forms of housing in the private sector.** The decision to place an applicant in the Urgent Need category is entirely at the Council's discretion. The Council will work closely with all households on the Housing Register - and the agencies assisting them - to access private sector accommodation. It is likely that the Council will need to be satisfied that a household has made genuine and repeated attempts to secure private sector accommodation before it will use its discretion to place an applicant in the Urgent Need category.

Urgent Need Category Criteria

- Transfer applicant releasing a property already adapted for disabled persons.
- Applicant considered being in severe housing need as a result of housing conditions presenting an immediate threat of serious injury or if life threatening as assessed by an appropriate qualified professional.
- Applicant accepted as homeless and who has been considered as having particular difficulty accessing other forms of housing in the private sector.
- Applicant is at risk of homelessness within 56 days and has been assessed as having particular difficulty accessing other forms of housing in the private sector.

- Applicant is required to move on from care or supported accommodation from authorised partnership schemes where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided. Information on authorised partnership schemes can be obtained from the Housing Needs team on request.
- An existing housing association tenant under-occupying family sized accommodation.
- Severe and immediate medical priority. Awarded after advice from the Council's medical advisor or county council occupational therapist, where there is an urgent need to move and where the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or member of the current household. This may include the following:
 - The applicant or member of household is at significant risk of falls or injury in current accommodation
 - The applicant or member of household is unable to access essential facilities and evidence is provided by relevant social care provider(s).
 - The layout of the property prevents the delivery of essential care services and evidence is provided by relevant social care provider(s).

Waiting List Category

16. Applicants who are placed in the Waiting List category will be awarded a points value to indicate their level of need against the criteria outlined below.

Waiting List Category Criteria

Homelessness

- Applicant accepted as homeless but has been assessed by the Council as having no particular difficulty accessing other forms of housing in the private sector. 10 points

Cases that are considered within the reasonable preference categories, These are:-

1. People who are owed a duty by a local authority under s190(2), 193(2) or 195(2) or under ss 65(2) or ss 68(2) Housing act 1985 or are under occupying the property secured by the authority under s192 (3) 10 points
2. People who need to move to a particular locality in the authority's area where failure to do so would cause hardship

Overcrowding (see section 17 – bedroom eligibility)

- Households currently lacking one bedroom 5 points
- Households currently lacking 2 bedrooms 10 points

Current housing conditions

(See Section 22 – Unsatisfactory housing conditions)

- Housing conditions assessed as unsatisfactory by the Council's Environmental Housing team, where enforcement action has not resolved the situation as agreed with a qualified Environmental Health Officer 10 points

Medical (See section 19 – medical assessments)

- Medium medical priority awarded by the assessor after advice from the Council's medical advisor or county council occupational therapist – where there is a need to move and the housing conditions are having a significant adverse effect on the medical condition of the applicant or member of the current household. This will include where there are significant difficulties with access to essential facilities within the property and/or access to the property. 15 points
- Low medical priority as assessed by the Council's medical advisor or county council occupational therapist where there is some need to move and the current housing conditions are having an adverse effect on the medical condition of the applicant or member of the household. 5 points
- Property is largely suitable but there are difficulties with accessibility due to being located in a hilly location 5 points

Welfare (See section 20 – welfare assessments)

- Applicant meeting the Military Personnel Regulations (see section 9.2 (4)). 3 points
- Rural isolation – at risk of isolation due to rural location and lack of transportation 3 points
- Anti-social behaviour (ASB) – experiencing ongoing issues of ASB verified by police or appropriate qualified professional 5 points
- Applicant granted permission to adopt or foster and lacking bedroom 3 points
- Move on from drugs or alcohol rehabilitation 5 points
- Requires sheltered accommodation 3 points
- Move on from Care 5 points
- Young adult with learning disability wishing to live independently 3 points
- Verified rough sleeper 10 points
- Applicants found to be intentionally homeless 5 points

Insecurity of tenure

- Applicant is residing in insecure accommodation with dependent children and lacking or sharing facilities 5 points
- Applicant is living apart from partner or family because there is no suitable accommodation available to them 5 points

Other

- Transfer applicants with a Right to Move (See appendix 2) 5 points

17. Bedroom Eligibility

- 17a The number of bedrooms an applicant is awarded is based on the Local Housing Allowance (LHA) criteria where one bedroom is allocated to each of the following:

Single Person/couple	1 bedroom
Two children under 16 of the same sex	1 bedroom
Two children under 10 of the same or opposite sex	1 bedroom
Any other child or person aged 16 or over	1 bedroom
An overnight carer	1 bedroom

- 17b Please note a second reception room will be considered available for use as a bedroom. For larger households who require four or more bedrooms, the prevailing housing stock in the district could mean that the provision of accommodation may not be achievable.
- 17c An additional bedroom for a child or partner can only be considered in certain circumstances. Our social landlord partners will not offer accommodation to applicants who would be considered to have too many bedrooms for the size of their household. Applicants requesting an extra bedroom for a child, a non-dependent or their partner can only be considered where the household member is unable to share a bedroom on medical grounds and the additional bedroom can be afforded by the household. This will need to be formally agreed by the Council's Independent Medical Advisor and the Council's Housing Benefit department. Only applicants where the need for an extra bedroom is agreed by both parties will one be awarded.
- 17d An additional bedroom will be considered where the applicant is able to demonstrate that:
- care has been arranged
 - an extra bedroom has not already been provided for a non-resident overnight carer (or team of carers) in the same household
- 17e In addition, the disabled child or non-dependent adult must be in receipt of:
- middle or higher rate care component of Disability Living Allowance (DLA)
 - Attendance Allowance (AA)

- the daily living component of Personal Independence Payment (PIP) or
- the Armed Forces Independence Payment (AFIP)

18. Deciding the Effective Date

- 18a Priority within the Urgent Need category will usually be based on date order, according to the date the applicant was placed into that category. In some cases, however, where multiple applicants in the Urgent Need category bid for a property that is in a rural area the applicant who has a local connection to the relevant parish cluster will be prioritised over those households who may have been waiting longer and do not have a local connection to the relevant parish cluster. This will not apply to persons that have fled domestic abusive as we cannot apply local connection to these cases. Please refer to Appendix 1 for more information on parish clusters.
- 18b An applicant's priority date on the Waiting List category will be the date that their application was made live.
- 18c If an applicant's category changes then their priority date changes to the date the applicant was moved into the higher category. If an applicant is removed from the Urgent Need category the priority date will be the date the original application was made live.

19. Medical Assessments

- 19a Medical priority under the Urgent Need category is only awarded in circumstances where there is a severe and immediate adverse effect and a move to alternative accommodation would significantly improve the health or quality of life of the applicant or a member of their household.
- 19b Medical priority is not awarded because an applicant has a medical condition or disability. Priority is awarded when it can be evidenced that the current accommodation is having an adverse impact on the health of the applicant or member of the household. Some applicants with medical conditions or disabilities will not be awarded any medical priority if their housing is adequate for their needs, despite the seriousness of any condition
- 19c Therefore, it is important to note that conditions which are not adversely affected by a person's housing conditions or where the condition is temporary are unlikely to receive medical priority under this scheme.

20. Welfare Assessments

- 20a Priority awarded on welfare grounds will cover a wide range of needs, including the need to:
- Provide a secure base from which a care leaver can build a stable life.
 - Provide a secure base from which a person who is moving on from a drug or alcohol recovery programme can build a stable life.
 - Provide accommodation, with appropriate care and support, for those who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to live independently in the community. The Council will work collaboratively with East Sussex County Council in these circumstances.
 - Provide or receive care or support – this would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.

21. Mobility Groups

- 21a Applicants with medical issues will be assessed to determine if they have mobility issues and/ or require a certain type of property.
- 21b Properties suitable for applicants with mobility needs or who require adaptations will be advertised with a mobility classification as below and priority will be given to those with a matching need.

Mobility Group 1 – Typically suitable for a person who uses a wheelchair full time, i.e. indoors and outdoors. The property will provide full wheelchair access throughout.

Mobility Group 2 – Typically suitable for a person with restricted walking ability and for those that may need to use a wheelchair some of the time. The property will have internal and external level or ramped access, but some parts of the property may not be fully wheelchair accessible.

Mobility Group 3 – Typically suitable for a person able to manage two or three steps, may use a wheelchair but not full time, or may be unable to manage steep gradients. The property may have adaptations to assist people with limited mobility.

- 21c Properties will also be advertised with notes where the potential for adaptations or further adaptations exists and any further restrictions applicable.

- 21d Where a disabled applicant applies for accommodation that does not meet his or her access needs the Council will take into account whether it is reasonable and practicable to adapt that property to meet the applicant's housing need.
- 21e On occasion, accommodation offers may be withdrawn from a case where the housing need would not be met.
- 21f Applicants with mobility needs will be prioritised for ground floor or lifted accommodation, where appropriate, and for bungalows.

22. Unsatisfactory Housing Conditions

- 22a The Housing Needs team may refer an application to the Council's Environmental Housing Team where there are major issues with regards to the condition of the applicant's existing property or an applicant raises issues of disrepair.
- 22b A case will only be referred if the person agrees to work with the Environmental Housing Team and any recommendations that are made. These referrals will require the Environmental Housing Team to make contact with the relevant landlord or managing agent who is responsible for the property. Any applicant who withdraws consent for the Environmental Housing Team to contact the landlord or Agent will not be eligible for a banding assessment under this policy. No additional priority for issues such as damp and mould can be awarded without the case first being assessed by the Environmental Housing Team and the Council will only award additional priority where this is recommended.
- 22c Following any inspection of the applicant's property if there is any required intervention and there is no prospect of this being completed within six months the following banding awards will apply:
 - Unsatisfactory housing conditions as confirmed after a visit from the Environmental Housing Team and classed as a category 1 hazard(s) that cannot be rectified within six months (as assessed by the Council's Environmental Housing Team using the HHSRS (Housing Health and Safety Rating System (HA 2004, Part 1)) will be given priority pointing. If the works required are completed before an offer of accommodation is made then this priority award will be removed. Awards in this category will be removed if it is considered that the applicant has moved into accommodation that is not suitable to meet their needs or if the applicant refuses to cooperate with any works required.
 - If the Environmental Housing Team has assessed the property as uninhabitable, the Housing Needs Team will treat the household under Part 7 of the Housing Act (Homelessness).

ALLOCATION OF HOMES

23. Choice Based Lettings

- 23a Choice based lettings is a way of allocating social housing. It gives people seeking accommodation with a social landlord the choice to bid for accommodation as it becomes available. The Council operates a choice based lettings scheme through Sussex Homemove.
- 23b Applicants can use Sussex Homemove if applicants are an existing tenant seeking a transfer within their council's area or a home seeker applying for the first time. The scheme covers all the available housing association homes, including sheltered housing.

23.1 Exemptions

- 23.1a Sussex Homemove does not include vacancies for the following accommodation:
- Extra care housing
 - Specialist supported housing
 - Shared ownership housing
 - Some properties which may, in exceptional circumstances, be let directly
- 23.1b Applicants should contact the Council's Housing Needs team if they require any of the housing options set out above.

23.2 Finding a Home

- 23.2a All available properties are advertised fortnightly on the Sussex Homemove website: www.sussexhomemove.org.uk
- 23.2b The advertisements will give information about each vacant property.
- 23.2c Properties will be advertised for transfer applicants or home seekers, or both with other eligibility criteria for the property, including:
- a. The minimum and maximum number of persons in the household
 - b. If there are age limits for households
 - c. The mobility group, if applicable
 - d. Whether the property has a social or affordable rent
 - e. If persons require a care or support need
 - f. If the property has a local lettings agreement or local lettings plan

How to bid for properties

- 23.2d In every bidding cycle, applicants may bid for up to three properties that they are both eligible and qualify for.

- 23.2e Bids can be made online at sussexhome.org.uk or you can call 01424 787000 and the Council will be able to place a bid on your behalf.
- 23.2f All bids are checked against the eligibility and qualification rules, for example age restrictions or size of property. Bids from applicants who are ineligible or do not qualify for will not be considered.
- 23.2g Except in the case of a direct let or urgent accepted case, an applicant who does not bid will not be considered for a property.
- 23.2h If a bid is made by an applicant and the bid is successful, the applicant will be offered the property as an offer of ‘suitable accommodation’. At this stage, if relevant, Rother District Council will discharge any duty under homelessness legislation.
- 23.2i Once an applicant is re-housed via the Housing Register their application is automatically cancelled

23.4 Direct Lettings

- 23.4a The Council needs to retain some flexibility in order to deal with exceptional circumstances and, in conjunction with the relevant housing association and a senior officer, reserves the right to let properties directly to suitable applicants. These properties will not usually be advertised via the Sussex Homemove scheme.
- 23.4b If an applicant refuses a direct let they must give their reasons for refusing in writing. The property will not be held empty while the refusal is reviewed but will be let to another applicant.
- 23.4c Further information on direct lettings is available at section 28.

24. Shortlisting

- 24a The Council have agreed shortlisting priorities when allocating housing to households. These priorities (set out below, in order of priority) provide the framework for how households will be prioritised for the allocation of available social housing.
 1. Priority need for housing
 2. Local connection to parish cluster
 3. Priority date of urgent need and time on list of waiting list category

- 24b The way properties are allocated, using the priorities set out above, may need to be changed in the future to respond to external factors such as increasing numbers of urgent need assessments. To ensure this does not have a detrimental impact on the way in which homes are allocated, property allocations will be reviewed on an annual basis. This may lead to minor changes to this policy, for example through the design of a lettings plan which ensures fair allocation from both the Urgent Need and Waiting List categories.

25. Offer of Accommodation

- 25a Up to three applicants will be shortlisted for each vacancy. Only successful applicants will be contacted.
- 25b The Council is unable to tell applicants what priority they are during the short-listing process, but feedback is provided on the Sussex Homemove website. The ranking shown may be subject to change pending verification of the shortlist.
- 25c The successful applicant will be offered the property and asked to sign the tenancy or make a decision to accept the property within 3 working days.
- 25d Applicants viewing housing association properties will be subject to housing association checks and will also be asked to provide documentation in support of their application.
- 25e All household members will be required to prove:
- Identity and status
 - Local connection to Rother and local connection at parish or ward level
 - Residency
 - Income and capital
- 25f Other supporting documentation may be requested as appropriate.

26. Refusing an Offer of Accommodation

- 26a If an applicant refuses an offer of a home from a housing association, Rother District Council will note the reasons for the refusal and the next applicant on the shortlist will be selected for the offer.
- 26b If the applicant who refused the offer has been placed in the Urgent Need category or has been given a full housing duty, with the exception of transfer tenants under-occupying accommodation, the Council will assess the reason the property was refused. If the property is deemed to be suitable and of the right size the Council may decide to remove the household from the Urgent Need category and/or discharge its homeless duty.

- 26c In all cases the Council will also consider the availability and housing stock within the district when making its decision on suitability.

27. Failing to Respond to an Offer of Accommodation

- 27a If an applicant fails to respond to a written offer of accommodation within the timescales specified, without good reason, they will be considered to have refused that offer of accommodation.

28. Direct Lets

- 28a The Council needs to retain some flexibility in order to deal with exceptional circumstances and, in conjunction with the relevant housing association and the Housing Needs Manager, reserves the right to let properties directly to suitable applicants. These properties will not usually be advertised via Sussex Homemove scheme.
- 28b Direct lets may be considered for the following:
- To comply with a court order
 - To fulfil an urgent statutory or legal duty
 - Child protection and public protection issues
 - Specially adapted properties
 - Where a local lettings plan is in place (see section below)
 - Where a delay in providing an applicant with suitable housing is likely to prove costly to the Council
 - Homeless households in temporary accommodation who have not bid for one cycle on a suitable property.
- 28c If an applicant to whom the Council has a statutory duty refuses a direct let they must give their reasons for refusing in writing. The property will not be held empty while the refusal is reviewed but will be let to another applicant.

29. Local Lettings Plans

- 29a The statutory basis for the use of local lettings plans is Section 166A (6)(b) of the 1996 Act; this allows local authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, in order to achieve a wide variety of housing management and policy objectives. In partnership with social landlords, the Council occasionally uses local lettings plans (LLP) to respond to local conditions.

- 29b The following are examples of criteria that could be used in LLPs covering an area or new build housing scheme:
- Age restrictions
 - Giving priority to transfer applicants with a positive tenancy history
 - Giving priority to working households where there is already a concentration of tenants/residents with tenancy support needs
 - Giving priority to residents with a local connection to the area (in particular villages where community sustainability is a concern).
- 29c The following conditions will apply to an LLP:
- They may be developed to meet the particular needs of a local area
 - There must be a clear, evidence based need, for example, to deal with recurring anti-social behaviour issues, or to meet rural needs and create more sustainable communities
 - They will set out how applicants will be prioritised for the housing relevant to the LLP
 - Equality impact assessment will be completed.
- 29d The use of local letting plans will usually be considered during the planning process for new build housing schemes, and will be consulted on separately. Any local lettings plan which is agreed subsequently to the adoption of this Policy, having been agreed after consultation, will be appended to this document in future updates.

REQUESTING REVIEWS AND MAKING COMPLAINTS

30 Request for review

- 30a An applicant has the right to a review of:
- Any decision about facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and
 - Any decision as to whether they are eligible or qualify for an allocation.
 - Any decision with regard to priority of housing need
- 30b The applicant should put in writing to the Council, within 21 days of their decision, their request for a review of a decision made by the Council, with details of the reason for the review request.
- 30c A senior officer not involved in the original decision, in consultation with the legal department, will consider the facts of the case and decide whether or not to reverse or uphold the original decision.
- 30d We will advise applicants in writing of the decision of the review within 28 days. The 28 days begins from the review receipt.
- 30e An applicant will be advised of their right to seek independent advice and other remedies.
- 30f Decisions made under Part 7 of the Housing Act 1996 (Homelessness) will be decided in accordance with the legislation and its guidance.
- 30g The Council needs to retain some flexibility in order to deal with exceptional circumstances and reserves the right to apply its discretion when establishing eligibility and/or priority for housing.

31 Complaints

- 31a Any applicant wishing to make a formal complaint about any aspect of their application must follow the Council's formal complaints procedure that can be found on the Council's website at www.rother.gov.uk/complaints.

Appendix 1: Local Connection Criteria: Parish Groups

Parish Clusters for Local Connection Priority

1. Housing applicants in local parishes must be housed in accordance with their needs and the availability of the existing social housing stock. In some parishes few homes become vacant so the Council must make sure it makes the best use of the available social housing stock to house those in the most housing need.
2. For the purposes of this policy vacancies in Bexhill-on-Sea will be available to all applicants and is not defined as a parish cluster. The parish clusters are as follows:

1. Battle Parish Cluster

Battle	Netherfield	Bodiam
Ashburnham	Ewhurst	Penhurst
Brightling	Catsfield	Crowhurst
Dallington	Mountfield	Whatlington
Salehurst	Westfield	Sedlescombe

2. Rye and Rye Rural Parish Cluster

Rye	Brede	Camber
East Guildeford	Guestling	Icklesham
Fairlight	Iden	Beckley
Northiam	Peasmash	Pett
Playden	Rye Foreign	Udimore

3. Ticehurst Rural - including:

Burwash	Etchingham	Hurst Green	Ticehurst
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Appendix 2: Applicants with a Right to Move

- 1 The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) ('the qualification regulations 2015') came into force on 20 April 2015. These provide that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority's district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:
 - have reasonable preference under s.166A(3) because of a need to move to the local authority's district to avoid hardship, and
 -
 - need to move because the tenant works in the district, or need to move to take up an offer of work.
 -
- 2 This will ensure that existing tenants who are seeking to move between local authority areas in England in order to be closer to their work, or to take up an offer of work (hereafter referred to together as 'work related reasons'), will not be disadvantaged.
- 3 In order to qualify for an exemption of the local connection criteria the following will be taken into account in assessing if an exemption applies. The Right to Move qualification regulations 2015 (statutory guidance on social housing allocations for local housing authorities in England 2015) only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

Short-term Work

- 4 In determining whether work is short-term, the following are relevant considerations:
 - Whether work is regular or intermittent (This is likely to be particularly relevant in the case of the self-employed)
 - The period of employment and whether or not work was intended to be short-term or long-term at the outset
 - If a contract of employment that was intended to last for less than 12 months would be considered to be short-term.

Marginal Work

- 5 The following considerations would be relevant in determining whether work is marginal:
 - The number of hours worked. If less than 16 hours a week could be

considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit. The fact that a tenant only works 15 hours a week, for example, may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial.

- The level of earnings.

Ancillary

- 6 Ancillary work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded for the purposes of this policy.
- 7 A further relevant consideration would also be whether the tenant is expected eventually to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer. A person who seeks to move to Rother to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local are also excluded from the right to work

Voluntary work

- 8 Regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Apprenticeship

- 9 The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Genuine intention to take up an offer of work

- 10 Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

Verification and evidence

- 11 In all cases the Council will want verification and evidence that the work or job-offer is genuine and therefore the following documentary evidence will be required:

- A contract of employment
- Wage or salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)

- Tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible), P60 or other information related to the employment.
 - A formal offer letter and letter of acceptance.
 - The employer to verify the position.
 - Letters should be on company headed paper.
- 12 Applicant must qualify for an allocation under the right to move both at the time of the initial application and when considering making an allocation. This means that proof will have to be provided that the person's circumstances have not changed. Any applicant that is suspected of attempting to supply false or misleading statements in order to obtain accommodation with the Council commits an offence and may be prosecuted. If a property is allocated following false or misleading statements a person may face eviction. Section 166A provides that the Council must frame the housing allocations policy to ensure that reasonable preference is given to move to the area, where failure to meet that need would cause hardship to themselves or others. Reasonable preference for the Right to Move Scheme has been set within the Waiting List category.

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Appendix 3: Housing First Pathway

Applicants who require specialist housing will not be included in this allocations scheme. This includes single, homeless, non-priority; entrenched rough sleepers who will be assessed for the Council's 'Housing First' pathway.

The Council's Housing First Pathway is currently in development.

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Appendix 4: Glossary

Bidding cycle

A bidding cycle is the period you have to bid upon a property which has been advertised on Sussex Homemove. You can choose to "bid" on any property that meets the criteria established when your place on the housing register has been confirmed.

The bidding cycle runs from 00.01am on Thursday to 23.59 the following Wednesday.

Choice Based Lettings

Most council and housing association homes are now let through local choice-based lettings (CBL) schemes rather than allocation through a local council. This allows you to make choices about which properties you would like to bid on.

Direct lets

Direct lets are homes which we, with agreement from the social landlord partner, allocate directly to an applicant, usually in the Urgent Need category of the Housing Register.

Entrenched rough sleeper

Entrenched rough sleepers have a long history of sleeping rough. Entrenched rough sleepers are more likely to develop additional physical and mental health needs and substance misuse issues. This can make it a lot harder for them to engage with support services, to leave the streets and to rebuild their lives

Local lettings plan

A local lettings plan (LLP) is an additional criterion for a specific area, estate or block of apartments. It means that the LLP properties affected will be allocated in a different way to the usual approach.

Shared ownership

A system by which the occupier of a dwelling buys a proportion of the property and pays rent on the remainder, typically to a housing association.

Social inclusion

Social inclusion is the act of making all groups of people within a society feel valued and important.

Social Landlords

The general name for not-for-profit housing providers approved and regulated by Government through Homes England. The vast majority of registered social landlords are also known as housing associations.

Transfer applicant/transfer tenant

A transfer applicant or tenant is the name given to a housing register applicant who is already a housing association tenant.

Void periods

A void period is the period of time that a property is empty before a new tenancy is assigned.

Voids

Voids is the name given to a vacant property.

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