

# Optimising Social Housing

Application and Allocations Policy

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## **1 Introduction**

- 1.1 The Housing Act<sup>1</sup> requires all housing authorities to have a scheme for determining priorities and procedures in allocating social accommodation. This document explains how Fareham Borough Council social housing and affordable rent housing is assigned and sets out the priorities used.
- 1.2 The Government<sup>2</sup> encourages housing authorities to use a 'housing options method' in conjunction with their housing register. This method is an information and advice process to prevent homelessness before it occurs through understanding the customer's personal circumstances and helping them explore all housing options.
- 1.3 Fareham Borough Council considers this method to be the best approach; it means that applicants are more easily able to solve their housing problem and those in greatest need do not slip through the net.
- 1.4 In helping the applicant solve their housing problem the team will support them to:
- Remain in their current home if this is suitable and possible
  - Find other appropriate accommodation if it is not
- 1.5 The Council will provide free advice and assistance for those who are threatened with, or currently are, homeless. Eligibility for joining the housing register will be assessed in accordance with the procedural requirement set out in sections 11-15.
- 1.6 The best housing solution for every customer will differ. Where it is appropriate to add the customer to the housing register and allocate a social or affordable property, the details set out in this policy will come into effect.
- 1.7 The Housing Register and Allocation Scheme is operated on behalf of all Registered Providers that work with the Council.

## **2. Definition of an allocation**

- 2.1 The Council allocates accommodation when it:
- Selects a person to be a secure or introductory tenant of accommodation held by the Council
  - Nominates a person to be a secure or introductory tenant of accommodation held by another authority
  - Nominates a person to be a secure or introductory tenant of accommodation held by a Registered Provider
- 2.2 The properties allocated in this policy include:
- General needs housing (such as houses and flats)
  - Retirement living accommodation (properties for older people who need support in line with the accommodation they are applying for)
  - Specially adapted properties for people with disabilities

## **3. Properties not allocated under this policy**

<sup>1</sup> The Housing Act (1996), Part 6, (s.166A) (1) as amended by the Localism Act (2011)

<sup>2</sup> The Allocation of Accommodation: Guidance for Local Housing (2012) (p.3.19)

3.1 The Council will use selected units as temporary accommodation to fulfil statutory duties owed to homeless households and when necessary to prevent homelessness from occurring. In these circumstances tenancies will be offered as a non-secure tenancy and will not constitute an allocation of accommodation under this policy or under the Housing Act.<sup>3</sup>

3.2 Where a managed move is necessary or where a new or existing housing scheme or development is subject to a 'Local Lettings Plan' the Council and local Registered Providers may nominate to housing accommodation outside of the terms of this policy.

#### **4. Allocations not made under this policy**

4.1 The following are not considered as allocations under this policy:

- An offer made under exceptional circumstances to someone not meeting reasonable preference criteria<sup>4</sup>
- Individual circumstances which may include those defined under other legislation<sup>5</sup>
- A succession to tenancy under The Housing Act<sup>6</sup>
- A tenancy granted through mutual exchange (HomeSwapper.co.uk)
- An Introductory Tenancy becoming a Flexible or Secure Tenancy
- Decants – where the Council initiates moves to alternative accommodation to allow for major repair works

#### **5. Legislation**

5.1 This policy complies with the Housing Act (1996) and subsequent amendments, the Localism Act (2011) and all other relevant legislation and statutory guidance. Reference has also been paid to the appropriate Fareham Borough Council documents.

#### **6. Who must comply**

6.1 The Council and all Officers employed by the Council must comply with this policy when processing applications for all social and affordable accommodation that becomes available.

#### **7. The Housing Register**

7.1 The housing register is a record of all households that have registered with the Council to be considered for vacancies that arise in social or affordable rented housing.

#### **8. EU General Data Protection Regulation (GDPR)**

8.1 The housing register and all personal information will be dealt with confidentially and in accordance with EU General Data Protection Regulation (GDPR), the Housing Act (1996)<sup>7</sup> and the Council's Privacy Policy. Any requests to see data held by the Council should be made in accordance with the above.

8.2 The Council will share relevant information, which will include financial information or details of tenancy related support needs, with Registered Providers prior to the offer of a tenancy.

<sup>3</sup> The Housing Act (1996), Part 6 (s.159)

<sup>4</sup> Where this is the case a panel of Senior Officers from the Housing Department will consider the application before an allocation is made

<sup>5</sup> Such as displaced workers within the Rent (Agriculture) Act (1976)

<sup>6</sup> The Housing Act (1985) (s.86A)

<sup>7</sup> The Housing Act (1996) (Part VI) (s.166A)

## **9. How to apply**

- 9.1 Wherever possible the Council aims to prevent homelessness from occurring. Therefore, the Council operates a drop-in service at the Civic Offices where customers can easily access the assistance they need. When applicants approach the Council, the Housing Options team will offer support and advice so that the applicant can make an informed choice to best meet their housing needs. This can include determining whether they could remain in their current home, how to secure private accommodation, routes to low cost home ownership and accessing affordable or social rent housing.
- 9.2 Officers will explore all available options before an applicant is added to the housing register. Care will be made to ensure that the applicant understands how the application will be treated under the scheme, whether they are likely to have any reasonable preference and how long before accommodation suitable to their needs is likely to become available.<sup>8</sup>
- 9.3 Through face-to-face discussions, applicants who may require additional assistance in accessing information or applying to the housing register will not be disadvantaged as support will be tailored to their requirements. Where required, applicants will also be given the opportunity to discuss their needs through telephone interviews or home visits.
- 9.4 Applicants are requested to bring any relevant supporting documentation with them to ensure that their case can be accurately assessed, further verification may also be required to confirm eligibility. The relevant supporting documentation can be found in section 34.

## **10. Who can join**

- 10.1 The Council will consider all applicants over the age of 16 who meet the eligibility criteria and are a qualifying person. Any applicant who is homeless or is threatened with homelessness should contact the Council at the earliest opportunity to discuss their housing options.
- 10.2 The law restricts the granting of a tenancy to those under 18 years. Therefore, a licence to occupy premises will be given and a secure tenancy can then be granted when the person turns 18.

## **11. Eligibility**

- 11.1 Eligibility for inclusion on the housing register and allocation of accommodation is set out in the Housing Act<sup>9</sup>.
- 11.2 Ineligible applicants (those that are not able to join the housing register) comprise of:
- A person subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they are in a class prescribed in regulations by the Secretary of State
  - Other persons from abroad who are in a class prescribed by the Secretary of State as being ineligible for assistance

<sup>8</sup> Waiting times vary for different property types and areas, and will only be a guide, based on the banding, time on list, and the number of properties offered within each band in the previous 12 months.

<sup>9</sup> The Housing Act (1996) (s.160ZA) (and as amended in the Localism Act 2011)

- 11.3 In cases where a joint application is made and one of the applicants is a person from abroad who is ineligible, a joint tenancy will not be granted. However, a single tenancy may be granted to the person who is eligible. While ineligible family members will not be granted a tenancy, they may be considered when determining the size of accommodation required.

## 12. Qualification criteria

12.1 The following groups of people qualify to join the housing register<sup>10</sup>:

- A person for whom the Council has accepted a duty under the Housing Act (1996) s.189B, s.193 or s.195
- Those who are currently serving in the Armed Forces or who were serving in the Armed Forces within 5 years of their application for an allocation of housing<sup>11</sup>
- Bereaved spouses or civil partners of those serving in the Armed Forces where:
  - the bereaved spouse of civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and;
  - the death was wholly or partly attributable to their service
- Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
- Divorced or separated spouses or civil partners of Armed Forces personnel who are required to move out of accommodation provided by the Ministry of Defence
- Referrals made through Hampshire County Council Adult Services
- Those with an established local connection to the Borough of Fareham where one or more of the following applies:
  - They live in the Borough in settled housing arrangements and have done so continuously for at least 2 years immediately prior to their application
  - They are employed in the Borough. Employment must be permanent in nature and for a minimum of 16 hours per week
  - They need to move to the area to be near to a close member of their family to give or receive essential care and support. The family member must live in the Borough and have been resident continuously for 5 years or more<sup>12</sup>
  - They can demonstrate a strong local connection to the Borough<sup>13</sup>
  - They need to move to receive specialist care and support, which can only be accessed within the Borough of Fareham

12.2 Certain groups who are exempt from the local connection criteria and may still apply:

- Young People leaving the care of Hampshire County Council or other care authority whether or not they currently live in Fareham<sup>14</sup>
- Verified rough sleepers, where there is evidence that they have been sleeping in the borough in the last 6 months
- Persons in prison who were continuously living in the borough for 5 years immediately before going into prison

<sup>10</sup> The Housing Act (1996) (s.160ZA) (7)

<sup>11</sup> Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (p.3)

<sup>12</sup> A close family member is defined as being a parent, sibling, or other relative who has previously acted as a guardian.

<sup>13</sup> Definition of a strong local connection – the applicant must have been born and lived in the Borough for the majority of their lives (minimum of 70%) and have a close family member residing in the Borough who has been resident continuously for 5 years or more at the point of application

<sup>14</sup> The Housing Act (1996) (s.199) (8) (b)

- Those living in a refuge or other form of safe temporary accommodation having escaped domestic abuse<sup>15</sup>
- Existing Council or Registered Provider tenants who reside in another borough but need to move to Fareham for work related reasons<sup>16</sup>

There may be circumstances that do not meet any of the above criteria but on consideration the applicant is deemed to have a local connection. These will be determined on a case by case basis.<sup>17</sup>

### 13. Exclusions

13.1 Under the qualifying criteria guidelines as set out in the Housing Act<sup>18</sup> applicants will not be able to join the housing register if they are categorised below:

- Permanent Council or Housing Association Tenants that are assessed as being adequately housed
- Applicants who have assets, savings or income over the prescribed threshold, as set out in sections 14 and 15
- Have no established local connection unless section 12 applies
- All owner/occupiers unless they cannot stay in their own home and need to move into retirement living accommodation. Applicants who wish to apply for this type of accommodation must meet the following specific eligibility criteria:
  - They are over 55, will benefit from the retirement living services provided or have a significant disability; **and**
  - Their current home is not suitable for their specific needs (further medical evidence may be required); **and**
  - They have insufficient financial resources to secure accommodation that meets their particular housing needs in the private market

13.2 Applicants may also be excluded from joining the housing register if it is established that:

- False statements have been made or information has been withheld at any stage of the application
- They have debts with the Council or a Registered Provider where it is evident that they are not making arrangements to repay these arrears
- They, or a member of their household are assessed as being unsuitable to sustain a tenancy or otherwise unsuitable to be considered as a prospective tenant, this may be due to (but not limited to):
  - Serious anti-social behaviour<sup>19</sup>, nuisance or annoyance to neighbours
  - Illegal or immoral use of the property
  - Serious deterioration of property owned by the Council or Registered Provider resulting from the actions of the applicant, a member of their household or a visitor
  - The applicant or a member of their current or proposed household obtaining a tenancy fraudulently

<sup>15</sup> Statutory guidance on social housing allocations for local authorities in England: Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation (November 2018)

<sup>16</sup> Statutory guidance on social housing allocations for local housing authorities in England: Right to Move (March 2015)

<sup>17</sup> Where this is the case a panel of Senior Officers from the Housing Department will consider the application before a decision is made

<sup>18</sup> The Housing Act (1996) (S.160ZA) (p.7)

<sup>19</sup> Behaviour that causes harassment, alarm or distress which can include: noise, verbal abuse, drug dealing or violence

- If it is evident that the applicant owes a high level of arrears and a payment plan has not been adhered to<sup>20</sup>

13.3 Ineligible applicants or those excluded from the housing register will be notified in writing and have the right to a review as set out in section 37.

#### **14. Income**

14.1 Applicants who are considered to have sufficient financial resources to source suitable accommodation through; renting privately, shared ownership or owner-occupation will not qualify. Officers will guide applicants on best meeting their housing needs in the initial stages of application.

#### **15. Savings & Assets**

15.1 Applicants with; savings or assets in excess of £16,000, own or part own accommodation, or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) do not qualify to join the Housing Register and will normally be considered to be able to meet their housing need through other avenues.

15.2 Current or former members of the Armed Forces, who have left service within 5 years, with savings in excess of £16,000 may still qualify where a lump sum has been paid as compensation.

#### **16. Positive contributions**

16.1 Local authorities are encouraged to consider how their allocation policies can support those in paid employment or who otherwise make positive contributions to their community in other ways.<sup>21</sup> Due priority will be given as set out in section 27.

16.2 For the purpose of this policy employment is defined as where the applicant or their partner has a formal contract of employment, is working as a temporary member of staff, or is self-employed. Applicants will only qualify if they can supply evidence that they have been employed for 9 out of the last 12 months, are in current employment, and are working for a minimum of 16 hours per week.

#### **17. Other forms of positive contribution**

17.1 In addition to paid employment, applicants can be assessed as making a positive contribution where they can demonstrate that they are undertaking voluntary work, are active foster carers, or are full time carers and so unable to undertake paid work.

17.2 Those doing volunteer work will need to have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a not-for-profit organisation or charity and must be for a minimum of 7 hours per week.

17.3 Carers and foster carers will need to have been providing care for a minimum period of six months up to point of application and the same at point of offer.

<sup>20</sup> If an applicant is found to owe rent on their private sector tenancy, then the landlord or letting agent will be contacted to establish the level of debt and whether any payment plan is in place.

<sup>21</sup> Allocation of accommodation: Guidance for local housing authorities in England (June 2012), (p.4.27)



17.4 In all instances the onus shall remain on applicants to supply sufficient evidence to support their claim for making a positive contribution.

## **18. Positive contribution and disability**

18.1 The Council recognises that not all members of the community are able to undertake paid employment or voluntary work. Therefore, anyone who is proven to have a chronic disability, is in receipt of Personal Independence Payment or 'limited capability for work related activity' element of Universal Credit will be awarded this priority so that they stand an equal chance of securing accommodation as those in paid employment/undertaking voluntary work.

## **19. Positive Contribution Exceptions**

19.1 There may be instances where someone is serving a 'Community Order' or 'Community Service Order' which requires them to undertake unpaid work. Such circumstances do not constitute either paid employment or volunteering and so are not included in the definitions set out above.

## **20. Change of circumstances**

20.1 Applicants who have previously been deemed not to qualify may make a fresh application to join the housing register if their circumstances have changed. The applicant will be required to provide the relevant supporting documentation for their application.

20.2 When the Council is made aware of a change in circumstances further investigation may be required to ensure that the applicant is still eligible. Written confirmation of the outcome will be sent to the applicant.

20.3 A change in circumstances can include, but is not limited to:

- A change of address
- Any additions or departures in the household
- Any change in income, savings or assets
- A change in medical conditions

## **21. Who to include on the application**

21.1 Applications can include any member of the immediate family who would normally reside with them or would have an extenuating need to reside with them. This also includes those in the immediate family<sup>22</sup> who would normally live with the applicant should circumstances allow.

21.2 The Council will not include family members on the housing register who do not reside in the UK at the time the application is submitted. Inclusion will only be considered once the family have been reunited and evidence of UK residence can be provided.

21.3 In cases where parents share the residency of children, the Council will classify them as living with the person who provides their main home.

<sup>22</sup> Immediate family include; the applicant's spouse, civil partner or partner; anyone who lives with the applicant as their partner or would if circumstances allowed, and any dependent children

- 21.4 People who are not immediate family but have an exceptional need to live with the applicant may be considered in the application and may consist of the following people:
- A dependant aged 16 or over who has lived with the applicant for over 6 months and is unable to live independently due to a disability or care requirement
  - A carer for any member of the household who may need to stay overnight

## **22. Foster carers and prospective adopters**

- 22.1 Consideration will be taken into account for applicants who may require an additional bedroom to accommodate a foster or adopted child.
- 22.2 To avoid over occupation, an agreement will need to have been reached with Social Services and the Housing Options Manager prior to any placement.

## **23. Retention on list**

- 23.1 Periodically, the Council will contact all applicants to review their applications and to confirm if their circumstances have changed.
- 23.2 Reassessment for eligibility, qualification and priority will be undertaken at the time of the review. Should a change of circumstance be indicated, the Council may request further information or supporting documentation from the applicant. The applicant will be contacted, in writing, with the outcome of the review decision.
- 23.3 Should applicants not respond within 28 days the Council will assume assistance is no longer required and the application will be removed from the housing register. Written confirmation of this will be sent to the applicant at the address provided on their application. It is the applicants' responsibility to advise the Council of any change of address or contact details.

## **24. Allocations to existing tenants**

- 24.1 Allocations may be made to tenants who have made a request for a transfer or who wish to downsize and satisfy the reasonable preference criteria.
- 24.2 Existing tenants who do not qualify under the reasonable preference criteria will be guided to HomeSwapper, a mutual social housing exchange website. This provides tenants with greater opportunities to move and promotes social and economic mobility.
- 24.3 Additional priority will be given to tenants requesting a transfer where their current accommodation is accessible or specially adapted and these elements are no longer required.

## **25. Applications from people who are homeless**

- 25.1 The Homelessness Reduction Act (2017) places a duty on local authorities to intervene at earlier stages to prevent homelessness<sup>23</sup>. There is also a requirement to provide advice and services to all of those affected, not just those who have a priority need under the primary legislation.<sup>24</sup>

<sup>23</sup> The Homelessness Reduction Act (2017) (s.1) (2)

<sup>24</sup> The Housing Act (1996) (s.189)

- 25.2 The enhanced prevention duty, means that the Council is required to work with people to prevent homelessness at an earlier stage and to help those households already homeless for 56 days to secure accommodation.
- 25.3 If homelessness is not prevented or relieved, a main housing duty is owed to those who are eligible, have a priority need, and are not homeless intentionally. Where a main duty is owed, the Council will discharge its duty through one of the following:
- An offer of a private sector tenancy
  - An offer of a tenancy via the allocation scheme
  - An offer of temporary accommodation until a settled home is available
- 25.4 People accepted as homeless and placed into temporary accommodation by the Council will not be able to exercise the same level of choice as other applicants in all instances. This is because the Council has a limited time to act and must ensure that the small amount of temporary accommodation available in the Borough is managed effectively to be able to meet future housing need.

## **26. Choice and preference**

- 26.1 The Council operates a considered approach to allocating accommodation through understanding applicants' preferences in order to help with the following:
- Ensure no-one in greatest need slips through the net
  - Improve customer satisfaction
  - Focus on need/suitability
  - Reduce anti-social issues and neighbour disputes
- 26.2 At application stage, applicants have the right to express choice and reasonable preference to accommodation type and location. Officers will work with applicants to ensure that they understand whether they will be offered social or affordable housing and, where possible the approximate waiting times.<sup>25</sup>
- 26.3 Due to the shortage of available accommodation it may not always be possible to offer a home of a particular type or location, but the Council will consider all requests and work with customers to help them achieve the right housing outcome.

## **27. How applicants are prioritised**

- 27.1 The Council uses a banding system to group together applicants and place them according to priority need. Each band takes into account the statutory reasonable preference categories and the Council's local priorities. The bands are as follows:
- Band A – where it is an urgent situation and no other option is available
  - Band B – where a high priority housing need has been identified, such as those leaving the care of Hampshire County Council
  - Band C – where a moderate priority housing need has been identified, such as applicants lacking 1 bedroom
  - Band D – where a housing need has been identified but no higher priority applies, such as those who qualify as 'right-to-move' applicants
- Full definitions are set out in each band in Appendix 1.

<sup>25</sup> Waiting times vary for different property types and areas, and will only be a guide, based on the banding, time on list, and the number of properties offered within each band in the previous 12 months.

27.2 In establishing priorities for housing, the Council must give reasonable preference to the following groups of people<sup>26</sup>:

- People who are homeless as defined by Part 7 of the Housing Act (1996)<sup>27</sup>
- People who are defined as owed a duty under the Housing Act (1996)<sup>28</sup>
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- People who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship to themselves or others
- People who need to move on medical or welfare grounds

Further details on medical and welfare grounds can be found in section 28.

27.3 Under the same Act the Council is also able to award priority to the following groups:

- Existing Council or Registered Provider tenants who wish to downsize
- Households occupying temporary accommodation provided by Fareham Borough Council
- Existing tenants who have property adaptations and no longer require them
- Those who are homeless and require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses and those escaping serious anti-social behaviour or domestic violence<sup>29</sup>
- Those who have a local connection, as set out in section 12
- Households with Armed Forces connections, as set out in section 12
- Foster carers as set out in section 22

The criteria for placement within each band can be found in Appendix 1.

27.4 The Council considers that applicants who have deliberately worsened their circumstances or have become homeless intentionally<sup>30</sup> should not receive priority over other applicants as a result of their worsened circumstances.

27.5 An applicant who is considered to have deliberately worsened their circumstances or become intentionally homeless will be placed in band D.

## **28. Medical and Welfare Priority**

28.1 Medical and Welfare priorities will be determined by a Housing Options Officer and agreed by a Senior Housing Officer or the Housing Options Research and Review Officer upon sufficient evidence submitted by the applicant. Evidence could include relevant information supplied by an applicant's GP, Consultant, Occupational Health, other Health Professional or Support Worker and should specify how the accommodation has a negative impact on the applicant's health or condition.

28.2 There can only be one medical and welfare priority awarded for each household. The banding will be determined by the worst medical or welfare factor awarded to a member of the household.

<sup>26</sup> Housing Act (1996) (s.166A) (3)

<sup>27</sup> S.175 (1) (as amended by Homelessness Reduction Act 2017) (s.1)

<sup>28</sup> under sections 190(2), 192(3), 193(2) or 195(2) (as amended)

<sup>29</sup> This will be at the recommendation of the Council or Registered Provider and usually as a result of information from an organisation such as the Police or Social Services

<sup>30</sup> Housing Act (1996) (Part 7) (p.191) (3)

28.3 The Allocations Officer will check that the factor still applies before making a nomination. Applicants will be informed in writing of the outcome of their medical and welfare assessment. It will include brief reasons explaining why that decision was made.

28.4 If the applicant disagrees with the assessment there is a right to review as set out in section 37.

## **29. Assigning accommodation**

29.1 Council and Registered Provider accommodation will be allocated through a 'best match' applicant preference based direct offer. The accommodation will be allocated to the most suitable applicant in Band A, followed by Bands B, C and then D. Applicants with higher medical needs, are working or otherwise making a positive contribution will be prioritised where no other reasonable preference qualification applies. Where there are two or more suitable applicants, those who were added to the housing register first will be considered first.

29.2 Applicants who are already on the housing register and are moving between bands due to a change of circumstances, will enter the new band upon the date that their changes are notified to the Council. Applicants who improve their housing situation and consequently move to a lower band will retain their original application date.

29.3 Due regard will also be paid to policies set out by Registered Providers that may not align with the overcrowding measure set out in section 30. Where this is the case, applicants will be advised whether the spare room subsidy applies, and any affordability issues will be discussed.

29.4 The Council will make every effort to match any preferences expressed by the applicant on accommodation type and location, where availability allows. The suitability of the property and the following characteristics will be considered:

- The area in which the accommodation is situated
- Whether the accommodation is a house, maisonette or flat
- The size of the accommodation, including two or more living/dining rooms
- The floor level
- If there is lift access available
- Whether pets are allowed
- Whether any adaptations exist or necessary changes can be made easily
- The weekly rent and any service charges

## **30. Size**

30.1 The Council will measure overcrowding levels for the purpose of awarding reasonable preference. The Secretary of State takes the view that the bedroom standard is an appropriate measure for determining accommodation size and preventing overcrowding.

30.2 The bedroom standard allocates a separate bedroom to the following groups of persons:

- A married or cohabiting couple
- A person aged 21 or more
- Two persons of the same sex aged between 0 and 20
- Two persons aged less than 10 years (regardless of sex)

- Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling as set out above

30.3 For the purposes of this Policy the Council recognises that persons considered for sharing a room must be family members. Therefore, two young adults who are not in the same family and are not in a relationship should be considered as requiring their own bedroom.

30.4 For the purpose of this measure; a living room, bathrooms, and kitchens shall not be classed as usable bedroom spaces. However, additional rooms such as separate dining rooms may be assessed as being usable as a bedroom space.

30.5 In cases where applicants do not agree with the Council's overcrowding measurement, upon request a further assessment can be made in line with the statutory regulations as set out in the Housing Act<sup>31</sup> and in conjunction with the Council's Environmental Health Department.

### **31. Level/Accessible**

31.1 Applicants with disabilities or wheelchair requirements will be given priority to ground floor, level access accommodation or level-access properties with a lift.

### **32. Rents**

32.1 Rents for the same size or type of home may differ between landlords. The Council will consider whether the costs of the accommodation can be met by the applicant. Income and eligibility for appropriate welfare benefits will be taken into account but it will remain the applicant's responsibility to ensure they can continue to meet the rental charge.

32.2 Anyone needing help or advice on rent affordability and other debts that may affect their tenancy should speak to a Housing Options Officer to be signposted to appropriate support.

### **33. Offer**

33.1 Applicants matched to a suitable property owned by the Council will be contacted and invited to a viewing. They will be given the opportunity to discuss any concerns, repairs or alterations that may be required. An appointment will be arranged to sign the tenancy agreement once the tenancy start date has been confirmed.

33.2 Applicants matched to a suitable property owned by a Registered Provider will be contacted directly by them to arrange a viewing and to sign the tenancy agreement.

33.3 Applicants will be advised when they are nominated to a property of the type of tenancy being offered.

### **34. Verification**

34.1 Before an offer is made a further assessment may be undertaken to ensure the applicant is still eligible and qualifies. This will be made in those cases where a considerable period has elapsed between application and offer, where Officers are aware of a change or believe there to be a change of circumstances.

<sup>31</sup> The Housing Act (1985) (Part 10) (s.68)

34.2 The information required shall include:

- Proof of identity
- Proof of address
- Proof of residency of any dependent children (e.g. child benefit, correspondence with child's school or GP)
- Proof of income and savings (e.g. wage slips, DWP documentation)
- Evidence of local connection (e.g. household bills)
- Evidence to verify housing need (e.g. home visit, proof of tenancy)
- Evidence of positive contribution (where required)

34.3 Requests for further information should be fulfilled within 3 working days to ensure that available accommodation can be allocated correctly and efficiently. Applicants are encouraged to contact the Council if they are unable to supply this information as they may not be allocated accommodation if the documents are not received.

### **35. Refusals**

35.1 Applicants are encouraged to express preferences for location and property type at the application stage. Should an offer be rejected applicants will be required to provide reasons for refusal.

35.2 Applicants who unreasonably refuse an offer of a property may be removed from the housing register. Applicants may apply to re-join the housing register, but previous waiting times will not be taken into account.

### **36. Equality and Diversity**

36.1 The Council treats each applicant equally in accordance with their needs, and where possible, their preferences for accommodation. This is regardless of age, disability, gender reassignment, marriage and civil partnership status, race, religion, belief, sex or sexual orientation.

### **37. Right to a Review**

37.1 The Housing Act<sup>32</sup> states that applicants have the right to request a review of the following:

- The decision to exclude them from joining the housing register on the grounds that they are ineligible
- The decision to exclude them from joining the housing register on the grounds that they do not qualify
- The decision to remove them from the housing register
- A decision concerning the facts which are likely to be or have been taken into account in considering whether to allocate housing.

37.2 Review requests must be made within 21 days of the decision in writing. The Council will consider an extension of the 21 days in exceptional circumstances and applicants should contact the Council for further advice.

37.3 The review will be dealt with by an Officer who is both senior to the original decision maker and who has not been involved in making that decision. Review decisions will be made in writing to the applicant within 8 weeks.

<sup>32</sup> The Housing Act (1996) ss.166A (9), As amended by the Localism Act (2011) ss.147(2)(a)

### **38. False or Misleading Claims**

- 38.1 It is a criminal offence for anyone making an application, or anyone providing supporting information to:
- Knowingly or recklessly supply false information
  - Knowingly withhold information which the Council has reasonably required the applicant to give
- 38.2 The information requested could include:
- Any information given on an application for social or affordable rent housing
  - Any information given in response to review letters or updates for changes to circumstances
  - Verification information
  - Any information given during the proceedings of a review
- 38.3 Where it is suspected or alleged that false information has been given or deliberately withheld the application will be frozen whilst an investigation is undertaken. No accommodation offers will be made until the investigation is completed.
- 38.4 Where the investigation concludes that no false information was provided or deliberately withheld, the applicant will be reinstated from the date of the original application.
- 38.5 Where the investigation concludes that false information was provided or deliberately withheld, the applicant may be removed from the housing register or deemed ineligible to join.
- 38.6 The Council may seek possession of a tenancy it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation. If the tenancy is with another body, for example a Registered Provider, it will advise that organisation accordingly.
- 38.7 If there is evidence that a criminal offence has been committed the Council may take proceedings that could result in a criminal record, a fine or imprisonment.

### **39. The Decision-Making Process**

- 39.1 The following table sets out the Officers involved in the decision-making process under delegated powers:

<b>Officer</b>	<b>Delegated Powers</b>
Housing Options Officer	The registration of applications and maintenance of the housing register
Housing Options Research and Review Officer	All of the above plus reviews of all decisions
Senior Housing Officer	All of the above
Housing Options Manager	All of the above

### **40. The involvement of elected Members in nomination decisions**

- 41.1 Government regulations restrict the involvement of elected members of the Council in allocation decisions in certain specified circumstances. Normally, under this Policy, allocation decisions are made by Officers of the Council.



41.2 A Councillor is prevented from being part of a decision-making body at the time an allocation decision is made when either the home to be allocated is situated in the Councillor's electoral ward or the person subject to the decision has his or her sole or main residence in the Councillor's electoral ward.

41.3 Councillors may be involved in allocation decisions where the above circumstances do not apply. For example, Councillors are not prevented from:

- seeking or providing information on behalf of their constituents, or from participating in the decision-making body's deliberations prior to its decision, or
- participating in policy decisions that affect the generality of a particular ward's housing accommodation

## **42. Applications from relatives of Council Employees and Members**

42.1 The Council will ask all housing applicants to declare whether they or any of their relatives work for the Council or are elected members of the Council. In the context of this policy the term "relative" applies to:

- anyone living with the applicant as a partner, or as a member of his or her household
- a natural, adoptive or step parent
- a child
- a sister or brother
- a daughter-in-law or son-in-law
- a grandparent
- an aunt or uncle
- an estranged spouse or partner, regardless of whether he or she lives as part of the applicant's household

42.2 In relevant cases the Council will subject applications to authorisation from a senior officer to ensure that the Allocations Policy criteria have been properly applied.

## **43. Amendments**

43.1 This policy may be amended where changes in legislation, housing need or resources require it. Full consultation with Registered Providers and other relevant parties will be undertaken by:

- Sending a copy of the draft scheme, or proposed alteration, to every Registered Provider with interests within Fareham
- Notify existing applicants of the intended amendments and invite them to comment on proposals
- Make use of social media to raise awareness of proposals and invite comment from members of the public

43.2 Although it is not a statutory requirement, the Council will also consult with the Adult Services and Children Services Teams within Hampshire County Council, NHS Hampshire, relevant voluntary organisations and other appropriate and relevant referral agencies. This will ensure that the Allocations Policy reflects the needs of the Borough.

43.3 The Council will aim to allow 6 weeks as the standard minimum time for written consultation but may determine such other period as it considers appropriate.

**Appendix 1 – Priority Bands**

<b>Band A</b>	
<b>Category</b>	<b>Criteria</b>
Welfare	Existing Council or Registered Provider tenants, who are require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses and those escaping serious anti-social behaviour or domestic violence.
Welfare	Existing Council or Registered Provider tenants who have property adaptations and no longer require them.
Medical	<p>Where one or more of the following apply; the applicant, or a member of their household has a condition that requires a move to more suitable or adapted accommodation due to a life-limiting or life-threatening medical condition, to give or receive a high level of care where it cannot currently be sustained in the long term, or where the housing situation is a significant factor in serious and sustained concerns relating to mental health, learning disabilities or sensory medical conditions.</p> <p>The move must be supported by medical evidence from the relevant professional such as the applicant's GP, Social Services or Occupational Therapist.</p>
Property	Existing Council or Registered Provider tenants who are required to move in less than 6 months because their home will be affected by demolition, redevelopment or major works and it's not possible for them to remain.
Armed Forces	Members of the Armed and Reserved Forces or Existing or former members of the reserve forces, having left within 5 years, who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service who have an imminent threat of homelessness or fall into one of the categories above.
Armed Forces	Bereaved spouses or civil partners of those serving in the regular forces where the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and the death was wholly or partly attributable to their service.

<b>Band B</b>	
<b>Category</b>	<b>Criteria</b>
Welfare	<p>Applicants with a local connection who are currently living in a Supported Housing Scheme and it has been evidenced that there is a need for social housing and that alternative housing options are unlikely to be successful.</p> <p>The Council will have joint arrangements with the appropriate agency to ensure that applicants are ready to live independently before they can be considered for offers of accommodation.</p>

Welfare	<p>An applicant who is a young person currently being cared for by Hampshire County Council under the Children Act.</p> <p>The Council will have joint arrangements with the appropriate agency to ensure that applicants are ready to live independently before they can be considered for offers of accommodation.</p>
Medical	<p>Where one or more of the following apply; the applicant, or a member of their household, requires a move to more suitable or adapted accommodation due to a significant medical condition that restricts the ability to access essential facilities and/or care (including the administering of care), or where the housing situation is a significant factor in concerns relating to sensory medical issues, mental health or learning disabilities.</p> <p>The move must be supported by medical evidence from a relevant professional such as the applicant's GP, Social Services or Occupational Therapist.</p>
Property	Existing Council or Registered Provider tenants living in the borough who wish to downsize.
Property	Existing Council or Registered Provider tenants requiring retirement living accommodation due to support needs.
Armed Forces	Divorced or separated spouses or civil partners of Armed Forces personnel who are required to move out of accommodation provided by the MOD.
Property (overcrowding)	<p>A household living in accommodation lacking 2 bedrooms or more, where the Council is satisfied that this is the most viable housing option available and has not been contrived.</p> <p>Owner occupiers will normally be assessed as being in a position to be able to resolve their own housing issues and will only be awarded this priority in exceptional circumstances.</p>
Property (Conditions)	<p>A household living in a property that is in significant disrepair and it is unreasonable for them to remain whilst remedial works are undertaken.</p> <p>The applicant must have a legal right to occupy the accommodation in question, it must be located within the borough of Fareham and the repair issues must have occurred after the initial date of occupancy.</p>

<b>Band C</b>	
<b>Category</b>	<b>Criteria</b>
Homelessness	Accepted homeless households owed a duty under S.193 of the Housing Act (1996) and have been placed into bed and breakfast or any other form of temporary accommodation, excluding private rented accommodation.
Medical	Where one or more of the following apply; the applicant, or a member of their household, requires a move to more suitable or adapted accommodation

	<p>due to medical conditions where independence is restricted when accessing essential facilities and/or care (including the administering of care) or where the environment is aggravating sensory medical issues, mental health or learning disabilities.</p> <p>The move must be supported by medical evidence from the relevant professional such as the applicant's GP, Social Services or Occupational Therapist.</p>
Property (Overcrowding)	<p>A household living in accommodation lacking 1 bedroom and the Council is satisfied that no other option is viable.</p> <p>Owner occupiers will normally be assessed as being in a position to be able to resolve their own housing issues and will only be awarded this priority in exceptional circumstances.</p>
Property (Overcrowding)	<p>To avoid overcrowding by 1 bedroom and enable fostering or adopting where an agreement has been reached with Social Services and the Housing Options Manager to provide permanent accommodation prior to any placement.</p>
Property (Conditions)	<p>Any other insanitary or unsatisfactory housing conditions where the Council's Environmental Health department have confirmed that Category 1 hazards exist, and that remedial action is not able to be pursued.</p> <p>This will include households where accommodation lacks facilities such as cooking facilities, bathing facilities, a degree of warmth or other utility supplies. It does not include households claiming to be without accommodation.</p> <p>Applicant must have a legal right to occupy the accommodation in question. It must be located within the borough of Fareham and the repair issues must have occurred after the date of occupancy.</p>
Property (Conditions)	<p>A household with a dependent child and in rented accommodation where facilities such as the bathroom or kitchen are shared with other households. This does not include households placed into temporary accommodation by the Council under Part 7 of the Housing Act (1996).</p>

<b>Band D</b>	
<b>Category</b>	<b>Criteria</b>
Welfare	<p>Right to move applicants who are existing tenants of other local authorities living outside of the borough but have reasonable preference to move to Fareham for work and failure to do so would cause hardship to themselves or others.</p> <p>Work related reasons means that the applicant already has a job or an apprenticeship within the borough or has a confirmed start date. The work</p>

	must be more than 16 hours a week and long-term (lasting more than 12 months). It does not include voluntary work.
Tenure	An applicant who has been assessed as owed a duty by the Council or who is at risk of homelessness where it is likely that engagement can prevent or relieve homelessness.
Tenure	A person or household with no fixed address or otherwise living in unsettled housing arrangements.  This will include households having to stay at various addresses or any other accommodation that is regarded as unsettled.
Welfare	Applicants with no local connection who are currently living in a Supported Housing Scheme and it has been evidenced that there is a clear need for social housing and that alternative housing options are unlikely to be successful.  The Council will have joint arrangements with the appropriate agency to ensure that applicants are ready to live independently before they can be considered for offers of accommodation.
Tenure	Applicants who have deliberately worsened their housing situation in order to gain an advantage on the housing register or who have been found intentionally homeless.
Tenure	A person or household living in accommodation that is tied to their employment and where this will come to an end within 6 months of the application being approved.