

Tendring
District Council



HOUSING ALLOCATIONS POLICY NOVEMBER 2012

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PART ONE: GENERAL INFORMATION and LEGAL FRAMEWORK

1.1 Introduction

Tendring is an area of acute housing shortage in the affordable rented sector and the demand for housing far outstrips the supply of accommodation becoming available for letting. In each given year, it is normally only possible to assist approximately 10% of all applicants on the Housing Register with accommodation. This policy is intended to reflect the Council's vision to put the needs of established Tendring residents first and to provide local housing for local people. The Council is also determined to ensure the creation of mixed and sustainable communities in the affordable rented housing sector and to provide realistic advice on housing options for those seeking accommodation.

This Housing Allocations Policy is a new policy which takes into account amendments brought in by the Localism Act 2011 and replaces the former Choice Based Letting Housing Allocation Scheme. The Localism Act has given the Council greater freedom to set its own rules on who can join the Housing Register and what priority the Council can award on applications for housing. The Council is no longer required to have an open housing register to which any person can apply if they live in the Common Travel Area. The Council has also decided that it will award additional priority to applications from the following:

Households who have resided in the Tendring area for at least 3 years and who have been in continuous employment for 12 months.

Households who currently serve in the armed forces or have been honourably discharged from the armed forces within 5 years of making their applications.

Households seeking to foster or adopt children provided they have lived in Tendring for at least 3 years and their needs can be realistically met.

Furthermore, the Council will set aside a quota of properties (not exceeding more than 10% of all properties becoming available for letting) to allocate to its own tenants who have a positive record on conducting their tenancies with the Council and who have been in continuous employment for at least 12 months.

The document is also free for download (in Adobe Acrobat format) from the Council's website at www.tendringdc.gov.uk.

A summary of the Housing Allocation Scheme is available free of charge to any member of the public who asks for one.

The Council will, on request, provide advice and help, free of charge, to anyone who requires such assistance in completing their applications for housing.

1.2 The housing allocations policy and service standards

Fairness

Our aim is to:

- ▯ *ensure the widest possible access to housing by offering choice of accommodation;*
- ▯ *give you the opportunity to express preferences about your accommodation whenever possible;*
- ▯ *prevent discrimination on the grounds of race, religion, sex or marital status, sexual orientation or disability;*

- *write our publications in plain English and offer translations, large print or a reading service where needed to help you make an informed housing choice.*

Excellence

Our aim is to;

- *be courteous and efficient;*
- *respond to the needs of our customers and our partners and ensure the views of our customers are heard;*
- *set out clear standards for services so that everyone knows what to expect;*
- *provide you with advice regarding access to social housing and other housing options, both over the phone, via a website and in person;*
- *meet our legal and strategic requirements whilst considering the needs of the local community;*
- *confirm in writing any decision made in relation to your application for housing;*
- *ensure decisions reflect policy and are consistent and transparent.*

Your responsibilities:

- *provide full and accurate details on all forms or correspondence in relation to your application for housing;*
- *tell us immediately if your circumstances change in any way, for example, your address, family details or medical conditions;*
- *respond to requests from us for information;*
- *make a decision on viewed properties within the specified time scale agreed with the Council.*
- *Provide evidence to confirm your identity, your residence history and your employment status*

1.3 Objectives of the housing allocations policy

- **To meet the legal requirements for the allocation of social housing as set out in Part VI Housing Act 1996 as amended by the Homelessness Act (2002) and the Localism Bill 2011**

The Council will ensure its allocation policy complies with all legislative requirements, related legislation, case law, local policies and strategies.

- **Provide a single system of allocating housing across the whole district**

All assessments of need and allocations will be made according to this agreed policy. The scheme will provide applicants with choice about the type of property and area in which they wish to live.

The scheme aims to provide applicants with sufficient information to explain where homes are more likely to become available. This will allow them to make informed choices about their housing options.

- **Increase the sustainability of local communities**

Homes may be let with the aim of improving the long-term stability of a community. Applicants who have lived in Tendring for at least 3 years and who have been in employment for a period of 12 months before they apply will be placed in a higher band than their assessed band to reflect their working status.

Local housing for local people

In order to maximise choice and mobility for applicants within the district, the Council will only let properties to applicants who have a strong residence connection with the district. The only exceptions to this rule are listed in paragraph 2.1 below. Applicants who do not live in the district or have lived in the district for less than 3 years will not be allowed to join the Housing Register.

In some areas, homes will be restricted to people with close local connections to a town or village.

To assist in minimising homelessness and assist applicants in the highest assessed need

All applicants who have a demonstrable housing need will have their applications assessed and be placed in a housing needs band according to their circumstances. This will take into account the reasonable preference criteria outlined in the Housing Act (1996) as amended by the Homelessness Act (2002).

Homes will generally be let to the applicant with the highest housing need who has been waiting the longest.

Ensure that the scheme allows the Council to make best use of homes and in particular adapted properties

Properties that have been adapted or developed for people with a disability will be let to households that need that type of adaptation because of the shortage of adapted properties.

To provide accommodation for homeless households.

The policy will give priority to applicants who are homeless or threatened with homelessness and for whom homelessness cannot be prevented.

To work with other providers and other agencies to make best use of affordable housing from all sources to meet housing need.

The policy will give priority to all local tenants in social housing seeking to move to smaller accommodation thus freeing up properties for households in need.

It is also important that the Allocation Scheme is understandable and accessible by applicants and in allocating our accommodation the Council will endeavour to reach high standards.

1.4 Housing register and allocations policy

The Housing Register is intended to be a single register of housing need for the Tendring area including some accommodation owned and managed by registered housing providers (formerly known as housing associations or registered social landlords).

The Register is the way in which all applicants must apply for social housing in the Tendring district.

- The demand for housing far exceeds supply and the register exists to enable the scheme to prioritise those households who are in greatest need and to maximise their opportunities for re-housing.
- The Register also provides information on needs which the Council uses to develop new affordable housing.
- The Housing Allocations Policy sets out:
 - The objectives of the Allocations Scheme;
 - How the Housing Register operates;
 - Who is eligible to be re-housed;
 - How applicants' housing needs are assessed;
 - How social rented homes across the district are let;

1.5 How the policy will operate

- Applicants can apply to join the scheme. The Council will assess the application and make the initial assessment of need. If the applicant does not have a demonstrable housing need, the application will not be allowed onto the register but the applicant will receive advice on their housing options. The only exception to this rule will be current members of the armed forces or former members of the armed forces who have been honourably discharged within 5 years of making their applications.
- Applicants who join the housing register will be placed in one of four bands to reflect their housing need.

1.6 The Housing Act 1996 (as amended)

- This policy has been drafted to comply with the requirements of Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Localism Act 2011.
- Part VI of the Housing Act 1996 covers:
 - allocations of local authority or housing provider accommodation to new tenants;
 - transfers requested by this local authority's tenants;
 - allocations of local authority housing to current tenants of registered housing providers and;
 - nominations that the council makes to registered housing providers.
- It sets out the circumstances of applicants to whom reasonable preference must be given when deciding who will be offered a property.
- The policy has regard to the Allocation of Accommodation: guidance for local housing authorities in England published in June 2012.

1.7 Allocations exempt from this policy

- Where the Council needs to provide alternative accommodation for a tenant in order to carry out repairs or improvements to their property.
- Where the Council has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land

Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within Band A of the scheme.

- Where the Council grants a secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.
- Where the Council provides temporary accommodation for council employees under Para 5, Schedule 1 of the 1985 Housing Act (Temporary Accommodation for Persons Taking Up Employment).
- Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996. However applicants in this situation can apply to join the housing register.
- Mutual exchanges between tenants and/or tenants of registered housing providers under the Housing Act 1985, s92.
- Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, s89, then that person will succeed to the secure tenancy. If the home is bigger than they reasonably need they may be offered a suitable alternative home better meeting their needs.
- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue the Housing Act 1985, s90.
- Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy if the secure tenant died immediately before the assignment. That person becomes the secure tenant.
- Where a court makes a property adjustment order or other order transferring the tenancy from one party to another.

1.8 Reasonable and additional preference

All applicants will be placed in the appropriate priority band based on an assessment of their needs. This will ensure that the Council lets homes to those in need and ensures that it meets its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act 2011.

The law sets out five groups of applicants where reasonable preference must be considered:

- a) Applicants who are homeless (within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002).
- b) Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 192(3).
- c) Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

- d) Applicants who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

People who fall within one of the reasonable preference categories referred to above and who have a housing need will be eligible for the consideration of additional preference under the Council's scheme if the following apply:

- Those persons are owed a homelessness duty and are unintentionally homeless as a result of violence or threats of violence likely to be carried out and who as a result require urgent re-housing, including:
 - Victims of domestic violence;
 - Victims of racial harassment amounting to violence or threats of violence;
 - Same sex couples who are victims of harassment amounting to violence or threats of violence;
 - Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- Those households who have lived in Tendring for at least 3 years and have been employed for more than 16 hours per week and have been employed for more than 12 months at the time of application.
- Those applicants who are current or former members of the armed forces who have been honourably discharged from service within 5 years of making their application.
- Bereaved spouses or civil partners of former members of the armed forces who have to leave Service Family Accommodation following the death of their spouse or civil partner.
- Former members of the Reserve Forces who have been seriously injured or disabled as a consequence of service.
- Those applicants who have lived in Tendring for at least 3 years seeking to foster or adopt where their housing needs can be realistically met by an offer of accommodation.

Every application received by the Council will be considered according to its facts. Every applicant's situation is different which means that applications will be considered on an individual basis and individual circumstances taken into account.

1.9 Equality and diversity

The Council will be responsive, accessible and sensitive to the needs of all applicants. The Council will not tolerate prejudice and discrimination and will actively promote equality.

The Council recognises that there is diversity of its customers and will seek to meet their needs and ensure that all its customers feel they have been fairly treated. The Council opposes all forms of discrimination on the basis of racial or ethnic origin, gender, disability, religious belief, colour, marital status, age, or sexual orientation.

The Council will operate its Allocation Policy having regard to good practice and comply with the Commission for Racial Equality's Rented Housing Code of Practice, which has been endorsed by the Chartered Institute of Housing, the Local Government Association and the National Housing Federation.

The Council will review its performance and produce reports on an annual basis, covering the number of households who are registered for housing, the priority band of applicants accepting housing and by what process.

It is also important that the Allocation Scheme is understandable and accessible by everyone who may need to use it. Information leaflets and other communications that are easily understandable, such as large print versions, can be made available as appropriate. Interpreters will be used for applicants seeking advice and assistance who require that service.

1.10 Monitoring and reviewing the allocations policy

The Head of Life Opportunities will monitor the operation of the Housing Allocations Policy by regularly reviewing the policy to ensure that it meets its stated objectives and complies with legislative changes.

1.11 Right to and how to seek a review

Applicants have a right to request a review of any decision to treat them as ineligible for consideration under the scheme or any decision relating to the facts of the application taken into account in considering whether or not to make an allocation.

Applicants also have the right to ask for a review of decisions made about their application for housing or offer of accommodation. This includes:

- ▯ Decisions about refusing an application to join the register
- ▯ Removing an application from the register
- ▯ Assessment of bands
- ▯ Offers of housing

The request for the review must be made in writing and will be considered in the first instance by an officer (delegated to do so by the Head of Life Opportunities) who was not involved in the original decision.

Requests for reviews, including the reasons for the request must be made in writing within 21 days of the date of the decision, to:

Head of Life Opportunities
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

The Council will reply in writing, giving the reasons for changing or upholding the original decision. Although the Council will aim to reply within 5 – 10 working days but a response may take longer if additional enquiries are required.

1.12 Complaints procedure

If an applicant is dissatisfied with any aspect of the management of their application (other than when a review can be made) they can complain using the Council's formal complaints procedure. In the first instance applicants should write to the Housing Needs Manager who will be responsible for investigating any complaints that are received.

1.13 The Housing Ombudsman

The Housing Ombudsman investigates complaints of injustice arising from maladministration by local housing authorities and other registered providers.

If a complainant is not satisfied with the action the Council takes, he or she can send a written complaint to the Ombudsman. A complainant must give the organisation an opportunity to deal with a complaint first, using its complaints procedure.

The Housing Ombudsman can be contacted at:

81 Aldwych
London WC2B 4HN
Telephone: 0300 111 3000
Fax: 020 7831 1942
E-mail: info@housing-ombudsman.org.uk

1.14 Transitional provisions

This policy will take effect from 1st January 2013. On that date, the following provisions will apply:

- All applicants who live outside the Tendring area will be removed from the Housing Register unless they meet the armed forces criteria or are placed in specialist accommodation not available in the Tendring area.
- All applicants currently placed in Bands D & E will have their applications reviewed during the re-registration process (see paragraph 2.12 below). If there is no evidence of a housing need or an assessment pending that could put the application in a higher band, the application will be cancelled and removed from the Housing Register.

Applicants can seek a review of the decision to remove their applications from the Housing Register.

PART TWO: HOUSING REGISTRATION

2.1 Who can apply to join the housing register?

Anyone aged 16 or over can join the housing register except: -

- People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996, unless they are:-
 - (a) Already a secure or introductory tenant of this council or an assured tenant of a local housing provider living in the Tendring area or in a class prescribed by regulations made by the Secretary of State.
- People who the Council considers are unsuitable to be tenants of the Council because they, or a member of their household, have been responsible for unacceptable behaviour.
- Households living outside the Tendring area unless they have been placed in specialist accommodation not available in the district or meet the armed forces criteria.
- Households who have lived in the Tendring area for less than 3 years at the time of their application unless they meet
- Households who have no demonstrable need for housing at the time of their application unless they are current or former members of armed forces who have been honourably discharged within 5 years of making their applications.

Any household who is not eligible to join the housing register can seek a review of the Council's decision.

2.2 Unacceptable behaviour

Tendring District Council, in its role as a community leader, is committed to tackling anti-social behaviour and enabling our communities to become safer places in which to live.

The Council has adopted a Housing Anti Social Behaviour Strategy to reduce unacceptable behaviour and this Housing Allocations Policy will actively contribute to this objective

Unacceptable and poor behaviour of housing applicants will be taken into account and as part of the assessment process, the Council will seek references on current and past tenancies where this is appropriate. Where the Council is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant, the applicant will either be ineligible for an allocation of accommodation, or allocation under the priority section of this policy.

Applicants will not be allowed to join the Housing Register if they are guilty of unacceptable behaviour in their current or previous accommodation. Unacceptable behaviour is defined as behaviour that would constitute sufficient grounds for them to be evicted if they were secure tenants under the Housing Act 1985 . Examples of unacceptable behaviour would include:

- Failing to pay the rent;
- Breaching a condition of the tenancy agreement;

- Causing nuisance to neighbours;
- Being convicted of using their home for immoral or illegal purposes;
- Being convicted of an arrestable offence committed in, or in the vicinity of their home;
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect;
- Making a false statement to obtain a tenancy.

The Council will consider whether any person it has found to be guilty of such behaviour is, at the time they apply, suitable to be a tenant. Persons who are found to be unsuitable will not be allowed to join the Housing Register.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is ineligible because of unacceptable behaviour, it will inform the applicant in writing. The applicant will be given 28 days to provide information to show that they are not to be treated as ineligible. If an applicant does not reply within this period, or if they do reply but the Council remains of the view that they are ineligible, they will be removed from the housing register.

Applicants that are treated as ineligible because of unacceptable behaviour will be given written notification of the decision. Applicants also have the right to request a review of the decision. Any request for a review will be considered by the Head of Life Opportunities or his nominated representative.

If the review confirms that the applicant is to be treated as ineligible, the applicant may still make a fresh application to the Council at a future date, when the applicant feels that they should no longer be treated as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be for the applicant to show that their circumstances or behaviour have changed substantially.

2.3 How to apply

To apply, an applicant needs to have an interview by telephone or in person with a member of the Housing Needs Team. If it is clear that the person is eligible to join the register and a housing need is established, the applicant will be sent an application form or be encouraged to complete an on-line application.

2.4 Joint applications

An applicant may include anyone on their application form who is living with them. Where more than one eligible applicant wishes to have a shared application they will be joint applicants.

For a joint application both applicants have to qualify and meet the conditions on eligibility. If applicants want to live together but are currently living apart, the Council will have regard to the extent of the accommodation available to both applicants and their household at their separate addresses.

2.5 Multiple applications

Multiple applications are not allowed. An applicant may have only one active application or be registered on one application on the Housing Register.

2.6 Civil partnership and co-habiting couples

Civil partners and co-habiting couples will be treated in the same way as married applicants.

2.7 Applicants' consent and declaration

When an applicant applies for housing, they must sign a declaration to confirm that:

- ▯ The information they have provided is complete, true and accurate.
- ▯ They will inform the Council immediately of any change in circumstances.
- ▯ They understand that information will be shared with all participating housing providers together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.
- ▯ They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

2.8 Data protection

The Council will make every effort to keep information provided by applicants safe and confidential. Data Protection policies can be viewed on the Council's website or upon request.

2.9 Cancelling an application

An application will be cancelled from the housing register in the following circumstances:

- ▯ At the applicants' request.
- ▯ If the applicant becomes ineligible for housing.
- ▯ When the applicant has been housed through the policy.
- ▯ When a tenant of social housing is registered and completes a mutual exchange.
- ▯ Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- ▯ If the applicant fails to respond to a request for further information within a reasonable time.
- ▯ If checks show that the applicants are no longer living at the address at which they registered

Should an applicant whose application has been cancelled wish to re-join the housing register they will receive a new effective date.

2.10 False information

Any applicant who deliberately attempts to deceive or defraud the Council in order to secure a home to which they are not entitled, may lose any home provided for them, and may also be prosecuted.

It is an offence, under Section 171 of the Housing Act 1996, for anyone seeking assistance from the Council under the Housing Allocation Scheme to:

- Knowingly or recklessly give false information;
- Knowingly withhold information reasonably required in respect of the application.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level five on the standard scale (currently £5,000).

Additionally, where applicants are found to have provided incorrect information or withheld information in order to gain advantage through this policy, they may be deemed to be ineligible for an allocation of accommodation.

As part of the housing need assessment process, applicants may be visited and will be required to provide personal and accommodation verification details. Additionally, applicants may be visited again prior to being allocated accommodation. If it is found that the details on the form are incorrect or circumstances have changed, then the application will be reassessed. Whilst reassessment is being undertaken any offers made will be withdrawn.

If accommodation has been provided and the tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant or a person acting at the tenant's instigation, the Council or housing provider can seek possession of the property through the Courts.

2.11 Councillors and Involvement in decision making

Elected Council Members cannot take part in the assessment and allocation process but this does not prevent them seeking or providing information on behalf of their constituents or from being involved in future policy development.

2.12 Re-registering applications on the housing register

Applicants will need to contact the Council each year if they want to remain on the Housing Register. If an applicant does not contact the Council on or before the anniversary date of their application, their application will be removed from the register.

PART THREE: ASSESSMENT OF HOUSING NEED

3.1 Legal background

All eligible applicants will be placed in a housing needs band reflecting their need following an initial assessment of their household's circumstances. Once full information has been received an application may be moved to a higher or lower band. This is to ensure that the Council meet its legal obligations as set out in Part VI Housing Act 1996 (as amended by the Homelessness Act (2002)) and the Localism Act 2011.

3.2 Advice and information

The Council will ensure that housing advice and options information is available free to everyone. This will include information on a full range of housing options as well as how to apply for housing and where to get help to make an application where the applicant cannot do so without assistance.

3.3 Housing needs bands

If a housing application has been made, the Council will assess each applicant's eligibility to join the housing register and may ask for further supporting evidence and documentation.

Applicants will be placed into one of the following four housing needs bands, based on the information provided:

Band A
Band B
Band C
Band D

Band A will contain those applicants in highest housing need and Band D those applicants in lowest need.

3.4 Assessment of housing applications

Once an application has been received it will be assessed and entered onto the Housing Register and the applicant will receive an acknowledgement letter. The letter will:

- ▯ Explain which band the applicant has been placed in following the initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.
- ▯ Confirm the size (and if applicable the type) of property the applicant is eligible for.
- ▯ Confirm the applicants' effective date.
- ▯ Include a reminder about informing us of any change in circumstances.
- ▯ Give details of appeal and review procedures.
- ▯ Give a registration number.
- ▯ If an applicant has reduced preference it will explain the reasons why.

- Advise the applicant to contact the Council each year on the anniversary date of the application if they want to remain on the Housing Register.

If an applicant moves home and wants to remain on the Housing Register, they must advise the Council either by telephone, email or by sending in a change of address form so that their level of housing need can be re-assessed to reflect their new circumstances.

If an applicant's circumstances change (but their address remains the same), they must advise the Council either by email or sending in a change of circumstances form to enable their application to be reassessed. A change of circumstances could include the birth of a child, a change in medical condition or a threat of homelessness.

3.5 Deciding the effective date

Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except:

- Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- Where an applicant receives priority on medical or welfare grounds their effective date will be the date they were granted the award.
- Where an applicant has been accepted as homeless their effective date will be the date they were accepted as homeless, unless they already qualify for Band A or B with an earlier date.

3.6 Local connection

The Tendring District is a high demand area where demand for affordable rented housing is far in excess of supply. For this reason, applicants who live outside the district will not be allowed to join the housing register even if they have family connections with the district.

Those applicants who do live locally will not be allowed to join the Housing Register unless they have lived in the Tendring District continuously for at least three years at the time they make their application. The following exceptions will apply to this rule:

- Applicants who live outside the Tendring district in specialist accommodation that could not be provided locally
- Applicants who are currently serving in or have been honourably discharged from the armed forces within the 5 years of making their applications.

Applicants will be asked to provide evidence of their residency and the Council reserves the right to carry out further checks on residency as necessary.

3.7 Reduced preference

Section 167 (2A) of the Housing Act (1966) as amended by the Homelessness Act 2002 allows allocation policies to take into account the following factors in deciding the priority to be awarded on an application:

- The financial resources available to the applicants to meet their own housing costs or;

- The behaviour of the applicants (or a members of their households) which affects their suitability as tenants or;
- The applicant's local connection with the district.

a) Financial resources (including Owner-Occupiers)

If applications are received from owner-occupiers, the Council will need to be satisfied that the applicant does not have sufficient resources to buy another property or rent privately. The Council will not set a limit on what constitutes sufficient resources as each case will be assessed individually taking into account the needs of the applicants and members of their household. The Council will take into account any equity in a property as well as any savings or other capital assets. This will include people who live in caravans, mobile homes, houseboats and accommodation on seasonal holiday parks.

Those who can afford to buy on the open market or rent privately will be placed in Band D on the housing register if they have a reasonable preference.

Those who do not own accommodation but have sufficient savings to buy a property (or share in a property) or obtain a private rented property will also be placed in Band D if they have a reasonable preference.

Applicants who formerly owned accommodation will be asked to provide evidence of the sale and details of any capital gained from the sale. If applicants disposed of capital without making adequate housing arrangements, for example, gifting the capital to relatives, they will be placed in Band D if they have a reasonable preference.

Applications from retired owner-occupier households seeking sheltered accommodation will not be subject to a financial resources test.

b) Poor behaviour

Where poor behaviour of the applicant or a member of the household is not serious enough to justify treating the applicant as ineligible for an allocation of accommodation but is considered serious enough to be taken into account in assessing the level of priority to be awarded on the application, the application will receive reduced preference under the Council's policy by being placed in Band D.

In determining poor behaviour the Council may seek references as part of the assessment process and applicants will be required to provide proof of a good payment record.

Examples of poor behaviour are not exclusive but will include a poor rent payment record, complaints of anti-social behaviour and the commission of benefit fraud.

This is not a blanket policy and each case will be considered on its merits. Applicants who are given reduced preference because of poor behaviour can seek a review of the priority awarded on the application.

c) Applicants who have deliberately made their housing situation worse

The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re-housing through the register. Examples will include:

Applicants who give up adequate rented accommodation to move in with family or friends;

Applicants who sell a property to move into private rented accommodation or purchase a local holiday home;

Applicants who give up secure social housing for private rented accommodation.

If an applicant is awarded a reasonable preference but is found to have made their housing situation worse, they will be placed in Band D.

The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

PART FOUR: OFFERS OF ACCOMMODATION

4.1 Statement of choice & choice of area

All applicants can say where in the Council's area they would like to live and the type of property they want and information will be available showing the number of properties in each part of the district and the vacancy rate. Applicants' areas of choice may be monitored for statistical information and to help inform new development. As the Council will be selecting households for properties from the housing register and not advertising them, it is important that applicants notify the Council if they want to live in other areas than those stated on their applications.

The Council reserves the right to only allocate homes in some areas to people with a strong residence connection to a village or local area. This will help keep communities balanced and sustainable.

4.2 Offers of accommodation

Properties will generally be offered to the applicant who has asked for that type of property in its locality and who has been placed in the highest band for the longest period. There will be occasions where the property may be offered to another applicant, for example, because of an urgent homelessness situation or because the property needs to be let sensitively (see paragraph 4.5 below). Furthermore, given the lack of affordable accommodation in rural villages, the Council may choose to offer any vacant council or housing provider accommodation to households with strong local connections with the village in question.

If an offer is made, the applicant will be written to setting out the terms of the new tenancy. Applicants can receive up to 2 offers of accommodation but not simultaneously. If both offers are refused and the Council considers that the offers were reasonable, no further offers will be made for a period of 12 months. If a third and final offer is refused, the applicant will be removed from the Housing Register.

On refusing an offer of accommodation the Council will ask applicants to complete a form to record the reasons why the property has not been accepted. Households accepted as homeless will only be entitled to one offer of suitable settled accommodation from the housing register.


4.3 Offers of accommodation to tenants who owe rent

Tenants on the register will not normally be offered a new tenancy if they are in arrears with their rent or owe outstanding court costs to the Council or other landlord. Tenants will be expected to show that they can maintain a satisfactory rent account for at least 6 months before any offer of alternative accommodation is made, although each case will be decided individually depending on the housing needs of the applicant.

4.4 Property and household size

The Council will always aim to make the best use of its housing stock.

The following table advises how many bedrooms in a property an applicant will be entitled to be assessed for:

Household size	Lowest number of bedrooms needed
1 adult	Studio or 1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (or 2 adults living together as a couple) with one child	2 bedrooms
2 adults living together but not as a couple	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the same sex and both children are under the age of 18	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex where both children are under the age of 10.	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children and the eldest is 18 or over	3 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex and the eldest is 10 or over	3 bedrooms
1 adult (or 2 adults living together as a couple) with either:  3 children or 4 children (all of 1 sex or 2 boys and 2 girls) under the age of 18	3 bedrooms
1 adult (or 2 adults living together as a couple) with 4 children (3 of 1 sex, and 1 of the other), or up to 6 children	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

The Council does not recognise pregnancy as an indicator of housing need through this policy and therefore an unborn child or children will not be counted as a household member until born. However, the Council will ask applicants to provide evidence of pregnancy for monitoring purposes.

In exceptional circumstances, an applicant may be allowed to move into a home that is smaller than their needs, if doing so improves their situation. For example, if an applicant has 4 children and is entitled to a four bedroom property, but is living in a 2 bedroom flat, their application for a 3 bedroom property may be considered. Some older council properties have a living room and a dining room. These properties are referred to as “parlour type” properties and the Council reserves the right to treat the extra living room as a bedroom when deciding who it should be offered to.

It should be noted that housing providers who offer properties to the Council through nomination rights have the right to set their own allocations policies and the Council will have to have regard to their respective policies in selecting a household to be nominated to a property.

4.5 Sensitive lettings

Occasionally a property will become available for letting and it is deemed it should be let “sensitively” because of particular circumstances that relate to the property, for example, because of the frailty or vulnerability of neighbours. The Housing Needs Manager will decide jointly with the Estates Manager if there is need for a sensitive letting on a particular property and allocate the property accordingly. Some sensitive lettings will be two bedroom properties and may be offered to couples as opposed to households who need a two bedroom property.

4.6 Lettings where the bedroom criteria are not applied

In exceptional circumstances, the Council may offer accommodation to a household where the property offered is too large for the household at the time of the allocation but will become the right size for the household within 3 months of the allocation.

4.7 Parents with ‘staying access’ to dependent children or shared residence orders

Applicants with a shared residence order or staying access for children are not entitled to bedrooms for their children. The general principle is that children need one home of an adequate size, and that the Council will not accept responsibility for providing a second home for children. The shortage of housing locally means that extra bedrooms cannot be allocated in such circumstances.

4.8 Applicants with a medical or social need for a larger property

Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required. The Council can have regard to any benefits awarded to the applicants such as disability benefits for care or attendance allowance in deciding if an extra bedroom should be allowed. An extra bedroom will only normally be allowed where it is essential.

4.9 Extra rooms for carers

Where an applicant needs an extra room for a carer, the Council will consider the need for an extra room and in making a decision the Council will have regard to the following information.

- Social Services need to be able to provide supporting evidence that a ‘live in’ carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a ‘live in’ carer.
- If one person has two carers working on a rota to cover 24 hours only one additional bedroom would be needed.
- Extra rooms for a carer’s dependents will not usually be considered.

If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered.

Council tenants seeking to move under the terms of the Council’s Transfer Under-Occupation Scheme are entitled to move to a property where there is an extra bedroom more than their assessed need.

Applicants must be aware that if they are in receipt of housing benefit or local housing allowance, they may find their benefit award restricted following implementation of the proposed Welfare Reform Act if they are of working age and occupy accommodation deemed to be too large for their needs under the benefit regulations.

4.10 Allocation of bungalows & houses

Many of the bungalows that become available for letting may be designed for older people, or people with disabilities. In areas where there is high demand and limited availability of bungalows, preference will be given to:

- Those aged 60 or over.
- Those under 60 with Band B medical assessment for mobility who require this type of accommodation.
- Those who will release a high demand property that is needed by the council aged between 40 and 60.

Due to differing demand in certain localities, the Council may have bungalows that are let to applicants of any age. Bungalows adapted to meet the needs of wheelchair users or for those residents with severe mobility problems will be offered to those who have been assessed as needing that type of property.

Although any applicant can be asked to be considered for a house, the Council reserves the right to offer houses to families with dependent children as opposed to other household types.

4.11 Properties empty for major repairs and alterations

These properties are often referred to as “decants”. A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.

This will only apply to tenants of the Council or tenants of a registered housing provider who allocates 100% of its properties through this policy. This is usually a temporary move and a temporary non-secure tenancy will be offered at the new property in the first instance.

All such cases will be dealt with outside of this policy.

4.12 Local letting policies

The Council along with its social landlord partners may decide to let properties under a local letting policy in the interests of building a strong and sustainable community or to deal with particular local issues. The set of criteria where this applies will be called a “local lettings policy”.

The decision to apply a local lettings policy will be jointly made by the landlord of the property and the Council.

For existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than two years. The implications for equality and for the ‘reasonable preference’ criteria set out in the 1996 Housing Act must be considered.

On new developments, the policy may consider widening the eligible bands for home types on first lettings, again taking equality and legal issues into account.

Local lettings policies may be used in an area or for a particular development where it can be demonstrated that there are significant management problems. In these circumstances a decision as to whether a local lettings policy should apply will be made. Some housing providers may keep their own transfer registers for their tenants and use this to find tenants for some homes.

Some housing developments, particularly in villages, can only be let to people with a local connection to that locality. This means that only applicants with a local connection to the area will be given preference for that property.

4.13 Allocating sheltered housing

Except in special circumstances, council sheltered housing and linked accommodation is let to people over the age of 60. Housing providers may set their own age criteria for their sheltered housing schemes.

When allocating sheltered housing the same general principles as for other property types are followed, apart from an assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.

Low demand sheltered housing

The Council has a number of sheltered schemes in the district which contain studio flats with shared bathing facilities. The demand for such housing is not high and therefore these properties can be offered to any applicant who has a support need for sheltered housing but no other demonstrable housing need. Such applicants will have their details kept on a database separate to the Housing Register so that they can be contacted as vacancies arise.

Extra-care sheltered housing or very sheltered housing

The banding system will not be used for extra care or very sheltered housing schemes.

These schemes have been commissioned with Social Care and housing provider partners and the eligibility rules means that applicants are assessed both on their housing and support needs.

4.14 Adapted properties

All applicants who need a home suitable for wheelchair users will need to be assessed by an Occupational Therapist before an offer can be considered.

4.15 Types of tenancy offered

Applicants are normally offered permanent housing on either an introductory or secure tenancy if the property is a council property. If the property is provided by a registered housing provider they will offer an assured or starter tenancy. Some local housing providers will reserve the right to offer a fixed term tenancy following a successful starter tenancy where their own policies allow for it.

Introductory tenancies and starter tenancies give reduced security of tenure in their first year.

Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer.

4.16 Letting permanent housing on a temporary basis

Homes are sometimes temporarily let to homeless applicants under a licence agreement or non-secure tenancy. This accommodation will not be let through this policy.

PART FIVE: HOUSING PRIORITY

5.1 Deciding who has priority on the register

Each application will be assessed and placed in a band based on the individual circumstances of each case.

Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

5.2 Overcrowding

Applicants will be placed in Band B if they are overcrowded by two or more bedrooms and in Band C if they are overcrowded by one bedroom.

Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

5.3 Disrepair, poor design and lack of facilities

Any complaint about poor repair within council or registered housing provider properties must be reported to the applicant's landlord repairs service before any priority can be awarded.

Applicants living in private sector accommodation in poor condition will be referred to the Council's Private Sector Housing team who will assess the situation and a report which will assist the Housing Allocations Team to determine the priority to be awarded on the application. If the property is in disrepair and repairs cannot be carried out with the tenant in situ, the application will be placed in Band B. If there is disrepair but the works can be carried out with the tenant in situ, the application will be placed in Band C.

If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in Band C.

5.4 Homelessness and temporary or insecure accommodation

If the Council accepts a duty to provide accommodation for a household as defined in Part VII Housing Act 1996 (as amended), the application will be placed in Band B. This will apply to households occupying temporary accommodation as well as those who are making their own temporary housing arrangements ("homeless at home"). The priority on the application will be removed if the duty is ended, for example, the applicant refuses an offer of temporary or settled accommodation or refuses an offer of a suitable private sector rented property following implementation of the Localism Act 2011.

Applicants who are found to be intentionally homeless will be placed in Band D regardless of their living circumstances or other indicators of housing need (e.g lack of space or medical/welfare factors).

5.5 Accepted homeless households in severe need

These are applicants to whom the Council has accepted a duty under the homelessness legislation and have urgent or severe housing needs such as:

- a terminal, chronic or progressive illness or

- severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act;
- an member of the household is a permanent wheelchair user;

Where the above circumstances apply these applicants will be placed in Band A.

5.6 Prevention of homelessness

Applicants threatened with homelessness who are likely to lose their accommodation will be encouraged to make an appointment to see the Housing Options Team. The Homelessness and Advice Officer will assess if there is a housing need that can be met through the Housing Register before actual homelessness occurs. Such applicants will be placed initially in Band C. If applicants are subsequently accepted as homeless, they will be placed in Band B with effect from the date that the homelessness duty is accepted.

5.7 Qualifying Agricultural Workers

Certain categories of Agricultural Workers (who are provided with accommodation as a condition of their employment) may be protected against eviction even if their employment comes to an end under the terms of the Rent Agricultural Act 1976.

The worker can only be asked to leave their accommodation if an Agricultural Dwelling House Advisory Committee (ADHAC) decides that the accommodation will be required by a successor or that the property is no longer required in the interest of efficient agriculture

If ADHAC decides that a worker must leave their accommodation, the local housing authority must use their best endeavours to offer housing to the worker.

An authority would not be properly carrying out its duty if it were to refuse to offer suitable accommodation to the worker because they did not have enough priority on the register.

In such cases this applicant will be placed in Band B.

5.8 Retiring Sheltered Scheme Managers

If a Sheltered Scheme Manager is provided with accommodation by Tendring District Council as part of their conditions of employment and is due to retire, the application will be placed in Band B if the Scheme Manager seeks help with accommodation.

5.9 Supported housing schemes

This applies to applicants living in supported housing schemes.

Applicants in supported housing schemes that are ready to move onto permanent accommodation will be nominated by their support provider under a quota arrangement with the Council. If accepted, these cases will be placed in Band B.

5.10 Partnership private leasing scheme

The Council works with a local housing provider to provide private sector homes on long term leases. In cases where a lease cannot be renewed and the tenants become threatened with homelessness, applicants will be placed in Band B.

5.11 Applicants with no fixed address

Applicants with no fixed address or who are in prison will not be allowed to join the housing register after the commencement of this policy. Instead, they or their support workers will be directed to get advice on other housing options from the Housing Options Team.

5.12 Medical and welfare factors

Applicants can be assessed under both headings.

Any medical or welfare priority can be reassessed if an applicant's circumstances change. If medical or welfare priority is awarded to a household member who leaves the household, the medical or welfare priority for that person will be removed from the application.

5.13 Medical assessments

This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

Applicants may also be awarded priority if the applicant is asking to be re-housed so they can receive care or specialist support

Extra information may be sought from housing provider landlords, housing officers, GPs, health visitors and other parties.

The table below is used to act as a guide to priority:

Affect of housing on health	Medical problem			
	Critical	High	Medium	Low
Severity	Critical	High	Medium	Low
Critical	Band A			
High		Band B		
Medium			Band C	
Low				Band D

5.14 Welfare/Hardship assessments

This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

This group of applicants will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

The table below is used to act as a guide to priority:

The need for alternative settled and suitable accommodation	Welfare Need			
	Critical	High	Medium	Low
Severity	Critical	High	Medium	Low
Critical	Band A			
High		Band B		
Medium			Band C	
Low				Band D

5.15 Tenants with a home that is larger than they need

This applies to local secure tenants or tenants of housing providers (where the Council has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given a higher priority because it enables a household with a high need to move into the freed up larger home.

Social tenants in the Tendring area who will be releasing one or two bedrooms will be placed in Band B.

5.16 Applicants offered housing because of the death of a secure tenant

This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

To be a 'successor tenant' the applicant has to meet certain rules – they must usually must be related to the tenant, or be their partner, and have lived in the property for a defined period of time. If the successor tenant is not a spouse or partner and does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985. The Council will have to provide suitable alternative accommodation and in such circumstances the applicant will be placed in Band B.

As there can only be one succession on a secure tenancy, if an applicant has no legal right to succeed for this reason but would have had the right to succeed if there had not been a previous succession, the Council may grant a non-secure tenancy and provide alternative accommodation through the Housing Register. Such applicants will be placed in Band B. If the offer of a new home is refused the applicant may lose their right to remain in their present property.

5.17 Applicants offered housing because of a relationship breakdown

This category applies to secure tenants of the Council only.

If a tenancy is ended by the party who moves out of the property, the tenancy is formally ended and is not automatically offered to the remaining tenant. If the remaining tenant qualifies to be offered the tenancy, a new tenancy will be granted. If the remaining tenant does not need that size of property and has proven to be a suitable tenant, they will be granted a non-secure tenancy and placed in Band A on the Housing Register.

If a property is then subsequently refused they may lose their right to remain in their current property.

5.18 Transfers which will release a specific property that is needed

Applicants qualifying under this heading will be placed in Band B if they wish to move and the property they would leave is needed to meet the urgent housing needs of another household on the register. This will include tenants wanting to move from adapted accommodation or tenants who need to move to prevent major alterations or adaptations to their current accommodation and their housing needs can be met elsewhere.

5.19 Current or former armed forces personnel

The Council recognises the contribution made by members and former members of the armed forces in protecting the residents of the district. If a current member of the armed forces has a housing need, the application will be placed in one band higher than the

assessed band. The same will apply to former members of the armed forces who have been honourable discharged within 5 years of making their applications. Additional priority will also be given to households with a housing need who have been bereaved following the death of a spouse or civil partner who are being asked to leave Service Families Accommodation and those former members of the Reserve Forces who have suffered injury or disability following service.

5.20 Fostering and adoption

Applicants who have been approved to foster or adopt by Essex Social Care will be placed in Band B if they have a housing need and their accommodation needs can be realistically met. Due to the chronic shortage of larger, family sized accommodation in the district, applicants seeking a larger 3 or 4 bedroom property will not be awarded priority under this category.

5.21 Limited transfer quota

The Council wants to create more balanced and sustainable communities and wants to recognise the contribution tenants make to their communities. The Council wants to assist employed tenants with an exemplary tenancy record to move to alternative accommodation should they want to and regardless of whether they have a reasonable preference for accommodation. Tenants who move will be freeing up accommodation that can be offered to other households in need. Such tenants will be placed in Band B if they have been employed for at least 16 hours a week for a 12 month period and they have conducted their tenancies well.

The Council will monitor such applications to ensure that no more than 10% of annual lettings are let to households under this category.

5.22 Urgent management transfers

If a tenant of Tendring District Council requires an emergency move because serious threats of violence or harassment, the Estates manager can make a recommendation for the household to be moved urgently. Such applicants will be placed in Band A.

5.23 Employment criteria

If applicants meet the employment criteria, they will be placed in a band higher than their assessed band. For example, an applicant assessed as being in Band C will be placed in Band B. To meet the employment criteria, one of the applicants must:

- work at least 16 hours per week in paid employment
- have worked for at least 12 months before the application is made and;
- be in employment at the time any property is offered.

PART SIX: HOUSING ALLOCATION BANDING SCHEME

6.1 BAND A

- Those applicants accepted by the Council who are unintentionally homeless and in priority need but with a severe assessed need.
- Critical medical and / or welfare award.
- Tenants of the Council where a transfer on management grounds has been agreed because of violence or harassment.
- Multiple needs - If someone has two or more needs in Band B they will be moved to Band A (accepted homeless cases do not come under this category nor those awarded a priority because of their employment, or because they have been approved for fostering or adoption).
- A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling by this Council's Private Sector Housing Team.
- Tenants of this Council offered housing because of a relationship breakdown
- Band B applicants meeting the armed forces criteria.

6.2 BAND B

- High Medical and or Welfare award.
- Unintentionally homeless applicants in priority need accepted by Tendring District Council.
- Lacking two or more bedrooms.
- The property suffers from serious disrepair and cannot be remedied with the occupier in situ.
- Nomination agreements with supported housing providers in the Council's area.
- Qualifying Agricultural workers within the Tendring area.
- Successions and other under occupation issues (TDC council properties where there is an under occupation issue and the applicant has been assessed as having housing need).
- Releasing a specific property in need in the Council's area (council or housing provider property) if the property the applicant is moving from is needed to meet the urgent housing needs of another household.
- Social housing tenants residing in the Council's area releasing one or more bedrooms.
- Applicants provided with private accommodation through the housing provider leasing scheme and the lease is coming to an end.
- Retiring Scheme Managers in the Council's housing stock where accommodation was a condition of their employment.
- Multiple needs – Applicants with four or more needs in Band C will move to Band B.
- Band C applicants meeting the employment criteria.
- Band C applicants meeting the armed forces criteria
- Band C applicants meeting the fostering or adoption criteria.
- Council tenants seeking a move under the limited transfer quota.

6.3 BAND C

- Lacking one bedroom.
- Medium medical /Welfare award.
- Band D applicants meeting the employment criteria.
- Band D applicants meeting the armed forces criteria
- Band D applicants meeting the fostering and adoption criteria
- Where a home lacks facilities.

- The property is in disrepair but it can be remedied with the tenant in situ.

6.4 BAND D

- Low medical/welfare award.
- Applicants who are homeless or threatened with homelessness who are assessed as intentionally homeless.
- Reduced preference.
- Need to move within the district to avoid hardship.
- Applicants living in shared accommodation.
- Armed forces or former members of the armed forces with no current housing need