

# Allocations Policy

Review 2023

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## 1. **Introduction**

- 1.1. This document, agreed by the Executive XXXX on DATE sets out the allocation scheme run by Fareham Borough Council in partnership with housing associations (also known as Registered Providers) operating in the Fareham borough. A list of housing associations that are part of the scheme can be found at Appendix 2
- 1.2 The policy explains who is eligible to be included in the scheme and which groups of people will not qualify to be included.
- 1.3 The policy also explains the priority band which an applicant will be placed in based on their housing need, once assessed.
- 1.4 A copy of this document can be found at [www.fareham.gov.uk/xxxx](http://www.fareham.gov.uk/xxxx) and can also be requested from the Fareham Borough Council Civic Offices, Civic Way, Fareham, PO16 7AZ

## 2 **Strategic fit**

This allocation policy is fully aligned with the aims and objectives of the Council's other strategies and policies:

[www.fareham.gov.uk/about\\_the\\_council/strategies/keystrategies.aspx](http://www.fareham.gov.uk/about_the_council/strategies/keystrategies.aspx)

## 3 **Policy statement**

- 3.1 This policy aims to:
  - Comply with the Council's statutory duties in Part 6 of the Housing Act 1996, as amended
  - Make efficient and best use of the available social and affordable housing stock in the area
  - Be clear, transparent and balanced in applying the policy
  - Assess applications according to the applicant's needs, ensuring priority is awarded in accordance with the policy
  - Respond to the housing needs of local people
  - Ensure that vacant Council and housing association homes are let as soon as possible
  - Reduce the use of emergency and temporary accommodation for homeless applicants
  - Provide a high quality service for customers in need of advice and assistance

## 4 **Legal framework**

- 4.1 The Fareham allocation scheme has regard to the Allocation of accommodation: guidance for local housing authorities in England 2012 (as amended) and complies with the requirements of Parts 6 and 7 of the Housing Act 1996, as amended, and has regard to the following:
  - Allocation of accommodation: guidance for local authorities in England 2012 (as amended)
  - Allocation of Housing and Homelessness (Eligibility) (England) regulations 2006, SI 2006/1294 as amended
  - The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- Immigration (European Economic Area) Regulations 2006, SI 2006/1003 as amended
- Allocation of housing (Qualification Criteria for Right to Move) (England) (Regs 2015/967
- The Localism Act 2011
- Housing and Planning Act 2016
- Homelessness Reduction Act 2017
- Providing social housing for local people: December 2013 statutory guidance on social allocations for local authorities in England
- Equality Act 2010
- Human Rights Act 1998

## 5. **Tenancy types**

5.1 The type of tenancy offered will vary. Each Registered Provider will have a tenancy policy which sets out their approach, which complies with the Council's Tenancy Strategy. Applicants will be informed which tenancy type is being offered at the point of an offer of accommodation being made. Flexible tenancies will be issued and reviewed for Council owned high demand properties to ensure that best use is made of the available housing stock. This refers to properties of 4 or more bedrooms and properties with structural adaptations which are no longer required for the current household make up.

## 6. **Definition of an allocation**

6.1 The Council allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by the Council. This includes converting temporary accommodation tenancies into introductory tenancies at the point where they would ordinarily come up for a permanent offer of accommodation. It also includes converting successful sublet tenancies to introductory tenancies and converting successful Housing First tenancies to introductory tenancies.
- Nominates a person to be a secure or introductory tenant of accommodation held by another authority
- Nominates a person to be an assured tenant of accommodation held by a Registered Provider

6.2 The properties allocated in this policy include:

- General needs housing, such as houses and flats
- Retirement living accommodation, also known as sheltered housing - properties for older people who need support in line with the accommodation they are applying for
- Specially adapted properties for people with disabilities

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

7.1 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 the right to occupy will be offered as a non-

secure tenancy and will not constitute an allocation of accommodation under this policy or under section 159 of the Housing Act 1996.

7.2 Transfers at the request of an existing social housing tenant, who does not have reasonable preference do not fall under this policy. See paragraph 17 for information on reasonable preference.

7.3 Where a managed move is necessary and meets the criteria set out in Appendix 1 (High band), 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.

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

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

- An offer made under exceptional circumstances to someone not meeting reasonable preference criteria
- Individual circumstances which may include those defined under other legislation
- A succession to tenancy under The Housing Act 1985, section 86a
- A tenancy granted through mutual exchange (HomeSwapper.co.uk)
- An Introductory Tenancy becoming a Flexible or Secure Tenancy
- Temporary decants – where the Council initiates moves to alternative accommodation to allow for major repair works

## 9 **Who must comply**

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

## 10 **The Housing Register**

10.1 The housing register is a record of all households which have registered with the Council to be considered for vacancies that arise in all of the social or affordable rented housing in the borough. The Council maintains the housing register on behalf of the whole scheme.

## 11 **Who can join**

11.1 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.

11.2 The law restricts the granting of a tenancy to people who are at least 18 years old. Therefore, if an applicant is aged between 16 and 18 years, one of the following will be required:

- a guarantor over the age of 18 will need to hold the tenancy in trust until the applicant reaches 18 years of age, or
- a licence to occupy premises will be given to applicants under 18 and a secure tenancy can then be granted when the person turns 18.

## 12 Eligibility

- 12.1 Eligibility for inclusion on the housing register and allocation of accommodation is set out in the Housing Act 1996, s.160ZA and as amended in the Localism Act 2011.
- 12.2 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. The Regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006/1294)
- 12.3 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.

## 13 Qualification criteria

- 13.1 The following groups of people qualify to join the housing register under the Housing Act (1996) (s.160ZA) (7):
- 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. Defined in the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (p.3)
  - 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, for a minimum of 16 hours per week and have lasted for at least 12 months at the point of application. Where an applicant's sole local connection was by virtue of employment and that employment is lost, they will no longer qualify to be on the housing register

- 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. A close family member is defined as being a parent, sibling (includes half siblings and step-siblings), child, or other relative who has previously acted as a guardian. Care and support in this context may be defined as similar to that provided in an Adult Services commissioned care and support package, as described in the Care Act and associated statutory guidance. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) This could be practical and/or emotional support and assistance with managing the home and undertaking any duties that the person cannot perform independently, on a regular basis. This definition would not apply if the close family member connection is to a dependent child.
- They can demonstrate a strong local connection to the Borough. Strong local connection is defined as follows: the applicant must have been born in the Borough or born at a Hampshire hospital when their mother was living in the borough. They must also have lived in the Borough for the majority of their lives (a 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. A close family member is defined as being a parent, sibling, or other relative who has previously acted as a guardian.
- They need to move to receive specialist care and support, which can only be accessed within the Borough of Fareham

13.2 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 as specified in the Housing Act (1996) (s.199) (8) (b) (Is this only relevant to young people or should others leaving care be included)
- Verified rough sleepers, where there is evidence that they are homeless and have been sleeping in the borough regularly in the last 6 months
- Persons in prison who were continuously living in the borough for 5 years immediately before going into prison
- Those living in a refuge or other form of safe temporary accommodation having escaped domestic abuse, harassment or violence, where the Police, Independent Domestic Violence Advocates (IDVA) or Multi-Agency Risk Assessment Conference (MARAC) supports a move to the Borough for the safety of a permanent member of the household. as specified in the 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)
- Existing social housing tenants who reside in another borough but need to move to the Borough because their main place of work is in the Borough, or to take up an offer of work and failure to do so would cause hardship. This applies only to an employment contract of more than 12 months. (Statutory guidance on social housing allocations for local housing authorities in England: Right to Move)



- Applicants accepted under the main homelessness duty under section 193 of the Housing Act 1996 and who have been placed outside of the borough by the Council
- Applicants needing to move on from supported accommodation in the borough where they are ready to live independently but may not otherwise have an established local connection

13.3 An applicant may not join the housing register if they do not meet any of the priority band factors. However, 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 on be determined on a case by case basis. Where this is the case the Head of Housing will consider the application before a decision is made.

## 14 Exclusions

14.1 Under the qualifying criteria guidelines as set out in the Housing Act 1996, s160ZA, 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 paragraphs 15 and 16
- Have no established local connection unless paragraph 13 applies
- Applicants who own their own home in the UK or abroad if that home is affordable to them, they are not in negative equity, it meets their needs in terms of their health and/or disability and it is safe for them to remain. Home may be defined as a house, flat, bungalow, static caravan or houseboat.
- Applicants not currently residing in the UK. Once living in the UK they can be included on the housing register if they meet the qualifying criteria.
- Applicants living in privately rented accommodation who are adequately housed and for whom the accommodation is affordable and suitable for their needs, unless they have a dependent child/children and share facilities with other households.

14.2 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 , 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

- If it is evident that the applicant owes a high level of arrears to a social or private landlord and a payment plan has not been adhered to

14.3 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 paragraph 30.

## 15 **Income**

15.1 Applicants who are considered to have sufficient financial resources to source suitable accommodation through renting privately, shared ownership or owner-occupation will not qualify. This includes income in the UK or from abroad. Officers will guide applicants on best meeting their housing needs in the initial stages of application. This qualification criterion does not apply to existing social housing tenants.

## 16 **Savings and assets**

16.1 Applicants with savings, capital or assets in excess of £16,000, who 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. This includes savings, assets and home ownership in the UK and abroad.

16.2 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.

## 17 **Reasonable preference**

17.1 In establishing priorities for housing, the Council must give reasonable preference to the following groups of people:

- People who are homeless as defined by Part 7 of the Housing Act (1996), including those who are intentionally homeless and those not in priority need.
- People who are owed a duty under the Housing Act (1996), sections 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s193(3)
- 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 can be found in Appendix 1.

## 18 **Additional preference**

18.1 Additional preference must be given to members of the Armed and Reserve Forces who have fall within the reasonable preference categories and who have urgent housing needs, as specified in section 166A(3) of the Housing Act 1996.

18.2 Under the same legislation the Council is able to give additional preference to further applicants who fall within the reasonable preference categories and have urgent housing needs. This may include applicants who need to move urgently due to a

sudden disability, where severe overcrowding poses a health hazard, or where homeless applicants require urgent re-housing as a result of violence or threats of violence.

18.3 The legislation also permits the Council to award priority to other groups of applicants in order to meet local priorities. The following groups will receive some priority when applying even if they are not in one of the reasonable preference categories:

- Existing Council or Registered Provider tenants who wish to downsize. Incentive payments may be payable to Council tenants in some circumstances and will be offered in line with the associated Transfer Incentive Scheme. Registered Providers do not generally offer incentive payments for downsizing but it is recommended that tenants contact their landlord to confirm this if they wish to downsize.
- Households occupying temporary accommodation provided by Fareham Borough Council
- Existing tenants who have property adaptations and no longer require them
- Applicants making a positive contribution – see below.

## 19 **Positive contribution**

19.1 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. Due priority will be given as set out in Appendix 1

19.2 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.

## 20 **Other forms of positive contribution**

20.1 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.

20.2 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.

20.3 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.

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

## 21 **Positive contribution and disability**

21.1 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.

## **22 Positive contribution exceptions**

22.1 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.

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

## **23 How to apply**

23.1 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.

23.2 Officers will explore all available options before an applicant is added to the housing register. Care will be taken 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. Waiting times vary for different property types and areas, and will only be a guide, based on the priority banding, length of time on list, and the number of properties offered within each priority band in the previous 12 months.

23.3 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.

23.4 Applicants are requested to bring any relevant supporting documentation with them to ensure that their case can be accurately assessed and further verification may also be required to confirm eligibility in some cases. Details of the relevant supporting documentation can be found in paragraph 44.2 regarding verification checks. Supporting information must be provided within 30 days of submitting an application to the Council. If applicants fail to do this, the application may be cancelled unless there are reasons for the delay outside of the applicant's control.

23.5 Applications can also be made online by completing the application form on the Council's website at [www.fareham.gov.uk/xxxxx](http://www.fareham.gov.uk/xxxxx) Supporting documents can be uploaded for submission with the form. Customers applying online may be contacted by a member of the Housing Options team to obtain additional information if required during the assessment process.

## 24 **Joint applicants**

24.1 Joint applications should be from adults who have a long term commitment to live together. While this will usually be as partners, other relationships (e.g. siblings) will be considered in line with the Registered Providers' policies. All joint applicants must agree that they are applying together in order to be accepted as joint applicants. Where one of the applicants is ineligible a joint application will not be accepted – see paragraph 12.3

## 25 **Applicants no longer wishing to apply jointly**

25.1 If one/both applicants in a joint application no longer wish to apply jointly and want to be considered on their own, separate applications can be made from the original joint application.

25.2 When a request to split a joint application is received, the circumstances of both parties will be reassessed separately to see if they remain eligible and qualify to join the housing register. If they do, an appropriate priority band will be awarded.

25.3 If the separate applicant is awarded the same or a lower priority band as the joint application, they will retain the same registration and priority band date as in the original application.

25.4 If the separate applicant's circumstances have changed such that they are awarded a higher priority band than the original joint application, the registration date will remain the same but their new priority band start date will commence on the date they are placed in the higher band.

## 26 **Pregnant applicants**

26.1 Applicants who are pregnant will be considered for an allocation which suitable for their family size including the unborn child, after the pregnancy reaches 20 weeks.

## 27 **Change of Circumstances**

27.1 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.

27.2 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.

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

- A change of address
- Any additions to or departures from the household
- Any change in income, savings or assets
- A change in medical conditions
- Expiry of a specified exclusion period

## 28 **Who to include on the application**

28.1 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, who would normally live with the applicant should circumstances allow. Immediate family includes 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 living with them.

- 28.2 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.
- 28.3 In cases where parents share the residency of children, the Council will classify them as living with the person who provides their main home, i.e. over 50% of the time.
- 28.4 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

## 29 **Foster carers and prospective adopters**

- 29.1 Consideration will be given to applicants who may require an additional bedroom to accommodate a foster or adopted child, where they have been confirmed as approved for fostering/adoption by Childrens Services. Proof of this will be required.
- 29.2 To avoid over occupation, an agreement will need to have been reached with Childrens Services and a Housing Manager prior to any placement.

## 30 **Right to review**

- 30.1 Applicants will be notified in writing of any decisions made in relation to their application.
- 30.2 Applicants have the right to request a review of any aspect of their housing application assessment made by the Council, under Part 6 of the Housing Act 1996. The following types of decision are subject to the right of review:
- To exclude them from joining the housing register on the grounds that they are ineligible
  - To exclude them from joining the housing register on the grounds that they do not qualify
  - To remove them from the housing register
  - Facts which are likely to be or have been taken into account in considering whether to allocate housing
  - Non award of reasonable preference, to which they would otherwise have been entitled, on the grounds of unreasonable behaviour
  - Determination of an applicant's entitlement to reasonable preference
  - Type of property for which they can be considered
  - The extent of the applicant's household to be considered for housing with them.
  - Priority awarded in relation to medical conditions or welfare needs

- Determination of whether the applicant should receive additional preference on the grounds of urgent housing needs or otherwise.
- 30.3 Review requests must be made within 21 days of the decision in writing, including electronically. The Council will consider an extension of the 21 days in exceptional circumstances and applicants should contact the Council for further advice.
- 30.4 The review will be carried out by an Officer who is both senior to the original decision maker and who has not been involved in making that decision. The reviewing officer will consider the assessment of the application as a whole and ensure that the circumstances of the applicant at the time of the review, not just at the time of the original decision, are taken into account.
- 30.5 Review decisions will be made in writing to the applicant within 8 weeks of the request being received, unless otherwise agreed with the applicant.
- 31 Retention on the list**
- 31.1 The Council will contact all applicants annually to review their applications and to confirm if their circumstances have changed. This will normally be carried out around the anniversary of joining the housing register and by using the applicant's preferred method of communication.
- 31.2 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.
- 31.3 Should applicants not respond within 14 days, a reminder will be sent out and attempts will also be made to get in touch by other means. If there is no response after 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.
- 32 Allocations to existing tenants**
- 32.1 Allocations may be made to tenants who have made a request for a transfer or who wish to downsize and who satisfy the reasonable preference criteria.
- 32.2 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.
- 32.3 Additional priority will be given to tenants requesting a transfer where their current accommodation is accessible for people with limited mobility or is specially adapted and these elements are no longer required.
- 33 Applications from people who are homeless**
- 33.1 The Homelessness Reduction Act (2017) places a duty on local authorities to intervene at earlier stages to prevent homelessness. 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 Housing Act 1996.

33.2 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.

33.3 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

33.4 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, although all social housing allocations will be to suitable properties. 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.

#### 34 **Choice and preference**

34.1 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

34.2 At the application stage, applicants have the right to express choice and reasonable preference as to accommodation type and location. Officers will work with applicants to ensure that they understand what type of accommodation they may be offered, and where possible the approximate waiting times.

34.3 Due to the shortage of certain types of 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.

#### 35 **How applicants are prioritised**

35.1 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:

- Urgent – where it is an urgent situation and no other option is available
- High – where a high priority housing need has been identified, such as those leaving the care of Hampshire County Council
- Medium – where a moderate priority housing need has been identified, such as applicants lacking 1 bedroom
- Low – where a housing need has been identified but no higher priority applies, such as those who qualify as 'right-to-move' applicants



35.2 Full definitions are set out in each band in Appendix 1.

### 36 **Band dates**

36.1 Once allocated to an appropriate priority band, applicants will be ordered within the band by the band date, earliest first, so priority is given to applicants who have been in the priority band the longest.

36.2 The band date is worked out through a combination of the application registration date, plus any additional time which may be awarded due to circumstances (see Appendix 1). The effect of awarding additional time is to place the applicant higher up in the list of applicants within their designated band, thereby accelerating their application.

36.3 Applicants with reasonable preference (see paragraph 17) are considered along with all other applicants in their respective band. The exception to this is those applicants who only qualify to join the housing register because they meet a reasonable preference criterion. These applicants will be prioritised after those who meet all of the criteria for registration.

### 37 **Deliberately worsening housing situation**

37.1 An applicant will be given reduced priority if the Council is satisfied they deliberately did or failed to do, something which, in consequence, led to a worsening of their housing circumstances. If qualifying criteria are met, the applicant will be placed into the Low priority band and the situation will be reviewed upon a material change in circumstances within the household.

37.2 Examples include, but are not limited to, the following:

- A household moving from an affordable property where, according to the bedroom standard they are appropriately housed to a property where they are overcrowded.
- A household giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with relatives or friends, creating a situation of overcrowding.
- A household requesting or colluding with a landlord or family member to issue them with a Notice to Quit
- An applicant who has given up settled accommodation that is reasonable to occupy in order to move to less settled or overcrowded accommodation
- An applicant who deliberately overcrowds their property by allowing friends or relatives to move in who have never lived together previously and/or who have not lived together for a long time, then requests rehousing to larger accommodation
- An applicant who refused a final offer of accommodation made in order to discharge a homelessness duty, and who has subsequently reapplied to join the housing register.

### 38 **Medical and welfare priority**

38.1 Medical and Welfare priorities will be determined by a Housing Options Officer and agreed by a Senior Housing Options Officer upon sufficient evidence submitted by the applicant. Evidence may include relevant information supplied by an applicant's GP, Consultant, Occupational Health, Social Worker, SEND worker, other Health Professional or Support Worker and should specify how/why the current

accommodation is not suitable for their needs, and how the accommodation has a negative impact on the applicant's health or condition, and confirm there is a prognosis that the situation will not improve if they remain in their current home, and confirm that the applicant's health or condition will be demonstrably improved/alleviated by a move to alternative accommodation.

- 38.2 There can only be one medical and welfare priority awarded for each household. The banding will be determined by the highest medical or welfare factor awarded to a member of the household.
- 38.3 The Allocations Officer will check that the factor still applies during the verification process and 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.
- 38.4 If the applicant disagrees with the assessment there is a right to review as set out in paragraph 30.

### 39 **How the application is processed**

- 39.1 On receipt of the application information and associated supporting documents a Housing Options Officer will assess the information provided against the criteria set out in the Allocations Policy and will determine an appropriate priority band and application registration date. Home visits to applicants may be carried out in some cases in order to confirm household circumstances. If it meets the eligibility and qualification criteria the application will be placed on the Council's housing register.
- 39.2 When looking to nominate to vacant social housing properties, the Allocations Officer will use the housing register to identify those applicants whose needs best match the vacant property and generate a shortlist. The matched applicants will then be considered by priority band, with those in the Urgent band being reviewed first. Within the Urgent band, applications will be prioritised based on the application registration date and then band date, with those who have been on the housing register and in the priority band the longest being considered before others.
- 39.3 The needs and preferences of the applicants will be taken into consideration and therefore the highest placed applicant may not be offered the vacant property. For example, if a particular location has not been selected or if the property does not meet or cannot be adapted to meet an applicant's needs, then the next applicant in line can be considered.
- 39.4 If a Registered Provider letting policy for a property excludes a certain household type, such as one with children under 10 years of age, then that household would also not be considered.
- 39.5 If a match cannot be found within the Urgent band then applicants in the High band will be considered in the same way, and so on.
- 39.6 Where two or more applicants are in the same priority band with the same length of time on the housing register, the Allocations Officer will first consider applicants who meet multiple priority criteria in the same band. Applicants making a positive contribution will be considered next.

## 40 **Assigning accommodation**

- 40.1 Council and Registered Provider accommodation will be allocated through a 'direct match' offer based on applicant preference. The accommodation will be allocated to the most suitable applicant in the Urgent band, moving on to the High, Medium and then Low bands until a placement is made. 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.
- 40.2 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.
- 40.3 Due regard will also be paid to policies set out by Registered Providers that may not align with the overcrowding measure set out in paragraph 41.2. Where this is the case, applicants will be advised whether the spare room subsidy applies, and any affordability issues will be discussed.
- 40.4 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
  - The weekly rent and any service charges
- 40.5 Applicants who are matched to and subsequently offered a Council owned property with 4 or more bedrooms or with structural adaptations will be issued with a 5 year flexible tenancy. Regular monitoring will be undertaken to record the ongoing housing need.
- 40.6 Sheltered accommodation may be used in certain circumstances to accommodate an applicant who would not normally be considered due to their age (under 55 years). Any allocation of this type will be approved by a Housing Manager.
- 40.7 There are two types of sheltered accommodation scheme within the borough; mobile sheltered and on-site sheltered. Mobile sheltered schemes have a non-resident visiting sheltered housing officer. Residents can choose the level of service they require to enable more independent living. On-site sheltered schemes have a sheltered housing officer on the premises who visits 5 days a week.
- 40.8 There are currently no extra care accommodation schemes in the borough. If an extra care scheme is provided in the borough, applicants who meet the additional

criteria for such a scheme will be permitted to join the housing register for that scheme only.

#### **41 Size of property**

- 41.1 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 overcrowding for determining accommodation size and preventing overcrowding.
- 41.2 The bedroom standard allocates a separate bedroom to the following groups of persons:
- A married or cohabiting couple, or a couple in a Civil Partnership
  - 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
- 41.3 For the purposes of this Policy the Council recognises that persons considered for sharing a room must be family members, half-family members, or step-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. Fostered and adopted children will always be allocated their own room regardless of their age and sex.
- 41.4 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.
- 41.5 Where an offer of a property which is larger than the standard required size is being considered due to a proven medical or welfare need, the ongoing affordability of the rent will be taken into consideration to minimise the risk of financial hardship.
- 41.6 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 s68 of Part 10 of the Housing Act 1985 and in conjunction with the Council's Environmental Health Department.

#### **42 Accessibility and suitability**

- 42.1 Applicants with disabilities which mean they need ground floor accommodation, or applicants who use a wheelchair or who specific adaptations, will be given priority to ground floor accommodation, level access accommodation, level-access properties with a lift, or properties which have already been adapted.

#### **43 Rents**

- 43.1 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.

43.2 Registered providers will conduct their own affordability assessments for applicants who are nominated to their properties.

43.3 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.

#### 44 **Verification**

44.1 Before an offer is made a further assessment will be undertaken to ensure the applicant is still eligible and qualifies. This will be made in all 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.

44.2 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)

44.3 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.

#### 45 **Offer**

45.1 Applicants matched to a suitable property owned by the Council will be contacted by the Allocations Officer to advise of the offer. Unless adaptations or specialist works are required before occupation the applicant will not normally be invited to view the property before the tenancy sign up date. An approximate timescale for the property to be ready for occupation will be provided by the Allocations Officer. An appointment will be arranged by the local Neighbourhood Officer to sign the tenancy agreement once the tenancy start date has been confirmed.

45.2 Applicants matched to a suitable property owned by a Registered Provider will be contacted by the Allocations Officer to advise of the offer and to confirm that the remainder of the process will be dealt with directly by the Registered Provider. They will make arrangements with the tenant to complete relevant paperwork and to sign the tenancy agreement.

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

45.4 Applicants who are homeless will receive a written offer letter from the Council confirming that the homelessness duty under Part 7 of the Housing Act 1996 will end with their acceptance of the offer of social housing.

## 46 **Local letting plans**

46.1 Allocations outside of the agreed rules may be made where local lettings policies have been approved for particular developments, areas or types of housing. This will allow for property allocation to be prioritised for particular groups of people.

## 47 **Refusals**

47.1 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.

47.2 Applicants who unreasonably refuse an offer of a suitable property may be removed from the housing register. Applicants are able to apply to re-join the housing register, but previous waiting times will not be taken into account and a new assessment of circumstances may need to be completed.

47.3 Homeless applicants owed a duty under Section 193(2) of the Housing Act 1996 who unreasonably refuse a suitable final offer of social housing or a private sector offer, will no longer be owed a homelessness duty and will be removed from the housing register. The right to occupy temporary accommodation will be brought to an end.

## 48 **Equality & diversity**

48.1 The Council is committed to promoting equality of opportunity by delivering housing services to meet the needs of members of the community regardless of age, disability, marriage and civil partner status, pregnancy and maternity, race, religion or belief, sex or sexual orientation, gender reassignment.

## 49 **False or misleading claims**

49.1 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

49.2 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

49.3 Where it is suspected or alleged that false information has been given or deliberately withheld the application will be suspended whilst an investigation is undertaken. No accommodation offers will be made until the investigation is completed.

49.4 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.

49.5 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.

49.6 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.

49.7 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.

## 50 **EU General Data Protection Regulation (GDPR)**

50.1 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) and the Council's Privacy Policy. Any requests to see data held by the Council should be made in accordance with the above.

50.2 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.

## 51 **Decision making process**

51.1 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 initial assessment and registration of applications
Senior Housing Options Officer	All of the above plus reviews of all decisions
Housing Manager	All of the above

51.2 The Allocations Officer is responsible for maintenance of the housing register and allocation of social housing through the direct matching process.

51.3 The Head of Housing has discretion to make exceptional allocation decisions outside of the policy, where this is in the best interests of an applicant and no other solution can be found in a reasonable time. Cases will be considered individually and decisions based on the merits of each case.

## 52 **The involvement of elected members in nomination decisions**

52.1 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.

52.2 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.

52.3 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

### **53 Applications from relatives of Council employees and Members**

53.1 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 they live as part of the applicant's household

53.2 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.

### **54 Amendments**

54.1 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

54.2 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.

54.3 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.

54.4 Where circumstances arise which require a minor ongoing change to the Allocations Policy the Director of Housing has delegated authority to do this as long as the change does not fundamentally alter the overall direction or intentions of the policy.

Appendix 1 – Priority banding criteria

Appendix 2 – List of registered providers