

# Housing Services Policy



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## **1 Purpose**

- 1.1 The Council will consider all applications for social housing solely in accordance with the procedures set out in this Allocations Policy. Any person wishing to join the housing register must complete a housing application form. All applications will be considered. Current Council and Housing Association tenants who wish to be re-housed will also be considered under this policy and are required to submit an application form.
- 1.2 An allocation policy is a legal requirement under the terms of Section 167 of the Housing Act 1996. It sets out the priorities and procedures for the letting of all forms of affordable (social) housing and our nominations to housing associations. The policy applies to existing social tenants wanting to move (transfers) and to new applicants applying to the housing register for the first time (home seekers).
- 1.3 This revision of the allocation policy is to take into account the Localism Act 2011, which gives local housing authorities greater powers to determine whether people do or do not qualify for social housing within their area and the priority they should be given.

## **2 Principles of the policy**

- 2.1 The Allocations Policy is based on the following key principles:
  - Provide a clear and transparent system to prioritise eligible households for social housing.
  - To provide clear information to allow applicants to make informed choices about their housing options.
  - To enable applicants to express choice in seeking their accommodation wherever possible. It should be noted that perpetrators and victims of domestic or other violence may have their choice of area restricted in order to ensure the health and safety of the applicant, their family, if any, and their potential neighbours.
  - To meet the requirements of Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.
  - To have regard to the Codes of Guidance issued by the Government and to best practice.
  - To make the best use of social housing in the Borough ensuring that vacant homes are let quickly and efficiently.
  - To create sustainable communities by giving additional priority to applicants in housing need living in rural parishes and by the use of local lettings plans.
  - To review the Allocations Policy from time to time to reflect any changes in the law or Government Guidance and to ensure continued improvement.

### **3 The Housing Register - Who can apply?**

#### **3.1 Ineligible Applicants**

The Council does not operate blanket policies with regard to eligibility to join the Housing Register. Whilst most applicants will be 'eligible', the Housing Act 1996 (as amended by the Localism Act 2011) sets out two categories of applicant who are not 'eligible' and must be excluded from being allocated housing. The two categories are as follows:

- Persons subject to immigration control who are ineligible
- Other persons from abroad who are ineligible.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered to be 'ineligible'.

#### **3.2 Persons subject to immigration control who are not 'eligible'**

3.2.1 Anyone who is subject to immigration control is ineligible unless they fall into one of the following categories:

- (a) a person who has been granted refugee status and who has leave to enter or remain in the UK; or
- (b) a person who has exceptional leave to enter or remain in the UK granted outside the provisions of the immigration rules - provided that there is no condition that they shall not have recourse to public funds; or
- (c) a person who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the UK is not subject to any limitation or condition; or
- (d) a person who has humanitarian protection granted under the Immigration Rules.

#### **3.3 Other persons from abroad who are not 'eligible'**

3.3.1 A person who is not subject to immigration control will be ineligible if their only right to reside in the UK

- (a) is derived from their status as a jobseeker or the family member of a jobseeker; or
- (b) is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations; or
- (c) his/her only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in (b) which is derived from the Treaty establishing the European Community.

### 3.4 Applicants who are not ‘qualifying persons’

3.4.1 Applicants with no local connection to the Borough as defined by the Allocations Policy. See Appendix 1.

3.4.2 Homeowners with sufficient equity to be able to secure suitable alternative accommodation. Where there are medical problems applications will be considered from home owners in the following circumstances:

- Where it is not possible to adapt the current accommodation to meet the needs of the applicant or a member of his/her household.
- Where it is too expensive to adapt the existing accommodation to meet the needs of the applicant or a member of his/her household and they cannot afford to buy or rent suitable alternative housing.

3.4.3 Applicants with sufficient income and or savings to secure alternative housing. Where an applicant is considered to have sufficient financial income, capital or assets, to allow them to access other forms of tenure to meet their housing need, they will be awarded a lower priority and placed in a lower band. The Council will also take into account any previous disposals of assets, income, capital or savings when calculating the financial resources available, which will include disposals for nil (for example transfer of ownership) or below market value.

3.4.4 In assessing whether an applicant has sufficient income the Council will use the guidance issued by government in 2007 regarding the test of affordability to be used in respect of Strategic Housing Market Assessments. This stated that:

*A household can be considered to afford to buy a home if it costs 3.5 times the gross household income for a single household earner or 2.9 times the gross household income for dual income household.*

3.4.5 These income multipliers will be used together with current data entry level house prices to help decide whether a household can reasonably be expected to meet their need in the private market.

3.4.6 Currently, research shows the following results:

<b>Bedroom Need</b>	<b>Average Price</b>	<b>Affordability Threshold</b>
One bedroom	£120,000	£40,000
Two bedroom	£150,000	£50,000
Three bedroom	£180,000	£60,000
Four bedroom	£210,000	£70,000

The above table suggests that where a household appears to have sufficient income to purchase a property, but is unable to obtain a mortgage, they would have enough income to rent privately. Such households may also benefit from low cost home ownership products.

3.4.7 The tables are illustrative and for guidance purposes. The Council recognises that market rentals and sales prices vary across the district and will fluctuate over time. It also recognises that there may be special reasons why a household

needs to live in a particular area or why they incur exceptionally high levels of expenditure which makes market housing unaffordable.

3.4.8 Applicants with significant housing related debts to the Council, a social landlord or a private sector landlord. An applicant will not be excluded from the Housing Register if they have entered into a repayment plan and have been paying continuously for a period of at least six months and continue to pay in accordance with the plan once on the Housing Register. It should be noted that some housing associations will not allocate a property to an applicant until the entire debt has been settled.

3.4.9 Where the Council is satisfied that an applicant to join the housing register (or a member of the applicant's household) has a history of unacceptable and/or anti-social behaviour and the applicant is therefore considered unsuitable to be a tenant, the Council may then decide to treat the applicant as ineligible to join the housing register.

- The behaviour which can be regarded as unacceptable and/or anti-social for these purposes is behaviour by the applicant or by a member of the applicant's household that would – if the applicant had been a secure tenant of the Council at the time – have entitled the Council to a possession order under section 84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as:
- Evidence of previous conduct in Council or Housing Association accommodation that either did or would have been likely to have caused nuisance or annoyance to other people;
- Evidence of previous use of a Council or Housing Association property for immoral or illegal purposes;
- People who have supplied false or misleading information on their application or have failed to supply information that could have affected the eligibility of the application;
- Information obtained concerning any member of the household who in the previous two years, has been convicted of or has had any order made against them in connection with anti-social behaviour, violence, racial harassment, threatening behaviour or other harassment in the locality of their home;
- Evidence of any physical or verbal abuse towards officers working for Gravesham Borough Council, Housing Association partners, contractors or agents;
- People evicted from their Council or Housing Association home for breaches of tenancy or obtaining a home by deception; and
- Where a partner has left the applicants home due to domestic violence by the applicant and is unlikely to return.

- It is not necessary for the applicant to have actually been a tenant of the Council when the unacceptable and/or anti-social behaviour occurred. The test is whether the behaviour would have entitled the Council or Housing Association to a possession order if, whether actually or notionally, the applicant had been a secure tenant.

3.4.10 Where the Council has reason to believe that an applicant (or a member of the applicant's household) may be ineligible for inclusion on the Housing Register (for up to two years) on the basis of unacceptable behaviour, it will take the following steps:

- The Council (taking responsibility for the assessment of all applications for housing) will consider whether there has been unacceptable behaviour which falls within the definition in section 160A (8) of the Housing Act 1996. In considering whether a possession order would be granted in the circumstances of a particular case, the Council will consider whether, having established the grounds, the court would decide that it was reasonable to grant a possession order. It has been established in case law that, when the court is deliberating, "reasonable" means having regard to the interests of the parties and also having regard to the interests of the public. So, in deciding whether it would be entitled to an order the Council will consider these interests, and this will include all the circumstances of the applicant and the applicant's household. In practice, courts are unlikely to grant possession orders in cases that have not been properly considered and are not supported by thorough and convincing evidence. It is acknowledged that in cases involving noise problems, domestic violence, racial harassment, intimidation and drug dealing, courts are likely to grant a possession order.
- Rent arrears would probably lead to a possession order, although in many cases it will be suspended giving the tenant the opportunity to pay the arrears. In taking a view on whether it would be entitled to a possession order, the Council will consider fully all the factors that a court would take into account in determining whether it was reasonable for an order to be granted.
- Having concluded that there would be an entitlement to an order, the Council will consider whether the behaviour is serious enough to make the person unsuitable to be a tenant of the Council. For example, the Council will need to be satisfied that, if a possession order were granted, it would not be suspended by the court. Behaviour such as the accrual of rent arrears which have resulted from factors outside the applicant's control – for example, delays in Housing Benefit payments; or liability for a partner's debts, where the applicant was not in control of the household's finances or was unaware that arrears were accruing – would not be considered serious enough to make the person unsuitable to be a tenant.
- The Council will consider whether the applicant (or a member of the applicant's household) is unsuitable to be a tenant for up to two years by reason of the behaviour in question – in the circumstances at the time the

application is considered. Previous unacceptable behaviour may not justify a decision to consider the applicant (or a member of the applicant's household) as unsuitable to be a tenant for up to two years where that behaviour can be shown to have improved.

- 3.4.11 In reaching a decision on whether or not to treat an applicant (or a member of the applicant's household) as ineligible for a period not exceeding two years, the Council will act reasonably, and will consider all the relevant facts before it. This will include all the circumstances relevant to the particular applicant (or a member of the applicant's household), whether relating to health, dependants or other factors.

In practice, the matters before the Council will normally mean the information provided with the application. Where there are relevant agencies providing support to the applicant, advice and information will be sought from them (with the applicant's permission) prior to making a decision on whether to exclude or remove preference from the application. Information will be sought concerning the applicant's current circumstances and any relevant actions that have taken place since the incidents in question.

- 3.4.12 Applicants treated as ineligible due to unacceptable and/or anti-social behaviour may be deemed to be ineligible to join the housing register for a period not exceeding two years but can make a fresh application after six months of the date of notification of ineligibility if they feel they should no longer be treated as ineligible. Such applicants will need to show that there has been a material change in their behaviour or their circumstances. For example, they may have sought help and support in managing their tenancies or have an established repayment plan to clear arrears, and can evidence this.

- 3.4.13 Where the Council in assessing the application has reason to believe that an applicant's unacceptable behaviour is due to a physical, mental or learning disability, it will not exclude that person from joining the housing register without first considering whether the applicant would be able to maintain a tenancy with appropriate care and support. In considering the applicant's case, the Council will consult with relevant agencies, including Social Services, health professionals, and providers of suitable housing, care and housing related support services.

- 3.4.14 Applicants should note that Housing Associations share information on the previous behaviour of their tenants and any new application may be cross-checked against their history in previous social housing accommodation and this information may be used in determining an applicant's eligibility to join the Common Housing Register.

### **3.5 Applicants who have worsened their housing circumstances**

- 3.5.1 Where there is clear evidence that an applicant has deliberately worsened their circumstances in order to qualify to join the housing register, then the applicant will not qualify to join the housing register. The Housing Operations Manager (Needs and Improvements) will make this decision. Examples of this include:

- Selling a property that is affordable and suitable for the applicant's needs.

- Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

3.5.2 An applicant found to be intentionally homeless will be disqualified from joining the housing register until they have had a period of settled accommodation in the intervening period from when the intentionally homeless decision was given.

3.5.4 Each application will be assessed on its own merits and a decision regarding qualification will be made accordingly. Anyone subsequently disqualified by the policy will be provided with a full written explanation for the decision and will have a right of review of the decision. Please see section 27.

### 3.6 Incidences of Domestic Violence

3.6.1 Perpetrators and victims of domestic or other violence and/or harassment may have their choice of area restricted in an effort to ensure the health and safety of the applicant, their family, if any, and their potential neighbours.

### 3.7 False Statements or Withheld Information

3.7.1 It is a criminal offence for applicants and/or anyone providing information to this policy to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s.171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

3.7.2 Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be given the status 'pending' during the investigation and will be excluded from the Common Housing Register until an outcome is reached.

3.7.3 If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration meaning the relevant applicant should not suffer prejudice.

3.7.4 However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this would render the applicant ineligible. Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation.

3.7.5 If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it

will result in an applicant being removed from the policy and rendered ineligible for up to two years. Anyone subsequently made ineligible from the policy will be provided with a full written explanation for the decision and will have a right of review of the decision. Please see section 27 - Appeals and Reviews - which deals with the right to reviews of decisions.

#### **4 Reviews of Decisions on Eligibility**

- 4.1 Where the Council decides that an applicant is ineligible to join the housing register for any of the reasons given above, the Council will record its decision and will provide the applicant with written notification. The notification will give clear grounds for the decision, which will be based firmly on the relevant facts of the case. Any decision to exclude an applicant will need to be approved by the Senior Allocations Officer.
- 4.2 Applicants have the right to request a review of any decision by the Council as to eligibility together with a right to be informed of the decision on review and the grounds for that decision. Further details concerning the right to request a review are set out in section 27.

#### **5 Age Restriction**

- 5.1 The Council will only treat applicants aged 16 years or over at the time of applying as eligible to join the housing register as an applicant. However, it must be noted that some Housing Associations will also require applicants under the age of 18 years to provide a trustee in order to be able to grant a tenancy.

#### **6 Correspondence Addresses**

- 6.1 All applicants (even those that are homeless) must be able to provide the Council with a correspondence address at the time of applying. This is necessary to enable the Council and/or Housing Associations to communicate effectively and quickly with accepted applicants. Applications received without an address will be rejected, removed or suspended.

#### **7 Joint Applications**

- 7.1 The Council and Housing Associations will not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible or is a person who is being treated as ineligible because of unacceptable and/or anti-social behaviour. Otherwise, joint applications are welcome regardless of relationship to each other, marital status or sexual orientation.
- 7.2 Joint applicants who bid successfully for a property will always be offered a joint tenancy by the relevant Housing Association. It will not be possible to subsequently grant a tenancy in just one of the joint applicant's names. It is therefore very important that joint applicants who separate advise the Council as soon as possible so that their applications can be amended on consent of all

parties. Failure to do so may result in an offer of accommodation being withdrawn.

## **8 Age Restricted Housing**

- 8.1 Applicants for sheltered housing and all applicants of their household must be at least sixty years old. Applications for age restricted housing may also apply if they are over the age of fifty five and registered disabled (subject to the approval of the Council or relevant Housing Association). Some Housing Associations will have different or additional eligibility criteria for their sheltered accommodation and this information can be sought directly from the landlord.
- 8.2 Some other Council and Housing Associations properties will also be advertised as being designated solely for either older persons or younger persons. Where such restrictions/requirements are present applicants making bids for such properties will only be considered if all applicants of their household meet these age restrictions.

## **9 The Registration and Assessment Process**

- 9.1 New applicants and existing Housing Associations tenants must apply to join the housing register by completing the housing registration form. If an applicant is not eligible to register, the Council will notify the applicant in writing giving the reason for the decision and informing them of their right to request a review (see section 27).
- 9.2 On receipt of the application, a decision will be made by the Allocations Team on what, if any, follow up action is appropriate such as a referral to: a medical advisor; doctor; consultant; specialist; the Joint Stock Referral Process; Occupational Therapist; or the Housing Needs Team (if there is a threat of homelessness); or Social Services. If the Allocations Officer assessing the application believes that further information is required from the doctor, consultant or specialist a request will be made for that applicant to obtain a formal medical letter or report directly from the medical specialist concerned. The Council are not able to directly contact an applicant's doctor, consultant or specialist, nor are they able to pay for such an assessment to be made.
- 9.3 An applicants' relative priority for housing is based on the following criteria and order of importance:
1. Relative assessed need for housing (grouped into four consecutive bands) with Band A being the highest assessed need and Band D being the lowest.
  2. Time spent in the applicant's current band
- 9.4 In the following circumstances applicants are accorded reasonable preference on the housing register in accordance with this policy.

#### 9.4.1 **Medical Needs**

9.4.1.1 Applicants who indicate on the housing register application form that they or anyone in their household have an illness or disability, which is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation must be able to provide evidence to substantiate this claim from a health professional on request by the Council.

9.4.1.2 In cases where the application form would lead the assessing officer to consider that the applicant has either a medium or high medical need for re-housing the applicant will be requested to provide corroborating evidence from their doctor, consultant or specialist and advice may also be sought from a specifically appointed and independent medical advisor if further or more detailed independent information is considered necessary to properly assess the evidence.

9.4.1.3 Assessments are made specifically on the effect of the applicant's present housing on the current state of their (or any other applicant of the household's) health. In reaching the decision, the council will consider whether the overall effect on any applicant of the household is sufficiently severe to warrant inclusion in a higher band.

9.4.1.4 In each case, the recommendation is based on a judgement of need. Applicants with medical needs will be placed in one of the following bands:

- **Band A** - High medical priority will be recommended where the applicant or one of the household has a life threatening condition which is seriously affected by their current housing. Band A will also be appropriate where current housing conditions and/or other circumstances are having such a major adverse effect on the medical condition of any applicant of the household as to warrant emergency priority. All recommendations for placement in Band A on medical grounds are made by the Housing Operations Manager (Needs and Improvements), the council's medical advisor, or through the council's Joint Stock Referral Process.
- **Band B** - Medium medical priority will be recommended where the current housing conditions are having a major adverse effect on the medical condition of the applicant or one of the household.
- **Band C** - Low medical priority will be recommended where the current housing conditions are having an adverse effect on the medical condition of the applicant or one of the household that creates a particular need for them to move.
- **Band D** – No medical priority

9.4.2 Where a household is overcrowded and/or there are other adverse circumstances, the medical assessment will take into account the effect of the overcrowding and the adverse circumstances on the health of the

household. For further information on this see Multiple Needs and Other Social Welfare Considerations (Section 16).

## **10 Mobility Needs**

- 10.1 Irrespective of the banding assessment, where an applicant (or one of the household members) has a substantial and permanent physical disability the council may refer the application to an Occupational Therapist for a report on their specific housing needs.
- 10.2 Taking into account the recommendations of the report, the council will place the applicant in one of the following broad mobility groups:
1. Wheelchair user indoors and outdoors.
  2. People who cannot manage steps or stairs and may use a wheelchair some of the time.
  3. Independent but can only manage one or two steps.

## **11 Unsatisfactory Housing Conditions and Statutory Duty**

- 11.1 Households will be placed in Band A where there is a statutory duty to re-house as assessed by the council's Housing and Regeneration Directorate because a Prohibition or Demolition Order has been issued on the applicant's current accommodation within the Borough and there are no alternative measures to reduce the hazard or hazards to an acceptable level.
- 11.2 Households will be placed in Band A where there are one or more Category 1 hazards (as defined under the Housing Health and Safety Rating System) and there is an imminent risk of harm to the current resident and/or their household. In addition, the landlord is unable or unwilling to remedy the defects to the property within a reasonable period of time as specified by the Private Sector Housing Team.
- 11.3 Households will be placed in Band B where they are living in accommodation that has been designated as having at least one or more Category 1 hazards and there is no imminent risk of harm and the landlord is unable or unwilling to remedy the defects to the property within a reasonable period of time as specified by the Private Sector Housing Team.
- 11.4 Households will be placed in Band B where there are two or more Category 2 housing health and safety hazards that are considered to have a similar impact upon the occupants' health and safety to that of a Category 1 housing health and safety hazard, and the landlord is unable or unwilling to remedy the defects to the property within a reasonable period of time as specified by the Private Sector Housing Team.

## **12 Overcrowding**

- 12.1 Where the applicant's residence is designated as being statutorily overcrowded (as defined by the Housing Act 1985) and there are no means to make the

property suitable for the number of occupants the applicant will be placed in Band B.

- 12.2 Applicants will be placed in Band B if they lack 2 or more bedrooms and Band C if they lack one bedroom below the minimum provisions as set out in the Housing Act 1985.

### **13 Determining property size for an allocation**

- 13.1 When deciding the size of accommodation that will be suitable for a household the Council will use the bedroom standard as set out in statutory guidance on social housing allocation published in June 2012.
- 13.2 When assessing the size of accommodation suitable for an applicant household, the Council will provide either bedsit or one bedroom accommodation for single person households. For other households the Council will assess as requiring a separate bedroom for:
- The applicant and their spouse or partner
  - Each adult in the applicants household aged 18 or older
  - Every pair of adolescents in the applicants household of the same sex aged between 10 and 17
  - Every pair of children in the applicants household aged less than 10 years regardless of sex
- 13.3 The rooms available to the household are calculated according to the number of bedrooms available. In a property with more than one living room, only one of the living rooms will be counted as a living room and the rest will be counted as bedrooms. The Council will assess how many people a room can accommodate according to its size, as follows:
- 13.4 A room smaller than 50 sq ft (4.65 sq m) will not be counted as a bedroom.
- 13.5 The following are examples of some of the exceptions that may be made to this guide:
- (a) A medical recommendation is received by the council which warrants an increase in the size of home to be offered (for example, to meet a medical need for separate bedrooms);
  - (b) Existing tenants being re-housed because of a serious threat of violence or harassment may be offered a property with the same number of bedrooms as their current home regardless of their need;
  - (c) Under-occupying tenants may, on request, be offered a home one bedroom larger than their assessed need (for example, to downsize by one bedroom rather than two bedrooms);
  - (d) The home to be allocated includes special adaptations and there are no other disabled applicants of Kent Homechoice of the correct household size available that require those adaptations;

- (e) The allocation is the result of an emergency;
- (f) The home is being used as temporary accommodation and in pursuance of statutory homelessness duty under Part VII Housing Act 1996;
- (g) The property is a bungalow that will generally only be allocated to households where both applicants are over 60 years of age or where an applicant of the household is registered disabled and needs single level accommodation;
- (j) To enable fostering or adoption where this has been formally approved by Kent County Council and larger accommodation is required to enable the process to be completed.

13.6 In addition it is important to note that no applicant can bid for properties that would result in over-crowding or under-occupation unless as part of a local lettings plan. If the property advertised has a second reception room it will generally be deemed to be available for use as a bedroom and box rooms, which have a floor area of at least 4.65m<sup>2</sup> and can reasonably be used by a child, will count as a single bedroom.

## **14 Shared Childcare Arrangements**

- 14.1 The Council acknowledges that many separated or divorced families continue to share responsibilities for accommodating their children between the parents after deciding not to live together anymore. This is often designed to facilitate healthy and fulfilling relationships between both parents and their children.
- 14.2 Unfortunately, due to the increasing demand for family sized affordable housing In the borough, applicants who have shared access to children but those children are no longer resident with that applicant will not automatically be eligible to bid for properties with additional bedrooms to enable them to provide full sleeping accommodation when they stay.
- 14.3 Gravesham Borough Council will only be able to consider written requests to allow an applicant (with visiting access arrangements, which have been agreed between the parents or formalised by court order, in place for their separated children) to bid for properties with a maximum of one additional bedroom than they would otherwise be assessed as eligible for, in accordance with the chart shown above up to a total maximum of five bedrooms.
- 14.4 All applications for permission to bid for properties with one additional bedroom will be assessed on their individual merit by the Allocations Team. The following factors will be considered in making their decision:
- The size of accommodation and the number of bedrooms already available for the children in their principal home.
  - Which applicant of the family receives maintenance and/or welfare benefits (such as Child Benefit) on behalf of the children.

- The average length of time that the children spend living in each parental home over the course of a year.
  - Written recommendations or advice from Kent County Council Social Services Department and/or any other professional acting on behalf of the best interests, safety and welfare of the children;
  - Directions or final decisions arising from the Family Courts with regard to access arrangements for children;
  - The availability or likely availability of suitable sized accommodation in the Borough.
  - Any other relevant information.
- 14.5 The Allocations Team will make a decision based on all the advice received about how best to meet the needs of the children and the applicant will subsequently be notified in writing of the maximum number of bedrooms that they are then allowed to bid for. Applicants who are dissatisfied with the outcome of their application are able to request a review of this decision within 21 days of notification by writing directly to the Operations Manager (Needs and Improvements). Further details about this right are given in Section 27 - Appeals and Reviews.

## **15 Homeless Households**

- 15.1 Homeless applicants will be included under the Special Priority List. If an applicant is homeless or threatened with homelessness they will need to make an appointment to see the Housing Needs Team who will make an assessment as to whether the Council has a duty to offer permanent housing.
- 15.2 If an applicant is accepted under the provisions of the Housing Act 1996 and Homelessness Act 2002, they will be placed in Band C and applicant/s will be able to bid for a suitable property through Kent Homechoice.
- 15.3 There is a maximum twelve week time limit (starting from the date at which the applicant was first awarded homeless priority points) during which time applicants can bid in their preferred areas and for their preferred property type. After the time limit has expired the Council's Housing Needs Team will automatically place a bid for the applicant for every suitable property that becomes available (up to a maximum of three bids per bidding cycle).
- 15.4 Applicants in this situation are entitled to a review of the suitability of any subsequent direct offer.
- 15.5 Such requests should be addressed to the Housing Operations Manager (Needs and Improvements).
- 15.6 Any subsequent refusal of a tenancy will result in a loss of priority for further bidding by removing the awarded homeless priority points and replacing them

with the points which the applicant was previously awarded. The applicant's common housing register application will be deferred for six months from the point when the homeless priority points are removed.

- 15.7 From this point, homeless households occupying temporary accommodation will not only lose homeless priority points, but will also be treated as though the local authority's homelessness duty has ended and has been fully discharged. This means that the homeless household will no longer be entitled to the provision of temporary accommodation after being given at least four weeks notice (subject to any license breaches). Applicants in these circumstances will have to make their own accommodation arrangements.

## **16 Priority Transfer**

- 16.1 The Council will consider a Priority Transfer request for existing Council and Housing Association tenants in exceptional circumstances, where no other housing solution is possible, examples include:
- Severe harassment;
  - Severe violence; or
  - Cases not already covered by the GBC Allocations Policy.
- 16.2 Where a Priority Transfer has been requested, the Assistant Director for Housing has the discretion to make a decision for tenants to be offered a direct accommodation transfer. If approved, the applicant will be eligible for a like-for-like transfer, for example, if the tenant is currently in a two bedroom flat, they will be offered a transfer to a two-bedroom flat or maisonette.
- 16.3 The purpose of granting a Priority Transfer is to escalate the process where a household is considered to have an imminent need to move. Therefore, where a direct accommodation transfer offer is refused, it will be considered that the applicant has waived the imminent need to move and the Priority Transfer will be revoked.
- 16.4 A letter confirming the Council's decision will be sent to the tenant.

## **17 Multiple Needs and other Social Welfare Considerations**

- 17.1 Where there are serious social/welfare housing needs connected with an applicant or any of their household the Allocations Team will consider the recommendations of Kent County Council social care teams and any other statutory and voluntary agencies particularly taking into account evidence of the applicant's multiple needs.
- 17.2 Applicants and their household may be able to demonstrate evidence of having a variety of combined needs. For example they may have:
- More than one family applicant with individual medical/social or welfare housing needs.
  - A severe medical health problem and be living in very overcrowded conditions.

- Have a two-bedroom shortage and living in a property with an unrelated category one housing health and safety hazard.

17.3 Where an applicant is living in such exceptional circumstances and/or has multiple needs which are determined by the Operations Manager (Housing Needs and Improvements) to warrant emergency priority they will be placed in Band A.

## **18 Other High Priority Categories (transferring Council and Housing Association tenants within the Borough only)**

18.1 Band A is awarded to transfer applicants if their council or housing association property is imminently required for essential works and the tenant cannot remain in the property whilst these works are carried out.

18.2 Band A will be awarded to facilitate a tenant's move in one of the following circumstances:

- A priority transfer from housing association accommodation is required and this has been approved by the housing association manager and the Senior Allocations Officer;
- To release a disabled-adapted property – the decision to prioritise is made by the Senior Allocations Officer if there is an unmet need for the property currently occupied by the applicant (e.g. where the tenant does not require adaptations such as a walk-in shower and/or other wheelchair accessible facilities);
- To make best use of disabled-adapted housing – for example where providing adaptations in the applicant's current property is not feasible but there may be a suitable alternative property available elsewhere;
- To enable housing association tenants in the Borough who are under occupying family-sized accommodation to move to smaller accommodation; or
- To release properties located on a site owned by a partner housing association scheduled for redevelopment, which would otherwise prevent the redevelopment taking place. To be approved by the Assistant Director (Housing).

## **19 Notification of Banding**

19.1 Once assessed, the applicant is placed in the appropriate bedroom category (as detailed in section 13) and into one of the four priority bandings in date order of registration. The Council will write to the applicant to inform them of their registration date and registration number and give the following information:

- Priority band and reason for it.
- Priority date.
- The maximum bed size they can bid for.
- Mobility group (physical disability level) if applicable.
- Advise the applicant that they have a right to see the information held in relation to the application.

- 19.2 If an applicant considers that any of these details are inaccurate then they can request a review of their priority from the Senior Allocations Officer at any time.

## **20 Re-Registrations**

- 20.1 Applicants are not required to periodically re-register their housing applications after first applying. However, the Council is able to monitor the bidding patterns of applicants and in particular identify those who are not bidding. Periodically the Council may identify and contact registered home seekers who have failed to bid for more than 6 months. If the Council is unable to make contact then their application will be removed. The Council will notify the applicant in writing of the date and the reason for the removal.
- 20.2 The Council will also review those applicants within Band A every three months to ensure that their application remains up-to-date and that appropriate bids are being made. Where appropriate applicants' banding priority will be reviewed and/or additional information sought to substantiate the priority awarded.
- 20.3 Should an applicant's circumstances change after initial registration it will be that applicant's responsibility to advise the Council of the changes either in person or in writing. Evidence will be required of any change in circumstances (e.g. a birth certificate). Failure to maintain an up-to-date housing register application could result in an offer of accommodation being withdrawn.

## **21 Joint Stock Referral Process**

- 21.1 The purpose of the Joint Stock Referral Process is to bring together relevant agencies in the borough to assess the best way to meet the needs of applicants, where the formal assessment process is not seen to be sufficient or where it is anticipated that urgent housing is required and this may not otherwise be achieved.
- 21.2 The operation of the Joint Stock Referral Process is governed by its own terms of reference, which are periodically reviewed by the group.
- 21.3 All participating agencies involved in discussing an applicant's case at a panel meeting are responsible for assisting the panel to determine a resettlement and support plan for the applicant. The panel will also make decisions about the correct banding for the applicant and can also make decisions about referrals to specialist housing providers who may be allocated outside of the Choice Based Lettings process. In particular the Panel are able to approve the assessment of applicants as having a high medical priority that would place them immediately in Band A.

## 22 The Banding Structure

22.1 The four priority Bands are:

### Band A

- Homeless households owed the main re-housing duty by Gravesham Borough Council placed in Bed & Breakfast or short term temporary accommodation where the only prospect of meeting the households' needs is in permanent accommodation in the social housing sector (e.g. the applicant has severe medical, disability or vulnerability needs).
- Households lacking 2 or more separate bedrooms and sharing facilities (kitchen, toilet, bathroom) with others who are not part of the applicants household.
- High medical priority, which is awarded by either the Joint Stock Referral Process, the Operations Manager (Needs and Improvements), or the council's medical advisor, where the current housing conditions are having a major adverse effect on the medical condition of the applicant (or a member of the applicant's household) so as to warrant 'emergency' priority.
- Applicants living in Council or Housing Association accommodation within the Borough who are under- occupying family sized accommodation by two bedrooms or more. For example a couple living in a three bedroom property who wish to downsize to a one bedroom home.
- Transfer applicants within the Borough who are in need of a permanent move because their property is imminently required for essential works (and the tenant cannot remain in the property whilst these works are carried out) or for redevelopment by one of the Council's development partners.
- Releasing disabled-adapted Council or Housing Association accommodation in order to make best use of adapted stock, and where the current tenant does not require these adaptations.
- Priority transfer from Council or Housing Association accommodation. Will only be agreed in exceptional circumstances where it can be evidenced that there are significant and insurmountable problems associated with the tenants occupation and there is an imminent personal risk to the applicant (or a member of the applicant's household) if they remain.
- Where there is a re-housing obligation because a demolition or prohibition order has been made in respect of the applicant's current accommodation within the Borough.
- Applicants approved by the Operations Manager (Needs and Improvements) requiring a move through the National Witness Mobility Program.
- Where there are Category 1 hazards under the Housing Health and Safety Rating System that involve an imminent risk of harm to the occupants and the landlord is unable to remedy the defects to the property within a reasonable period of time as specified by the Private Sector Housing team.

- To release properties located on a site owned by the Council or Housing Association partner scheduled for redevelopment, which would otherwise prevent redevelopment taking place. To be approved by the Operations Manager (Needs and Improvements) or Assistant Director (Housing).

## **Band B**

- Households lacking 2 or more separate bedrooms (see section 13) or if the property is statutorily overcrowded (as defined by the Housing Act 1985 (as amended)).
- Households lacking 1 more separate bedrooms and sharing facilities (kitchen, toilet, bathroom) with others who are not part of the applicants household.
- Medium medical priority for re-housing where the current housing conditions are having an adverse impact on the medical condition of the applicant (or a member of the applicant's household) so as to warrant 'urgent' priority.
- Where there are Category 1 hazards under the Housing Health and Safety Rating System (and there is no imminent risk of harm to the occupants) however, the property is deemed to be unsuitable for human habitation and the landlord is unable to remedy the defects to the property within a reasonable period of time as specified by the Private Sector Housing team.
- Applicants who have been registered as regularly rough sleeping, for a period of at least 3 months, with an appropriate agency and/or charity but not otherwise assessed as being in priority need for housing within the definition of the homelessness legislation.
- Applicants urgently needing to move-on from supported housing located within the Borough; or applicants displaced from the Borough urgently needing to move-on from supported housing located outside of the Borough. In both cases this must be as part of a move-on care plan previously agreed between the Council and the supported housing provider.
- Severe need – exceptional circumstances and/or multiple needs, which warrant high priority – can be approved only by Operations Manager (Needs and Improvements).
- Applicants living in Council or Housing Association accommodation within the Borough who are under- occupying by one bedroom. For example a household occupying a three-bedroom property with a two bedroom need can be considered for a two bedroom property, or a household occupying a two-bedroom property with a one bedroom need can be considered for a one bed property.
- Occupiers of Council property who do not have the Right of Succession and have been left in occupation upon the tenant's death. This band will be awarded at the discretion of the Assistant Director (Housing).
- Council employees living in staff accommodation that has been provided for the better performance of their duties, who will be required to vacate their current

accommodation due to retirement, early retirement due to ill health, or redundancy and have been in the Council's full time employment for a minimum of five years.

### **Band C**

- Households lacking one separate bedroom (see section 13).
- Low medical priority for re-housing where the current housing conditions are having a negative impact on the medical condition of the applicant (or a member of the applicant's household) so as to warrant priority.
- Applicants with a need to move for welfare or social reasons where failure to meet that need would result in hardship either to themselves or others.
- Homeless households owed the main re-housing duty and those assessed as being threatened with homelessness by the Council. The applicant may be awarded a higher band at the discretion of the Housing Operations Manager (Needs and Improvements) in order to secure the effective management of temporary accommodation.
- Households sharing facilities (kitchen, toilet, bathroom) with others who are not part of the applicant's household.

### **Band D**

- New home seekers without prioritised housing need factors as set out in Band A to C.

22.2 Generally the banding structure is not cumulative, so for example an applicant who may satisfy two or more Band C criteria such as lacking one bedroom and having a low medical priority for housing will be awarded Band C. There may be exceptions to this where there are exceptional combined needs as section 16.

## **23 Moving up and down bands**

23.1 When an applicant first applies for housing, the application is provisionally placed in a band until the information provided is verified. The date an applicant's application is placed in this band is the priority date. This is the date that will be used for any offers of social housing an applicant receives. Applicants must inform the Allocations Team immediately if their circumstances change and may be required to complete a new housing application form and provide all the necessary evidence to support the change. The principle of the policy is that no one should overtake existing applicants within a band.

23.2 If an applicant's circumstances change they may be moved up or down a band at any time depending on their newly assessed need for housing.

23.3 If an applicant's circumstances change, the application will have to be reassessed and the applicants place on the housing register might change, as follows:

- The applicant might get more priority and go into a higher band
  - The applicant get less priority and go into a lower band
  - The applicant might be assessed as having the same priority and stay in the same band
- 23.4 An applicant's circumstances may change to such an extent that the application can no longer be placed on the housing register and the Council will cancel the application, for example:
- The applicant might not be eligible for housing any longer
  - The applicant may not qualify to go on the housing register
- 23.5 If an applicant moves up to a higher band the priority date will change to reflect the date that the Council was provided with the information that the applicants circumstances had changed.
- 23.6 The Council will not apply these rules if a mistake has been made and an application has been placed in a lower band in error.
- 23.7 If an applicant moves down to a lower band, the applicant will keep the same priority date as the original application.
- 23.8 If an applicant remains in the same band, the priority date does not change even if new information has been assessed.

## **24 Local Lettings Plans**

- 24.1 In areas of the Borough where there are particular concentrations of deprivation or vulnerable households with support needs the Council will consider giving preference specified within the advertising of particular vacant or soon to be vacant properties to specific groups including those assessed as having only a limited or low housing need.
- 24.2 Through this process the landlord will hope to balance the particular pressures in these areas as these households would otherwise have less opportunity to access affordable housing. Through this process the Council and housing provider seek to help build balanced, sustainable communities and to ensure a mix of working and non-working residents.
- 24.3 There will be occasions where the Government also places an emphasis on the provision of keyworker housing and has made specific funding available for policies to develop low cost home ownership and affordable rented housing for this group. These properties will be made available to applicants who are registered in Bands A to D and who meet the qualifying criteria.
- 24.4 The national and regional housing agendas are particularly encouraging new housing policies to feature a mixed population. Where the Council has the opportunity to nominate applicants to new policies, the council will consider the needs of people in all Bands A to D to ensure new developments have a mix of residents.

- 24.5 In some communities there may be pressures related to low social housing stock levels and/or turnover of existing stock. In such circumstances a Local Lettings Policy may be applied to new or existing developments whereby those people with a local connection to the relevant parish will be prioritised. This is in addition to those exception sites whereby planning conditions prioritise allocations to local people only. In all sites where a local connection criterion is applied, applicants must be able to prove (to the satisfaction of Allocations Team) their local connection to the parish. It is the applicant's responsibility to ensure that the Council have all the necessary information/ documentation required to allocate properties on this basis.
- 24.6 In order to achieve such objectives an agreed Local Lettings Plan may be established with the partner Housing Association prior to allocation.

## **25 Current and Ex-Armed Forces Personnel**

- 25.1 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 came into effect. These regulations provide that local housing authorities in England must frame their allocation policy so as to give additional preference to the following persons who fall within a statutory reasonable preference category and are in urgent housing need:
- (i) a person serving in the regular forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - (ii) a person formerly serving in the regular forces,
  - (iii) a person who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of the person's spouse or civil partner who was serving in the regular forces and whose death was attributable (wholly or partly) to that service, or
  - (iv) a person serving or formerly serving in the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 25.2 Applicants as defined under 23.1 will be awarded a band that reflects their current housing need, however the priority date awarded to applicants will reflect 50% of the time spent in the armed services.

## **26 The Selection Process**

- 26.1 Kent Homechoice places all eligible bids for each property in priority order and this shortlist is provided to the Council or relevant housing association who advertised the property at the close of bidding. Subject to any specific local connection requirements, priority is decided by band (A to D) and secondly by priority date within the band (the applicant with the earliest date on which they joined their current band being given preference) and finally by random selection. Every bid will be assigned a random number when the bid is made. This number is used to resolve a tie; the highest number getting priority.

- 26.2 If there are no eligible bidders for a property the landlord, in consultation with the Council may decide to make a direct allocation from the housing waiting list or to re-advertise the property the following fortnight.
- 26.3 Applicants will hear directly from the prospective landlord if they have been successfully selected for a property. However, to minimise delays, housing providers may arrange multiple viewings for a property. Applicants will be required to bring proof of their identity to the viewing and, if appropriate, proof of their local connection. Failure to do so could result in an offer being withdrawn.
- 26.4 Successful bidders have a strictly applied forty eight hour period to either accept or refuse any property that is offered to them. If they refuse then the Allocations Team will re-shortlist the existing successful bidders allowing the housing association to make an offer to the next highest priority applicant at the time of re-short listing.
- 26.5 Number of offers
- 26.5.1 Homeless applicants and those applicant give discretion priority due to exceptional need are entitled to one offer only under this policy.
- 26.5.2 All other applicants in Bands A, B, C, and D, are entitled to two offers under this policy.
- 26.5.3 Tenants that have applied for a transfer because they are under-occupying their current accommodation can receive more than two offers under this policy.
- 26.5.4 Those applicant refusing properties in excess of that allowed above will have their application suspended for six months.
- 26.6 Individual housing associations operate their own specific selection criteria in certain instances, which may affect the final selection of eligible bidders. Information on these exceptions can be obtained directly from the relevant housing association.
- 26.7 Some housing associations may initially offer a successful bidder a twelve-month starter tenancy for their new home. Further information on starter tenancies can be obtained from the relevant landlord.
- 26.8 Offers will normally only be made to the applicant at the top of the shortlist. However, in very exceptional circumstances a prospective social landlord may need to reject an applicant on the top of the shortlist for a particular property to ensure that the objectives set out in section 23 are met.

## **27 Direct Lettings**

- 27.1 In limited circumstances the Council will allocate properties outside of the Choice Based Lettings policy as set out below:

- Special circumstances, e.g. if the police or other statutory agency recommends that a tenant or new home seeker with high priority should be excluded from bidding. The Council will make one reasonable offer and if refused the applicant will lose priority.
- Bespoke mobility adapted properties that have been newly developed to meet the specific and serious needs of an applicant as agreed by the Council's Operations Manager (Needs and Improvements) and Assistant Director (Housing), and proposed by the Council's Allocations Panel.
- Applicants for specialist supported housing policies including some Extra Care policies that require a process of nomination, assessment and acceptance in order to be considered for an allocation.
- Where an imposed time limit on applicants for bidding at a specific band has expired and the applicant has not cooperated with the Council in bidding for suitable properties.
- Council and Housing Association stock identified for future redevelopment or demolition can be allocated outside of the Allocations Policy as a direct let and offered on an Assured Shorthold Tenancy for a period of up to twelve months.
- A direct let may be offered to existing Housing Association tenants where they have been decanted from their homes to enable their landlord to demolish and redevelop the site. Tenants who have not accepted a transfer to another property will be offered a direct let to a suitable property in the new development.

## 27.2 Refusals Following Direct Lettings

- 27.2.1 In all the above cases the Council's Senior Allocations Officer will make one reasonable offer that as far as possible matches the size and type of property the applicant is eligible for and in an area known to be suitable for them. The applicant must give their reasons for refusing and has the right to request a review of the suitability of an offer. The property will be held empty while the refusal is reviewed.
- 27.2.2 If the refused offer is to a homeless household then the Operations Manager (Housing Needs and Improvements) will review the case and will take the necessary follow-up action, which may include the discharging of the Council's duty to offer permanent re-housing.

## 28 Appeals and Reviews

- 28.1 This section sets out the procedure for reviewing or appealing the following decisions:
- Not to put someone on the housing register (or to exclude them from bidding) who has applied to be put on it or to remove someone from the housing register other than at his or her request.
  - That an applicant is suspended from the housing register

- A decision to make a direct offer of accommodation to an applicant with an imposed time limit for bidding, where that time limit has expired.
- A decision about the maximum number of bedrooms that an applicant can bid for where they have shared childcare arrangements in place
- Other decisions relating to the Choice Based Lettings policy, including banding, and priority dates.
- Appeals should be made in writing to the Allocations Team as stated in 28.3.1 below

28.2 A manager, senior to the officer making the original decision and who was not involved in making the decision will carry out these reviews.

### 28.3 Procedure

28.3.1 An applicant must request a review in writing within 21 days of being notified of a decision. The Council will extend this period in exceptional circumstances.

28.3.2 Reviews will be carried out by a senior member of staff at Gravesham Borough Council or delegated to an appropriate officer who was not involved in the original decision.

28.3.3 The officer carrying out the review will carry out an investigation, and, if further information is needed, invite the applicant to write or if unable to do this, make oral representation, or the applicant may also appoint someone on his or her behalf to do this.

28.3.4 The Council will determine the review within 56 days of the request or a longer period if the applicant agrees that a longer period is appropriate given the complexity of the decision and the case presented.

28.3.5 The applicant will be notified of the outcome of the review including the reasons for confirming the original decision, or why the original decision should be changed.

28.3.6 There is no further mechanism to review the review decision; however, an applicant can take legal action to challenge the council's decision through judicial review proceedings. An applicant may also complain to the Housing Ombudsman if they consider the Council's actions amount to maladministration.

## 29 Gypsy and Traveller Sites

29.1 Vacant plots will be allocated to gypsies and travellers based on need, and decisions will have been developed in a fair and transparent manner.

29.2 The Council recognises that because of the particular circumstances of the Gypsy and Traveller community it may not be appropriate (or legally able) to follow normal housing allocation policy.

- 29.3 Gravesham Borough Council designates responsibility for allocation of gypsy and traveller site plots within the Borough to the Assistant Director (Housing).
- 29.4 Applicants can apply to join the Gypsy Sites Register by completing a Common Housing Register Form.
- 29.5 Plots will be allocated, where available, to members of the Gypsy and Traveller community who can provide evidence that they live in or regularly frequent the Gravesham borough. If they have lived in the Borough, evidence could be provided by one of the following - Electoral Register or Council Tax, Housing Benefit, Working Family Tax Credit, Child Benefit, Utility Bills, or school attendance letters.
- 29.6 Due to the very compact nature of gypsy sites and the close proximity of plots, the compatibility of a new licensee with existing licensees is of paramount importance. It is naive to expect two families on gypsy/traveller sites who are incompatible because of one or more of the above reasons to live in close proximity without creating serious problems for themselves, the Council or the surrounding community.
- 29.7 Incompatibility can occur for a variety of reasons, including religious practices, ethnicity, life style and personality.
- 29.8 Where one or more persons meet the same criteria, the Council will make further enquires with the relevant site residents and refer the applications to the Assistant Director (Housing), who will make the final decision on how the plot should be allocated taking into account the applicants compatibility.
- 29.9 The applicant will be notified in writing of this decision, including the information considered and the reasons for the decision. The letter will also advise the applicant they have a right to request a review of the decision.

### **30 Allocations Panel**

- 30.1 There will be occasions where an applicant's circumstances fall outside of the housing allocation policy. In these circumstances, either the housing officer (if they are a tenant of Gravesham Borough Council) or the Senior Allocations Officer (if they are not a tenant of Gravesham Borough Council) may present the case to the Allocations Panel.
- 30.2 The panel, made up of officers from the housing directorate and an independent officer, will decide what additional priority, if any, should be awarded.
- 30.3 The panel's decision will be notified to the applicant within 10 days. The applicant may request a review of the panel's decisions as described on section 27.

## **31 Equality statement and equalities impact assessment**

- 31.1 This Policy works in conjunction with the Council's Comprehensive Equalities policy.
- 31.2 Gravesham Borough Council is committed to treating people with dignity and respect. This applies to colleagues, residents and members, all of whom undertake not to discriminate directly or indirectly or victimise because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.
- 31.3 All information/ literature will be made available in other formats, or translated upon request.
- 31.4 The Council is committed to addressing issues of financial inclusiveness by referencing its Vulnerability Policies.
- 31.5 Front line staff will signpost customers to external advice agencies providing additional help and support with regard to equalities, ensuring full use of available resources.
- 31.6 Appointments arranged to discuss issues covered by this policy will be made reflecting awareness of cultural and religious holidays and celebrations. Alternative dates/times for attendance will be offered should the suggested date/time conflict with a cultural or religious celebration.
- 31.7 This policy has satisfied an equalities impact assessment.

## **32 Service Reviews**

- 32.1 Service reviews will be carried out periodically to ensure that the policy is effective and the Housing and Regeneration Directorate is providing services which meet residents' needs. These may take the form of peer reviews or a sample check of cases where a tailored service has been provided.

## **33 Complaints**

- 33.1 Where a person is not satisfied with the service that the council has provided, he/she has the right to seek redress. In the first instance, they must put their complaint in writing to the Housing Operations Manager (Needs and Improvements) who will investigate and seek to resolve the complaint.
- 33.2 If the matter cannot be resolved at the first stage, it should then be referred to the Director of Housing and Regeneration.
- 33.3 Once these two stages have been completed, should the person still not be satisfied, they have a right to appeal to the Chief Executive.
- 33.4 If after the 3 previous stages have handled the complaint, the person complaining is still dissatisfied, they have the right to refer the matter to the Local Government

Ombudsman. Access is also available to the respective Ward Councillor and Member of Parliament.

### **33.5 The Local Government Ombudsman**

- 33.5.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.
- 33.5.2 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 (as detailed above).

The Local Government Ombudsman can be contacted at:

LOCAL GOVERNMENT OMBUDSMAN  
PO BOX 4771  
COVENTRY CV4 0EH  
TEL: 08456 021 983

EMAIL: [enquiries.london@lgo.org.uk](mailto:enquiries.london@lgo.org.uk)

WEBSITE: [www.lgo.org.uk](http://www.lgo.org.uk)

### **34 Related Policies**

- 34.1 This list is not exhaustive:
1. GBC Comprehensive Equality Policy
  2. GBC Racial Equality Policy
  3. GBC Homelessness Policy
  4. GBC Housing Vulnerability
  5. GBC Housing Decant Policy

### **35 Legal Framework**

1. Housing Act 1996 Part VI - Allocation of Housing Accommodation
2. Housing Act 1996 Part VII - Homelessness
3. Localism Act 2011
4. Housing Act 1985, particularly Parts II, III & X
5. Asylum & Immigration Act 1996 Section 9 - Entitlement to housing and assistance
6. The Children Act 1989
7. Rent (Agriculture) Act 1976 - Agricultural workers evicted from 'tied cottages
8. Data Protection Act 1984 - Applicants' right to see computerised information held about themselves
9. Access to Personal Files (Housing) Regulations 1989 - Applicants right, subject to certain exemptions, to see information held on the councils files in connection with their application.

10. Sex Discrimination Act 1976 - Duty not to treat any applicant less fairly than persons of the opposite sex.
11. Race Relations Act 1976 - Duty not to treat any applicant less fairly than persons of any other race. Also having regard to the Commission for Racial Equality's Code of Practice for Rented Housing.
12. Advice provided from time to time by the Chartered Institute of Housing and the Housing Corporation
13. The terms of any Nomination Agreements that the Council may have with Housing Associations
14. Any other relevant legislation or nationally or locally agreed criteria.

## **36 Performance Indicators**

36.1 Average void turnaround time

## **37 Other Versions Of This Policy - none**

### **Appendix 1**

The Council will only accept that an applicant has a local connection with the Borough if they are able to prove that one of the following statements applies to at least one adult applicant:

- Currently permanently reside within the Borough and has done so without break for the preceding two years.
- An applicant has been continuously employed within the Borough for a period of at least two years.
- The applicant needs to live in the Borough to provide care to, or be provided with care from, a close relative (defined as mother, father, brother, sister or grown up children of the applicant) and that person has lived continuously in the Borough for a period of five years. The person providing the care will have to demonstrate that they receive or are entitled to receive carer's allowance.
- Other exceptional circumstances that the local authority might reasonably consider to constitute a local connection as agreed by the Assistant Director (Housing) and the Lead Member for Housing.
- The Council will not disqualify the following applicants on the grounds that they do not have a local connection with the Borough:
  - Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
  - Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;

- Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- Homeless applicants owed the full housing duty by Gravesham under Part VII of the Housing Act 1996.