

# Public Document Pack



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16 August 2021

Dear Councillor

## **NOTICE OF DELEGATED DECISION – (DD11 21) REVISION OF HOUSING ALLOCATIONS POLICY**

Please find attached details of a decision taken by Louise Taylor, the Head of Housing, in relation to the revision of the Council's Housing Allocations Policy.

As a non-Key Officer decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer on 01304 872303 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD11 21) REVISION OF HOUSING ALLOCATIONS POLICY** (Pages 2-47)

## Decision Notice

## Delegated Decision

<b>Decision No:</b>	<b>DD11</b>
<b>Subject:</b>	<b>REVISION OF HOUSING ALLOCATIONS POLICY</b>
<b>Notification Date:</b>	<b>16 August 2021</b>
<b>Decision taken by:</b>	<b>Louise Taylor, Head of Housing</b>
<b>Delegated Authority:</b>	<b>Delegation 73 of the Scheme of Officer Delegations (Section 6) of Part 3 (Responsibility for Functions) of the Constitution</b>
<b>Decision Type:</b>	<b>Executive Non-Key Decision</b>
<b>Call-In to Apply?</b>	<b>No (<i>Call-in does not apply to Non-Key Officer Decisions</i>)</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Reason for the Decision:</b>	To make amendments to the Council's Housing Allocations Policy.
<b>Decision:</b>	To make necessary amendments to the Council's Housing Allocations Policy as detailed in the attached Appendix.

1. **Consideration and Alternatives (*if applicable*)**
  - 1.1 Section 166A of the Housing Act 1996 requires Local Authorities to publish an Allocations Policy which sets out how social rented housing is allocated within the district, including who is eligible to join the housing register.
  - 1.2 The UK left the EU on 31 January 2020 meaning that from 1 January 2021 new immigration and eligibility rules applied.
  - 1.3 The Allocations Policy has therefore been amended to reflect the new rules relating to 'qualifying persons' and outlines the information that must be provided when applying to the housing register.
  - 1.4 The amendments and the additional necessary minor changes to the policy do not require formal consultation.
2. **Identification of Options**
  - 2.1 The Options available are to:
    - A. Approve the revised Allocations Policy.
    - B. Reject the revised Allocations Policy.
3. **Evaluation of Options**
  - 3.1 Option A: This is the preferred option as the existing policy needs to be revised to take account of new legislation and address some minor anomalies.
  - 3.2 Option C: This is not recommended because it will mean continued operation of the existing policy which needs to be updated to take account of new legislation.
4. **Any Conflicts of Interest Declared?**
  - 4.1 None.

5. **Supporting Information** *(as applicable)*

5.1 See attached Appendix. All amendments are track-changed for ease of reference.

6. **Resource Implications**

6.1 There are no resource implications related to this report.

7. **Climate Change and Environmental Implications**

7.1 There should be no environmental or climate change implications as a consequence of this decision being taken.

8. **Corporate Implications**

8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy have been consulted in the writing of this report and have no further comments. (AC)

8.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted in the preparation of this report and has no further comments to make.

Comment from the Equalities Officer: This report does not specifically highlight any equality implications. The amendments do not change the barriers to those that the Secretary of State class as being ineligible for housing assistance, as outlined in the Housing Act 1996. In discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

8.3 Other Officers (as appropriate):



# Dover District Council

## Housing Allocation Policy

This document is available on the website [www.dover.gov.uk](http://www.dover.gov.uk).  
A copy can be provided on request in large print or Braille. A summary can also  
be provided on audio tape and languages other than English.

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## 1. Introduction

This document sets out our priorities for how social rented housing in Dover district is allocated, and the guidelines which determine entitlement and eligibility to that housing for people living in the district. This is in accordance with the requirements of Section 166A of the Housing Act 1996.

It also explains what help people can expect from us in meeting their housing needs and sets out the system and processes by which we let Council-owned homes and make nominations for housing owned and managed by housing associations.

The policy sets out:

- How homes are allocated
- Who is eligible to be accepted onto the housing register
- How to apply to Dover's housing register
- How priority for housing applicants will be given
- How transfer applications will be assessed
- Eligibility for different property types

The Housing Register and this Allocations Policy operates under the provisions of the Housing Act 1996 – Part VI (as amended) and takes into account the codes of guidance issued by the Government:

- Allocation of Accommodation: Code of Guidance for Housing Authorities 2012
- The Allocation of Accommodation: Choice Based Lettings Code of Guidance for Housing Authorities 2008
- Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009
- Providing social housing for local people, December 2013
- Right to Move and social housing allocations, March 2015
- Improving access to social housing for victims of domestic abuse, November 2018
- Improving access to social housing for members of the Armed Forces, June 2020

In developing this policy the Council has had regard to the following Council strategies:

- Homelessness and Rough Sleeping Strategy 2020-2024
- Tenancy Strategy 2012-2016 (currently under review)

This Policy will be reviewed annually and may have to be amended to reflect any legislative changes.

### 1.1 Aims of the allocation policy

The key objectives of this allocation policy are to:

- Provide housing applicants in Dover district with a fair and transparent system by which they are prioritised for social housing
- Give priority to applicants with the greatest housing need
- Give applicants the opportunity to express preferences about their accommodation wherever possible, whilst allowing us to meet the local needs of Dover residents
- Enable applicants to make informed choices about their options
- Ensure sufficient priority is awarded to transfers in order to make best use of the social housing stock and strive to achieve a balance between existing tenants and new applicants
- Promote the development of sustainable mixed communities and neighbourhoods of choice
- Make efficient use of our resources and those of our partner Registered Providers
- Ensure priority for social housing in rural areas is given to households with a relevant local connection

## **2. How homes are let**

### **2.1 Choice based lettings**

We are one of 14 local authority and 23 housing association partners involved in Kent Homechoice the choice based lettings service which is used to let social homes across the whole of Kent. As a partner we are committed to offering the greatest choice possible in the allocation of social housing in the district, whilst ensuring that housing goes to those with the greatest need.

Choice based lettings (CBL) schemes are designed to introduce an element of choice for people who apply for Council and Housing Association homes. Choice based lettings allow people applying for a home, including existing tenants who want a transfer, to bid for properties which become available.

Available properties are advertised in various ways and the adverts will describe the property and which type of household can bid for it. For example, if it is for an elderly or disabled person, or for a household which needs a certain number of bedrooms.

Where an applicant may have difficulty in making bids for properties without assistance, they may nominate a friend, relative or advocacy worker from an appropriate agency to act on their behalf. In certain circumstances applicants can be added to the automated bidding list to ensure a bid is placed on all the properties they are eligible to bid for.



Once bids have been made they are sorted in order of priority, and the person with the highest priority normally gets considered first for the property. If that person turns the offer down, the next person on the list gets the chance to see it, and so on.

There will be certain situations where choice in the allocation of housing has to be restricted – such as when the Council or a Housing Association needs to rehouse a household in an emergency. The circumstances when this may apply are set out in the policy.

Apart from these exceptional cases, housing will be allocated to applicants who bid for a specific property, and all applicants will have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and other eligibility criteria.

Choice based lettings enables those seeking housing in the district to identify the level of priority they have been awarded within the allocation scheme, to develop awareness of the availability of accommodation suitable to their needs within the district, and to make informed decisions which balance their need for accommodation with the availability of properties that meet their requirements. As a result applicants can decide whether to wait until they have sufficient priority to obtain their ideal property, or whether to lower their aspirations and bid for properties they are more likely to have a chance of obtaining. It also helps applicants to make an informed choice about whether they wish to seek alternative solutions to their housing needs.

Appendix 7 gives more information about how Kent Homechoice, the choice based lettings scheme works.

## 2.2 Local lettings policies

For some areas we may have introduced a local lettings policy setting out additional criteria regarding who can apply for properties in those areas. This is done to develop balanced and sustainable communities and to tackle specific issues within the area.

This means that in certain, clearly defined circumstances, these criteria will take precedence over an individual's housing need.

Examples of situations when a local lettings policy may be used include:

- New developments where there is a need to achieve a balanced mix of household sizes
- Criteria that aim to reduce the likelihood of anti-social behaviour in areas that have existing high levels of ASB.

## 2.3 Rural Exception Schemes

Local needs schemes are special schemes for letting properties owned by Registered Social Landlords in rural areas. This is not housing stock to which the Housing Act 1996 Part VI applies and the schemes do not form part of the Council's housing lettings policy. However, properties available

for let under the schemes are advertised on the choice based lettings system.

The purpose of the rural needs schemes is to let affordable rural homes to people who meet specified local connection criteria, thereby enabling people to remain in the village where they have lived and worked rather than being forced out by high house prices or rents.

The requirements to meet the special local connection criteria are stated in the Council's Affordable Housing Rural Exception Schemes Supplementary Planning Guidance and will be clearly stated on any advertisement for local needs properties which appear on the choice based lettings system.

Applicants applying for such housing will be asked to provide evidence confirming their eligibility and parish Councils will assist with this verification process where it is a requirement of the planning agreement.

A copy of the relevant planning document can be obtained from the Council's web site via the following link:

<http://www.dover.gov.uk/Planning/Planning-Policy/Local-Development-Framework/Other-Information/Supplementary-Planning-Documents/AffordableHousingRuralExceptionSchemes.pdf>

#### 2.4 Homeless households

We are committed to extending choice of housing to those who are accepted as homeless under the Council's statutory duties as far as this is compatible with the effective use of Council resources and the provision where necessary, of temporary accommodation.

The Council reserves the right to restrict the allocation of properties to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfil its homelessness duties and ensure timely move-on from its temporary accommodation.

Consequently those accepted as being owed the full statutory housing duty under Part VII of the Housing Act 1996 (as amended), will be given a period of 4 weeks from notification of acceptance within which to bid for properties through Kent Homechoice. If during the 4 weeks they have not been bidding appropriately for a property, administering staff may bid on their behalf for each suitable property that becomes available and may change bids when an applicant has applied for a property that they are ineligible for. If at the end of the 4 weeks they have not been successful for rehousing, one direct final offer of accommodation may be made, subject to the discretion of the Options Officer and in extenuating circumstances, on a case by case basis.

In either situation the offer of a suitable property will constitute as a nomination for the purposes of discharging the homeless duty.

### 3. Who is eligible?

#### 3.1 Qualifying persons

All 'qualifying persons' are eligible to have their application added to the Housing Register. Part VI of the Housing Act 1996, (as amended), confirms that the Secretary of State may prescribe who are or are not qualifying persons.

Currently, the following persons are entitled to join the housing register:

- Any person aged 16 or over, and
- Their current home is their only home, or sole residence, and
- They do not have access to a suitable home elsewhere, and
- They are not already on the housing list, either on their own or with someone else, and
- They are not ineligible for housing assistance under section 160ZA(2) and (4), and 185(2) of the Housing Act 1996 (as amended), or any regulation prescribed by the Secretary of State.

The Government says that in general we cannot allocate housing to people who need leave to enter or remain in the UK – and this applies to everyone except British and Irish citizens, certain Commonwealth citizens with a right of abode in the UK and people with a right to reside in the UK under European law. If you need leave to enter or remain in the UK (regardless of whether or not you have leave) you will only be eligible to join the housing register if you fall into one of the following categories:

(A) a person recorded by the Secretary of State as a refugee,

(B) a person granted Exceptional Leave to Remain outside of the Immigration Rules which is not subject to a condition of non-recourse to public funds (Indefinite Leave to Remain),

(C) a person who has unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area (UK, Channel Islands, Isle of Man or EIRE) and who (subject to exceptions) is not sponsored,

(D) a person who has been granted Humanitarian Protection,

(E) Afghan citizens granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules who are habitually resident in the Common Travel Area,

(F) a person granted limited leave to enter or remain in the UK on family or private life grounds under article 8 of the European Convention of Human Rights under paragraph 276BE(1 or 276DG or Appendix FM of the Immigration Rules which is not subject to a condition of non-recourse to public funds,

(G) a person who is habitually resident in the Common Travel Area, who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules and

(H) a person who is habitually resident in the Common Travel Area and has Calais leave to remain under paragraph 352J of the Immigration Rules.

The Government also says that we cannot allocate housing to anyone unless they are habitually resident in the Common Travel Area, subject to certain exceptions for people with rights of residence under European law and people who are in the UK as a result of being deported or expelled from another country.

The Government also says that we cannot allocate housing to a person whose only right to reside in the UK arises under European law based on their status as a jobseeker or an initial 3 months' right of residence, or is a derivative right of residence based on being the principal carer for a British citizen.

The Council is not allowed to allocate housing to an ineligible person by granting them a joint tenancy with another, eligible person. These rules do not apply to a person who is already a secure or introductory tenant or an assured tenant of accommodation to which they have been nominated by a local housing authority. In that case, you are free to apply for a transfer regardless of your immigration status.

The detailed provisions of these rules are quite complex and the above is only a summary of them. The summary is accurate at the time of publication, but these rules are subject to change by statutory instruments issued from time to time, and

- They, or a member of their household, have not been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. Unacceptable behaviour means it was so serious that, had they been a secure tenant of the local authority, the authority would have been entitled to a possession order (not suspended) against them by virtue of the behaviour. This relates to an entitlement to possession on the following grounds:
  - rent arrears
  - breach of tenancy agreement
  - nuisance or annoyance to neighbours
  - conviction of using for immoral or illegal purpose
  - damage or neglect
  - conviction for arrestable offence committed in the locality
  - domestic violence causing other to leave
  - false statement to induce grant of tenancy
  - premium paid for assignment
  - tied accommodation when dismissed for misconduct

Where a person has previously been found ineligible due to unacceptable behaviour but now believes this should no longer be held against him, he can make a fresh application. Unless there has been a considerable lapse of time, it will be the applicant's responsibility to show that their circumstances or behaviour have changed. We may ask applicants to provide us with two references from the police, probation services or their landlord.

### 3.2 16 and 17 year olds

Young people under the age of 18 are not able to hold an interest in land and special arrangements have to be made to allocate them social housing.

For young people under the age of 18 a Council or Housing Association may grant permission to allow the occupation of a property by way of a licence or "Equitable Agreement" where a trustee will hold the legal estate.

### 3.3 Debts - rent arrears and former tenant arrears

We may also take into account, in accordance with S166A(5) of the Housing Act 1996 (as amended), current or former tenancy arrears due to non-payment of rent, charges for use and occupation or due to damage to the property owed to this Council, another Council, social or private landlord, and claims made against a Rent Deposit Bond provided by the Council.

In these circumstances the application will be registered but may be suspended until the debt is reduced to a reasonable level. A reasonable level is generally considered to be £400 or less, or no more than four weeks rent arrears or the applicant can provide a repayment plan agreed with the applicant's landlord and can evidence payment against the plan for the last 6 months, at the time of being verified for a property.

If the application is already registered and has been placed in a band but falls into arrears which exceed £400 or four weeks rent, the application may be suspended until the situation is remedied.

Each case will be considered on its own merits.

Where an application is suspended for the above reasons the applicant will be notified in writing of the decision and the grounds for it (S166A(5))

If Court action is being taken to get an outright possession order or a Bailiff's Warrant for eviction, no offers of housing will be made without the agreement of the Housing Options Manager.

Housing associations (HAs) participating in the choice based lettings scheme may have policies which prevent them offering a tenancy to an applicant who has former tenant arrears with another local authority or HA.

### 3.4 Serious offenders

Applications made by serious offenders will be subject to an appropriate assessment of their eligibility, which will take MAPPA (Multi-Agency Public Protection Arrangements) guidance into account. Any allocation will only be made following a multi-agency risk assessment and where suitable and safe accommodation has been identified.

### 3.5 National Witness Mobility Service (NWMS)

In order to assist the national police force to tackle serious crime and to support witnesses in the legal process, the Council works in partnership with colleagues in the NWMS and will, as required, accept referrals from this source.

Such cases will have been assessed and verified by the NWMS managers and referrals will only be accepted with the agreement of the Housing Options Manager. There are particular confidentiality considerations for such cases and no personal information will be taken until the applicant accepts a direct offer of accommodation in the district.

Any proposed offer will be checked for suitability by the NWMS before the offer is made and details of successful lettings may not subsequently be made available to the public.

### 3.6 Local connection

Whilst keen to encourage and facilitate mobility within social housing, we will ensure that in determining priorities for housing, a higher degree of preference will be awarded to applicants who have a local connection with the district.

Appendix 1 explains how we decide on a local connection with the district.

### 3.7 Financial assessment

Social housing is intended for households who are unable to meet their housing need in the open market and its development has usually been subsidised to ensure that it is affordable for lower income households.

At a time when the demand for affordable housing significantly exceeds supply it is important that social homes are allocated to those households who have the greatest need.

Section s.160ZA (6)(a) of the Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide who will be or will not be a qualifying person and section 166A of the Housing Act 1996 allows us to give less priority to an applicant who is considered to have sufficient financial resources to meet their own need.

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.

Applicants will be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment and prior to any offer of accommodation.

Each application where the financial resources threshold is exceeded will be assessed on its own merits and the Council recognises that there may be exceptions. Examples could include:

- A property owner with an over-riding medical need where they are considered to have insufficient income and equity to purchase a property that meets their specific medical need
- An applicant with unusually high, but justifiable expenditure

Any applicant deemed to exceed the financial threshold will be provided with a full written explanation for the decision and will have the right to ask for the decision to be reviewed.

The Council recognises that housing affordability can change over a period of time and it will therefore review the methodology and if necessary amend the threshold amount.

Information regarding the assessment of financial resources can be found at Appendix 3.

### 3.8 Adequately housed

Households with little or no real need for social housing are usually considered to be adequately housed. If an applicant has enough space for their family according to current housing policy and they are in a financial position to secure accommodation via another means of tenure they will be considered to be adequately housed.

Exceptions will include households that are seeking and are eligible for sheltered housing

## 4. **Applying to the Dover Housing Register**

### 4.1 What is the Housing Register?

The Housing Register is essentially the list of people who wish to be housed by a social landlord in Dover district and existing tenants who wish to transfer to another Council or Housing Association property.

We receive a large number of enquiries each year from people looking to rent a home in the district and there are in the region of 2,000 households on our housing register at any time. Regrettably, there are only enough properties becoming available to be able to house around 400 of these households each year. As a result of this shortfall, applicants for housing, and in particular those identified as having low need, may have to wait a considerable period of time before being housed.

Applicants may want to consider other options for rehousing such as renting accommodation in the private sector or moving to other parts of the country where accommodation is more plentiful. Dover District Council has a team of Housing Options Officers who can provide advice and information about how to access other types of housing.

Further information about other options available can be found on the Kent Homechoice website: [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk)

Because of the limited amount of social housing available to rent in the district we have a system to prioritise households on the housing register in accordance with their identified need for housing and to manage the letting of social homes in accordance with our objectives. The criteria and rules that relate to this system are set out in Appendix 4 of this policy.

#### 4.2 How to apply for housing

People wishing to apply for housing should complete a housing application form. The simplest way to do this is to visit the Kent Homechoice website at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) and choose the Register tab. An application form and assistance with completing it can also be obtained from us.

It is important that the application is completed fully and any evidence requested on the form is provided because additional priority for length of time on the Housing Register will only start to accrue from the date that we receive all the information necessary to make an assessment.

Incomplete paper applications without supporting information will be returned to the applicant. Online applications will be sent one email reminder. Applicants will have 21 days to submit all the necessary supporting information. Any incomplete applications after this time will be cancelled.

Once the form has been completed and all the information has been provided, the Council may need to make additional enquiries, including conducting a credit reference check. We will normally conduct a home visit before an offer of accommodation is made in order to verify the applicant's circumstances.

Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information or to withhold information relevant to their application.

An applicant may be committing an offence if they knowingly give false information or knowingly withhold information which has reasonably been asked for on the housing application form or in response to the yearly review. They will also be committing an offence if they allow someone else to provide false information on their behalf, or they ask them to provide false information.

A person guilty of such an offence would be liable on summary conviction to a fine of up to £5,000.

In addition, a tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may result in legal action being taken by the landlord to recover possession of the property.



#### 4.3 Proof of identity and supporting information

For each named applicant photographic identification, for example a valid passport or photo driving licence, must accompany all applications. This should be a recent photograph clearly marked with the name and address as it appears on the application together with his/her signature.

Appendix 2 has more information about providing proof of identity.

#### 4.4 Joint applicants

Applicants with children, who live separately from their partner, should complete their application using the address at which the children normally live and will be assessed from that address.

#### 4.5 Members of the Council, staff members and their relations

To ensure that we are seen to be treating all applicants fairly, any application from members of the Council, employees of the Council or associated persons must be disclosed on the application form.

Such applications will be assessed in the normal way but, in order to ensure public confidence, any accommodation allocated to the applicant under the scheme must be approved by the Head of Housing following appropriate checks.

The term 'associated persons' above is as defined in S178 of the Housing Act 1996 (as amended).

#### 4.6 Renewing an application

It is an applicant's responsibility to renew their application each year. Every applicant will be sent a renewal notification by letter or email, close to the anniversary of the date of registration, which will include a request to provide information on any change in circumstances. If the renewal is not returned within four weeks the application will be cancelled without further notice. An application can only be considered for reinstatement in exceptional circumstances and only if the request is made within six months of the cancellation date.

#### 4.7 Not actively bidding

Applicants who fail to place any bids over a twelve month period may have their application cancelled, unless it is demonstrated that no suitable accommodation has become available within those twelve months or there were other exceptional circumstances that did not make placing bids possible.

Those applicants whose applications are cancelled may reapply, but their housing circumstances will be investigated in full before being accepted back onto the register.

Applicants will be given notice in writing if their application has been cancelled for this reason.

## 4.8 Changes of circumstances

Once placed in a priority band, applicants should notify the Housing Needs section of any material change in their circumstances that will affect their priority for housing, for example:

- A change of address, for themselves or any other person on the application.
- Any additions to the family or any other person joining the application
- Any member of the family or any other person on the application who has left the accommodation.
- The health of any member of the family or any other person on the application, getting better or worse.
- Any change in income or savings.

Applicants will be required to complete an online Change of Circumstances form and applications will be temporarily suspended from bidding while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.

The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the application.

## 5. Assessment of need and determining priority

### 5.1 The banding system

To try and be as fair as possible in deciding who should be offered properties, we use a banding system to determine priority for rehousing. Assessment is based on an applicant's housing circumstances, suitability of the property, and any medical problems.

Persons eligible to join the housing list will have their application assessed by a Council Officer and placed into one of five bands, in accordance with the 'Fair and flexible' statutory guidance. The bands are referred to as 'A, B, C, D and E', and applications in band A will be given the highest priority for rehousing, band B the next highest, then C, then band D, with band E applicants having the lowest priority.

Further details of how an applicant's circumstances will determine the priority band they are placed in, are set out in Appendix 4.

### 5.2 Waiting time

The housing register will differentiate between people who are in the same priority band according to their waiting time, taking into account the following:

- For new applicants, the date of their completed application.
- For transferring tenants, the date they applied for a transfer, and have provided all the information required by the local authority to make an assessment.
- For existing applicants or tenants, the date they notified the local authority of a significant change in their circumstances, that is, one which will improve their priority band. For changes that lower their priority band, the date of application applies.

In all cases waiting time will only start to accrue once all the information required by the Council to make an assessment has been provided and the application registered.

### 5.3 Medical priority

Applicants who indicate in their application form that they consider their health or disability is seriously aggravated by their current housing conditions may be asked to complete a self-certification medical assessment form describing their health problems. Additional information, such as from a medical professional, may also be submitted. A home visit may be made to establish how the medical issue is affected in real terms by their housing situation.

Applicants should be aware that even if they provide supporting documents stating that a move to alternative accommodation would be essential, it is for the Council to determine the appropriate level of priority in accordance with the allocation scheme.

All medical information supplied will be assessed initially by the Dover Medical Panel, consisting of two Council Allocations Officers. Cases where the illness or disability is serious will be passed to the Council's independent Medical Adviser for assessment.

Applicants will be advised by letter of the medical priority awarded and the type of accommodation identified as being suitable for their needs.

If we determine that a particular type of property is required on medical grounds; for example a home with no internal stairs, the applicant will be expected to bid for accommodation matching that criteria. Bids placed on accommodation that does not meet the required criteria may be bypassed. If the applicant continues to bid on accommodation that does not meet their medical requirements any priority awarded on medical grounds will be reviewed and may be removed.

If an applicant's medical circumstances improve, any priority awarded on medical grounds will be reviewed and may be removed.

The criteria for awarding medical priority are set out in Appendix 5.

### 5.4 Kent Agency Assessment

The Kent Agency Assessment (KAA) process is a mechanism for Health or Social Services professionals, and their agents, to refer an applicant

with a housing related health/support need, to the Council for help accessing suitable accommodation.

A Kent Agency Assessment should be used where an applicant requires re-housing due to a health/support need that cannot be met in, or is being exacerbated by, their current accommodation and the form provides all the supporting information required to assess an applicant's housing needs.

If more than one KAA is received per household, i.e. one for each applicant, then the band will only be awarded against the KAA providing the highest priority.

Applicants will be advised by letter of the level of priority awarded and the type of accommodation identified as being suitable for their needs.

### 5.5 Service personnel

For members of the Armed Forces, waiting time priority will be based on the total cumulative period of their length of military service rather than just time on the Housing Register.

This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service.

Confirmation of commencement of service will be required at the time of registration.

Applications from those currently in Armed Forces accommodation will usually be suspended until three months before the end of service and details of financial resources at that time will need to be supplied.

### 5.6 Deliberately worsening circumstances

Once we have assessed an applicant's housing priority, we may reduce that priority if the applicant or a member of their household has done something that has deliberately made their housing circumstances worse.

The applicant will be placed in Band D if for example, they or a household member has:

- moved to new accommodation that is worse than the previous accommodation without good reason
- sold a property or given notice on a tenancy without securing alternative accommodation first

When we decide to reduce priority to Band D this will be for a period of twelve months from the date of decision.

### 5.7 Sensitive lettings

Where a vacancy arises in an area that has been subject to a significant level of anti-social behaviour or other factors such as the frailty and vulnerability of neighbours, it may be advertised as a sensitive let. This

means that priority may not be given to the applicant in the highest priority in the interests of sustainable communities.

#### 5.8 Other considerations in determining priority

Because of the shortage of social housing and in order to make best use of all the available stock, there may be occasions when properties are restricted to certain groups of applicants waiting for re-housing in order that the Council can fulfil its duties and responsibilities, including achieving a balance of lettings. This will be made clear in the advertisement for the property.

As there is limited availability of purpose built and adapted properties for people with disabilities, those with a need for such accommodation will be considered for suitable properties, for example with level access, on the basis of medical priority.

In considering priority for re-housing between applicants with a similar priority under the banding Policy, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property and they have equal waiting time, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.

If an applicant has multiple needs this will NOT increase their priority. In each case, the most urgent housing need will apply and the applicant will be placed in the band most suitable for their needs.

Priority for un-adapted houses will be given to families with children aged 13 or under at the date of offer, irrespective of band. This is because the council's wish is to make private gardens available first to families with young children so that the children have somewhere safe to play, with other uses being a secondary consideration.

Where separated parents share custody of a child or children, only the parent who is in receipt of Child Benefit will qualify for a property suitable to house the child or children. A Court Order allowing access to children, or confirming residence between separated parents does not mean that the council must consider that the child is part of an applicant's household for the purposes of a housing register application.

Because of the very limited availability of four and five bedroom homes, priority for three bedroom properties with two living rooms (parlour type), will be given to larger families, to ensure best use is made of the available stock.

#### 5.9 Allocations exceptions

People who apply to join the housing register are assessed in accordance with the provisions of Part VI of the Housing Act 1996 (as amended). There are a number of circumstances where people will be assessed outside of this and will have their applications managed by the local authority and/or housing association separately. These circumstances are:

- Mutual exchange.
- An application made under Part VII of the Housing Act 1996 (as amended) (Homelessness) and consideration for temporary accommodation under this Part.
- Transfers involving a temporary decant for major works, or other management reason not involving an application from the tenant.
- Where a local authority secures the provision of suitable alternative accommodation under the Land Compensation Act 1973, section 39.
- The grant of a secure tenancy under the Housing Act 1985, section 554 or 555, regarding a defective home.
- Any duties arising from an application made under the Rent (Agriculture) Act 1976, section 27 or 28.
- Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, section 89.
- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, section 90.
- Where a secure tenancy is assigned to someone who would be qualified to succeed to the tenancy if the secure tenant died immediately before the assignment.
- The grant of a secure joint tenancy where the tenancy is held by one of the joint tenants as a sole tenancy.
- The grant of a secure sole tenancy to a former joint tenant, where the joint tenancy has been terminated by one joint tenant and the other tenant wants to remain in the property (when this is in accordance with eligibility for that specific property type).
- Where a secure tenancy vests or is otherwise disposed of in pursuance of an order made under:
  - the Matrimonial Causes Act 1973, section 24 (property adjustment orders in connection with matrimonial proceedings);
  - the Matrimonial and Family Proceedings Act 1984, section 17(1) (property adjustment orders after overseas divorce); or
  - the Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents), or
- Where an introductory tenancy:
  - becomes a secure tenancy on ceasing to be an introductory tenancy:

- vests under the 1996 Act, section 133(2) (succession to an introductory tenancy on death of tenant); or
- is assigned to someone who would be qualified to succeed the introductory tenancy if the introductory tenant died immediately before the assignment; or
- meets the criteria in the previous paragraph (disposal).

#### 5.10 Discretionary powers

The Allocations Policy cannot cover every eventuality and in special cases where there are exceptional needs the Head of Strategic Housing has discretionary power to award additional priority and approve offers of housing, sometimes outside of choice based lettings.

#### 5.11 Direct Lettings

In limited circumstances the Council may allocate properties directly as set out below:

- Special circumstances e.g. if the Public Protection Panel recommends that a tenant or homeseeker with high priority should be excluded from bidding. The Council will make one reasonable offer and if refused the applicant will lose priority.
- Homeless households in Band C who have failed to exercise choice through the bidding process within the timescale. The Council will make one reasonable offer of accommodation before duty is discharged. The Council will ensure that any offer is suitable in accordance with S 210 of the Housing Act 1996
- Tenants who have highly specific requirements or who have failed to bid successfully will be made a direct offer. If refused Housing Management will review.
- Tenants who need to be temporarily decanted will be offered a temporary property. If the offer is refused Housing Management will review and/or begin proceedings for possession.
- Tenants who need a permanent decant and fail to bid successfully within the timescale will be made one reasonable offer. If refused Housing Management will review and/or begin proceedings for possession.
- Existing tenants of Council sheltered accommodation wishing to transfer within a sheltered scheme may be offered a vacant property by direct let at Housing Management discretion.
- Non-statutory successors will be made one direct offer. If refused Housing Management will begin proceedings for possession.

- Under-occupiers who have succeeded to a tenancy will be made one direct offer. If refused Housing Management will review and/or begin proceedings for possession.

### Refusals Following Direct Lettings

In the above cases the Council will make one reasonable offer which, as far as possible, matches the size and type of property the applicant qualifies for and not in an area known to be unsafe for the household. The applicant must give their reasons for refusing. The property will not be held empty while the refusal is reviewed but will be let to another applicant.

#### 5.12 Validation visits

A home visit will usually be made before an offer of accommodation is made. This is to ensure that the priority band awarded reflects the applicant's circumstances. Any information that differs from what is held on file may result in a change of banding.

## 6. Transfer applications

Council tenants can apply to move to alternative Council and Housing Association owned property and the priority awarded to their application will be based on an assessment of their housing needs.

Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.

Transfer applications will be subject to checks relating to the condition of the applicant's property and their compliance with the conditions of their tenancy and occupancy. Tenants with Introductory Tenancies can register a transfer application but will not be considered for a move to alternative housing until their tenancy is made secure.

The Council will occasionally, in the best interests of managing social housing, maximize the number of lettings that can be achieved from an initial vacancy by giving transfers priority over other Housing Register applicants. This will be made clear in the advertisement for the property.

#### 6.1 Property condition

Every Dover District Council transfer applicant will be subject to a pre-transfer inspection (PTI) carried out to ensure that their property is of a standard where it can be re-let without undue delay. This inspection will be undertaken by a Neighbourhood Manager from East Kent Housing and will cover both the inside and outside of the property including the garden.

Council tenants will have their transfer application suspended should their home not meet the required standard, until such time as the standard has



been met. In any circumstances where the property standard is such that an outright possession order would be awarded against the tenant, the application will be deemed ineligible and removed from the register.

If the inspection determines that the property meets the required standard, the tenant will be notified and no further inspections will be carried out before an offer is made, unless a period of more than six months has elapsed since the inspection. However should any information be received that a property may have deteriorated, a further inspection may be carried out.

Should a property not meet the required standard, the applicant will be informed in writing as to what they need to do to put this right and advised of their right of appeal.

Tenants are required to contact the Council once they have dealt with any issues identified during the PTI and a further visit will be carried out.

Once a property meets the required standard the application will be reinstated to the appropriate band.

The above requirements may be waived where the transfer applicant needs to move because of:

- Domestic abuse.
- Fear of violence.
- Where Band A is awarded for medical needs.
- Where the moving tenant is under-occupying their current home by 2 bedrooms or more and has been given Band B priority, is over 60 and also has medical or welfare grounds to move which do not enable them to address the outstanding issues identified in the PTI, for example decorating.

## 6.2 Tenancy conditions

Tenants who are in breach of their tenancy agreement, for example, rent arrears, condition of property, or unsocial behaviour, will only be considered when the Council is satisfied that the breaches have been remedied.

## 6.3 Tenant Incentive Scheme

In order to encourage Dover District Council tenants who are under-occupying family homes to move to smaller non-family housing, or if a tenant is occupying fully adapted, wheelchair accessible accommodation and no longer requires the use of these facilities, the Council operates an incentive scheme. A grant of £1,000 upfront and £1000 for each room given up, paid following the move, is offered to assist with removal costs and other expenses. This grant will only be payable to tenants who are occupying fully adapted homes or who are over the age of 55 and where

the move is as a result of a successful bid to alternative Council or Housing Association property through the choice based lettings scheme.

Any debt owed to Dover Council will be recovered from this grant.

#### 6.4 Management transfers

The Council recognises that there may be exceptional circumstances where the only way a housing need can be resolved is through the use of discretion and to ensure the most efficient use of our available stock.

If a Council or Housing Association tenant has an urgent need for rehousing due to a confirmed risk to the personal safety of themselves or their household, or other exceptional factors, their landlord may agree a management transfer. This will only be agreed if there are no other options available or feasible

Examples of exceptional circumstances include, but are not limited to:

- Threat to life.
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any repair work will take such a long period of time that there will be serious disruption to family life.
- Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
- An applicant who has an exceptional need that is not covered in the Allocations Policy, for example, where child or public protection issues require rehousing or for severe domestic abuse where all other options to remain in the home have been considered.
- Tenants where their flexible tenancy will not be renewed because their circumstances have changed necessitating a move to smaller accommodation.

Management Transfers are agreed jointly by the Landlord's Housing Manager in relation to tenancy management and the Housing Options Manager. In certain circumstances temporary accommodation may be requested whilst the reason for a permanent move is investigated.

Because the circumstances are exceptional and rehousing considered urgent, the Management Transfer will have the following restrictions:

- Only one offer of suitable permanent rehousing will be made.
- This will be a direct offer to ensure that a household's urgent needs are met as quickly as possible.

- The offer will be on a 'like for like' basis. This is based on property type and bedroom numbers with no account being taken of room sizes and facilities such as gardens.
- Areas of choice for rehousing cannot be considered but the Management Transfer move will be away from the applicant's current home. Area restrictions will only be taken into account if there are proven factors that pose a risk to personal safety, relevant to the reason for transfer.
- Other medical and social factors which would normally qualify the applicant for a Housing Register transfer will not be taken into account.
- A refusal of a direct offer will be considered by the Head of Strategic Housing and where appropriate, with Housing Management.

## 6.5 Right to Move

In April 2015, the Government established a Right to Move for certain social tenants who need to move to take up a job or live closer to employment in another district of England.

The Council has agreed that 1% of its annual nominations will be used for applicants who qualify for the Right to Move. This will enable the Council to assist around 4 qualifying tenants each year.

- Who qualifies for the Right to Move?

You must live in England and either be a secure or introductory tenant of a local authority or an assured tenant of a private registered provider (a housing association tenant).

You must live outside of the Dover district.

You must not be in breach of any tenancy conditions e.g. in rent arrears.

You must be able to show that you need to move to the Dover district because failure to meet that need would cause hardship to someone within your household and you must need to move because either:

- you work in the Dover district
  - or you have been offered work in the Dover district and can demonstrate to the satisfaction of the District Council that there is a genuine intention to take up the offer of work
- Do you need to move?

We must be satisfied that you need to move because failure to do so will cause hardship.

In making our assessment, we will take into account the following:-

- the distance and/or time taken to travel between work and home
  - the availability and affordability of transport, taking into account the level of earnings
  - the nature of the work and whether similar opportunities are available closer to home
  - other personal factors such as medical conditions and child care, which would be affected if the tenant could not move
  - the length of the work contract
  - whether failure would result in the loss of an opportunity to improve your employment circumstances or prospects, for example by taking up a better job, a promotion or an apprenticeship
- What type of work qualifies?

A need to move connected with short term and marginal work, work that is ancillary to work in another district and voluntary work does not qualify.

In deciding whether work is short term, the Council will take into account whether the work is regular or intermittent. This is likely to be particularly relevant in the case of the self-employed.

The Council will also take into account the period of employment and whether or not work was intended to be short term or long term at the outset. A contract of employment that was intended to last for less than 12 months may be considered to be short term.

In deciding whether work is marginal, the Council will take into account the number of hours worked and the level of earnings. Employment of less than 16 hours a week may be considered to be marginal in nature.

Where the tenant works occasionally in the Dover district but their main place of work is in a different district, the work is considered to be ancillary and does not qualify.

Work that is subject to an apprenticeship agreement in the form of an employment contract, does qualify.

- Information required in support of an application for the Right to Move

To apply for re-housing under the Right to Move, you should complete an application form for housing in the Dover district and also complete a Right to Move – Supporting Statement form. When submitting your application and statement, you should also provide the following:

- A copy of your contract of employment
- Wage/salary slips for six months (or for the full period of employment where this is less) or in the absence of wage slips, copies of bank statements (for example in the case of zero hours contracts) if you are already working in the district
- A formal offer of a job letter and copy of your written acceptance of the offer if you are seeking to move in order to work here

Contact details for your employer must also be provided as we will seek verification of your situation.

## **7. Housing for older people**

### **7.1 Sheltered housing**

Sheltered housing is housing designed for persons over 60 with housing related support needs. Sheltered housing will normally only be available to persons requiring the level of support offered in this type of accommodation. Eligible persons may be subject to an assessment by the landlord to establish their support needs and suitability for living in the scheme selected.

Applicants over 60 years of age will be considered as well as applicants with a disability who require the accommodation and support provided within a sheltered scheme. In the latter case, some landlords will accept persons over 55 years of age.

Priority for allocations to ground floor sheltered and elderly persons accommodation will be given to current tenants on the housing register, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. Allocations made thereafter will be based on individual need. This will then free up a property for another applicant via CBL.

If the assessment indicates that the person requires a higher level of support than can be provided by sheltered housing, they will be advised that sheltered housing would not be appropriate and referred to Adult Care Services.

### **7.2 Extra care housing**

Extra care is housing for older people where additional support and social care services are provided in accordance with assessed need. Extra Care housing is intended to enable older people to live as independently as possible for as long as possible and improve the quality of life and choice that older people can expect as they become less able.

Extra care housing will be advertised through Kent Homechoice but a dedicated allocation panel, consisting of representatives from the Council, Social Services and the housing provider, will make allocations. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

## **8. General information**

### **8.1 Right to a review/request for information**

Applicants have the right to ask for a review of any decision made under the terms of this policy with which they do not agree.

Requests can be on the basis that our decision has not considered, or is not based on all of the facts, is legally wrong, irrational or unreasonable.

Requests can be made by a representative on behalf of an applicant.

Please note that only information that has already been supplied can be reviewed. If an application has been correctly assessed but the applicant failed to supply the requested or appropriate information at the point of application they are not entitled to have their application reviewed. They will instead be asked to submit a new application, which gives a clear account of their current situation.

If an applicant is eligible for inclusion onto the housing register by virtue of this new application, priority will begin from the date that all the correct information is received. An application will not be backdated.

A request for a review must be made to the Housing Options Manager within 21 days of being notified of the decision. From the date of receipt of the review the Council has a maximum of 8 weeks to respond. If the review is likely to take longer the applicant will be notified of the amended response time.

A senior member of staff, who was not originally involved in the decision, will carry out the review.

The Council's decision on the review will be final and the applicant will not be entitled to a further review of that decision. Reviews of decision requested under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) are outside the scope of this allocations policy.

## 8.2 Complaints, compliments and comments

We aim to provide a high standard of customer care and to treat every application equally. We appreciate feedback and would welcome any comments about how we can improve or add to the service that we offer. We also want to know what we're doing well so that we can keep doing it. Alternatively, we appreciate that we don't always get it right and there may be times when an applicant wants to complain about the service they have received.

If an applicant is dissatisfied with any aspect of the way in which their application for housing is dealt with, other than one for which a review can be requested, they should first contact the Council requesting information about what matters were taken into account, before making a formal complaint.

Applicants who are not happy with the advice or help given by the Housing Needs staff, can complain to the Housing Options Manager.

If the applicant is still not satisfied, they can contact the Head of Strategic Housing, or their local Councillor. A list of Dover District Councillors is on our website:

[http://www.dover.gov.uk/council\\_\\_democracy/councillors,\\_decisions\\_\\_meti/councillors.aspx](http://www.dover.gov.uk/council__democracy/councillors,_decisions__meti/councillors.aspx)

If an applicant feels that their complaint has not been treated fairly, then the Council's Professional Standards Officer will look into it. Details of how to contact them are found on our website:

<http://www.dover.gov.uk/omplaints>

The Local Government Ombudsman investigates complaints of injustice and unfairness resulting from maladministration by local authorities and other organisations. They can be asked to investigate complaints about most Council matters, including housing.

The Local Government Ombudsman can be contacted at:

53-55 Butts Road  
Coventry,  
CV1 3BH.

Telephone 0300 061 0614

Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

You can also text 'call back' to 0762 481 1595.

The Ombudsman will normally only investigate a case where the complaints procedure has been followed first and will not become involved where an applicant disagrees with a decision that has been correctly made.

### 8.3 Equality and diversity

We are committed to delivering a service that is accessible and equitable to all the communities that we serve. We will ensure that people will be treated with respect and dignity. We will monitor access to the housing list, and the assessment of need in accordance with our equality impact assessment. We will make certain that no-one is unlawfully discriminated against on the grounds of:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Sex (gender)
- Religion or belief
- Sexual orientation

The various application forms referred to in this policy can be made available in a number of different languages. We can also arrange a translation service for people who visit the Council Offices. Applicants requiring assistance in completing forms should contact our Housing Needs Team.

## 8.4 Personal data and information sharing

We will control information provided by a person applying for housing under the data protection legislation. Data will be shared in accordance with the Information Sharing Protocol agreed by the Kent Choice Based Lettings Partnership. When completing an application form, either using a paper copy of the form or on-line, the person is asked to provide their consent to the sharing of personal data between the parties to the protocol and other public sector organisations to help us manage the application and for the prevention and detection of crime or fraud. Personal data can be shared provided the person has given informed consent and the sharing is for the purposes for which consent is given. Informed consent means that the person has the capacity to give consent, is aware of what information is to be shared, whom it is to be shared with and what it is to be used for.

Personal information is only disclosed to other parties with the person's consent or in exceptional circumstances where disclosure without consent is permitted. These reasons are:

- Where there are overriding legal, social or public interest considerations, for example there is a risk of serious harm to the person themselves or to others if the information is not disclosed.
- Where the information is required by a local authority department or external auditors to carry out a statutory function.
- Where the information is required as part of a criminal investigation.

People have the right to see and confirm the accuracy of any information held electronically about them. On receipt of a written request, local authorities have 1 calendar month to provide details to a person of any personal information held. Third party documents will require the prior consent of the third party. If the person considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If this is accepted by the Council, appropriate action will be taken to amend the records. In the event of a disagreement, the information will remain and the person's comments will be recorded on file.

Disclosure of information may be denied by the local authority in the following circumstances:

- The information could prejudice criminal proceedings.
- Legal professional privilege could be claimed.
- A care professional is of the opinion that disclosure could result in a risk of serious harm to the person or others as a result of disclosure.



## **Appendix 1 – Local connection assessment**

An applicant must be able to demonstrate a local connection, as defined in Part VII of the Housing Act 1996 at the time an application for accommodation is made. For example they:

- Have lived six months out of the last 12 months in the district out of choice
- Have lived three years out of the last five years in the district out of choice
- Have permanent employment (not casual), for sixteen hours or more per week within the district
- Have close relatives (such as parents, children, brothers or sisters) living in the district and who have lived in the district for at least five years and with whom the applicant has a meaningful and on-going relationship
- Have special circumstances which the Council considers give rise to a local connection eg grew up in the area but moved away and no longer meet the normal residence conditions, or need to move to the district for urgent social reasons such as to receive/give support or to escape violence

This is not a definitive list and we may be able to exercise discretion under this heading.

The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 require that local housing authorities do not use local connection (within the meaning of section 199 of the Housing Act 1996) as a criterion in deciding whether the following classes of persons qualify for an allocation of housing accommodation:

- Persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable (wholly or partly) to their service

'Regular forces' and 'reserve forces' have the meanings given by section 374 of the Armed Forces Act 2006**(b)**

Local connection will not be applied to existing social tenants seeking to transfer into the area from another local authority district in England who:

- Have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

For more information regarding the Government's Right to Move regulations see 6.5

## **Appendix 2 – Proofs of identity required**

Please send the following proofs that apply to you. We need proof for every member of your household.

The following list shows the ONLY items that we will accept.

### **1. Proof of identity**

For each named applicant photographic identification, for example, a valid passport or photo driving licence

### **2. Proof of income**

Salary/wage slips for the past three months  
Proof of any income-related benefits received, for example Universal Credit,  
Statements from all bank and savings accounts for the past three months

### **3. If you have children living with you**

Birth certificate for each child, and  
Proof of receipt of child benefit or child tax credits

### **4. If you have access to children that do not live with you full time**

Residence Order if available, or  
Letter from the child's full time carer detailing the access arrangements, including the frequency of visits, the length of time they have been in place, and any future arrangements.

#### **5. If you own, or have ever owned, a property**

Current mortgage statement and recent valuation of the property  
Confirmation of the amount received from the sale or transfer of the property

#### **6. EEA Nationals**

EEA nationals who were resident in the UK prior to 31 December 2020 and whose rights are preserved in Part 2 of the Withdrawal Agreement must provide the following:

Valid passport for each household member  
Evidence of Settled or Pre-Settled Status granted through the EU Settlement Scheme  
Households with Pre-Settled Status, Frontier Workers and those who have applied to the EU Settlement Scheme and are awaiting a reply from the Home Office, must provide evidence that they have a retained qualifying EU right to reside in the UK. This will include evidence that they are economically active including recent payslips, contract of employment, P60, P45 and self-employed accounts

#### **7. Applicants subject to immigration control**

Valid passport for each household member  
Home Office documentation demonstrating your immigration status in the UK and that of all household members

#### **8. No fixed abode**

If you have no fixed address please provide either a contact address and a letter from the person at that address giving their consent for correspondence to be sent there, or an email address.

If you are unable to provide any of the above information please contact the Housing Needs section.

## Appendix 3 – Assessment of Financial Resources

### Income

In assessing whether the applicant has sufficient income the Council will have regard to 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 household earner or 2.9 times the gross household income for dual income households...a household can be considered to afford market house renting in cases where the rent payable was up to 25% of their gross household income”.*

The aforementioned income multipliers will be used in conjunction with current data on median private sector rentals in Dover and entry level house prices to help determine whether a household can reasonably be expected to meet their need in the private market.

Currently, research shows the following results<sup>1</sup>:

#### Market renting:

	<b>Median Rent pcm</b>	<b>Median Rent pa</b>	<b>Affordability Threshold</b>
<b>One bedroom</b>	£399	£4,788	£19,152
<b>Two bedroom</b>	£524	£6,288	£25,152
<b>Three bedroom</b>	£650	£7,800	£31,200
<b>Four bedroom</b>	£793	£9,516	£38,064
<b>Five bedroom</b>	£900	£10,800	£43,200

#### Market Purchase:

<sup>1</sup> Information obtained from Home.co.uk

	<b>Median Price</b>	<b>Affordability Threshold</b>
<b>One bedroom</b>	£69,998	£20,416
<b>Two bedroom</b>	£97,000	£28,291
<b>Three bedroom</b>	£135,000	£39,375
<b>Four bedroom</b>	£180,000	£52,500
<b>Five bedroom</b>	£250,000	£72,916

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

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.

### **Assets**

Where an applicant has financial assets, such as a property or savings, these assets will also be considered as part of the financial assessment.

Applications from households, where the value of their assets equates to at least 12 months rental of a suitable property, will normally be placed in Band D or E.

Again, the Council accepts that there may be special circumstances where the strict application of this rule would be unreasonable or impractical. Consequently, when assessing financial resources, the Council will judge each case on its own merits. However, there is also responsibility on applicants to provide sufficient financial evidence which reasonably demonstrates that they cannot afford market housing.

## **Appendix 4 – Priority bands and criteria for reasonable preference**

The banding scheme reflects the legal requirement set out in the section 166A(3) of the Housing Act 1996 which requires that the allocations system gives “reasonable preference” for people in five groups:-

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- 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 to others)

The local authority may award “additional preference” to particular individuals, provided that they fall within one or more of the above groups and have “urgent housing needs”. The authority may take into account a wide range of actions when considering whether to give an individual “additional preference” or whether to give a lesser priority, but it must be able to explain the reasons for the decision.

The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 require that additional preference be given to a person who

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service
- Formerly served in the regular forces
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service

‘Regular forces’ and ‘reserve forces’ have the meanings given by section 374 of the Armed Forces Act 2006(a)

## **Band A – urgent housing needs**

Applications from persons who meet the following criteria:

1. Urgent medical or welfare needs.
  - a. where an urgent medical need has been agreed with the local authority. A list of criteria for priority to be given on medical and welfare grounds can be found in Appendix 5
  - b. a high priority referral has been accepted by the local authority under the Kent Agency Assessment procedure (see 5.4)
2. Management transfer and reciprocal arrangements.

Where the social landlord requires the tenant to move or the tenant needs to move due to:

- a. violence, domestic abuse, harassment, intimidation or threats of violence likely to be carried out
- b. major works
- c. occupying a significantly adapted property where that property is no longer required (to be agreed by Dover District Council)
- d. other urgent management reason (see 6.4)

## **Band B – serious housing needs**

Applications from persons where none of the above in Band A applies but who meet the following criteria:

1. People occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions.

Where a household is suffering from the following:

- a. Major overcrowding - lacking two or more bedrooms. (see Appendix 6)
  - b.
  - c. Where a Category One hazard exists under the Housing Health and Safety Hazard Rating System, which cannot be resolved within a reasonable time, as advised by Private Sector Housing
2. Social housing tenants who are under-occupying by two or more bedrooms.
  3. Living in supported housing and needs to move as support is no longer required, following recommendation from a support worker.

## **Band C – reasonable preference**

Applications from persons where none of the above in band A or band B applies but who meet the following criteria:

1. People who are homeless.



Where the local authority have accepted a rehousing responsibility under Part VII of the Housing Act 1996 (as amended), or determined that the person does not have a priority need for accommodation, or the household will be homeless soon.

2. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions:  
Living in insecure housing, for example on a licence agreement or non-secure tenancy, but excluded occupiers  
Lacking bathroom or kitchen  
Lacking inside WC  
Lacking cold or hot water supplies, electricity, gas, or adequate heating  
Minor overcrowding – lacking one bedroom (see Appendix 6)  
Sharing living room, kitchen, bathroom/WC  
Property in disrepair, with a Category 1 hazard which can be resolved within a reasonable time  
Social housing tenants under-occupying by one bedroom
3. People who need to move on medical or welfare grounds, including grounds relating to a disability.
  - a. where a significant medical need has been agreed with the local authority. A list of criteria for priority to be given on medical and welfare grounds can be found in Appendix 5.
  - b. a priority referral has been accepted by the local authority under the Kent Agency Assessment procedure (see 5.4)
4. Mobility.

People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or to others. For example, to give or receive care, or to take up employment.

## **Band D – general**

Applications from persons where none of the above in band A, band B or band C applies, or:

1. People who are adequately housed  
  
Where a household has a local connection and no means to purchase a property but their current accommodation meets their needs.
2. People who are intentionally homeless, or who have failed to cooperate, or who have deliberately worsened their housing circumstances.  
  
Where a decision has been made by the local authority under Part VII of the Housing Act 1996 (as amended) or, where a person has deliberately worsened their housing circumstances and would have been found to be intentionally homeless if an application under Part VII had been made.

3. People who are homeless by another local authority

This applies where a duty is owed by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3).

4. Where band A, B or C applies but they have no local connection with the district.

5. Where band A, B or C applies but they have the means to sustain either a mortgage or private rental. (see Appendix 3)

**Band E – general without priority**

Applications from persons where none of the above in band A, band B or C applies, and:

1. They have no local connection with the district, and/or,
2. They have the means to sustain either a mortgage or private rental. (see Appendix 3)

## **Appendix 5 - People who need to move on medical or welfare grounds (criteria may apply to any member of the household)**

Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Below are examples of where priority would be awarded.

### Band A – Urgent medical or welfare needs

- Any life threatening illness being made worse by housing conditions
- A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property)
- Any person who requires specifically adapted accommodation that they are lacking.
- Any person who cannot be released from hospital until alternative accommodation is secured.

### Band C – People needing to move on medical or welfare grounds, including grounds relating to a disability

- Severe mental health problems affected by current accommodation.
- Elderly persons with moderate to severe arthritis which significantly affects mobility (e.g. spine, legs) living upstairs or on a steep hill.
- Conditions requiring on-going medical treatment, being very severely exacerbated by living conditions (e.g. extreme cases of asthma).
- Conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location.

## Appendix 6 – Assessing the size of housing

When considering whether a household is suffering from overcrowding, the Council will take into account both the number of bedrooms and number of bedspaces available to the household.

Kitchens and living rooms are not bedrooms for the purpose of the assessment. The intended function of the room will be considered rather than its current use, although for example in the case of a dwelling that has two separate reasonable sized living/dining rooms, it may be that one of these rooms will be considered as bedroom accommodation, as long as there remains sufficient living space for the household.

For the purposes of this assessment the Council considers that for the type of household shown below the following bedrooms will be required:

- a) a person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex) would be entitled to a bedroom with two bedspaces.
- b) a person aged 16 years or more would be entitled to a bedroom with one bedspace.
- c) two persons of the same sex aged under 16 years would be entitled to a bedroom with two bedspaces.
- d) two persons of opposite sex aged less than 10 years would be entitled to a bedroom with two bedspaces.
- e) two persons of opposite sexes where one child is aged 10 or over would be entitled to a bedroom with one bedspace each.
- f) a person aged under 16 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above would be entitled to a bedroom with one bedspace.

Bedspace refers to the number of beds that can reasonably be accommodated in each room.

When considering how many bedspaces a room is considered as containing, the Council will have regard to statutory or other guidance to determine the number of bedspaces available.

### Guide to property size.

The Council reserve the right to determine the size of housing accommodation according to family size and housing need in view of the shortage of social housing in the district. The number of homes that become empty each year is far less than the number of applications the Council receive. For this reason the following is a **guide** to the type of property the Council will consider suitable:

Single person

Bedsit or 1 bedroom.

Couple	1 bedroom.
Two adults who do not live as a couple, for example, brother and sister.	2 bedrooms.
Family with 1 child	2 bedrooms.
Family with 2 children of the same sex where the eldest is aged up to 15.	2 bedrooms.
Family with 2 children of opposite sex under the age of 10.	2 bedrooms.
Family with 2 children of opposite sex with one aged 10 or over.	3 bedrooms.
Family with 3 children of any sex under the age of 16.	3 bedrooms.
Family with 4 children of any sex under the age of 10.	3 bedrooms.
Family with 4 children of the same sex under the age of 16.	3 bedrooms.
Family with 4 children of different sexes under the age of 16.	3/4 bedrooms.
Family with 5 children of different sexes under the age of 16.	4 bedrooms.

Larger accommodation than specified in this guide may be considered in exceptional circumstances in accordance with current Housing Benefit regulations or any such regulations that may be introduced.

An unborn baby expected within 8 weeks is counted as a child for the purposes of assessing the size of accommodation however priority won't be reassessed until we have been notified of the birth.

Applicants with an assessed medical need will be considered for 1 or 2 bedroom ground floor flats or bungalows, provided the properties are suitable for households with reduced mobility.

The Council may exercise flexibility where tenants occupying large properties wish to move to smaller accommodation in order to make best use of its housing stock.

## Appendix 7 – Kent Homechoice information – frequently asked questions

Q. How are homes advertised?

A. Every day we will advertise all the available empty properties on the Kent Homechoice website [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk). The advert will tell you all about the property, for example how many bedrooms, what the rent is, who the landlord is and if any restrictions apply.

You can make bids in the following way:

- online at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk)

Every bid you make is registered along with your details from the Housing Register. The information is used to create a shortlist of applications for the property in order of priority on the Housing Register.

Q. What type of home can I bid for?

A. You can bid for any property you are interested in and meets your housing needs.

We will normally advertise property based on the following criteria:

- Property size - the advert includes how many bedrooms the property has and a minimum/maximum number of people in the household that can apply.
- Adapted properties may be reserved for people with a specific requirement or need.
- Ground floor accommodation may be offered only to those people who have an agreed need for such properties.
- Sheltered housing is only available for people who meet the age requirements.

Q. What happens if I need help completing the application form, finding available properties or making a bid?

A. We will make appropriate modifications to enable all applicants to access the Housing Register without unlawful discrimination. You may nominate a friend, relative or advocacy worker from an appropriate agency to apply on your behalf. Please contact us to make the necessary arrangements or for a member of staff to act as an advocate.

Q. How many bids can I make?

A. You are allowed unlimited bids. Each property advertised will be open for bidding for a minimum of five days. Each advert will show the 'Bidding Closes' date and you will have until the end of this date to bid for the home.

Q. Once I've made a bid can I change my mind?

A. Yes - you can change or withdraw your bid if you want to and you can also choose to refuse any offer we may make. You are not penalised for this and can bid again as soon as you are ready.

Q. How do I know if my bid is successful?

A. A Housing Officer will contact you to arrange for you to view the property as soon as possible. Once you have seen it, you must decide within 24 hours whether or not to take the property. We will not write to you if your bid is unsuccessful but you can check how many bids each property got and which band the successful bidder was in, on the website [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk). This information will give you an indication of how long you might have to wait.

Q. I am homeless - can I still choose a home through Kent Homechoice?

A. Yes, your application will be assessed according to your individual circumstances.

Q. Can I still bid if I am in rent arrears?

A. You can bid for properties you are eligible for but we will not normally make an offer of accommodation to a transfer applicant in rent arrears. If you want to move, it is important that you keep your rent payments up to date.

Q. What happens if there are no bids for an available property?

A. The property may be re-advertised.

Q. Can I apply for a property bigger than my needs?

A. No, we cannot offer properties that are bigger than an applicant's needs.

Q. Can I view a property before deciding whether to make a bid?

A. No. You will be able to view the property if a successful offer has been made.

Q. What happens if I don't make any bids?

A. It will be up to you to actively try and find a home you want. The Council will not approach you with an offer.

Q. I have five children; can I apply for any three bedroomed properties?

A. There may be restrictions on the size of household that may apply for properties, such as a limit on the number of children that may occupy a particular property, but this will be clearly stated in the advert.