
Housing Allocations Scheme

Version 1.1: February 2017

Runnymede Borough Council

Version Control

| Version | Date | Author | Changes |
|---------|------------------|-------------------------------|--|
| 1.0 | 8 June 2016 | Joan Stephens David Birley | Major changes approved by Housing Committee. |
| 1.1 | 08 February 2017 | David Birley | <p>Changes to Section 4.11 following publication of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016.</p> <p>Re-wording of 5.14 f ii – Disqualification – anti-social or criminal behaviour, to clarify in what situations an applicant would be disqualified. 6.33.</p> <p>Addition of new paragraph 6.33 – MAPPA to outline statutory duty to cooperate in respect of MAPPA offenders.</p> <p>Clarification at 5.3 b) that working hours are 16 and over (rather than “more than 16”).</p> <p>Addition of 5.16 d) to clarify that Officers can, at any time, request evidence of an applicant’s income and / or savings / capital / assets.</p> <p>Clarification at 5.21 that an applicant will only be Band D2 where their sole reason for being on the register is because of Reasonable Preference rules.</p> <p>Clarification at 6.10.2 a) that the Council will only recognise Statutory Overcrowding where the overcrowding is not a result of deliberate actions or failure to listen to advice.</p> <p>Corrects administrative error at 6.14.1 Homeless Households (D1), as this band reason should be in Band D2. This band reason is moved to 6.15.1 b).</p> <p>Minor corrections to spelling mistakes, and hyperlinks added to cross-references within document for ease of use.</p> |

Table of Contents

| | |
|--|----|
| 1. Introduction..... | 5 |
| Significant changes in this Scheme..... | 5 |
| Specific objectives of the Scheme..... | 6 |
| 2. Legal Context | 7 |
| 3. Definition of an ‘allocation’ of accommodation | 8 |
| 4. Eligibility | 8 |
| Joint tenancies | 8 |
| Existing Social Tenants | 8 |
| Persons from Abroad..... | 8 |
| Persons subject to immigration control | 9 |
| Other persons from abroad who may be ineligible for an allocation | 10 |
| 5. Qualification..... | 11 |
| Qualifying Persons..... | 11 |
| a) Residence | 12 |
| b) Working..... | 12 |
| c) Residence through a family member, with unique health / welfare need..... | 12 |
| Situations in which no Local Connection will be established..... | 12 |
| The Right to Move..... | 13 |
| Armed Forces | 14 |
| Applicants seeking retirement housing | 14 |
| Disqualified Persons | 14 |
| a) Financial resources | 14 |
| b) Property ownership | 15 |
| c) Assets / capital / savings | 15 |
| d) Social housing tenants without an identified housing need / on a probationary tenancy | 15 |
| e) Behaviour – deception and fraud..... | 15 |
| f) Behaviour – anti-social or criminal behaviour | 15 |
| g) Behaviour – poor housing related conduct..... | 16 |
| h) Housing-related debt | 16 |
| i) Households under a duty from another Local Authority | 16 |
| j) Deliberately worsening circumstances..... | 17 |
| Evidence required..... | 17 |
| Assessing Reasonable Preference without fulfilling the Qualification Criteria..... | 18 |
| Additional Preference..... | 18 |
| Deciding between applicants..... | 18 |
| 6. Determining Priority | 19 |
| Working households..... | 19 |

| | |
|--|----|
| Band A: Emergency need to move..... | 20 |
| Band B: Urgent need to move | 23 |
| Band C1: Identified need to move | 25 |
| Band C2: Identified need to move (reduced priority) | 28 |
| Band D1: Low or reduced housing need | 28 |
| Band D2: Low or reduced housing need (reduced priority)..... | 29 |
| General notes on determining priority | 32 |
| Medical & welfare priority..... | 32 |
| Supported Housing..... | 32 |
| Looked After Children (LAC) and Formerly Relevant Children (FRC) | 33 |
| British Armed Forces Personnel | 33 |
| Applicants currently serving custodial sentences..... | 34 |
| MAPPA..... | 34 |
| Overcrowding assessments..... | 34 |
| Extensions to Council properties for health / medical / welfare reasons..... | 35 |
| Non-statutory succession | 35 |
| 7. Procedure..... | 36 |
| Joint applications..... | 37 |
| Applicants under the age of 18 | 37 |
| Changes of circumstances | 38 |
| Members of the Council, staff members, and their relations | 38 |
| Extra Care Housing | 38 |
| Annual review of applications | 38 |
| 8. Size of accommodation | 39 |
| Children with severe disabilities..... | 40 |
| Fostering | 40 |
| Shared Parental Care..... | 40 |
| Children's' Services Placements with Responsible Adults | 41 |
| 9. Properties, Advertising and Bidding..... | 41 |
| Exceptions to advertising properties | 42 |
| Types of Property | 42 |
| 10. Shortlisting, offering, viewing and letting of properties | 42 |
| Evidence of identity and housing circumstances..... | 43 |
| Income and Savings..... | 43 |
| Bypassing of Applicants..... | 43 |
| Viewings and offers | 45 |
| 11. Local Lettings Plan | 46 |
| 12. Options for existing Runnymede Borough Council tenants | 46 |

| | |
|---|----|
| Mutual Exchange..... | 46 |
| Service Tenancies..... | 47 |
| 13. Assisted Choice for Homeless Households Scheme | 47 |
| Selection of properties..... | 47 |
| 14. Appeals and Reviews | 48 |
| Review process (Housing Register applications)..... | 48 |
| Review process (Homeless applicants) | 49 |
| Review of decision to bypass an applicant’s bid | 49 |
| 15. Equal Opportunities and monitoring..... | 49 |
| 16. Data Protection & Confidentiality | 50 |
| 17. Complaints | 51 |
| 18. Fraud..... | 51 |
| False or misleading information..... | 51 |
| 19. Review of this Scheme | 52 |
| Annex 1: Officer Roles, Responsibilities and Authority..... | 53 |

1. Introduction

- 1.1 Every local Housing Authority is required to have a Housing Allocation Scheme, which is also known as the Authority's Allocations Policy. This document is Runnymede Borough Council's Allocations Scheme in accordance with the requirements of Section 166A of the Housing Act 1996 (as amended).
- 1.2 In developing the revised Allocations Scheme, the Council has had regard to the Housing Strategy, the Tenancy Strategy, the Tenancy Policy, the Homelessness Strategy, the Sustainable Community Strategy, the Strategic Housing Market Assessment, and the Local Plan. These documents are available on the Council's corporate web site at www.runnymede.gov.uk and are subject to regular review.
- 1.3 Runnymede Borough Council operates a Choice Based Lettings (CBL) scheme called RBC Living & Homes, and is based online at www.rbc-homes.org. RBC Living & Homes is a targeted housing options website and is independent from the Council's corporate website.
- 1.4 This document explains how the Council will allocate its social rent properties and make nominations to registered provider landlords within the Borough where the Council has nomination rights. However, individual landlords have their own allocations schemes and tenancy policies, and these will apply where appropriate.
- 1.5 Runnymede also wishes to work with Central Government in exceptional welfare and hardship projects, such as the Syrian Refugee Voluntary Resettlement Scheme. The Council will also apply, where appropriate, discretionary decisions for the assessment of housing need and the allocation of social housing. Rehousing of applicants in these circumstances will be with the approval of the relevant Council Committee.

Significant changes in this Scheme

- 1.6
- a) Local Connection criteria to be retained for applicants in supported accommodation outside of the Borough of Runnymede, whereby the Council is notified of the original supported placement, and whereby the original placement is with the Council's agreement and knowledge.
 - b) Local Lettings Plans introduced for the Council's Independent Retirement Living properties, to ensure best use of stock, enabling allocations outside of the main qualification criteria, although some disqualification criteria will still apply.
 - c) Overcrowding in the private rented sector to be assessed through a housing options route initially, with no automatic banding for overcrowding. How space is used within a property will be taken into account in all cases.
 - d) Two refusals of offers of accommodation will result in a lower banding priority and loss of original accrued waiting time on the housing register.
 - e) Failure to view an offered property will result in lower banding priority with loss of original accrued waiting time on the Housing Register.
 - f) Reduced Reasonable Preference for homeless households without a Part VI, Local Connection to Runnymede, resulting in a Private Rented Sector offer only.
 - g) Applicants who have deliberately worsened their own circumstances will be disqualified for

five years.

- h) Applicants who have deliberately set out to obtain social housing through submitting false or misleading information within their application will be disqualified for five years.
- i) Applicants in the private rented sector with no identified housing need will be placed in a reduced priority band.
- j) The introduction of a two-tier financial ceiling to recognise the difference in single / couple households to that of a family household.
- k) The introduction of a new priority registration date for applicants who move up or down a band within the Scheme and the end of accrued registration for these applicants, thereby assessing applicants on true housing need.
- l) The introduction of reduced priority for Reasonable Preference groups whereby applicants do not have a Local Connection to Runnymede as set out in the Qualification Criteria, but where the Council must recognise the housing need.

1.7 The above points (1.6a to 1.6l) list the most significant changes, but there are other changes within this Scheme, all of which have been put to public consultation prior to this Scheme being launched.

Specific objectives of the Scheme

1.8 The specific objectives of the Scheme that the Council want to achieve are:

- To meet statutory obligations.
- To adopt a Housing Allocation Scheme that realistically reflects housing options available to Runnymede applicants.
- To encourage applicants to widen their choice of tenure and consider a range of options, including private rented sector properties.
- To increase the use of the private rented sector.
- To ensure best use of social housing for those most in housing need.
- To ensure social housing fraud is addressed and dealt with robustly.

1.9 The majority of offers of Council accommodation will be on fixed term flexible tenancies. For further information, please see the Council's Tenancy Strategy. Most offers of social housing will be for an initial introductory flexible tenancy for the first twelve months for new tenants. The Council will decide whether to offer a 2, 5 or 10 year fixed term flexible tenancy for its own stock, according to the criteria in the current Tenancy Strategy. The Tenancy Strategy is due for review in 2016, which will take into account any changes in Central Government directives.

1.10 Individual Registered Provider landlords within the Borough offer different fixed term tenure lengths with Assured tenancies, and Assured Shorthold tenancies, and applicants who are nominated to a Registered Provider landlord will be subject to that landlord's tenancy policy and relevant tenure.

1.11 This Scheme deals with the assessment of applications for housing, and it is not a statement of how the Council deals with homelessness. There are however reference made to the assessment of homeless households within this Scheme. There are separate processes and procedures for dealing with homeless applications, and the Council has a Homelessness Strategy which sets out how the Council will deal with the prevention of homelessness. These details are available on

request and guidance is given on the Council's website (www.runnymede.gov.uk).

- 1.12 The Council also wants to ensure that vulnerable applicants in supported accommodation outside of the Borough of Runnymede are supported back into the Borough. The Council will achieve this by allowing applicants to retain their original Local Connection at the time of the supported housing placement. To balance this, applicants without a Local Connection to Runnymede, within supported accommodation in the Borough will need to re-connect with their originating Borough before the supported housing placement commenced, or find a private rented property within the Borough. Social housing or financial private rental assistance will not be offered to any applicant without an original Local Connection to Runnymede that satisfies the qualification criteria within this Scheme.
- 1.13 Any person can approach the Council's Housing Advice Team for housing advice and assistance. However, affordable housing in Runnymede is very limited, and the Council no longer holds a 'open' register. Instead, the Council operates a 'managed register', which will require applicants to meet certain qualification criteria. Where the Council is unable to accept an applicant onto the Housing Register, it will provide a full housing options advice and support service, signposting the applicant to alternative routes into housing, if possible and where appropriate.

2. Legal Context

2.1 Legislation relating to allocation schemes is set out in the following:

- Housing Act 1996
- Housing Act 2004
- Localism Act 2011
- Allocation of accommodation: Guidance for local housing authorities in England (Department for Communities and Local Government [DCLG])

2.2 Under Section 166A(3) of the Housing Act 1996, the Council should give '**Reasonable Preference**' to people with high levels of assessed housing need. These groups include the following:

- All homeless people as defined in Part VII of the Housing Act 1996, including people who are intentionally homeless and those who are in priority need.
- People who are owed a duty by a housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or under section 65(2) or 68(2) of the Housing Act 1985, or who are occupying accommodation secured by any housing authority under s192(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 disability
- People who need to move to a particular locality in the housing authority area, whose failure to meet that need would cause hardship (to themselves or others)

2.3 In framing this Housing Allocation Policy the Council is also required to have regard to the following considerations:

- The scheme must be framed so as to give Reasonable Preference to applicants who fall within the categories set out in s.166A(3), over those who do not;
- Although there is **no requirement to give equal weight** to each of the Reasonable Preference categories, housing authorities will need to demonstrate why applicants are

given a particular priority assessment;

- There is no requirement for housing authorities to frame their scheme to afford greater priority to applicants who **fall within more than one Reasonable Preference category** (cumulative preference) over those who have Reasonable Preference on a single non-urgent basis.

2.4 Aspects of this scheme such as, for example, whether a person is eligible for assistance, are prescribed by legislation. Where this is so, the scheme attempts to summarise and explain what the legislation requires. However, if the legislation changes or if the summary or explanation is not consistent with legislative requirements then it is the legislative requirement that apply.

3. Definition of an 'allocation' of accommodation

3.1 Under Section 159(2) of the Housing Act 1996, for the purposes of Part VI, a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority;
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority, or
- Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider (RP) (or Registered Social Landlord in Wales).

4. Eligibility

4.1 The statutory provisions regarding eligibility are set out in section 160ZA (1-5) of the Housing Act 1996, as amended by the Localism Act 2011.

4.2 An applicant may be ineligible for an allocation of accommodation under section 160ZA (2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

Joint tenancies

4.3 Under section 160ZA (1)(b), a housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

Existing Social Tenants

4.4 The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (section 159(4A)); while those who are considered to have Reasonable Preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5).

Persons from Abroad

- 4.5 A person may not be allocated accommodation under Part VI if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the Housing Act 1996. There are two categories for the purposes of s.160ZA:
- i. a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
 - ii. a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

4.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). As from 30 October 2016, The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (SI 2016/965) also apply.

Persons subject to immigration control

4.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

4.8 The following categories of persons do not require leave to enter or remain in the UK:

- a) British citizens;
- b) certain Commonwealth citizens with a right of abode in the UK;
- c) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area;
- d) European Economic Area (EEA) nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive);
- e) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

4.9 Any person who does not fall within one of the four categories in paragraph 4.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

4.10 If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers).

4.11 Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- a) Those granted refugee status (Class A).
- b) Those granted exceptional leave to remain which is not subject to restrictions on recourse to public funds (Class B).
- c) Those with settled status (Class C) (indefinite leave to remain, residence), except:

- those who do not pass the habitual residence test
 - those who arrived as sponsored immigrants subject to an undertaking and the undertaking or the arrival was less than five years ago unless the sponsor has died (in which case they have the same rights as other settled people).
- d) A person who has humanitarian protection granted under the Immigration Rules (Class D).
- e) A relevant Afghan citizen, who has been granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules (usually because they worked as interpreters for British troops in Afghanistan) and who are habitually resident (Class E).
- f) Some people who have limited leave to remain (or enter) with no conditions as to recourse to public funds (Class F). These are people who have been granted leave via specific parts of the immigration rules:
- Appendix FM – under which people are granted leave to remain on the basis of family or private life in the UK. This may include being the family member of a British or settled person or of a child who has lived seven years in the UK, or those granted leave on the basis of long residence in the UK.
 - Paragraph 276BE (1) – which grants leave to the dependants of the Afghan citizens covered by Class E above.
 - Paragraph 276DG – which grants limited leave to remain to people who would normally get indefinite leave to remain but have not got it because they cannot pass the English/life in the UK tests or because of minor criminal offences.

Other persons from abroad who may be ineligible for an allocation

4.12 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- a) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions);
- b) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). ‘Jobseeker’ has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) (‘the EEA Regulations’);
- c) As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a);
- d) the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) (‘the EEA Regulations’);
- e) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations;
- f) a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights.

4.13 The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations);

- b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations);
- c) a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (ie nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work);
- d) a person who is a family member of a person referred to in (i) to (iii) above;
- e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations;
- f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there;
- g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

4.14 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

4.15 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

4.16 Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

5. Qualification

5.1 The Council will only allocate housing accommodation to a person who is a qualifying person, and who is not a disqualified person. In other words, the Council will only allocate housing accommodation who comes within any part of paragraphs 5.2 to 5.13 and who does not come within any part of paragraph 5.14

Qualifying Persons

5.2 Subject to an exception that can only be granted by the Service Manager (SM) or the Strategic Housing Manager (SHM), on the basis of exceptional or unforeseen circumstances, only an applicant with a Local Connection can be a qualifying person. However, Independent Retirement Living stock, for applicants aged 55 and over, is subject to Local Lettings Plan which may mean that applicants without a Local Connection will qualify for this type of stock but only where they are below the financial thresholds set out in this Scheme, and only where they do not own another property, or have other assets.

5.3 An applicant has a Local Connection with the Borough of Runnymede if s/he is in one of the following classes:

a) Residence

Those where any permanent member of the applicant's household has a connection with the Borough of Runnymede because s/he has lived in the Borough for the last three years consecutively.

b) Working

Those where any permanent adult member of the applicant's household has a connection with the Borough of Runnymede because s/he is working in the Borough which means that s/he:

- i. has been and is in continuous employment for more than 12 months (although not necessarily with the same employer), or
- ii. has been and is in continuous self-employment for more than 12 months with an ongoing viable venture where the work is within Runnymede and not in other surrounding areas. Being based in Runnymede would not create a connection on its own, but it would be considered in conjunction with other factors.

Employment and self-employment must 16 hours per week or more, and where working hours fluctuate, an average will be taken over 12 months.

c) Residence through a family member, with unique health / welfare need

Those where any permanent member of the applicant's household has a connection with the Borough of Runnymede because s/he:

- i. has an adult mother, father, brother, sister, or child over 18 years of age (but not including a relationship of the half-blood, and not including a stepchild) who has lived in the Borough of Runnymede for at least the past 10 consecutive years, **and**
- ii. has a current and ongoing unique welfare and / or health reason for living in the Borough which can be evidenced by professionals supporting the household currently.

Unique means that the care / support need is unique to a specific health service in the Borough of Runnymede, and cannot be provided anywhere else, including where the applicant currently lives. Support from friends or relatives living in the Borough is not a ground for exceptional need if support is already, or can be, achieved where the applicant currently resides, whether through professional / statutory services, or informal support which may involve travelling. Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the applicant and will be assessed by the Independent Medical Advisor. This ground is meant for exceptional and unique circumstances only.

5.4 In 5.3 (a-c) above, a permanent member of the household means someone who can evidence that they reside with an applicant on a full time basis, and has done so for at least the last 12 months consecutively, and has no interest in another property, either in the private or social sector. This will need to be evidenced through required verification, and where not supplied will result in the household member not being included on an application until such time that they fulfil the requirements of being a permanent member.

Situations in which no Local Connection will be established

5.5 An applicant will not establish a Local Connection with the Borough of Runnymede if s/he is in

one of the following classes:

- i. Where the applicant has been placed in temporary accommodation in the Borough of Runnymede by another Local Authority in exercising their duties under homelessness legislation, or in discharging their homelessness duty. This includes all types of tenure, including Bed & Breakfast accommodation for any length of time.
- ii. Where an applicant has been placed in a bail hostel or other offenders' interim supported scheme in the Borough of Runnymede.
- iii. Where an applicant is a full or part-time student studying in the Borough of Runnymede, from out of area, and without any other Local Connection qualification.
- iv. Where an applicant has been placed into supported accommodation within the Borough of Runnymede from out of the Borough of Runnymede, where no Local Connection to the Borough of Runnymede existed at the time of the placement. A Local Connection to the Borough of Runnymede will not be established during the supported placement.
- v. Where an applicant is owed a full housing duty by Runnymede Borough Council under Part VII of the Housing Act 1996, but where no Local Connection to Runnymede exists under Part VI of the Housing Act 1996. Discretion may be applied in these cases by the Service Manager or Strategic Housing Manager and cases will be considered on an individual basis.
- vi. Where an applicant has a court ordering a child residency arrangement to a parent or other responsible adult, but where they do not fulfil the Local Connection criteria in this scheme. The Council is not bound by court orders made in respect of child residency orders.
- vii. Where an applicant has been admitted to hospital within the Borough of Runnymede, and where no other Local Connection qualification criteria is met. This includes where an applicant is discharged from the Abraham Cowley Unit at St Peter's Hospital.
- viii. Where an applicant is in any other interim accommodation that is not a recognised supported accommodation scheme operated by partners working with the Council under contracted arrangements.

The Right to Move

- 5.6 'The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015' states that Local Connection criteria must not be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work related reasons to avoid hardship.
- 5.7 Applicants wishing to join the Housing Register in Runnymede due to work related reasons to avoid hardship are able to do so provided that they can evidence the requirements as laid out in paragraph 6.15.6.
- 5.8 'The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015' only applies if:
- i. the work is not short-term or marginal in nature,
 - ii. the work is geographically close / bordering another district,
 - iii. the work is on a voluntary basis.
- 5.9 An apprenticeship undertaken as part of an Apprenticeship Agreement will qualify as 'work'.
- 5.10 So as not to disadvantage other housing applicants in housing need Runnymede anticipates that moves as a result of Right to Move priority would not exceed two or three in any year. The Council will monitor the number of applications with Right to Move priority and the number of

lettings to such applicants and reserves the right to amend the level of priority for such cases by further amendment to its allocation scheme.

- 5.11 The Council also reserves the right to cancel an application with Right to Move priority where the applicant has either not bid for a property within three months of the priority being awarded or has unreasonably refused an offer of accommodation following a successful bid within three months of priority being awarded.

Armed Forces

- 5.12 An applicant will establish a Local Connection with the Borough of Runnymede where any member of the applicant's household comes within the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012/1869, namely that they:
- i. are serving in the Regular Forces (as defined in s374 of the Armed Forces Act 2006) or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part VI of the Housing Act 1996;
 - ii. have 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 where:
 - a. the spouse or civil partner has served in the regular forces; and
 - b. their death was attributable (wholly or partly) to that service; or
 - iii. is serving or has served in the Reserve Forces (as defined in s374 of the Armed Forces Act 2006) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

Applicants seeking retirement housing

- 5.13 The Council will accept applications from single persons aged 55 and over, and couples where the youngest person is aged 55 and over, who are looking for retirement / sheltered housing only. These applicants will not need to satisfy the Local Connection criteria as set out in paragraph 5.3, but will be subject to the disqualification criteria as set out in paragraph 5.14. These applicants will only be considered for retirement / sheltered housing, and will not be considered for general needs accommodation. All applicants who are accepted onto the housing register under this criteria will be placed into one band, regardless of individual housing need. An applicant will only qualify for a different banding once they satisfy the local connection criteria as set out in paragraph 5.3.

Disqualified Persons

- 5.14 Subject to an exception that can only be granted by the Service Manager (SM) or the Strategic Housing Manager (SHM), on the basis of exceptional or unforeseen circumstances, the following classes of persons are disqualified persons:

a) Financial resources

- i. Single or couple households with a household net income of £30,000 or more per year
- ii. Family households with a household net income of £50,000 or more per year.

For the avoidance of doubt, a family household is defined as a household that that is not a single person or a couple, and a household income will take into account the income of all household members, including non-dependents. The Council wishes to recognise the difference in applicants supporting dependents and those not supporting dependents within their households. Income will also include all sources of income for the household, including (but not limited to) benefits, grants and earned income.

These income ranges will be reviewed annually in line with Central Government Directive and legislation.

b) Property ownership

- i. Applicants who own property either in the UK or abroad which they could reasonably be expected to reside in, or liquidate in order to resolve their own housing difficulties.
- ii. Applicants who have ever exercised the Right to Buy unless there are exceptional circumstances. Exceptional circumstances will be assessed by the Service Manager or Strategic Housing Manager as a discretionary exercise.

This will be investigated fully and will include financial and credit checking. This may also involve referrals to the Council's Corporate Fraud Officer and, if appropriate for interviews 'under caution'. Applicants who own property and who rent that property out will be expected to reclaim the property under lawful process so they can reoccupy. This will apply to properties that are owned outright, gifted to an applicant or still under a mortgage loan process and to properties where an applicant's family may currently be residing.

c) Assets / capital / savings

Applicants with capital / savings / investments in excess of £16,000. This is in line with DWP criteria for eligibility for Housing Benefit. Separate procedures apply for applicants seeking Extra Care accommodation. Please see the 'Extra Care' section within this scheme.

d) Social housing tenants without an identified housing need / on a probationary tenancy

- i. Applicants who are already suitably housed in social housing without an identified housing need according to this scheme, with the exception of Runnymede Borough Council tenants who are subject to Local Lettings Plans to ensure best use of Council stock. Other social housing means tenants of other Registered Providers / Housing Associations and stock retained Local Authorities.
- ii. Applicants who are Introductory / Starter tenants in social housing, unless there are exceptional circumstances at the discretion of the Service Manager or the Strategic Housing Manager.

e) Behaviour – deception and fraud

- i. Those where the applicant is seeking, or has previously sought, to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances. These applications will be referred to the Council's Corporate Fraud Officer for full investigation and may lead to prosecution.
- ii. Those where the applicant has an unspent conviction (under the Rehabilitation of Offenders Act 1974) for housing or welfare benefit related fraud.
- iii. Those where the applicant has obtained a tenancy by deception and/or attempted tenancy fraud. Applications are subject to full credit checks in all cases and all cases will be passed to the Council's Corporate Fraud Officer who will undertake investigations and which may lead to prosecution.

In all cases, applicants will be disqualified from the Housing Register indefinitely.

f) Behaviour – anti-social or criminal behaviour

- i. Applicants where the applicant or any member of the applicant's household is engaging in anti-social behaviour (ASB) or criminal activity or where there is evidenced ASB or

criminal activity in the last 12 months from the date of application and where improvement cannot be evidenced by professionals engaged with the applicant or applicant's household. There is no time limit for disqualification on ASB grounds and the Council will seek evidence of continuing behaviour improvement before considering an application. It will be at the discretion of the Council to allow an applicant to qualify in these circumstances

- ii. Applicants who have an unspent conviction (under the Rehabilitation of Offenders Act 1974) where the Council assesses that the nature of an ex-offender's conviction may make them unsuitable to be a tenant. The Offender Manager will be required to complete a pro-forma giving the Council necessary information, including offence details and engagement with probation services, in order for an assessment to be made. All applications will be dealt with on a case-by-case basis. Where the Council assesses that an applicant is unsuitable to be a tenant, applicants will be disqualified from the Housing Register until their conviction is spent.
- iii. Applicants where they or any member of their household have engaged in unacceptable housing related conduct that makes the applicant unsuitable to be a tenant. The following is a non-exhaustive list of examples:
 - a. Anti-social behaviour
 - b. Illegal or immoral behaviour, including involvement in substance misuse
 - c. Threats of and / or use of violence
 - d. Racial abuse / violence
 - e. Domestic abuse / violence
 - f. Hate crime

There is no time limit for disqualification on these grounds and the Council will seek evidence of continuing behaviour improvement before considering an application. It will be at the discretion of the Council to allow an applicant to qualify in these circumstances.

g) Behaviour – poor housing related conduct

Applicants who have breached the terms of a tenancy, whether social or private, within the past five years. Evidence from previous landlords / agencies will be taken into account. Applicants will be disqualified from the Housing Register for five years from the date of the breach.

h) Housing-related debt

Applicants who have a recoverable housing-related debt of over £100, whether under a social or private tenure. A non-exhaustive list of debt includes:

- i. any outstanding rent owed to a current or former landlord;
- ii. any sundry debt owed to the Council, for example rechargeable repairs or funds issued to applicants for former rent bond deposits and rent in advance;
- iii. any debts owed due to an overpayment of Housing Benefit;
- iv. any arrears of Council Tax owed to any Local Authority, where a Liability Order has been obtained;

Applicants will be disqualified until the debt is satisfied.

The Council has a separate Arrears Recovery Policy which is subject to regular review, which details how transferring tenants and homeless applicants occupying the Council's Temporary Accommodation with debt are assessed.

i) Households under a duty from another Local Authority

Applicants placed in Runnymede by another Local Authority in exercising their duties under Part

VI or Part VII of the Housing Act 1996.

j) Deliberately worsening circumstances

- i. Applicants who give up a home that they owned, rented, shared, or had rights to but chose to leave or dispose of within the last 5 years of an application being made. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonably been expected to reside, or to sell, using the proceeds to resolve housing difficulties. Housing advice should always be sought before giving up a property or rights to a property. Applicants will be disqualified from the Housing Register for five years from the date that the applicant gave up their home.
- ii. Applicants who have given up a social housing tenancy within the past five years, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to live and welfare. If any of the previous criteria is claimed, this will need to be clearly evidenced by professionals engaged with the applicant. Evidence from the previous social landlord will be taken into account. Applicants will be disqualified from the Housing Register for five years from the date that the applicant gave up their social tenancy.
- iii. Applicants who deliberately overcrowd their home, either with or without the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for five years from the date that the applicant overcrowded themselves.
- iv. Applicants who deliberately move to a home which was clearly unaffordable, either with or without with the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for five years from the date that the applicant moved into the unaffordable home.

Evidence required

- 5.15 The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is a qualifying person and is not a disqualified person.
- 5.16 In addition to other information reasonably requested by the Council, applicants may be asked at any point be asked to provide evidence to satisfy the Council of their on-going qualification under the Scheme. Such examples could be:
- a) To establish whether there is still an on-going exceptional and/or unique welfare and/or health reason for living in the Borough. The applicant will need to provide relevant and current evidence from health professionals. Applicants are reminded of the exceptional and unique nature of this ground (see paragraph 5.3)
 - b) To establish whether the applicant has been and is in continuous employment for more than 12 months. The applicant may need to provide current payslips, the most recent P60 and/or bank statements to support their qualification through employment.
 - c) To establish whether the applicant has been and is in self-employment for more than 12 months with an on-going viable venture the applicant will need to provide business accounts.
 - d) To establish if the applicant's household income remains under the threshold for income and savings.
- 5.17 All information may be subject to full referencing where necessary, which may also involve referral to the Council's Corporate Fraud Officer.
- 5.18 Where applicants have lost employment between the point of application and the point of verification, the application will be removed, unless the applicant meets other qualification criteria

to remain on the Housing Register.

Assessing Reasonable Preference without fulfilling the Qualification Criteria

- 5.19 The Council's Allocations Scheme must give Reasonable Preference to applicants who fall into the categories as set out under the Legal Context section at the beginning of this document. The Council cannot automatically reject an applicant who does not qualify under Local Connection criteria but who may still fall into a Reasonable Preference group for housing need.
- 5.20 Applicants who apply to Runnymede and who do not qualify under the Local Connection criteria, but who consider Reasonable Preference criteria may apply to their current circumstances are able to request consideration be given to their application for housing by completing the question in respect to Reasonable Preference on the online application form.
- 5.21 Applications will be considered using the Reasonable Preference criteria set out in this Scheme. Successful applications where there is a Reasonable Preference, but where there is no Local Connection to the Borough of Runnymede will be assessed at a reduced priority in Band D2, and will not qualify for any other banding priority, other than in the most exceptional cases where Band C2 may be awarded.
- 5.22 Where an applicant does not qualify under the Local Connection criteria, but is placed in Temporary / Emergency Accommodation by Runnymede Borough Council, they will be able to complete an online application to join the Housing Register in conjunction with their Homeless Application (which for the avoidance of doubt, is made under Part 7 of the Housing Act 1996). However, any rehousing options will be determined by the outcome of the Part 7 enquiries and will not automatically result in the offer of social housing. Where no housing duty arises under Part 7, the housing application will also be cancelled. Where a housing duty arises under Part 7, the application will be handled under the Assisted Choice for Homeless Households Scheme detailed under section 13 of this scheme.

Additional Preference

- 5.23 The Council can give additional preference to particular groups of people who have a Reasonable Preference, if they have urgent housing needs. The Code of Guidance for the Allocation of Social Housing sets out examples that the authority should consider, for example those who need to move urgently because:
- of a life-threatening illness or sudden disability
 - they are severely overcrowded and this poses a serious health hazard
 - they are homeless as a result of violence or threats of violence

Deciding between applicants

- 5.24 When prioritising between applicants in reasonable or additional preference, legislation sets out three factors that may be taken into account by the local authority when creating its allocation scheme. These are:
- a) the financial resources available to a person to meet her/his housing needs - for example the Council can give less priority to a owner occupier or an applicant who is financially able to secure alternative accommodation
 - b) any behaviour of a person or a member of her/his household which affects her/his suitability to be a tenant – for example the Council could give greater priority to an applicant who has been a model tenant, or less priority to an applicant guilty of antisocial

behaviour.

- c) any Local Connection (within the meaning of the homelessness legislation (s. 199 of the Housing Act 1996)).

The factors above are not exhaustive and the Council can take other factors into account when framing our scheme, such as the length of time on the Housing Register.

- 5.25 On request from an applicant, the Council must notify the applicant in writing of any decision which will affect her/his chance of being allocated accommodation, and inform her/him of the right to request a review of that decision

6. Determining Priority

- 6.1 An applicant will be placed into the highest band that his/her circumstances allow. The bands are Band A, B, C1, C2, D1 or D2. Each former band has a greater priority than a latter band so that an applicant in Band A will have a greater priority than an applicant in Band B and an applicant in Band B will have a greater priority than an applicant in Band C1.
- 6.2 Where there is more than one applicant for a property within the same band priority will be determined between them by the date each applicant was found to be eligible for assistance, qualified and was not disqualified ('date of registration'). An applicant with an earlier date of registration will have a greater priority than an applicant, within the same band, with a later date of registration.
- 6.3 In the event of two or more applicants for a property still having the same priority the Service Manager or Strategic Housing Manager will decide which applicant has the greater priority.
- 6.4 The Council's banding assessment does not allow for movement between bands unless there is a notified and assessed change of circumstances that meets the criteria for a higher or reduced assessment. This means that it is not possible to move from one band to another simply through time accrued on the Housing Register.
- 6.5 When an application is reassessed to a higher or lower band for any reason, the priority registration date will be the date on which the new banding assessment is made. Accrued time in other bands will not be recognised and applicants will be prioritised by the date they have been placed within a banding assessment. There are no exceptions to this rule.
- 6.6 In exceptional or unforeseen circumstances the Service Manager or the Strategic Housing Manager may promote or relegate an applicant to a different band and may increase or decrease an applicant's priority within a band.

Working households

- 6.7 The Council believes that applicants who make a community contribution, by way of current employment in the Borough, should have greater priority in bidding for a percentage of the homes allocated. The Council will facilitate this by aiming to ring fence at least 25% of vacancies so that households where the main or joint applicant is in employment will be prioritised. This will be reviewed at regular intervals to balance and sustain communities and may result in more or less properties being available to working applicants.
- 6.8 Properties that are part of the working quota for working households will be advertised through the CBL process but will be advertised with priority to working applicants only, regardless of their banding and their priority date. Applicants who fall outside of this group will still be able to bid on

the property, but will be considered once all bids from applicants who fall within this group have been considered.

6.9 In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one living room. The Council will normally consider additional rooms in homes for use as bedrooms in accordance with benefit regulations to avoid under occupation and deduction of benefits and to make best use of stock.

6.10 **Band A: Emergency need to move**

6.10.1 **Medical or disability**

- a) Where an applicant's medical condition is expected to be terminal within a period of twelve months and re-housing is required to provide a basis for the provision of suitable care. Supporting evidence from a health professional will be required.
- b) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition, who is currently living with them. The Council will not request or pay for any supporting evidence. The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application. Supporting evidence must be less than 6 months old at the time of any request submitted.
- c) The applicant is unable to access their accommodation due to reasons relating to the medical or disability needs of the applicant and requires re-housing into accommodation suitable for their use. Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition, who is currently living with them. The Council will not request or pay for any supporting evidence. The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application. Supporting evidence must be less than 6 months old at the time of any request submitted.
- d) The applicant's accommodation is directly contributing to the serious deterioration of the applicant's health and the condition of the property cannot be brought to a required standard within a reasonable period of time – usually 6 months. A report by a suitably qualified and relevant professional will be required to support this request.

6.10.2 **Overcrowding**

- a) The applicant has been assessed as statutorily overcrowded by the Council's Private Sector Housing Officer, provided that any overcrowding is not a result of deliberate actions or failure to adhere to housing advice. Assessments on properties located outside of the Borough of Runnymede will not be taken into account as it is for the local authority in which the property is located to take appropriate action.

6.10.3 **Welfare & Hardship**

- a) Emergency need to move determined by the Council and authorised by the Service Manager or Strategic Housing Manager.
- b) Applicants who need to move due to domestic abuse / actual violence or threats of violence / extreme harassment / intimidation / hate crime. This may include where a move is necessary to protect a witness to criminal acts and must be authorised by the Service Manager or Strategic Housing Manager. Evidence may also be sought from other

professionals engaged with the applicant. All applications must be assessed through a housing options appraisal. Extreme violence or harassment will be verified through the Police and / or other agencies as appropriate.

- c) Exceptional circumstances due to significant problems associated with an applicant's occupation of a dwelling, and there is a high risk to them or their household's safety if they remain in the dwelling / area. For social housing tenants, moves will be to properties depending on their household need under this Scheme, and not the size or type of property that they may currently occupy, especially if there is any under-occupation.

6.10.4 **Statutory succession**

- a) Where an applicant has succeeded to a Runnymede Borough Council tenancy, but is required to move to a smaller property.

6.10.5 **Release of an adapted property**

- a) Where a social housing tenant is willing to transfer to a suitable non-adapted property and is releasing an adapted property or designated older persons property which is then subsequently offered to the Council for re-letting. The Council will only consider cases where the adaptations are of a nature where the fabric of the building has been altered. There is no automatic assessment for non-Council applicants and this is a discretionary process to be agreed by the Service Manager or Strategic Housing Manager. Any release of an adapted property will require the professional view of Adult Social Care as to the applicant's (or a member of their household) future needs.

6.10.6 **Private sector properties unfit or unsanitary**

- a) Applicants in the private sector living in dwellings where all three of the following criteria are met:
- the Council's Private Sector Housing Team has determined that the property poses a Category 1 Hazard under the Housing Health and Safety Rating System, **and**
 - the Council is satisfied that the problem cannot be resolved by the landlord within six months, **and**
 - as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant's health.
- b) Applicants in the private sector living in dwellings where a statutory notice has been issued by the Council's Environmental Health Department that the property is unfit and is to be demolished under the provisions of the Housing Act 2004.
- This assessment does not include mobile homes unless there is a composite need on medical and / or welfare grounds, and is evidenced by health professionals.
 - The Council operates a procedure for the assessing the applications of mobile home owners whereby an inspection is required by the Council's Private Sector Housing team followed by a full housing options appraisal of the applicant's financial circumstances including their ability to buy or rent in the private market. This must happen before consideration is given to qualify to join the Housing Register. If there is a financial capability to buy or rent an applicant will not qualify for the Housing Register and the financial qualification criteria will apply.

6.10.7 **Underoccupation**

- a) Where a Runnymede Borough Council tenant will release a home with two or more bedrooms over their current housing need under this Scheme.

- b) Where the applicant is a tenant of a Registered Provider (RP) (normally a Housing Association) and where they will release a home with two or more bedrooms over their current housing need under this Scheme, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements. This is a discretionary process and authorised by the Service Manager or the Strategic Housing Manager, and there is no automatic assessment.

6.10.8 Welfare Reform

- a) Where the implications of welfare reforms on an applicant will result in unintentional homelessness within 28 days, and where the Council wishes to prevent that homelessness.
- Applicants will progress to this assessment from Band B.
 - This is a discretionary process and must be authorised by the Service Manager or the Strategic Housing Manager.
 - Only one offer of accommodation will be made, and this may either be a 'direct let', or an offer further to a successful bid, depending on the timescales to prevent the applicant's homelessness.
 - There is no appeal process for an applicant if an offer of accommodation is made and subsequently refused and any additional priority given to an application will be removed and the application will revert to the original assessment. Suitability of any offer will be considered fully in the first instance taking into account any information and /or circumstances specific to an applicant.

6.10.9 Major works or demolition

- a) Where a Council tenant has to move, either temporarily or permanently, whilst major works are undertaken to their current property, or where their property is due for demolition or refurbishment.
- These applicants are referred to as 'decants' and the Council has a separate Decanting Policy and procedure applicable in these cases. Local Lettings Plans may also apply.
 - Applicants will be offered rehousing options suitable for their housing needs under this Scheme and this may be different in size to their current property. This will be based on their current and permanent household and will not include lodgers or any other non-permanent members of the household.
 - The Council has separate Flood Decanting and Rehousing Procedures which are subject to review and may differ from non-flood relating decanting procedures.

6.10.10 Emergency Management Transfers

- a) Where an emergency transfer is approved for a Council tenant, where approval has been agreed by the Service Manager or the Strategic Housing Manager only.
- Full details of why a transfer is needed must be provided by the Tenancy Management section, and authorised by the Housing Services Manager in the first instance.
 - Applicants will be offered rehousing options suitable for their housing needs under this Scheme and this may be different in size to their current property. This will be based on their current and permanent household (see paragraph 8.1) and will not include lodgers or any other non-permanent members of the household.
 - The applicant will be made one suitable offer of accommodation, and refusal will result in a reassessment to Band D2 if there was an existing live transfer

application at the time of the management transfer request, or be removed if no such application existed.

- An applicant is able to re-apply to the Housing Register if they wish to do so, in line with their current housing need, and will be re-assessed accordingly.

6.11 **Band B: Urgent need to move**

6.11.1 **Overcrowding**

- a) Where a household is two bedrooms short of the Bedroom Standard (see section 8).
 - Applicants in the private sector will be subject to income and expenditure checks as well as a full housing options appraisal. This may also involve credit referencing and tracing. Consideration will be given to how the applicant became overcrowded, whether an applicant is able to afford a larger home, either in the private rented sector, or through a shared ownership scheme, and whether the space within the dwelling is being used effectively. Applicants will be required to provide two years bank statements.
 - Applicants in the social sector will receive automatic banding assessment, but may be requested to provide further evidence to support their claim. This may also involve credit referencing and tracing.

6.11.2 **Applicants living in unsatisfactory housing lacking basic facilities**

- a) Applicants without access at all to any of the following facilities:
 - Kitchen
 - Bathroom
 - Inside WC
 - Hot or cold water supplies
- b) Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s. 33 of the Housing Act 2004.

6.11.3 **Medical or disability**

- a) Where an applicant's housing is unsuitable for urgent, but not life threatening, medical reasons, or due to their disability, who do not qualify for Band A assessment, but whose housing conditions directly contribute to causing serious ill health.
 - Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition, who is currently living with them. The Council will not request or pay for any supporting evidence.
 - The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application.
 - Supporting evidence must be less than 6 months old at the time of any request submitted.

6.11.4 **Welfare & Hardship**

- a) Where an applicant's current accommodation is causing hardship and an urgent move is required in order to receive care or support.
 - This needs to be exceptional whereby the health care is unique to a specific health service in the Borough of Runnymede and cannot be provided any where else

including in the area where the applicant currently lives.

- Support from friends or relatives living in the Borough is not a ground for welfare if support is already or can be achieved in the current Borough the applicant resides in, whether through professional services or informal support which may involve travelling.
- Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the applicant and will be assessed by the Council's Independent Medical Advisor.
- This ground is meant for exceptional and unique circumstances only.

6.11.5 **Move-on from Care (Surrey County Council)**

- a) A care leaver (LAC) is ready and prepared to move to independent settled housing, which may be in the social or private sector, and both of the following criteria apply:
 - i. The care leaver possesses the life skills to sustain a tenancy including managing a rent account, **and**
 - ii. The care leaver has been assessed for a support package, and one is in place.It is the responsibility of Surrey County Council (SCC) to ensure that a Housing Register application has been completed with / on behalf of the LAC / Formerly Relevant Child, and to obtain the agreement with the Council at least six months prior to move-on, in order to re-assess the application from Band D1, and to ensure that the relevant information is submitted to the Council on a regular basis, in order to prevent a homeless approach by a LAC to whom SCC have a continuing duty towards and to ensure the best opportunities for rehousing options are available within set timescales. SCC are also required to adhere to the current SCC Young Person (YP) Protocol.

6.11.6 **Underoccupation**

- a) Where a Runnymede Borough Council tenant will release a home with one bedroom over their current housing need under this Scheme.
- b) Where the applicant is a tenant of a Registered Provider (RP) (normally a Housing Association) and where they will release a home with one bedroom over their current housing need under this Scheme, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements. This is a discretionary process and authorised by the Service Manager or the Strategic Housing Manager, and there is no automatic assessment.

6.11.7 **Welfare Reform**

- a) Where the implications of welfare reforms on an applicant will result in unintentional homelessness, and where the Council wishes to prevent that homelessness.
 - Applicants will initially be placed in Band B, with progression to Band A if threatened with homelessness within 28 days.
 - This is a discretionary process and must be authorised by the Service Manager or the Strategic Housing Manager.
 - Only one offer of accommodation will be made, and this may either be a 'direct let', or an offer further to a successful bid, depending on the timescales to prevent the applicant's homelessness.
 - There is no appeal process for an applicant if an offer of accommodation is made and subsequently refused and any additional priority given to an application will be removed and the application will revert to the original assessment. Suitability of any offer will be considered fully in the first instance taking into account any

information and /or circumstances specific to an applicant.

6.11.8 **Armed Forces**

- a) Serving Armed Forces Personnel occupying Service Living Accommodation, who:
- i. have already engaged with the Council's Housing Advice team, **and**
 - ii. have been served with a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation (usually six months prior to discharge), **and**
 - iii. have failed to secure alternative accommodation, and face potential homelessness within 28 days.
- Applicants will be subject to full housing options, and will include affordability checks to pursue other housing options, such as in the private rented sector, or through outright or shared ownership schemes.
 - Applicants will progress to this band from Band C1.

6.12 **Band C1: Identified need to move**

6.12.1 **Homeless households**

- a) Applicants who have made a homeless application to Runnymede Borough Council and have not had a negative decision. This will include all applicants who are in Emergency / Temporary Accommodation provided by the Council.
- Homeless households placed in the Council's temporary accommodation and Bed & Breakfast accommodation must use the accommodation as their main and principal residence at all times, and any non-use of the accommodation provided will result in the accommodation being withdrawn.
 - The Council carries out random inspections of the use of emergency / temporary accommodation and liaises with providers as to an applicant's use of the property.
 - Non-use due to emergency admission to hospital will also result in accommodation being withdrawn until a reassessment of circumstances can be made.
 - There is no advantage to an applicant under this policy being placed in the Council's temporary accommodation and applicants will receive equal priority for rehousing to those who have made temporary provision for themselves.
 - Homeless households, who are in the Council's emergency / temporary accommodation provided by the Council as part of a homelessness application, will not be able to bid and one suitable direct offer of accommodation will be made.
 - Offers will always be made of private rented sector as part of the Council's discharge of their statutory duty wherever possible. This will depend on the availability of any such offer and the housing need of the household, including how long an applicant has been in temporary accommodation
 - The Council will consider all information supplied by an applicant or a professional who is currently working with that applicant and/or members of their permanent household as to why an offer may be unsuitable for an applicant.
 - There is a review process contained in a separate policy and procedure for discharging the Council's statutory duty into the private rented sector, which includes full reference to suitability. Private rented properties will always be sought within the level of local housing allowance rates to ensure affordability for those applicants both working and claiming welfare benefits. Affordability checks will be carried out in all cases to ensure a tenancy can be sustained.
 - The Council will work with homeless households in actively pursuing all suitable rehousing options in both privately renting and social housing stock in all areas, and not just in the Borough of Runnymede. The Council has a separate Out of

Area Policy, which is subject to review and is available on the RBC Living & Homes website.

- b) Applicants who have made their own provision of temporary options ('homeless at home') will need to evidence notice requiring them to leave within 28 days. All parental evictions will be subject to a home visit by the Housing Advice team. Where appropriate, the Housing Advice team will involve appropriate agencies to accompany them. If a notice expires and the homeless household is able to remain, the applicant will be reassessed to their original banding on the Housing Register, or removed if no previous application had been made. A 'not homeless' decision will also be issued.

6.12.2 **Move-on from Supported Housing for Young People (YP)**

- a) Applicants who are young people, aged 16 to 21 years old, who have been placed in supported housing placements who are ready to move-on following a satisfactory move-on report being submitted by the care provider / landlord.
- Applicants in this banding will have initially been assessed as Band D1.
 - Applicants who are young people, aged 16 to 21 years old, who have been placed in supported housing outside of the Borough of Runnymede, will retain their Local Connection in order to assist them with 'move-on' rehousing options.
 - The placement will have been made by the appropriate agency and cannot be an informal arrangement. This must be notified to the Council at the start of the placement and any changes notified also.
 - The Young Person must have a Local Connection that satisfies the criteria for qualification as set out in this Scheme in Section 4, prior to the supported placement outside of the Borough starting.
 - All 'move-on' will be subject to a full housing options appraisal, and a move-on report will need to be submitted by the care provider / landlord to the Housing Allocations Team in the first instance, who will notify the Housing Advice Team.
 - The report will need to satisfy the Council that the YP is ready to move onto general needs housing, and sustain a tenancy independently. If the Council is not satisfied that the YP is ready to move to independent general needs housing, then further supported housing must be considered. If the YP is not ready to move on, the application will remain on Band D1, and no offers of accommodation will be made.
 - If an applicant bids as a Band D1 or C1, and the Council remains unsatisfied with the YP ability to live independently, the bid will be bypassed until further evidence can be provided by the care provider / landlord that the applicant is able to live independently.

6.12.3 **Move-on from Supported Accommodation (non-YP)**

- a) Applicants from supported accommodation, under contracted arrangements, who are ready to move-on following a satisfactory move-on report being submitted by the care provider / landlord.
- Applicants in this banding will have initially been assessed as Band D1.
 - Applicants, who have been placed in supported housing outside of the Borough of Runnymede, will retain their Local Connection in order to assist them with 'move-on' rehousing options.
 - The applicant must have been referred to the supported placement outside of the Borough by a Housing Options Officer at Runnymede Borough Council.
 - All 'move-on' will be subject to a full housing options appraisal, and a move-on report will need to be submitted by the care provider / landlord to the Housing

Allocations Team in the first instance, who will notify the Housing Advice Team.

- The report will need to satisfy the Council that the applicant is ready to move onto general needs housing, and sustain a tenancy independently. If the Council is not satisfied that the applicant is ready to move to independent general needs housing, then further supported housing must be considered. If the applicant is not ready to move on, the application will remain on Band D1, and no offers of accommodation will be made.
- If an applicant bids as a Band D1 or C1, and the Council remains unsatisfied with the applicant's ability to live independently, the bid will be bypassed until further evidence can be provided by the care provider / landlord that the applicant is able to live independently.

6.12.4 **Medical or Disability**

- a) Where an applicant or a permanent member of an applicant's household (currently residing with the applicant) is assessed as having an identified health or welfare need to move and whose housing is unsuitable for non-urgent medical reasons, or due to their disability, and whose housing conditions directly contribute to causing ill health.
 - Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition, who is currently living with them. The Council will not request or pay for any supporting evidence.
 - The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application.
 - Supporting evidence must be less than 6 months old at the time of any request submitted.

6.12.5 **Welfare & Hardship**

- a) The applicant has some other compelling (but not urgent) need to live in Runnymede which, if not met, will cause on-going hardship.
 - Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition, who is currently living with them. The Council will not request or pay for any supporting evidence.
 - The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application.
 - Supporting evidence must be less than 6 months old at the time of any request submitted.

6.12.6 **Overcrowding**

- a) Where a household is one bedroom short of the Bedroom Standard (see section 8).
 - Applicants in the private sector will be subject to income and expenditure checks as well as a full housing options appraisal. This may also involve credit referencing and tracing. Consideration will be given to how the applicant became overcrowded, whether an applicant is able to afford a larger home, either in the private rented sector, or through a shared ownership scheme, and whether the space within the dwelling is being used effectively. Applicants will be required to provide two years bank statements.
 - Applicants in the social sector will receive automatic banding assessment, but may

be requested to provide further evidence to support their claim. This may also involve credit referencing and tracing.

6.12.7 **Armed Forces**

- a) Serving Armed Forces Personnel occupying Service Living Accommodation, who:
 - i. have already engaged with the Council's Housing Advice team, **and**
 - ii. have been served with a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation (usually six months prior to discharge).
 - Applicants will be subject to full housing options, and will include affordability checks to pursue other housing options, such as in the private rented sector, or through outright or shared ownership schemes.
 - Applicants will progress to this band from Band D1.

6.13 **Band C2: Identified need to move (reduced priority)**

6.13.1 **Homeless households**

- a) Applicants who are intentionally homeless, but in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.
 - These applicants will be placed into Band C2 as a reduced priority in preference of applicants who are not intentionally homeless.
 - The assessment from Band C1 to Band C2 will occur immediately following the negative decision under s.184 Housing Act 1996 is issued by the Housing Advice team.
 - Applicants who are intentionally homeless, and remain in the temporary accommodation / Bed & Breakfast accommodation provided by the Council, will not be able to bid.
 - Once they have vacated the temporary accommodation / Bed & Breakfast, applicants will be re-assessed according to the circumstances at the time.
 - Applicants who submit a review request under s.202 of the Housing Act 1996, and where discretion has been applied in order for them to remain temporary / emergency accommodation, will remain as a Band C2 until the outcome of the s.202 review, and will remain unable to bid for properties.

6.13.2 **Reasonable Preference – no Local Connection, exceptional need**

- a) Applicants who do not meet the qualification criteria and have no Local Connection but who have been assessed as having an exceptional or emergency need to move, as authorised by the Service Manager or the Strategic Housing Manger.
 - Applicants may have previously been in Band D2, or may be assessed directly into Band C2 depending on their individual circumstances. *These will be exceptional cases of housing need only.*

6.14 **Band D1: Low or reduced housing need**

6.14.1 **Move on from Care (Surrey County Council)**

- a) Applicants who are Looked After Children who are currently in a residential or foster placement or other supported placement, whereby Surrey County Council has the statutory duty towards and where no agreement is in place with the Council to plan move-on accommodation.
 - The originating Borough can only be Runnymede for the purposes of rehousing.

- Offers of accommodation in the private rented sector will be offered as move-on accommodation where available.
- Once agreement is in place for move-on accommodation, which should be at least six months before, an application will be reassessed to a Band B.
- It is the responsibility of Surrey County Council to provide up to date information for the purposes of applications and move-on accommodation for those young people in their care.

6.14.2 **Armed Forces**

- a) Serving Armed Forces personnel who are not due to be discharged for the foreseeable future. These applicants will not need a Local Connection to the Borough.

6.14.3 **Move-on from Supported Accommodation**

- a) Applicants from supported accommodation, under contracted arrangements, where the Council has not received a satisfactory move-on report by the care provider / landlord.
 - This banding assessment applied to both YP and adult supported housing.
 - Applicants, who have been placed in supported housing outside of the Borough of Runnymede, will retain their Local Connection in order to assist them with 'move-on' rehousing options.
 - The applicant must have been referred to the supported placement outside of the Borough by a Housing Options Officer at Runnymede Borough Council.
 - If an applicant bids as a Band D1 or C1, and the Council remains unsatisfied with the applicant's ability to live independently, the bid will be bypassed until further evidence can be provided by the care provider / landlord.

6.14.4 **Sharing facilities – unique welfare need**

- a) An applicant is living in accommodation where the facilities are shared with non-relatives, and there is a unique and/or exceptional welfare need. This does not include adult children living in family homes or adult siblings living in a family home or shared home. (Note - sharing facilities does not count as a factor in deciding if an application should be moved to a higher band).

6.15 **Band D2: Low or reduced housing need (reduced priority)**

6.15.1 **Homeless households**

- a) Applicants who have been assessed as homeless, is in priority need, but has been found intentionally homeless within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, and has knowingly and deliberately worsened their circumstances by disposing of an asset or finances that could have resolved their housing situation during the enquiry period of the homeless application.
 - All applications that are assessed in this way will be referred to the Council's Corporate Fraud Officer for investigation.
- b) Applicants who have been assessed as homeless but not in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.
 - These applicants must have a qualifying Local Connection to the Borough of Runnymede as laid out in Section 5 of this Scheme.

6.15.2 Refusal of offers / failure to view

- a) Applicants who, having successfully bid for a property, refuse to accept it, twice within 12 months for no evidenced reason and assessed as an unreasonable refusal by an Allocations Officer.
 - An application will have reduced priority for 12 months from the date of the last refusal.
 - The reassessment to Band D2 will also mean a new registration date for that applicant and the loss of accrued time on the housing register while in a previous higher band.
 - It is the responsibility of the applicant to complete a change of circumstances on line to request reassessment after 12 months and the Council will not be responsible for any extended time in this banding due to an applicant's failure to request a reassessment.
- b) Emergency Management transfers in Band A who refuse one suitable offer of rehousing where they have an existing transfer application live at the time of the management transfer request.
 - Reassessment after 12 months to Band A does not apply to this applicant group and an application will remain in Band D2.
- c) Applicants who, having successfully bid for a property, fail to view a property without a reasonable cause and as assessed by an Allocations Officer.
 - An Application will have reduced priority for 12 months from the date of failure to view.
 - The reassessment to Band D2 will also mean a new registration date for that applicant and the loss of accrued time on the housing register while in a previous higher band.
 - It is the responsibility of the applicant to complete a change of circumstances on line to request reassessment after 12 months and the Council will not be responsible for any extended time in this banding due to an applicant's failure to request a reassessment.

6.15.3 Adult children / siblings sharing family home

- a) Adult children (aged 16 years and over) living with parents / guardians / family members sharing the family home, or adult siblings living together without any statutory overcrowding or welfare issues, other than a desire to access independent accommodation.
 - Consideration will not be given to how a family chooses to use the space within a property.
 - Full housing options will be given in all cases.

6.15.4 Low-level ASB

- a) Applicants and / or members of their household who have been involved in anti-social behaviour which is not extreme enough to be excluded from the Housing Register, but where it is considered sufficient to warrant a reduced priority being awarded.
 - Evidence used to assess this will include reports from police and other agencies.
 - The Council reserves the right to review the situation at its discretion and will require evidence of improvement in behaviour that has been for a period of no less than 12 months.
 - There is no time period set for reapplication and the Council will use its discretion where appropriate.

6.15.5 Reasonable Preference – no Local Connection

- a) Applicants assessed as falling into one of the Reasonable Preference groups, but where there is no Local Connection to the Borough of Runnymede as laid out in Section 5 of this Scheme. See from paragraph 5.19 for further details.

6.15.6 Right to Move

- a) Applicants applying under the Government's Right to Move initiative, assessed on a case by case basis following authorisation from the Service Manager or the Strategic Housing Manager. Applicants must satisfy all of the following criteria:
- They must be a social housing tenant living in England, **and**
 - They must be able to demonstrate that they are unable to take up an offer of work within Runnymede, or continue to work in Runnymede from their existing home, **and**
 - They must be able to demonstrate hardship or significant negative impact if they were not able to take up the offer of work or continue to work due to the distance / time of travel involved.

Through satisfying the criteria above, the following factors will be taken into account:

- The distance and/ time taken to travel between work and home
- The availability and affordability of public transport, taking into account level of earnings
- The nature of the work, hours of work (16 hours or over), level of earnings, permanence of the contract and length of contract (under 12 months would not be considered long term) 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
- Evidence of contract and genuine intention to take up offer of work. Evidence would include contract of employment, wage slips, bank statements, formal offer letter, tax and benefits information etc., as appropriate.
- Whether failure to move would result in the genuine loss of an opportunity to improve their employment circumstances or prospects
- The likelihood of achieving a move via a mutual exchange or by other means

6.15.7 Private rented sector

- a) Applicants living in private rented sector accommodation, whether with friends, or as a lodger, or on an Assured Shorthold Tenancy or similar, and is adequately and suitably housed.
- All section 21 Notices received will be subject to full landlord enquiries and negotiation with landlords to extend tenancies.
 - Full housing options interviews will be held to seek further appropriate private rented accommodation and to assess affordability in current and future private lettings.
 - Applicants should always seek housing advice before giving up a tenancy in the private rented housing sector as this may lead to a finding of deliberate worsening of circumstances which will result in no additional priority and possible removal from the housing register.

6.15.8 Existing Runnymede Borough Council tenants

- a) Secure and Secure Flexible tenants of Runnymede Borough Council without any other identified housing need.
 - This applicant group may be given additional preference under Local Lettings Plans to ensure best use of stock.

6.15.9 Independent Retirement Living

- a) Applicants, aged 55 years and above, who wish to access Independent Retirement Living / sheltered accommodation, but where they do not satisfy the Local Connection criteria as laid out in Section 5 of this Scheme.
 - Applicants can be considered for an offer of Independent Retirement Living / sheltered accommodation only, in order to make the best use of available sheltered stock.

6.15.10 Long-term residential or foster placements for SCC LACs

- a) Looked After Children by Surrey County Council in residential or foster care where the placements is long term and there is no intention to recommend re-housing into independent or supported housing for the immediate future.

General notes on determining priority

Medical & welfare priority

6.16 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing.

6.17 Medical assessments are undertaken by trained in house staff and referrals are also made to independent professional services for more in depth review of cases, where appropriate. Any medical or health/welfare condition must be current, ongoing and evidenced by health professionals in all cases. The Council will not consider information that is more than 6 months old. In cases where information is more than 6 months old, applicants will be required to obtain a review of their health/welfare situation by a health professional. The Council will not pay for any reports or other evidence and it is the responsibility of the applicant to provide such evidence in all cases

Supported Housing

6.18 Applicants will be assessed as Band D1 initially until they are ready for move-on to alternative housing. The Council will seek to assist with rehousing options when a final satisfactory move-on report is submitted to the Housing Allocations team by the current care provider / landlord for assessment. If the report is satisfactory, then the application will be reassessed to Band C1.

6.19 If the move-on report states any concerns about an applicant's ability to sustain a general needs tenancy, rehousing assistance may not be offered, and further supported accommodation must be considered, and must be part of a housing options appraisal. At this stage, the application will not be reassessed into a higher band.

6.20 If an applicant bids as a Band D1 or Band C1, and the Council remains dissatisfied with the applicant's ability to live independently, the bid will be bypassed until further evidence of independent living ability can be produced by the care provider / landlord.

- 6.21 Supported housing schemes must be recognised schemes under contracted services and will not include bail hostels, or other interim schemes for offenders or privately managed schemes.
- 6.22 Applicants in supported accommodation, who had a Local Connection to Runnymede at the start of the placement, will retain their Local Connection to Runnymede whilst in that supported placement. The Council must be notified at the time of the placement out of borough, using the generic Housing Advice team email address, or through the usual professional channels.
- 6.23 Applicants in supported housing within the Borough of Runnymede who have been placed there from out of area, either by self-referral or referral through another agency or local authority, who do not have a Local Connection to Runnymede, as laid out in Section 5 of this Scheme, either at the start of the placement or whilst in the supported placement, will not qualify for move-on rehousing within Runnymede unless the applicant finds their own private rented accommodation. Applicants in this category will not qualify to join the Housing Register and are expected to re-connect with their originating Borough. It is the responsibility of the supported housing provider and the applicant to work with the originating Borough to achieve that re-connection status. Any approach to the Housing Advice team will result in the same outcome.

Looked After Children (LAC) and Formerly Relevant Children (FRC)

- 6.24 Where a young person who is a LAC and/or FRC is identified by Surrey County Council (SCC) as ready to relocate to move-on accommodation, the young person will be placed in Band B. Prior to this, the applicant will be placed in Band D1 if in supported housing, and Band D2 if placed in long term residential or foster placement.
- 6.25 This will only apply to applicants where the originating Borough was Runnymede for the purposes of the a statutory duty by SCC. For applicants where Runnymede is not the originating borough and the duty is held elsewhere, applications will be treated in line with general housing register applications outlined in this policy.
- 6.26 The Council will not remove any application made on behalf of or by a LAC or FRC but will require confirmation of status and ongoing support by SCC at the time of application and at any review of the Housing Register. Offers of accommodation may be made for both social and private rented housing, depending on availability at the time of 'move on', and only where the Council is satisfied the young person is able to sustain a tenancy with any ongoing support that may be required from SCC. It is the responsibility of SCC to keep the Council informed of all changes in circumstances and relevant information in respect of this applicant group.

British Armed Forces Personnel

- 6.27 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 SI 2012/2989 provide that a local authority's allocation scheme must give additional preference to certain members of the armed forces who are in urgent housing need. (See sections on banding above)

- 6.28 Accordingly, additional preference will be awarded to members of the armed forces who are currently serving in the regular armed forces, **and** fall within one or more of the categories specified by s.166A(3) of the Housing Act 1996 (a) to (e) **and**:
- a) are suffering from a serious injury illness or disability which is attributable (wholly or partly) to her/his service, **or**
 - b) formerly served in the regular armed forces or is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in MoD accommodation following the death of her/his spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces, **or**
 - c) is, or had been, serving in the reserve armed forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to her/his service.
- 6.29 Applicants who are currently serving in the British Armed Forces can register at any time whilst in military service and will be assessed as Band D1, which reflects low or no housing need. Service with the Armed Forces will need to be confirmed. Applicants in the Armed Forces do not need to satisfy any Local Connection criteria (see paragraph 5.12 for further details).
- 6.30 Applicants will need to advise the Council when they are due to leave military service and attend the Civic Offices for a housing options interview where their income / savings, etc. will be assessed as is the case of any other household seeking assistance. If they cannot afford to source accommodation in the private rented sector, either through renting, part or full home ownership, then their application will be reassessed to a Band C1 or Band B, depending on the immediacy of their discharge.
- 6.31 The exception to paragraph 6.30 is where an applicant has been dishonourably discharged, and where none of the previous criteria apply. Such applications will be subject to the general criteria for applicants as set out in this Scheme.

Applicants currently serving custodial sentences

- 6.32 Applicants who are offenders, currently detained and serving custodial sentences will be subject to the Surrey Offenders Protocol and a full risk assessment, where appropriate, will need to be forwarded to the Council by prison or probation staff prior to the release date. All applicants in this category will have to satisfy the Local Connection criteria for acceptance onto the Housing Register. Applicants will need to register online with support from in-house / outreach prison services.

MAPPA

- 6.33 The Council is a statutory partner of Multi Agency Public Protection Arrangements (MAPPA) and applicants will normally be considered in partnership with probation, police and registered social landlords outside this Scheme.

Overcrowding assessments

- 6.34 Applicants in social housing (either as tenants of the Council, or a Housing Association) who are requesting priority due to overcrowding will be subject to a full appraisal of how space is used within their current property, and whether there is scope for the landlord to make alterations to the property to create an extra bedroom space. In the case of Housing Association tenants, the Council will liaise directly with their social housing landlord. Where there is scope for alterations, and a social housing landlord agrees to carry out the works, that cost will be met by that landlord, and not the Council. Applications will be pended whilst such appraisals take place.

- 6.35 Applicants in the private sector who are requesting priority due to overcrowding will also be subject to a full appraisal of the use of their current property, but will also include a consideration of the ability to afford a larger home. Where space is available and suitable for use as a bedroom, the Council will not consider there to be any overcrowding need.
- 6.36 Both cases apply to self-employed applicants using bedroom or reception / dining room space as office or study rooms, and where applicants choose to allocate separate bedrooms to children (including adult children) of the same sex or non-permanent members of the household.

Extensions to Council properties for health / medical / welfare reasons

- 6.37 The Council will consider requests for extensions to existing RBC tenants' homes only when that request is supported by current medical supporting documentation by professionals currently engaged with an applicant and/or their household. Supporting information must evidence that the current accommodation is unsuitable or that adaptations are required. A current report from Surrey County Council Occupational Therapists will be required stating the needs of the household both currently and in the future as far as possible.
- 6.38 The tenant will also be required to apply to the Housing Register for a transfer in the first instance. A transfer to a suitably adapted property or one where the required adaptations can be made at a lesser cost will always be the first course of action. There is no automatic right to an extension for a tenant and the best use of stock will always be considered, along with the urgency of the need.
- 6.39 First consideration will be given to households where property sizes are in very short supply such as 4 or 5 bedroom properties and where the Council is unlikely to rehouse a tenant in the foreseeable future.
- 6.40 Extensions are only considered where there is a budget available for the works and the Council may have to limit or cease to provide this service at any time.

Non-statutory succession

- 6.41 The Council does not operate a non-statutory succession scheme within its own housing stock, and applicants who have been informed that they cannot succeed to a Runnymede Borough Council tenancy ("non-successors"), will be required to undertake a full housing options appraisal of their circumstances. This will include an appraisal of an applicant's ability to privately rent, or proceed with part or full home ownership, and will involve an applicant providing financial information for the preceding two years.
- 6.42 There is no automatic right to a social tenancy for non-successors, and depending on the outcome of the housing options appraisal, a decision will be made on whether an application should be awarded any additional priority within the existing banding structure as laid out in this Scheme.
- 6.43 A non-successor will be assessed the same as all Homeseekers under this Scheme, and there is no alternative assessment route. The Council does not recognise non-successors as having any right to be rehoused into a social housing property based on the time that they may have resided with the previous tenant.
- 6.44 The Council envisages that in the majority of cases, support will be provided to an applicant to find suitable alternative accommodation in the private sector.

- 6.45 The Council may make a discretionary decision to offer alternative social housing in exceptional and unique circumstances, which will require the approval of the Strategic Housing Manager or the Head of Housing.

7. Procedure

- 7.1 All applications to join the Housing Register must be made online through the Council's targeted housing options website, RBC Living & Homes. Housing.
- 7.2 Applications for housing will be made and assessed electronically through RBC Living & Homes. This will mean that applicants will no longer complete hard copy registration forms, medical assessment application forms or change of circumstances forms. This applies to all applicant groups and there are no exceptions. Advocates can apply on behalf of an applicant with their permission.
- 7.3 This online registration process will include a pre assessment process that will signpost applicants for further housing options if they are ineligible to access the housing register or they do not qualify in line with this scheme. This will include electronic personalised action plans on all housing options, including obtaining accommodation outside the housing registration route (e.g. private rented sector, low cost home ownership, etc).
- 7.4 The online registration process will assess an applicant's housing need according to the information electronically input by the applicant. A banding priority will be awarded to an applicant based on this assessment in line with this Scheme, or any future review of this Scheme.
- 7.5 The Council acknowledges that not every applicant will have access to a computer or they may not be familiar with such technology. We recognise that some households may need additional help with housing registration and bidding. Examples may include but are not limited to:
- Care Leavers
 - People with a physical or mental disability
 - Domestic violence and serious harassment victims
 - People with Learning disabilities
 - Offenders or ex offenders
 - Older applicants
 - People with drug or alcohol issues
 - Rough Sleepers
 - Teenage parents
 - People with low literacy skills
 - Applicants whose first language is not English
 - 16/17 year olds

The Council's Housing Allocations Team will therefore provide assistance to those applicants who require help to complete the online registration. The Council has computer terminals in its reception for this purpose. In exceptional cases, staff can make home visits to an applicant to assist with online registration, but only where there is no other support available.

- 7.6 The Council's staff can over-ride any automated assessment if there is exceptional need to do so and if the need is evidenced by the applicant. For applicants who submit an application for Reasonable Preference assessment, but where there is no other qualification for Local

Connection, applications will be assessed in the same way.

- 7.7 Medical applications will also be assessed online and, where appropriate, will be referred to the Council's Independent Medical Advisor. Applicants will need to supply the Council with supporting evidence to make further assessments if necessary. This is the responsibility of the applicant. The Council does not pay for any reports or letters, or make direct contact with health professionals to obtain supporting evidence. Medical information must be current and no older than six months old.
- 7.8 All changes in circumstances will need to be updated online by the applicant, and the Council will verify any change in circumstances at the time of a successful bid, by way of a home visit before an offer is made. Any discrepancy of lack of proof of current housing circumstances will result in a bypass of any bid made on a property. This includes if an applicant is choosing to use current accommodation in such a way that is unhelpful or detrimental to the situation, and that a better or different use of the property would result in meeting a household's needs.
- 7.9 Applicants will need to provide a full list of supporting documents at verification visits, and staff will remind applicants of what these will be beforehand. These will include passports, birth certificates, marriage certificates, payslips, bank statements, legal documents in relation to property sales, residence orders in relation to dependent children, tenancy agreements, termination of any other social housing tenancy, etc. The Council will also need to see employment contracts and accounts for self-employed applicants. Photographs of all supporting evidence will be taken by staff during home visits.
- 7.10 The list of documents in paragraph 7.9 is not exhaustive, and the complete list of what needs to be provided is available on the RBC Living & Homes website. Failure to provide supporting documentation within 48 hours from the Council's initial request will result in the applicant being bypassed immediately. Flexibility will be offered to more vulnerable applicants to allow advocacy and support in this matter.
- 7.11 Full details of the online registration process is available on the RBC Living & Homes website.

Joint applications

- 7.12 Joint applications may be made by:
- Unmarried / married / civil partnered couples
 - Siblings over 16 years of age
- 7.13 The Council does not accept joint applications from cross-generational applicants, for example between extended family members, unless in exceptional circumstances.
- 7.14 By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. Local arrangements may apply and this will be subject to the discretion of the landlord offering the property and the conditions of their Tenancy Policy. Household composition will be reviewed at the point where an offer of accommodation may be made as part of a verification process of applicant status.

Applicants under the age of 18

- 7.15 Applicants may only apply on or after their 16th birthday.
- 7.16 Applicants under the age of 18 years old will not be granted a tenancy until their 18th birthday. The Council does not operate a guarantor scheme. In the case of homeless households,

temporary accommodation will be allocated to applicants less than 18 years of age by use of Equitable Agreements as opposed to non secure tenancies for applicants over 18 years of age. The Council will not consider any applicant less than 18 years of age as appropriate to hold a joint tenancy and applicants in this age group will be classed as a member of the applicant's household.

Changes of circumstances

- 7.17 Once registered applicants should update their online housing register application if there is 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 household.
 - Any change in income and/or savings.
 - Any medical/welfare or mobility needs which will affect the type of accommodation required.
- 7.18 Failure to register a change of circumstances online will result in the applicant being bypassed for offer until an application is successfully assessed to reflect the relevant changes.
- 7.19 The Council carries out an automated review of the Housing Register at regular intervals, and failure to respond to any contact in this matter may also result in removal of an application. Further details are set out in this Scheme at paragraphs 7.25 to 7.27.

Members of the Council, staff members, and their relations

- 7.20 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from Members of the Council, employees of the Council, or associated persons must disclose their relationship. These applicants will be assessed in the normal way, by allocation of housing will require specific approval from the Head of Housing.

Extra Care Housing

- 7.21 There is currently only one Extra Care housing scheme in the borough is currently provided by a Registered Provider. Access the Extra Care housing for applicants is through a nominations process to the Registered Provider, and considered by a multi-agency Allocations Panel where necessary, following the process outlined below. In the case of future Council-owned Extra Care housing, the Council will allocate according to this process also.
- 7.22 There is a Local Lettings Plan in place between the Council and the Registered Provider, supported by Surrey County Council, which outlines qualification for nomination. This may differ from the qualification criteria as laid out in this Scheme at section 5.
- 7.23 The Council anticipates that all vacancies will be advertised as part of the Choice Based Lettings (CBL) process; however a direct letting process may apply on occasion.
- 7.24 The landlord of the property will be responsible for deciding who they accept into a scheme, based on their assessment of needs. Any rejection of a nomination will be a final decision by the landlord. Appeals and disputes will be handled by the landlord, which may not be the Council.

Annual review of applications

- 7.25 In order to maintain a Housing Register which accurately reflects current housing need, applicants will be required to participate in a review of their application at least once per year. This review process involves confirming whether any changes in circumstances need to be reported.
- 7.26 If an applicant fails to respond to this review and subsequent reminders, their application will be cancelled and removed. The applicant will then need to register a new application and be reassessed with a new band and priority date, should they still have a housing need.
- 7.27 Applicants can appeal against their cancellation and removal – see section Appeals and Review Procedures. The applicant must evidence good reasons for not responding to the review and reminders.

8. Size of accommodation

- 8.1 The size of accommodation for which each applicant will be considered will depend on the size and composition of the applicant's household. The requirements for each size of household are set out below and are aligned generally to the Department for Work and Pensions' Bedroom Standard. Applicants not dependent on benefits will be subjected to the same assessment as this is considered to be the fairest way to allocate social housing without discriminating against those who are benefit dependent.
- 8.2 The Council will not offer a home that is larger or smaller than the identified housing need. By doing so, the Council will never knowingly under occupy or overcrowd a family home unless in special circumstances which are set out in the notes below.
- 8.3 The Council will exercise discretion in cases of exceptional need, both in welfare and health matters, and in such circumstances in respect of property size, a degree of choice will be offered, depending on the applicant's circumstances. Such assessment decisions will be made by the Service Manager and/or the Strategic Housing Manager.

- 8.4 The Council will allocate bedroom need in the following way:

| Household member(s) | Bedroom need |
|--|----------------------|
| single applicant over 18 years of age including pregnant applicants | Bedsit / one bedroom |
| couple with pregnant applicant and no other children as permanent members of the household | One bedroom |
| every adult couple including married, unmarried, civil partnership | One bedroom |
| any other adult, aged 16 or over and a permanent member of the household | One bedroom |
| any two children of the same sex aged under 16 (both permanent member of the household) | One bedroom |
| any two children of the opposite sex aged under 10 (both permanent members of the household) | One bedroom |
| a carer (or team of carers) who do not live with the claimant but provide them or their partner with overnight care. Carers who live in need to check with DWP if they meet the required criteria | One bedroom |

- 8.5 Except in exceptional cases, the Council defines a permanent member of the household as someone who can evidence that they have resided as part of the household as their sole residence for at least the past twelve months, and can provide evidence sufficient to satisfy the Council of this. Lodgers are not included as part of a household.

- 8.6 Applicants claiming bedrooms for carers will need to provide evidence sufficient to satisfy the Council of the caring relationship, which must include supporting evidence from Adult Social Care evidencing the need for overnight care. Even where the Council recognises a need for an overnight carer for the purposes of a housing need, the applicant may still need to satisfy other authorities of this, such as for Housing Benefit / Universal Credit payments.

Children with severe disabilities

- 8.7 Children said to be unable to share a bedroom because of severe disabilities may be able to claim Housing Benefit for an extra room, however, it will however remain for the Council's Housing Allocations Team to assess the individual circumstances of the claimant and their family and decide whether their disabilities are genuinely such that it is inappropriate for the children to be expected to share a bedroom. This will involve considering not only the nature and severity of the disability but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. This will come down to a matter of judgment on the facts and will be assessed by The Council's Independent Medical Advisor.

Fostering

- 8.8 When calculating how many bedrooms a family unit requires, a room for a potential foster child will not be included unless that foster child is a part of the current household or formal agreement is in place with Surrey County Council (SCC) for an imminent placement that will be ongoing for more than 12 months. This will need to be evidenced in writing by a senior officer at SCC. The Council will not accept informal or interim placement arrangements in this matter and will offer full housing options and advice to applicants and SCC including seeking the financial assistance of SCC in cases where applicants could access the private rented sector for alternative accommodation.
- 8.9 A foster child who remains with their foster carer after the age of 18 will then be treated as a non-dependant and be included in any room calculation for benefit purposes. This criterion is aligned with the Welfare Reform Act size criteria for the purposes of housing benefit.

Shared Parental Care

- 8.10 There may be informal agreements between separated parents to share the care of their children and they may stay with each parent on a regular basis. However, only in the most exceptional circumstances would a child / children be considered as needing accommodation with more than one parent for the purposes of applications for social housing.
- 8.11 In assessing whether there is a bedroom shortage for the purposes of awarding a priority and in deciding the size of property an applicant is eligible for, an assessment will be made on the facts of each case. In reaching a decision regard will be had to what is considered to be the child's prime residence i.e. where they stay overnight, where there is financial dependency including which parent claims child benefit, which parent the child is dependent upon for daily care as well as social factors such as where the child goes to school.
- 8.12 In considering shared custody arrangements the Council will take into account any court directives. However it should be noted that a family court order which refers to residence and accommodation arrangements is not binding upon the Council with regard to provision of accommodation. It is for the Council to determine whether priority or additional bedroom entitlement should be given in respect of shared custody.

- 8.13 Larger accommodation than specified above may be considered in exceptional circumstances if approved by the Service Manager or the Strategic Housing Manager. The Council may draw on specialist advice, for example the Council's Independent Medical Adviser, Occupational Therapy Service, or a Senior Practitioner at Surrey County Council for that advice. However, consideration of the Government's welfare reform must be borne in mind and implications of benefit deductions for under occupation if the applicant is welfare benefit dependent.

Children's' Services Placements with Responsible Adults

- 8.14 The Council will not recognise additional bedroom need for applicants where placements have been made informally by Children's Services (CSD) or their contractors from Surrey County Council (SCC) or any other authority with responsibility for Children under a statutory duty or otherwise.
- 8.15 Under s. 27 Children Act 1989, the Council will work in partnership with partner agencies in these matters, but will only consider rehousing where permanent arrangements are formally in place, and where the CSD and/or their contractors have notified the Council of the case in advance.
- 8.16 Permanent arrangements will require either a court order clearly stating who the child / children will reside with as a responsible adult, and under what circumstances. Alternatively, the Council will require formal correspondence stating clearly the permanent arrangements from a senior officer at the relevant authority. This will apply to both Part VI and Part VII applications.
- 8.17 All applications of this type will be subject to a full housing options appraisal. The Council does not offer a respite service whereby it facilitates accommodation placements for assessment of clients for CSD, pending a decision to place a child / children in an applicant's care or not. It is the responsibility of CSD to find suitable assessment placements for this function.
- 8.18 The Council is not bound by court orders made in this respect, and expects CSD to work in partnership with the Council in all cases.

9. Properties, Advertising and Bidding

- 9.1 The Council's service provider has created an Applicant User Guide, which is available on the RBC Living & Homes website. The User Guide explains how properties are advertised and how applicants can place bids.
- 9.2 Applicants (except those homeless households who are in the Council's temporary accommodation or who have been placed into Bed and Breakfast accommodation) can have up to three 'live' bids. Advertising and bidding is on a daily basis, with different closing dates depending on the property and the landlord. The closing date for bids is clearly stated on a property advert.
- 9.3 Properties are advertised in advance of becoming vacant, which means that there may be longer lead in times for viewing and offers. Conversely, some properties are ready to let at short notice, and so the Council will at times expect applicants to take up offers of accommodation at very short notice. Short notice is generally not considered a reasonable reason for refusing a property.
- 9.4 The Council will try to include all appropriate information on property adverts, but cannot be held responsible for any inaccuracies or omissions. It is the responsibility of the applicant to satisfy themselves at the point of viewing a property that they wish to accept the offer.

- 9.5 Where, following the advert being published and / or closing for bids, the Council is informed that the property has any special features which may affect the way in which it wishes to allocate the property (for example, if it is adapted for someone with mobility issues), the property advert may either be withdrawn and re-advertised with the correct features, or the Council may filter the shortlist in order to prioritise bids from applicants requiring the special features.

Exceptions to advertising properties

- 9.6 The Council may not advertise all properties, and may reserve some properties / nominations for direct letting in the following circumstances:
- a) Assisted Choice for Homeless Households Scheme (see section 13)
 - b) Where the property has specific adaptations
 - c) To allow the landlord to make the best use of their housing stock
 - d) For community safety reasons
 - e) For management moves (see paragraph 6.10.10)
 - f) For reasons of public protection
 - g) Where the move will facilitate a chain of lets releasing another property which the Council has a particular need of (usually involving under occupiers)
 - h) Where the property is deemed to be hard to let
 - i) Any other reason as authorised by the Service Manager or the Strategic Housing Manager.
- 9.7 Properties which are adapted, or which are particularly suited for adaptations, Extra Care and Independent Retirement Living (IRL) / sheltered properties or properties which are otherwise suitable for applicants with a disability or other special or support need, may be allocated outside strict banding and priority date order. This may be by a direct letting process, in which case these properties will not be advertised. IRL properties may also be subject to Local Lettings Plans.
- 9.8 Direct lets may involve applicants who are tenants of Registered Providers. The Council will require the subsequent vacancy to be offered to the Council for nomination, outside of any existing Nominations Agreement. The Council wishes to actively work flexibly with Registered Providers both within and outside of the Borough of Runnymede, to widen the choice of properties available, and to address specific issues, such as Welfare Reform.
- 9.9 All decisions to directly let a property will be made by the Service Manager or the Strategic Housing Manager.

Types of Property

- 9.10 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in Independent Retirement Living developments for people over a specified age
 - Properties in supported housing schemes offering special services
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair or other special disability equipment.

10. Shortlisting, offering, viewing and letting of properties

- 10.1 Once the deadline has passed for bidding for a property, the Council will consider those who have bid, and will select applicants for viewing and offering. As a general rule, applicants who have bid will be prioritised in band order (and within each band by date order) subject to any other

preference or restrictions set out in the advert.

Evidence of identity and housing circumstances

- 10.2 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all permanent household members for the past 5 years prior to an offer being made. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant fails to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 10.3 Before an offer of accommodation can be made the Council will carry out a visit to each applicant's current residence. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment. If applicants do not make themselves available for such visits, or where contact cannot be established within 48 hours, they will be bypassed for any bids they have made, as staff will be unable to verify the housing circumstances.

Income and Savings

- 10.4 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, Housing Benefit, Council Tax Benefit (and successor Universal Credit), verification of income and savings will be required prior to applicants being offered accommodation.
- 10.5 Where, at the point of verification, an applicant's net income (or combined income) is greater than the income and / or savings limits as set out previously in this Scheme and / or where an applicant has assets and / or savings that are sufficient to access low cost home ownership or other intermediate housing options, then an applicant(s) will not be eligible to access the Housing Register and will offered advice on other housing options including joining the HomeBuy Register.

Bypassing of Applicants

- 10.6 In some situations a property will not be offered to the highest banded applicant who has bid. Shortlisted applicants can be bypassed for a number of reasons and these are set out below:
- a) **Applicant is not currently in paid employment**
The applicant is no longer in paid employment at the point of verification or is not in employment and has bid on a property designated with priority for working applicants only.
 - b) **Applicant is ineligible or unsuitable for the property**
Applicants may be bypassed where their household does not meet the criteria for the property set out in the advert e.g. due to age restriction requirement, due to the household size not matching the property size, due to ages of household members or because any property adaptations in the vacant property are either not required or not matched to the household who has bid.
 - c) **Applicant is not ready to move and / or to live independently**
Applicants may be bypassed where, even though they have bid for a property; they themselves decide they are not ready to move. Applicants may also be bypassed if they are considered not to be ready to move or to live independently due to social or medical reasons. In determining this, regard will be had to any support available.

- d) **Change in applicant's circumstances**
Applicants may be bypassed where there has been a change in their circumstances which makes them unsuitable or ineligible, including (but not limited to) additions to the household, change in medical requirements, or change in financial situation.
- e) **Anti-Social Behaviour**
Applicants may be bypassed where they or their family members have a recent history of significant antisocial behaviour.
- f) **Rent arrears / debt**
Applicants may be bypassed where they have current or former rent arrears and/ or other debts with any social or private landlord and which is not being satisfactorily repaid. This will usually lead to the application being disqualified from the Housing Register. Statutory homeless applicants may be bypassed for this reason but individual circumstances will be assessed both by the landlord concerned and the Council.
- g) **Community safety concerns**
Applicants may be bypassed where there are community safety concerns/risks which relate to the applicant, or their household member(s) being placed in a particular property or area.
- h) **Fraudulent application has been made**
An applicant may be bypassed where it has been found that false information has been given. This will usually lead to the application being disqualified from the Housing Register.
- i) **Circumstances not confirmed**
Applicants may be bypassed where the required verification process has not been completed within the set timescales (usually 48 hours).
- j) **No response from applicant**
Applicants may be bypassed where they have been contacted for information relating to their application and / or a potential offer of accommodation and the applicant has not responded to that contact within a reasonable period of time. This may count as an unreasonable refusal, which may result in a downgrade in banding.
- k) **Local Letting Plans**
Applicants may be bypassed where they do not match specific criteria set out in Local Lettings Plans. Local Lettings Plans will be adopted for specific areas/schemes to ensure communities are balanced. Properties subject to Local Letting Plans will be clearly advertised and priority will be given to those that meet the criteria.
- l) **Sensitive letting**
In exceptional circumstances, an applicant may be bypassed for a property where they are not considered suitable due to housing management reasons. For example an applicant who has a history of substance dependency may be bypassed for a property in an area where the landlord is aware there are a number of other residents with substance dependency problems.

m) **Property not suitable for adaptation**

Applicants requiring property adaptations to meet their mobility needs may need to be bypassed if the property they have bid for cannot be adapted to meet their needs.

n) **Property advert withdrawn**

Some properties advertised for letting may need to be withdrawn either because it is urgently needed for a direct letting or because it was being advertised before the previous tenant had left and they have rescinded their notice. This would result in those who have bid being treated as having been 'bypassed' and the shortlist closed.

o) **Special requirement of landlord**

Some housing association landlords have very specific applicant criteria built into their allocation policies or charitable rules relating to ages of applicants or area of residence for example. These requirements will usually, but not always, be set out in the adverts and applicants who bid may need to be bypassed if the requirements are not met.

p) **Applicant has alternative property offer outstanding**

An applicant will be bypassed if there is an outstanding offer of accommodation available to them which has not been resolved.

q) **Properties in poor condition**

Transfer applicants may be bypassed if their current home is considered to be in a state of neglect or has been damaged. In making this decision, the Council will have regard to vulnerable tenants.

10.7 Applicants are able to appeal against being bypassed. See from paragraph 14.11 for further details.

Viewings and offers

10.8 Once the bids have been received, and the selection of applicants finalised (excluding any bypassed cases), viewings will be arranged by the Council or the landlord whose property the council has agreed to advertised on behalf of.

10.9 Only the applicant made a provisional offer can view the property, and the Council will not allow a representative to view on behalf of an applicant. An applicant can be accompanied by a representative or advocate, and notice must be given to the Council. The final decision to accept or reject a property can only be made by the applicant. The Council will not discuss an offer of a property or any part of an application with anyone other than the applicant, unless there is written permission in place to do so.

10.10 Applicants are not allowed to informally view a property whilst building works are in progress. Contractors are instructed not to allow access to anyone on the grounds of health and safety. Viewings will only be prior appointment, and when accompanied by an officer of the Council. The Council will not be held responsible for anyone entering the property without an accompanied viewing appointment.

10.11 If the household with the highest banding and registration date does not want to accept the property, it will be offered to the household with the next highest priority. See section 6 for further details on how applications are prioritised.

11. Local Lettings Plan

- 11.1 From time to time, the Council will adopt Local Lettings Plans (LLPs) for new or existing schemes, developments and/or areas of the borough where it wishes to deliver the broad objective of mixed, balanced sustainable communities.
- 11.2 Section 166A(6) of the Housing Act 1996 enables local housing authorities to allocate particular accommodation to people of a particular description whether or not they fall within the Reasonable Preference categories. This section enables the Council to set aside homes or certain types of properties across the stock, for applicants who meet a certain criteria.
- 11.3 LLPs for developments and existing stock of over 50 units will be considered and approved by a Council Committee and an Equality Impact Assessment Screening will be compiled as part of the plan. LLPs for developments and existing stock of up to 50 units will be agreed by the Service Manager and/or the Strategic Housing Manager, in conjunction with the Head of Housing.

12. Options for existing Runnymede Borough Council tenants

- 12.1 Tenants of the Council wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme. Such applicants will not need to meet the qualifying criteria as set out in this Scheme, although the disqualification criteria will still apply, apart from paragraph 5.13a (the income limit) and paragraph 5.13c (the capital limit).
- 12.2 Local Lettings Plans (LLPs) may also enable existing tenants in low or no housing need to move to alternative properties. However, this will depend on the criteria set out in the LLP and is at the discretion of the Service Manager or the Strategic Housing Manager. LLPs can be for existing properties as well as new developments and groups of properties such as sheltered housing schemes.
- 12.3 The Council expects tenants to maintain their homes in a reasonable condition, and similarly expect tenants of other Registered Providers to do the same. If their existing home has been either significantly damaged and / or kept in a poor condition, the Council will refuse a transfer. The Council will expect other Registered Providers to adopt the same approach. The Council will take into account any vulnerability issues, and work with an applicant and support agencies / advocates to bring a property up to an acceptable standard for transfer. Recharged as a sundry debt will apply in such cases.

Mutual Exchange

- 12.4 Existing social housing tenants will be signposted to consider moving by mutual exchange as a means of resolving their own housing difficulties.
- 12.5 The Council offers the use of Exchange Locata (www.exchangelocata.org.uk) as a mutual exchange facility for existing Council tenants. Exchange Locata is a free service for Council tenants to use, although there are other mutual exchange schemes which tenants can join at their own cost.
- 12.6 The Council has a separate Mutual Exchange Policy, a copy of which can be obtained at www.runnymede.gov.uk/mutualexchange. The Council no longer allows underoccupation through mutual exchange.

Service Tenancies

- 12.7 Employees of the Council who have a service tenancy associated with their employment may be re-housed by the Council in pursuance of a contractual agreement that is in place. This may be achieved through a direct offer or nomination.
- 12.8 If a Council employee in 'tied accommodation' does not have contractual conditions in respect of rehousing they will be treated the same as any other applicant applying for housing and will need to register for housing at an appropriate stage in their employment. No preferential treatment or additional priority will be awarded.

13. Assisted Choice for Homeless Households Scheme

- 13.1 For homeless households, an 'assisted choice' scheme is in place. Where the Council has accepted a full statutory duty, a direct let of **one suitable** property will be made. The Council will, wherever possible, discharge its statutory duty to homeless households through an offer of accommodation in the Private Rented Sector, and not necessarily in the Borough of Runnymede. This does not require an applicant's consent, but it will be in line with The Homelessness (Suitability of Accommodation) (England) Order 2012, and also with the Council's Out of Area Policy. Please refer to the Council's website for full details of the policy.
- 13.2 The Assisted Choice for Homeless Households scheme will apply to all applicants in the Council's temporary accommodation, emergency accommodation (usually Bed and Breakfast), or those who have made provision for their own temporary housing (homeless at home) or with friends and relatives. The exception is for applicants in a Refuge who may continue to bid.
- 13.3 When a homeless household has had the full homeless duty accepted, preferences of areas where they would like to live will be recorded and taken into account at the time of a direct letting being made. This does not mean that only these areas will be offered to applicants, it merely means that preferences will be considered where possible.
- 13.4 If a homeless applicant refuses a suitable offer, the Council will discharge its statutory duty and no further offers of accommodation will be made. At this stage, only advice and assistance will be provided. Where there are dependent children in the household, the Council will inform Surrey County Council's Children's Services Department of the discharge of duty. A Notice to Quit will be served on the applicant to vacate the Temporary Accommodation, which will result in County Court proceedings, and an order of costs being pursued by the Council, should the applicant remain beyond the date of expiry of the Notice to Quit.
- 13.5 There is a review process available to applicants, under s. 202 of the Housing Act 1996. Applicants will be notified of this at the point of offer. An applicant does not have an automatic right to remain in Temporary Accommodation pending the outcome of a review process and it will be at the discretion of the Council to consider. The Council always advises homeless households to accept an offer of accommodation, move in and then submit a review if they wish to avoid becoming intentionally homeless through a refusal of accommodation.

Selection of properties

- 13.6 In selecting properties for homeless households the Council will normally take into account the following factors:
- The number of bedrooms required.
 - Any essential or legal requirement concerning the type or location of re-housing.

- 13.7 The Council will not normally take into account:
- Non-essential preferences concerning the location or type of re-housing requested by the applicant.
 - An applicant's preference regarding future tenure.
 - The standard, type or location of the applicant's current accommodation.
- 13.8 There is a right of appeal to the Assisted Choice for Homeless Households Scheme process as outlined below.

14. Appeals and Reviews

- 14.1 All applicants have the right to request general information about their application, including whether they are entitled to any preference for housing and whether and when suitable accommodation may be offered to them.
- 14.2 An applicant who is not accepted onto the Housing Register will be informed in writing of any decision regarding their eligibility and / or qualifying status. The notification will give clear grounds for the decision which will be based on the relevant facts of the case. The applicant(s) will be informed of their right to request a review of the decision.

Review process (Housing Register applications)

14.3 **Pre-review stage:**

Applicants who are unhappy with a decision made under this Scheme should in the first instance contact the Housing Allocations Team and explain why they think that the decision is unreasonable. At this time, the Officer will explain in more detail why an assessment has been made. If the applicant remains dissatisfied, they can progress to formal Stage 1 review.

14.4 **Stage 1 review:**

Applicants can submit a Stage 1 review request within 21 days of the date of the original decision. This review will be conducted by the Service Manager. The review request should usually be in writing, and outline clearly what the applicant's reasons for a review are, and what outcome they are seeking. The applicant would usually be notified of the outcome within 10 working days of the Council receiving the Stage 1 review request. In exceptional cases, the Council may need more time to consider a Stage 1 review, and the applicant will be notified of this as early as possible. If the applicant remains dissatisfied with the Stage 1 review response, they can progress to Stage 2 review.

14.5 **Stage 2 review:**

Applicants can submit a final Stage 2 review request within 21 days of the date of the Stage 1 review response. This review will be conducted by the Strategic Housing Manager. The review request should usually be in writing, and outline clearly what the applicant's reasons for a review are, and what outcome they are seeking. The applicant would usually be notified of the outcome within 10 working days of the Council receiving the Stage 2 review request. In exceptional cases, the Council may need more time to consider a Stage 2 review, and the applicant will be notified of this as early as possible. The Stage 2 review response will be the final decision, and there is no further review stage.

- 14.6 In both Stage 1 and Stage 2, the applicants will be invited to submit any further evidence to support their review request, and the Council may seek any further information that it requires to make a decision, including advice from medical or other specialist advisors.

Review process (Homeless applicants)

- 14.7 A homeless applicant has the right to request a review of the suitability of an offer of accommodation, under s. 202 of the Housing Act 1996. In addition, they have the right of appeal to the County Court under s. 204 of the Housing Act 2002. Whilst seeking a review and / or appeal, the applicant may still move into the property in question, without prejudicing the outcome.
- 14.8 Where an applicant requests a review concerning the suitability of accommodation, the property will be held available (where possible) whilst the review and / or appeal is considered.
- 14.9 In formal offer of accommodation letters, and any subsequent suitability reviews in response to those offers, the Council emphasises clearly the need for an applicant to move into an offered property and then appeal, to avoid a negative outcome. It is in the applicant's interest to ensure that they have settled accommodation regardless of the outcome of a review.
- 14.10 The Council will expect partner agencies to support this advice to applicants to avoid homelessness as an outcome. If partner agencies require advice on areas and properties the Council will provide this information so informed support can be given by agencies if and where appropriate.

Review of decision to bypass an applicant's bid

- 14.11 Where an applicant has been bypassed for a vacancy that they have bid for, and where they believe they were the highest placed applicant, then they can request a review of the decision to bypass their bid.
- 14.12 Applicants who wish to request a review of the decision to bypass their bid should follow the same process as laid out in paragraph 14.3 above.
- 14.13 A successful review decision will not result in the applicant being made an offer of that vacancy, owing to the short timescales within which properties have to be let. It will, however, enable the applicant to bid in the future and not be bypassed for the same reason, unless there is a change of circumstances, or unless the reason was for Anti Social Behaviour where the applicant may be bypassed again depending on the location / type of advertised property.

15. Equal Opportunities and monitoring

- 15.1 The Council is committed to the principle of equal opportunities in the delivery of all its services. Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 15.2 Confidential interview facilities are provided at the Civic Offices. There is full access to the Civic Offices for wheelchair users. Home interview services are available for applicants who are elderly or who experience mobility difficulties or have other vulnerabilities.
- 15.3 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation, disability, gender reassignment, pregnancy/ maternity and religion. The information provided will be kept confidential and treated with respect. The Council believes it is important to understand the different communities who apply for housing and it is only by

asking these questions can the Council check that it is operating a fair system.

- 15.4 All applicants for housing or re-housing will be asked to provide equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of an application. However, such information will help the Council monitor the number and types of equality groups seeking support and therefore applicants will be strongly advised to provide this information. Equalities records will be monitored regularly to ensure properties are being offered and allocated fairly.
- 15.5 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 15.6 An Equalities Impact Assessment has been completed on the entirety of this scheme, and a copy is available upon request.

16. Data Protection & Confidentiality

- 16.1 Data collected from applications for housing is processed in line with the Data Protection Act 1998. For the purpose of the Act, Runnymede Borough Council is the “Data Controller” and so is responsible for the information held.
- 16.2 Applicants, when making an application for housing, agree for the Council to share information with and to request information from relevant agencies and departments, both within and outside of the Council, in order to process, assess, and verify their application, and subsequent offer for housing. This may include information held by credit reference agencies, current or former landlords, government departments, or health and/or social care providers.
- 16.3 Sensitive personal data such as racial or ethnic origin, criminal offences (including alleged offences) and physical and mental disabilities are required under the Equal Opportunities Monitoring statute. Any data provided may be disclosed in accordance with the Freedom of Information Act, although all data will be anonymised.
- 16.4 Outside of the permissions given to the Council as described in paragraph 16.1, the disclosure of information about any housing application to a third party is prohibited except on a “need to know” basis in the following circumstances:
- To plan and provide assistance jointly with health and social services agencies in appropriate cases.
 - For the purpose of fraud detection, the prevention of crime and the promotion of community safety.
 - To enable efficient administration of offers of re-housing, lettings, housing association nominations and rent and benefit accountancy etc.
 - Where disclosure is a legal requirement.
- 16.5 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.

17. Complaints

- 17.1 The Council has a formal complaints procedure. Applicants can use the complaints procedure if they believe:
- Something has been done badly or wrong in the service delivery
 - If something has not been done that should have been done
 - If the service has not been delivered in accordance with policies and procedures
 - If they have been treated in an impolite or discourteous manner
- 17.2 All applicants who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in the Council's Complaints Procedure, copies of which are available on the Council's website (www.runnymede.gov.uk).

18. Fraud

- 18.1 The Council works in partnership with the NFI and all applications are subject to a full credit checking process using independent companies contracted to the NFI. By making an application for social housing an applicant is agreeing to this process. There is also a question on the application form which an applicant is required to answer regarding sharing of information with other agencies.
- 18.2 The Council will refer applications to the Corporate Fraud Officer if there is any reason to suspect fraud and/or deception and this may lead to prosecution.

False or misleading information

- 18.3 Affordable housing is in short supply in the Borough. The affordable housing that exists here provides a much valued opportunity for settled accommodation for those who qualify for it and need it. Therefore, the Council takes a strong approach to dealing with fraudulent applications and false information.
- 18.4 Under Section 2 and Section 3 of the Fraud Act 2006 and under Section 171 of the Housing Act 1996, an applicant, or someone acting on their behalf, commits an offence if:
- They knowingly or recklessly give false information, or
 - They knowingly withhold information that the Council has reasonably required the applicant to give.
- 18.5 Applicants who are found to have given false information on their Housing Register application form or in response to a request for further information in support of the application, or during review proceeding, will have their application removed immediately. Following this, an investigation will be carried out.
- 18.6 Applicants will be given 21 days to provide information showing that they are eligible and/or qualify. If they do not reply within this time, or they reply but the Council decides that they are not eligible and/or do not qualify, they will be removed from the register.
- 18.7 If, following the investigation the Council decides that a person has given false information or withheld information, it will take one or more of the following actions:
- a) Remove the applicant from the Housing Register.
 - b) Not allow the applicant to join or re-join the Housing Register for an indefinite period.
 - c) Instigate criminal proceedings.
- The applicant will be informed in writing of the Council's decision and action taken.

19. Review of this Scheme

- 19.1 This Scheme is subject to regular review, and where the Scheme requires changes which are minor in nature, or where the changes are required urgently for legal reasons, or changes in government policy and / or legislation, these changes will be approved by the Chair / Vice Chair of Housing Committee.
- 19.2 Subject to the urgency of the change, as per paragraph 19.1 above, any major change required to the Scheme will be subject to full public consultation.
- 19.3 All changes to this Scheme will be noted within the Version Control on page 1 of this Scheme, and an updated Scheme document will be uploaded to the RBC Living & Homes website.

Annex 1: Officer Roles, Responsibilities and Authority

This appendix explains which Officers are responsible for taking decisions in respect of this Scheme.

Whenever an officer is specified, the decision can also be taken by a more senior officer in their management line.

| Area of responsibility | Summary of responsibility | Responsible Officer(s) |
|---|---|------------------------|
| Assessing eligibility and qualification | The responsibility to decide whether an applicant is eligible and qualifies to join the housing register in line with the criteria contained in the Runnymede Borough Council Allocations Scheme | Allocations Officers |
| Assessing priority | The responsibility for initially assessing, and reviewing where necessary, an applicant's housing need in line with the criteria contained in the Runnymede Borough Council Allocations Scheme and placing them in a specific banding if it differs from an on line assessment. | Allocations Officers |
| Removing / disqualifying an application from the Housing Register | The responsibility to remove an application from the Housing Register, should an applicant not be eligible and/or not qualify. | Allocations Officers |
| Reviews of decisions | The responsibility to consider an applicant's request for a review of a decision made under this Scheme. No officers directly involved in the original decision will take part in any review, other than to provide further clarification if necessary. | Service Manager |
| Authorising direct lets in general | The authority to make a direct let in line with paragraphs 9.6 to 9.9 of this Scheme. | Service Manager |
| Reciprocal arrangements | The authority to agree / accept a reciprocal arrangement / chain letting with another housing authority or social landlord, in line with this Scheme. | Service Manager |
| Authorising direct lets for decants / major works | The authority to make a direct let to an applicant if their existing Runnymede Borough Council property is due for demolition or major works that would render the property uninhabitable. | Service Manager |
| Management transfers | The authority to make a direct let to an applicant, if after being placed in Band A, it is unlikely that an applicant will receive an offer within a reasonable timeframe. | Service Manager |
| Homeless applicants | The authority to make a direct let to a homeless applicant through the Assisted Choice Procedure. | Allocations Officers |
| Exceptional housing need | The authority to make a direct let if there is evidence of immediate and exceptional need. | Service Manager |
| Significant adaptations | The authority to make a direct let if the applicant has a requirement for significant adaptations and a suitable property matching these requirements becomes available | Service Manager |
| Staff lettings | The authority to authorise any applications that involve a member of staff or their close relative. Applicants will also be required to declare whether they are related to a member of the housing staff when making an application. | Head of Housing |