

---

Royal Borough of Kingston upon Thames

# Allocations Policy

---

## Contents:

Page No.

1.	Introduction .....	1
2	Kingston Housing Partnership.....	2
3.	Eligibility for the Kingston Common Housing Register .....	3
4.	Exclusions from the Kingston Common Housing Register .....	3
5.	Registering an application for housing .....	4
6.	Renewing Housing Register Applications.....	5
7.	Who can be included as part of an applicant's household.....	6
8.	The Council's policy on keeping pets .....	6
9.	Priority re-housing bands .....	7
10.	Priority date .....	7
11.	Medical priority .....	7
12.	Disability .....	8
13.	Decants .....	8
14.	Deferred transfers .....	9
	Absence from home of 6 months or over.....	9
	Breathing Space Scheme for overcrowded tenants .....	9
15.	Homeless households.....	10
16.	Homelessness prevention .....	12
17.	Incentive schemes: .....	13
	Incentive to Move scheme.....	13
	Grants to Move Scheme.....	13
18.	Local lettings plans.....	13
19.	Management transfers .....	13
20	Out of borough applications .....	14
21.	Owner occupiers .....	15
22.	Registered social landlord tenant transfers .....	15
23.	New Build Homebuy (previously Shared Ownership).....	15
24.	Sheltered housing .....	16
25.	Extra-care sheltered housing .....	16
26.	De-sheltered accommodation .....	17
27.	Social Services nominations .....	17
28.	Staff re-housing scheme .....	17
29.	Succession and discretionary offers.....	18
30.	Non-statutory successors.....	18
31.	Supported Housing: .....	19
	Mental health needs.....	19
	Young parents.....	19
	Floating Support.....	20
32.	Temporary to settled rehousing.....	20
	Home Finder Scheme .....	20
	Breathing Space Scheme for overcrowded tenants .....	20

33.	Temporary staff housing scheme .....	20
34.	Bidding for properties .....	20
35.	Autobid .....	21
36.	Direct allocations .....	21
37.	Direct offers to accepted homeless households .....	22
38.	Offers to applicants with rent arrears .....	22
39.	Refusals of offers of accommodation .....	23
40.	Additional priority groups.....	24
41.	Transfer applicants with children under 10 living above the 4 <sup>th</sup> floor .....	25
42.	Applicants who will consider a property with one less bedroom than they need .....	25
43.	Families with one child under 12 months can bid for 1 and 2 bedroom homes .....	25
44.	Discretion to vary the policy on offers .....	26
Annex 1	Non-qualifying persons .....	27
Annex 2	Size of home each household type is eligible for .....	30
Annex 3	Priority Re-housing Bands and Identified Housing Need .....	32
Annex 4	Incentive to Move Scheme Grants .....	35
Annex 5	Reasonable Preference Categories (Housing Act 1996 as amended by the Homelessness Act 2002).....	36

## 1. Introduction

The Royal Borough of Kingston upon Thames (the Council) introduced its new Allocations scheme in May 2006. The scheme aims to improve the level of choice available to applicants for housing, whilst ensuring that the housing resources available are offered to those applicants most in need. The Allocations scheme complies with the requirements of the Housing Act 1996 and the Homelessness Act 2002 and gives reasonable preference to the housing need categories identified in those Acts.

Due to the shortage of accommodation available to those in housing need, the Council's Allocations Policy aims to make the best use of the resources available, both in the social rented housing stock and in the private sector. High priority is given, therefore, to moving existing council and registered social landlord (housing association) tenants who will release homes needed for applicants with a high level of re-housing need.

All applications for housing are assessed according to their level of housing need and placed into one of four priority bands. Band A for emergency and top priority re-housing, Band B for urgent re-housing, Band C for identified re-housing need and Band D for other applications. Additional priority is given in the banding scheme to applicants with multiple re-housing needs that place them in more than one reasonable preference category, as defined by the Housing Act 1996. Priority for re-housing will be based on a combination of re-housing need and waiting time within each band.

To ensure the maximum level of choice, all vacancies for general purpose and sheltered housing for older people are advertised in the Council's website and in a local free newspaper, 'Property Weekly' on a weekly basis. Applicants registered for housing can express an interest in being offered available homes by placing a bid for suitable homes advertised. Available homes will normally be offered to the applicant from the shortlist of bidders who has the highest priority band and the longest waiting time. (Applicants may be bypassed if there are rent arrears, or for other management reasons).

Waiting time has been introduced to ensure that, once registered, applicants will gradually move up the queue. A common criticism of the previous points based system was that new applicants could be added to the Register and existing applicants' position in the queue could go down, reducing their priority.

Supported housing (except for sheltered housing) is allocated through the Council's Allocations Panel, comprising of officers from Housing and Social Services and representatives of the providers of supported housing schemes.

### **Re-housing Quota Targets**

As the demand for social housing in the borough is far higher than the supply, a system of re-housing quota targets operates to ensure that different categories of applicant for housing (customer categories) have a chance of being offered accommodation. The targets are balanced between the needs of homeless

households, existing council and registered social landlord (RSL) tenants who need to transfer and other applicants for housing.

The targets are reviewed annually to take into account the likely availability of homes during the year and to make the best possible use of the housing stock within the borough. Progress in meeting the targets is reviewed monthly and if any customer categories are not achieving their re-housing target(s), properties may be advertised as only available to those specific target groups. For example, they may be advertised as only available to households owed a homelessness duty, or to existing tenants who need to transfer.

In cases where specific incentives have been offered to release homes, the resulting vacancies will only be made available for particular customer categories, such as households owed a homelessness duty. For example, homes vacated by tenants who buy a home with the Grants to Move Scheme incentive, will be offered to accepted homeless households.

## **2. The Kingston Housing Partnership**

The Council, together with nine local registered social landlords, operate a Common Housing Register to make sure that everyone who applies can be considered for all the properties the 10 organisations have available. All general purpose and sheltered council homes and registered social landlord homes to which the Council can nominate an applicant, are advertised on the Council's website.

### **Members of the Kingston Housing Partnership**

**Kingston Churches Housing Association**, Meadway House, 17-21 Brighton Road, Surbiton, Surrey KT6 5LR. Tel: 020 8399 7221

**L&Q Housing Trust**, 467 Garratt Lane, London SW18 4SN. Tel 0844 4069000

**Moat**, Marina House, Galleon Boulevard, Crossways, Dartford, Kent DA2 6QE. Tel: 0845 600 1006

**Richmond upon Thames Churches Housing Trust**, 13 Castle Mews, High Street, Hampton, Middx TW12 2NN. Tel: 020 8481 7277

**Royal Borough of Kingston upon Thames**, Housing Allocations, Guildhall 2, Kingston, Surrey KT1 1EU. Tel: 020 8547 5003

**Thames Valley Housing**, Premier House, 52 London Road, Twickenham, Middx TW1 3RP. Tel:

**Town & Country Housing Group**, High Weald House, Monson Way, Tunbridge Wells, Kent TN1 1LQ. Tel:

**Wandle Housing Association**, 15 Abbeville Road, London SW4 9LA. Tel: 020 8682 1177

**Affinity Sutton, Holme House, Manor Lane, Holmes Chapel, Cheshire CW4 8AF.** Tel: 0845 2178601

### **3. Eligibility for the Kingston Common Housing Register**

The following groups of people are eligible for inclusion on the Kingston Common Housing Register:

- People aged 16 years and over who are normally resident within the borough.
- Young people aged 16 and 17 to whom the Council has accepted a re-housing duty.
- People found to be homeless who have a local connection, as defined by the Housing Act 1996 Part VII, as amended by the Homelessness Act 2002.
- Secure or introductory tenants of Kingston Council.
- Assured tenants of registered social landlords or other housing authorities living in the borough.
- Young people leaving care nominated by Social Services under their re-housing quota target.
- People in hospital, prison or the armed forces whose last settled address was in the borough.
- People the Council considers should be eligible persons, because of exceptional circumstances or special needs.
- Other people who are eligible by law.

### **4. Exclusions from the Kingston Common Housing Register**

The following persons are ineligible for inclusion on the Common Housing Register and cannot be allocated social housing within the borough:

- People who are disqualified under the Housing Act 1996, s160A, primarily persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they fall within a class of qualifying persons prescribed in regulations (s161(2)). The Secretary of State also prescribes groups of persons not subject to immigration control who are, or are not, qualifying persons in regulations (s161(3)). The full list is at Annex 1 to this document.
- Persons, or members of their household, who have been guilty of unacceptable behaviour which is serious enough to make them unsuitable to be a tenant (s160A(7)). This applies where a possession order is being sought or has recently been obtained against a council or registered social landlord tenant. It also applies where the Council considers that the behaviour of an applicant is such that it would be able to obtain a Possession Order if that applicant had been a tenant of the Council or registered social landlord (s160A(8)). Examples of unacceptable behaviour include:
  - Conduct likely to cause nuisance or annoyance to neighbours

- Use of the property for illegal or immoral purposes
- Persons who knowingly give false or misleading information or who withhold information that has been reasonably requested.

### **Review of decision to exclude an applicant from the Common Housing Register**

Any applicant has the right to appeal against a decision to exclude them from the Register. Requests for a review must be made to the Allocations and Resettlement Manager, in writing, within 21 days from the day on which the applicant is notified of the decision to exclude them from the Register. The Council may extend this period if it is reasonable to do so, for example, if the applicant is away on holiday at the time.

## **5. Registering an application for housing**

No-one will be offered accommodation by the Council or nominated to a registered social landlord unless they have completed a Housing Register application form and have been registered on the Common Housing Register.

All applications will be acknowledged and the applicant advised of their banding and priority date. The applicant will be advised which size(s) of homes they will be eligible to bid for and a User Guide for Choice Based Lettings will be sent with the registration letter explaining how to bid for available homes. Annex 2 lists the size of home available for each household type and size. Applicants who are ineligible for inclusion on the Register will be notified and advised of the appeal process.

The following guidelines on bedroom sharing are applied:

- Any two adults living together as a couple are expected to share a bedroom.
- Any two children under the age of 10 are expected to share a bedroom.
- A son aged over 10 is expected to share a bedroom with another son, even if they are both adults, provided the age gap between them is less than seven years. The same rule applies for daughters.
- For families with more than two children, the sleeping arrangement that uses the minimum number of bedrooms will be used.
- For extended families and other household compositions we reserve the right to decide bedroom requirements.

An additional bedroom may be agreed in exceptional circumstances, if it is considered medically unreasonable for two household members to share a bedroom, but they would be expected to share under normal circumstances.

**Taking these guidelines into account, available homes will usually be offered as follows:**

#### **Studio flat/small 1 bedroom flat**

Single person.

#### **1 bedroom flat/house/bungalow**

Single person, a couple or a family with a baby under 12 months. Couples may be given preference over single people.

**2 bedroom flat/maisonette/house**

Family with 1 child or 2 children under 10.

**3 bedroom flat/maisonette/house**

Family with 2 children of the opposite sex, at least one of whom is aged 10 or over, 3 children or 4 small children.

**4 bedroom flat/maisonette/house**

Family with 4 or more children.

**5 bedroom or larger house**

Family with 6 or more children.

**Older persons/sheltered housing**

People aged over 60 (over 55 if no-one aged over 60 bids)

Family homes above the fourth floor are considered suitable for households where all members are aged 10 or over. They may be offered to families with children below the age of 10, if they bid, but if they refuse the offer, it will not be counted against them. If they accept, they may not apply for a transfer within 12 months of their new tenancy starting.

The supply of social housing within the borough is insufficient to meet the demand, with only a small proportion of applicants being offered accommodation. The Council will therefore supply information to all applicants about other housing options, such as low cost home ownership opportunities, private sector accommodation and re-location through mobility schemes.

**6. Renewing Housing Register Applications**

The Council may write to applicants who have not bid for an available home for 6 months or over, or who have not contacted the Housing Service about their application, to find out if they wish to remain on the Housing Register. If they do not respond to this letter within one calendar month, their application may be removed from the Register.

Where the applicant is vulnerable and has high priority for re-housing, an officer will contact the applicant to assist them with bidding for homes.

In cases where the applicant has been away from home at the time of the reminder letter, for example, they have been in hospital or have been on an extended holiday, their application will be re-instated on request, at the discretion of the Council.

**If an applicant moves home**, they must notify the Council and complete a new Housing Register form so that their application can be re-assessed. If this results in a change to their band, their priority date will be the date they moved into the new band (if it is a higher band), otherwise, it will remain the same.

If an applicant moves home, fails to notify the Allocations Team and is removed from the Register because they do not receive their reminder letter, their application may be re-instated if they notify the Allocations Team after a period not exceeding 6 months from the date of removal. Otherwise, a fresh application will need to be made with a new priority date.

**Appeals against any decision to remove an applicant from the Common Housing Register** must be made in writing to the Allocations and Resettlement Manager within 21 days of the decision being notified to the applicant.

## **7. Who can be included as part of an applicant's household**

In most cases, only someone who is living with the applicant as part of their household on a permanent basis at the date of registration, or children born after registration, can be included in the application. The Council will make exceptions for families who are forced to live separately due to a lack of suitable accommodation.

### **Children**

Dependent children (under 18) joining the household, where it can be proved that the applicant is the sole legal guardian, will be considered as part of the household if they have lived as part of the family for a minimum of 12 months. Evidence such as a residence order, or Child Benefit payment, must be provided.

Children whose parents are separated or divorced will be included as part of the household of the parent who is the main carer, that is, with whom they live more than 50% of the time.

### **Other dependents**

Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of the household. This will generally be because of age, disability or for medical reasons. Such cases may be referred to the Council's Independent Medical Adviser for advice as to whether or not the relative needs to live with their family for care and support. Relatives over the age of 55 may apply for independent sheltered housing if they are able to live without day to day support.

### **Live-in carers**

A live-in carer will be considered as part of the applicant's household on the recommendation of the Council's independent Medical Adviser. This applies where either the applicant already has a live-in carer or one will be available to join the applicant when they have suitable housing.

## **8. The Council's policy on keeping pets**

The Council does not permit pets to be kept in the majority of its homes. Pets are only allowed to be kept in council homes with a private garden. Similar rules apply in registered social landlord homes, although this would need to be confirmed on an individual basis. When assessing the re-housing needs of a household, the Council cannot take into account the needs of pets (with the exception of guide dogs for the blind) and will not consider that any offer is unsuitable because the applicant cannot keep their pet there. The Council will, however, provide emergency kennelling for

pets of accepted homeless households until arrangements can be made for them to be re-homed.

## **9. Priority re-housing bands**

All applications will be registered in one of four priority bands. The bands are as follows:

**Band A – Emergency/Top Priority**

**Band B – Urgent Need to Move**

**Band C – Identified Housing Need**

**Band D – Other Applications**

**Full details of the banding scheme are at Annex 3.** Applicants must inform the Allocations Team of any changes in circumstances as this may affect their priority. If the change results in the application moving to a new band, the Council will notify the applicant in writing of the new band and priority date (if applicable).

## **10. Priority date**

Priority for an offer of accommodation is determined by the level of re-housing need, priority band and the priority date. This is the date the Housing Application Form was received by the Council. For homelessness applications registered before 17 May 2006, it will be the date they were first accommodated by the Council or, a homelessness duty accepted, if earlier.

Where an applicant is already registered and subsequently makes a homelessness application, their priority date will be the date the Council accepted a homelessness duty.

However, if there is a change of circumstances and the applicant moves up a band, the priority date will be the date the applicant was placed in the higher priority band. If there is a further change of circumstances and the applicant moves to a lower band, the waiting time date reverts to the first priority date.

## **11. Medical priority**

Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to complete a Medical Self-Assessment form. This will be reviewed by the Council's independent Medical Adviser, along with any other medical reports or Occupational Therapy reports. The Medical Adviser will advise on the relative medical priority of the household and any other re-housing needs, such as a need for ground floor accommodation or a home with a garden. The medical priority is treated as an additional re-housing need and may affect the band the application is placed in. There are 3 categories of medical priority which are:

**Over-riding medical priority** – where the applicant or a member of their household has a life-threatening condition which is seriously affected by their current home. It also covers situations where an individual is unable to return to their home from hospital because they cannot access the accommodation. Any application awarded over-riding medical priority will be placed in Band A.

**High medical priority** – where current housing conditions are having a major adverse effect on the health of the applicant or a member of their household. Any application awarded high medical priority will be placed in Band B.

**Medical priority** – where current housing conditions are having an adverse effect on the health of the applicant or a member of their household, but the level of need is insufficient to award additional priority, except in extreme cases of housing need. Any application awarded medical priority will be placed in Band C, or will remain in the same band, unless there is a combination of re-housing need which significantly increases the overall level of re-housing need. That is, where a household is overcrowded by 2 or more bedrooms and has a medical need, or where there are 3 or more identified re-housing needs, including a medical need, as defined in Annex 3.

## 12. Disability

Housing which has been designed for use by tenants with a disability, has been adapted or is particularly suited to a person with a disability, will be allocated to a person who has been assessed as needing that particular type of accommodation, even if there are other applicants (without a disability) in higher bands or with an earlier priority date. Each application will be awarded a mobility category, from 1 to 4 and properties advertised as suitable for applicants from those categories.

Mobility category 1	Applicants who are full-time wheelchair users
Mobility category 2	Applicants who need a property which is wheelchair accessible, but who may not use a wheelchair indoors
Mobility category 3	Applicants with severe mobility problems who need ground floor or lifted accommodation with level access and no internal stairs
Mobility category 4	All other applicants.

## 13. Decants

Council tenants who urgently need to move because their home is imminently to be demolished because it is in an unsatisfactory condition and/ or to enable development of the site, will be placed in Band A and will be given 3 months to bid for any suitable properties. If they fail to bid successfully in this period, they will be allocated suitable alternative accommodation.

### Temporary decants

Council or registered social landlord tenants who need to move because their home has become temporarily uninhabitable, for example, because of a fire, should approach their own landlord if they require temporary accommodation and cannot stay with relatives or friends while repairs are carried out to their home. If major works are to be carried out, the Council will offer its own tenants alternative accommodation from its own permanent housing stock, to be occupied by the tenant until their home is ready for them to return to. In these circumstances, the tenant will retain the tenancy of their home and pay the same rent, unless the rent for the temporary accommodation is lower.

Where the tenant is temporarily decanted to any private sector accommodation, because there is no suitable council property available, they will pay the rent for the private sector property.

Any request by council tenants to remain in their temporary accommodation instead of returning to their home when the works are completed will be considered and may be agreed, at the Council's discretion, where there is a benefit to the Council.

#### **14. Deferred transfers**

##### **a) Absence from home of 6 months or more**

An alternative council or RSL property may be offered on a deferred basis to existing council tenants who wish to voluntarily relinquish their tenancy. The scheme enables the Council to make the best use of its housing stock by avoiding having to keep accommodation empty for lengthy periods and gives the tenant the security of knowing they will have accommodation when they need it again.

A deferred transfer may be agreed on a discretionary basis where a council tenant has agreed to voluntarily relinquish their tenancy to spend a period in rehabilitation or a more supported environment, or is imprisoned and would be leaving their accommodation empty for six months or more or for a period longer than their entitlement to Housing Benefits. A deferred transfer may not be agreed where possession action has already commenced, or there is evidence of serious nuisance, or the grounds for imprisonment are directly related to their conduct of the tenancy.

Deferred transfers requests should be put in writing to the Allocations and Resettlement Manager, accompanied by a completed Housing Register form. Once approved, the application will be registered in Band D until the Allocations Team is informed when the applicant is likely to need re-housing. Up to 3 months before re-housing is required, the application may be moved up to Band A to enable the applicant to have top priority in bidding for any available homes.

##### **b) Breathing Space scheme for overcrowded council tenants moving to larger temporary accommodation (applies to tenants moving to Breathing Space homes between October 2007 and 30 September 2009).**

In order to relieve the overcrowding of council tenants waiting for a transfer to a larger home, they will be offered the option of moving to larger temporary accommodation, but remaining on the Housing Register as a transfer applicant. This allows the tenant and their family to live in a home which is large enough for their needs until they receive an offer of a secure council or RSL tenancy.

Tenants already in Band C will remain in that Band for 2 years from the date they move to their Breathing Space home. If at the end of that period they have not been successful in bidding for larger permanent accommodation, they will be moved to Band B. Their priority date will be the date they moved to Band B.

Tenants already in Band B, or who move up from Band C, will remain in that band for 2 years. If after that period they have been unsuccessful in bidding for larger permanent accommodation, they will be moved to Band A for a period of 6 months. Their priority date will be the date they moved to Band A. If the tenant is unsuccessful in securing a home after 6 months, the Council will directly allocate them a suitable home.

At any time, where the lease on their Breathing Space home ends and the landlord no longer wishes to lease the property to the Council, the application will move to Band A and the Council may make a direct offer of permanent accommodation at that stage. However, tenants in Band C who have occupied their Breathing Space home for less than 12 months will be offered an alternative Breathing Space home.

If a direct offer is refused, alternative temporary accommodation will be offered and the application will revert to Band B with the priority date being the date the application was first placed in Band B.

Applicants may only bid for homes for which they qualify at the time of bidding. It is important, therefore, that the Council is notified in writing of any changes to the household composition.

## **15. Homeless households**

All applications for housing by people who are homeless or threatened with homelessness are assessed by the Homelessness Assessment Team who will decide whether the applicant is entitled to re-housing under the Housing Act 1996, as amended by the Homelessness Act 2002. Where a homelessness duty is accepted, temporary accommodation will be provided until a permanent council or registered social landlord tenancy can be offered. The temporary accommodation may initially be hostel or other emergency accommodation, but as soon as possible, the household will be offered privately leased or Tenant Finder accommodation which meets their re-housing needs.

The Council may discharge its duty to homeless households via the private sector where the applicant has sufficient income, savings or other means to meet the rent in advance and deposit payments sought by private landlords, or to achieve a full or

shared ownership purchase and suitable accommodation is available. The Council will assist applicants who do not have the means to pay a private sector deposit and rent in advance through its **Home Finder Scheme**. Under the Home Finder Scheme, the Council arranges for a deposit/rent guarantee and one month's rent in advance to be paid to the landlord and the applicant repays the money to the Council as a loan. Where the Council discharges its re-housing duty through the Home Finder Scheme, the applicant may remain on the Housing Register and their priority will be assessed based on their new housing circumstances. Their priority date will be the priority date given when they were originally placed on the Housing Register.

The Council will ensure that private sector properties used for the discharge of duty are suitable. Suitability includes standards of fitness and affordability, the social, medical and physical needs of applicants, no risk of violence or harassment and access to schools and other facilities.

Where the Council accepts a homelessness re-housing duty and the applicant waits in temporary accommodation for an offer of council or registered social landlord accommodation, the applicant will be registered in Band C.

Homeless households will be placed in the following bands:

- Band A** Where an accepted homeless household is provided with temporary accommodation by the Council, the lease is ending within 3 months and the landlord wants the property back. The application will be moved to Band A from the date the Allocations Team is notified that the lease is ending, at least 3 months prior to the lease end date. If the lease is subsequently renewed, or the applicant is moved to alternative temporary accommodation, the application will revert to its previous band and priority date.
- Band B** Where the household has been accommodated in temporary accommodation for more than two years. This applies until 1 April 2011 when homeless households will no longer move up to band B, but will remain in band C.
- Band C** Other households where the Council has accepted a homelessness re-housing duty. If the household occupies a Tenant Finder property, they must normally have held the tenancy for 12 months or more, before they can be offered permanent accommodation.

The initial priority date will be the date the Council receives a completed Housing Register application form. If the applicant is already registered as a First-time applicant and later applies as homeless, their priority date will be the date the Council accepted a homelessness duty. (For some homelessness applications received before 17 May 2006, the priority date may be the date they were placed in temporary accommodation by the Council).

Until 1 April 2011, after two years in Band C, accepted homeless applicants will move up to Band B and will have a new priority date, which will be two years from the initial priority date. After 1 April 2011, applicants will remain in band C.

Time spent living with family under the 'Homeless at Home' scheme will count as time spent in temporary accommodation.

Where homeless households are placed in Tenant Finder accommodation while they wait for an offer of permanent accommodation, they will not normally be offered accommodation during the first 12 months of their Assured Shorthold Tenancy. Similarly, homeless households placed in privately leased accommodation will not normally be offered a permanent home during the first 6 months of occupation. The Council may exercise its discretion to vary this policy in individual circumstances.

Households assessed as intentionally homeless may join the Housing Register as first-time applicants.

## 16. Homelessness prevention

Applicants presenting as homeless will be given the option of being offered private sector accommodation which meets their re-housing needs instead of a temporary home followed by council or registered social landlord accommodation when it becomes available.

**The Tenant Finder Scheme** offers the option of privately rented accommodation as an alternative to making a homelessness application and being placed in temporary accommodation. Tenant Finder matches homeless households in priority need with private landlords and provides a loan to the applicant to cover the deposit and rent in advance.

**The @home scheme** offers applicants excluded from their home by family or friends, to whom the Council would have a homelessness re-housing duty, the option of being placed on the Housing Register in Band B, as a first-time applicant, if they can remain in their home while they bid for vacancies. A Housing Advice and Options Officer will visit the applicant to assess their eligibility and make a recommendation to the Allocations and Resettlement Manager, who will authorise Band B if all the criteria are met.

This offers a potentially faster re-housing solution to excluded households and avoids them having to spend time in temporary accommodation. The alternative would be to make a homelessness application, which if accepted, would mean the household being placed in temporary accommodation until they successfully bid for a permanent home. At acceptance of the homelessness duty, the application would be placed in Band C and would progress to Band B after 2 years (until 1 April 2011).

At any time, an applicant placed in Band B under this scheme, would be able to make a homelessness application if they were no longer able to remain in their home. If accepted, they would be placed in temporary accommodation and their priority band changed to Band C with the same priority date.

## **17. Incentive schemes**

Incentives are offered to certain categories of applicant in order to provide greater choice for people in housing need and to make the best use of the available housing resources.

### **Incentive to Move Scheme (for under-occupying tenants)**

In order to release family accommodation which can be offered to families in housing need, the Council will give top priority to and provide assistance to existing Kingston Council and registered social landlord tenants who move to smaller homes or to sheltered accommodation. Offers of accommodation through the Incentive to Move scheme are subject to available funding.

Priority is also given under the scheme to tenants who wish to move from general purpose 1 bedroom accommodation to sheltered housing, to provide more re-housing opportunities for single people and couples in priority need.

A full schedule of moves which qualify for the Incentive to Move scheme and details of the grants and assistance provided, is attached at Annex 4. Tenants who wish to move through the Incentive to Move scheme will be placed in Band A, 'Top Priority' group.

### **Grants to Move Scheme**

The Council provides a cash grant to assist existing council tenants who wish to buy a home in the private market. The size of the grant is based on the length of tenancy and the funding allocated to the scheme.

## **18. Local lettings plans**

A local lettings plan will be in operation for a proportion of lettings on some large housing developments. These lettings plans are agreed by the Council and the registered social landlord in order to achieve a balanced and sustainable community. Such lettings plans specify that a proportion of lettings will be to applicants who meet certain criteria, for example, who are in employment or in full-time education. Applicants will be considered who have an identified re-housing need or who will release a home which can be offered to other applicants with a high priority re-housing need.

Where such lettings plans are in operation, the criteria will be stated in the property details when they are advertised. Applicants who meet the criteria will be able to bid and offers will be made to those with the highest re-housing priority and those who will release family homes which can be offered to those with the highest re-housing priority.

## **19. Management transfers**

Tenants of Kingston Council or partner registered social landlords living in the borough who are victims of violence, threatened with violence or subject to harassment, including racial harassment, may apply for an emergency management transfer. An emergency move is seen as a last resort after all other avenues of resolving the problem have been explored.

Decisions to approve management transfers are made by the Management Transfer Panel comprising of the Area Manager, the Homelessness Manager, the Temporary Accommodation Manager and chaired by the Allocations and Resettlement Manager. If a management transfer is agreed, the tenant will be placed in Band A and may bid for any property which is of a similar size and type to their home. They can also bid for a smaller property if their needs have changed since they were first accommodated, as long as this does not lead to overcrowding. However, they cannot use the opportunity to bid for a larger home. A principle of the management transfer process is that any property offered is on a `like for like` basis.

The only exception to this rule is where the household is overcrowded and would be likely to be made an offer of larger accommodation within the next 6 months. This will be decided by the Management Transfer Panel when the decision to accept the application is made.

### **Appeals by tenants**

Tenants may appeal to the Divisional Manager, Housing Resources, against decisions of the Management Transfer Panel not to accept them for a management transfer. Appeals against the suitability of an offer can be made to the Allocations and Resettlement Manager, if the applicant thinks the accommodation offered is unsuitable for their needs.

### **Temporary accommodation**

If the tenant would be at risk if they remain in their own home, temporary privately leased, hostel or bed and breakfast accommodation may be offered for them to occupy until the tenant successfully bids for alternative permanent accommodation. Should the tenant fail to bid for suitable properties within a reasonable period (normally up to 6 months, depending on availability of suitable homes), a direct offer of suitable accommodation may be made. Tenants may wish to take independent legal advice before giving up their permanent accommodation to move into temporary accommodation.

## **20. Out of borough applications**

People living outside the borough of Kingston upon Thames will be placed in Band D unless nominated by their local authority. Applicants for sheltered housing nominated by their local authority because they need to move to Kingston for support reasons, may be placed in band C. People in prison, the armed forces or hospital in Kingston who previously lived outside the borough, will be treated as living outside the borough.

## **21. Owner occupiers**

Owner occupiers may apply for re-housing and will be placed in Band D, unless they are assessed as having an over-riding medical need for re-housing (see below). We will enter into negotiations with any owner occupier who successfully bids for a home in order to reach agreement about the potential use of their home for other households in housing need. Any arrangement entered into by the owner occupier and the Council would have to be made formally through solicitors.

1. Where the owner has been assessed as having an 'over-riding medical priority' for a move to more suitable accommodation; and the Council considers that the applicant has insufficient income, savings and equity in their property to purchase more suitable accommodation, the application will be placed in Band A.
2. Where the owner's property meets the Council's standard for private leased accommodation and meets the Council's needs, re-housing will be conditional on the owner leasing the property to the Council for 5 years.
3. If their property does not meet the Council's private leasing standards, they will be required to lease it to a registered social landlord for a minimum of five years (with a rental payment at least equivalent to (the rental of the accommodation provided under the policy) provided the property meets the Council's needs and provided the registered social landlord has the funds to bring the property up to Housing Corporation standards or if such funds are not available, it will be considered whether the property can be brought back into use via another scheme.
4. In the event of the property not meeting the Council's needs or being capable of being brought into use through the means proposed in a) and b), the owner be invited to sell the property without prejudicing their entitlement to a Council property.
5. The arrangements under a) and b) be terminated in the event of the applicant dying or moving into residential care, with the Council or housing association being required to give vacant possession of the applicant's property within a reasonable period.

## **22. Registered social landlord tenant transfers**

Tenants of registered social landlords living in the Borough of Kingston will be treated as transfer applicants provided that the homes they vacate are offered to the Council for nomination. Otherwise, they will be categorised as first-time applicants on the Common Housing Register.

## **23. New Build Homebuy (previously known as Shared Ownership)**

Shared ownership housing is provided by registered social landlords for sale to applicants in housing need. The applicant purchases a proportion of the equity in the property and pays rent to the registered social landlord for the remaining part.

Over time, the owner may choose to purchase additional portions of equity in their home.

The majority of sales are to applicants nominated by the Council from the Housing Register, with preference given to households to whom the Council has accepted a homelessness duty and to existing Council and registered social landlord tenants. Where demand exceeds supply, priority will be given to applicants with the highest level of need as reflected by their band and priority date.

New shared ownership developments are marketed by the registered social landlord and information about shared ownership opportunities is made available through the website under Home Ownership.

## **24. Sheltered housing**

Sheltered Housing is independent supported accommodation for older people aged 60 and over where there is a Sheltered Scheme Manager who can be called on for assistance in case of emergency. The majority of sheltered accommodation consists of self-contained studio or one bedroom flats. There are a small number of two bedroom flats. There is low demand for some sheltered accommodation, typically that which has shared bathroom facilities, or is located on an upper floor with no lift. Low demand sheltered accommodation can be offered to applicants aged 55 or over, or to owner occupiers. Applicants in these groups will be considered for an offer where there is no Housing Register applicant aged 60 or over who wishes to be offered the accommodation.

Applicants under 60 years of age with physical or learning difficulties may be considered for sheltered housing where it is agreed by Housing and Social Services that this type of accommodation would be suitable.

Offers will be made to those applicants with the highest priority in terms of band and waiting time. All applicants for Sheltered Housing will be assessed by a Sheltered Scheme Manager before receiving an offer of accommodation to ensure that they can live independently (with a care package, if required) and that Sheltered Housing is suitable for their needs.

## **25. Extra-care sheltered housing**

Allocations of sheltered housing where additional care and support is provided on-site are considered by the Older Persons Accommodation Panel with representatives from Housing, Health and Social Services. The Panel considers a thorough assessment of each client's needs and whether or not this type of accommodation is suitable, taking into account the recommendation of the Council's independent medical adviser. Where there is more than one applicant for any vacancy, the Panel will consider each applicant's priority for housing together with their medical and other needs.

## **26. De-sheltered accommodation**

Flats on the Cambridge Road Estate and the Alpha Road Estate may be de-sheltered where no high priority applicants bid for them who need sheltered accommodation. However, if there is an elderly sheltered tenant on the same floor, the de-sheltered flat will not be offered to any applicant with a history of significant mental health or drug abuse problems.

## **27. Social Services nominations**

Each year, a quota target for re-housing Social Services clients is set, in agreement with the nominating departments. This is to ensure that sufficient priority is awarded to vulnerable people and to enable Social Services to discharge their duties to their clients, which include obtaining suitable settled accommodation. Quotas are set for the following groups, which are given additional re-housing priority and placed in Band B:

- Young People Leaving Care
- Mental Health
- People with disabilities
- Children with disabilities
- Learning disability
- Children Act 1989

## **28. Staff re-housing scheme**

Certain staff employed by the Council, including School or Estate Caretakers, Hostel Managers and Sheltered Scheme Managers, may be entitled to re-housing by the Council on retirement, where housing has been provided as part of their contract of employment under a Service Tenancy. Human Resources advise the Allocations Team of service tenants who will be required to vacate their accommodation within the next two months. Those service tenants entitled to re-housing will be placed in Band A (top priority group) and will be able to bid for properties becoming available. If they fail to bid successfully by the time they are required to vacate their service tenancy, the former employee will be made one suitable offer of accommodation which meets their re-housing needs. Former service tenants will be offered an introductory tenancy.

Service tenants who are entitled to re-housing on termination of their employment:

1. Retiring service tenants with 10 years service, or more. Tenants already occupying accommodation with one bedroom surplus to their assessed re-housing needs, may be offered accommodation with one bedroom in excess of their assessed re-housing need at the discretion of the Head of Housing. Service tenants with seven years service, or more (other than those dismissed on disciplinary grounds), will be entitled to be offered a property which meets their assessed housing need.
2. Service tenants with less than seven years service who are made redundant, or who are offered re-deployment by the Council as an

alternative to redundancy and as a result are required to vacate their accommodation, or who retire under the voluntary early retirement scheme or on ill-health grounds, or having reached normal retirement age, are eligible for re-housing according to their assessed re-housing needs.

3. In the event of the death of a service tenant, his/her surviving partner will be entitled to re-housing according to their assessed housing needs, except where the deceased service tenant has completed 10 years' service, in which case (1) above will apply. Partners and children who qualify for re-housing under this scheme, must have been resident with the tenant for at least 12 months prior to his/her death.

Service tenants who own a home which is suitable for their use are not entitled to re-housing, unless they acquired the property prior to 1 September 1997. If they acquired a property before this date, the Council will consider the availability and suitability of that property for the service tenant and their family and offer a Council property where appropriate.

## **29. Succession and discretionary offers**

### **Tenants with a statutory right of succession, as defined by the Housing Act 1985 s87-88.**

On the death of a tenant, their successor (other than a spouse) who under-occupies their home by one or more bedrooms will be required to move to suitable alternative accommodation which meets their re-housing needs, in accordance with the Allocations Policy.

If, however, the successor has provided care for the deceased tenant, they will be permitted to remain in their home, provided they are under-occupying by no more than one bedroom. The conditions to this are that:

- the property has been the successor's sole or principal home for the previous five years, prior to the tenant's death and the accommodation does not provide specialist services (such as being fully adapted for a wheelchair user); and
- the successor provided unpaid care or support to the former tenant during that period.

## **30. Non-statutory successors**

There is only one right to succession in law. Where this has already been exercised, the Council may grant a new tenancy of the property (or of another suitable property if the existing home is too large or specialist accommodation is no longer required by the surviving occupier) where another person has lived as part of the household continuously throughout the 12 month period ending with the death of the tenant. This right applies whether the relationship is single sex or opposite sex. The accommodation offered will be in accordance with the size of accommodation required by the household under the Council's Allocations Policy.

This policy enables the Council to allocate the home released to a household with a priority re-housing need and avoids the need to seek possession of the property and for the remaining occupier to have to make a homelessness application.

Statutory and non-statutory successors required to move will be placed in Band A and may bid for any suitable properties becoming available to let. If they fail to successfully bid after a period of nine months, a suitable property will be allocated and offered to them. They may refuse one offer of accommodation, but if they refuse a second offer, the Council will seek possession of the property they occupy on the grounds that suitable alternative accommodation is available to them which it would be reasonable for them to occupy (Housing Act 1985 s84 schedule 2, grounds 13 to 16).

Any appeals about the suitability of alternative offers of housing or about the decision that they cannot remain in their home must be made in writing to the Allocations and Resettlement Manager.

### **31. Supported Housing**

#### **Mental health needs**

Accommodation with tenancy support is available for people with mental health and related needs. This accommodation is allocated by an Allocations Panel which includes senior officers from Housing and the Community Mental Health Teams. Allocations are made to people who meet the selection criteria, who are owed a homelessness duty by the Council or nominated by Social Services through their re-housing quota target.

The accommodation is normally available to the client for up to two years. Provision is made for tenants of supported housing to move-on if they no longer need the support provided and can manage a tenancy in independent accommodation. This enables the Council to offer the accommodation released to another high priority applicant who needs the support provided. In such cases, the Allocations Panel must agree to the tenant moving on, before the tenant can register an application and start bidding for available properties. If approved for move-on, the tenant will be placed in Band B if they are not already in band B.

#### **Young parents**

Supported housing is also available to young parents aged 16 to 22 and this is allocated by the Young Persons Allocations Panel which includes officers from Housing, Social Services and the Health Authority. Applicants must meet the selection criteria and be owed a homelessness duty or must be nominated by Social Services through their re-housing quota target. Tenants can remain in the accommodation for a maximum of two years. If, after 2 years at Fassett Road, the tenant has been unsuccessful in bidding for permanent accommodation, they will be offered alternative temporary accommodation while they continue bidding for permanent accommodation.

Supported housing (with the exception of sheltered housing) is not advertised for applicants to bid.

**Floating Support**

Tenancy support is provided through floating support schemes for tenants in independent accommodation with mental health and multiple problems, for young parents aged 16 to 22 and for older tenants to enable them to remain in their own homes. The allocation of floating support is made by the Allocations Panel (for mental health needs) and the Young Persons Allocations Panel (for young parents). Referrals are accepted by the panels where the client meets the selection criteria and there is a vacancy. Floating Support is available for a maximum of two years for individual tenants.

**32. Temporary to settled rehousing****Home Finder Scheme**

Homeless households the Council has placed in temporary accommodation will be offered the choice of remaining in that accommodation (subject to the landlord's agreement) as an alternative to an offer of secure Council or RSL accommodation. They may also be offered alternative Home Finder accommodation. Acceptance of a qualifying offer through Home Finder will discharge the Council's re-housing duty under Section 193 of the Housing Act 1996 (as amended).

**Breathing Space Scheme for overcrowded tenants**

Any Breathing Space tenant who prefers to remain in their Breathing Space home instead of bidding for permanent Council or RSL vacancies, will be assisted to arrange an Assured Shorthold Tenancy directly with the landlord, subject to the landlord's agreement.

**33. Temporary Staff Housing Scheme**

Newly recruited staff to key posts, re-locating to Kingston from a distance of more than 10 miles from the Borough boundary, may be offered Council accommodation which meets their re-housing needs for a period not exceeding nine months. This is in order to allow them time to find suitable accommodation in the area and it must be impossible for them to take up their appointment unless they move to accommodation which is more conveniently located. The request for re-housing must be made by the Human Resources department and a direct offer of accommodation will be made by the Allocations Team.

**34. Bidding for properties**

In order to provide applicants with the maximum degree of choice, available Council and registered social landlord vacancies the Council can nominate to, will be advertised on the Council's website. Applicants will be expected to bid for homes which they would like to be allocated.

Available homes will be advertised on a weekly basis and applicants registered for housing will be able to bid for homes which meet their assessed re-housing needs. Applicants will not be able to bid for homes which are too large for their needs. Bids can be placed through the Home Connections website, the dedicated telephone service, or by text message.

Properties available for bidding are advertised weekly from Wednesday to midnight on Sunday. At the close of bidding, a shortlist of applicants who placed a bid will be prepared and successful applicants invited to view the property. The home will be offered to the applicant on the shortlist in the highest priority band, who has the earliest priority date. If there is any reason why that applicant should not be offered the property, for example, a tenant has rent arrears, or a history of anti-social behaviour, the property will be offered to the next applicant on the shortlist who has the highest band and the earliest priority date. The applicant who has been by-passed can see the reason they were not offered the property on the Home Connections website, or can phone the Allocations Team to ask.

Applicants may bid for as many properties as they like each week, which meet their re-housing needs. Details of the band and priority date of homes which have been let will be published, enabling applicants to see the priority of the successful applicant.

### **35. Autobid**

Applicants who have difficulty using the bidding system may be registered for Autobid so that automatic bids will be placed on their behalf for suitable properties advertised. Applicants can select up to 7 specified areas and bids will be placed on suitable homes in those areas.

Accepted homeless households placed in temporary accommodation by the Council will automatically be registered on Autobid and must choose at least 4 of the 7 areas, unless it has been agreed by the Council that they can be considered for homes in a smaller number of areas due to exceptional circumstances (for example, where they may be at risk in most areas of the Borough).

Any successful bid as a result of an automatic bid placed through Autobid will lead to an offer of accommodation if the property is suitable for the applicant's needs. The offer will count as one of the applicant's two offers provided that the property is suitable for their needs and it would be reasonable for them to accept.

### **36. Direct allocations**

In a few circumstances, vacant properties will be directly allocated rather than being advertised through choice based lettings. This will happen in the following situations:

- Where vulnerable individuals are unable to participate effectively in the bidding system.
- In cases where the applicant needs to move immediately, for example, tenants being decanted to enable a major repair contract to their home to commence, or under the temporary staff re-housing scheme.
- Homeless households who have failed to bid successfully for available properties and the lease on their temporary accommodation has ended.

- Homeless households in temporary accommodation provided by the Council who have not bid for permanent housing or who have restricted their bids to a small number of properties, where suitable accommodation which meets their re-housing needs has been advertised (see below for details).
- In exceptional circumstances, the Head of Housing will authorise a direct offer of accommodation in order to avoid cases of extreme hardship for applicants in Band A. This will not prevent the household from exercising choice by bidding for any other available properties.
- Supported housing vacancies will not be advertised for bidding.
- Where no bids are received for an advertised property. Applicants will be contacted and asked if they would like to be offered the property.
- Where service tenants entitled to re-housing have not bid successfully for a suitable home by the time they are required to vacate their accommodation, they will be made one suitable offer of accommodation.
- Breathing Space tenants who have not bid successfully at the end of their maximum period in their temporary accommodation and the Council has guaranteed to make them a direct offer of permanent accommodation.

### **37. Direct offers to accepted homeless households**

- A direct offer may be made to accepted homeless households who have lived in temporary accommodation for the following number of years:
- Households needing a 1 bedroom home, in temporary accommodation for 3 years or more;
- Households needing a 2 bedroom home, in temporary accommodation for 4 years or more;
- Households needing a 3 bedroom home, in temporary accommodation for 5 years or more;
- Households needing a 4 bedroom home, or larger, who have been in temporary accommodation for 6 years or more.

### **38. Offers to applicants with rent arrears**

Tenants with rent arrears will not normally be offered alternative accommodation. Exceptions may be made at the discretion of the Head of Housing, in exceptional cases, for example, where a tenant has over-riding medical priority or is statutorily overcrowded within the meaning of the Housing Act 1985 Part X.

Applicants owed the homelessness re-housing duty, living in temporary accommodation, will be offered permanent accommodation where they have made an agreement to clear or gradually reduce any rent arrears. The applicant will only be offered an introductory tenancy of permanent accommodation, if they have an agreement to reduce the arrears in place and have been making regular payments to reduce the outstanding amount for a minimum of six months (this period may

only be varied in exceptional cases). Such moves are at the discretion of the Head of Housing.

### **39. Refusals of offers of accommodation**

As good information will be provided about available properties at the time of bidding, normally including a photograph, there should be few reasons for applicants to refuse offers of homes they have chosen to bid for, after viewing the property. All applicants are entitled to refuse one offer of accommodation and if they refuse a second offer, their application will be placed in Band D for 12 months. The only exception is where it is in the Council's interest to secure a move. After the 12 month period has ceased, the Council will write to the applicant to ask whether they wish their application to be re-assessed and if they wish to amend the application in any way.

The Council will discharge its re-housing duty to households owed a homelessness duty at the second refusal. Homeless households will have a statutory Right to a Review of the suitability of the offer of accommodation under the Housing Act 1996 s202. The applicant will be expected to move into the accommodation offered whilst the Review is conducted. If they choose not to move into the accommodation, they risk having no accommodation to move to if the Review does not find in their favour.

If the Review finds that the accommodation was unsuitable, the applicant may continue bidding until they receive one final offer of accommodation. However, if the Review finds that the offer was suitable and reasonable for the applicant to accept, the applicant's homelessness priority will be removed. If they have chosen not to move into the accommodation offered, they will be required to vacate their temporary accommodation and their application will be moved to Band D.

All other applicants may appeal against a decision that their second offer of accommodation was suitable for their needs before their application is moved to Band D.

Appeals and Requests for a Review will be considered by the Allocations and Resettlement Manager. In general, any offer of a home in the Borough of Kingston is likely to be considered suitable, subject to individual circumstances. Offers of homes in the South West London sub-region may be considered suitable depending on the applicant's individual circumstances. In considering the suitability of any offer of permanent accommodation, account will be taken of access to work or to children's schools where it is inappropriate for children to change school due to special needs or to imminent exams for children aged 15 or over. If an applicant bids for a property, it will be assumed that they have considered the access arrangements for work and school, or that they are willing to change their children's school.

More than two offers of sheltered accommodation may be made to tenants vacating family sized accommodation through the Incentive to Move scheme.

#### 40. Additional priority groups

Each application is assessed according to re-housing need and placed in the appropriate band. In assessing applications for housing, officers will carry out a composite assessment of the needs of all households with multiple needs. (That is, households entitled to a reasonable preference in the allocation of housing on more than one of the statutory grounds as defined in S167 of the Housing Act 1996, as amended by the Homelessness Act 2002). The assessment will determine whether such households will be awarded an additional preference appropriate to their needs. This is reflected in the banding scheme as follows:

##### **Medical need**

Where an applicant or a member of their household has an illness or disability and their home has a major adverse effect on their health, the application is given additional priority. Applicants in Band C or D will be moved to Band B. If, the medical need is so urgent that a life-threatening condition is affected by their home, or an individual is unable to return home from hospital because they cannot access the accommodation, the application will be moved to Band A. (Refer to page 7).

##### **Homelessness and additional need**

Households owed the homelessness re-housing duty are placed in suitable temporary accommodation which meets their needs and will initially be placed in Band C. The priority date will be the date the Council receives a completed Housing Register application form. If the applicant is already registered as a first-time applicant and later applies as homeless, their priority date will be the date the Council accepted a homelessness duty. (For some homelessness applications received before 17 May 2006, the priority date may be the date they were placed in temporary accommodation by the Council).

Where there is an urgent medical re-housing need, which is affected by their temporary accommodation, they will be moved up to Band B from the date the medical need was assessed. Where the temporary accommodation lease is ending within 3 months and the landlord wants the property back, the application will be placed in Band A.

##### **Social welfare need**

Where a household has social or welfare needs for urgent re-housing, Social Services may nominate the applicant using their annual quota of nominations. This will give the household additional priority over other applicants by placing them in Band B. (Refer to page 17 for list of quotas).

##### **Severe overcrowding and multiple need**

Where families are so severely overcrowded that they need two additional bedrooms and they have an additional identified re-housing need, their application will be given additional priority and moved from Band C to Band B.

##### **Disability**

Where a member of the household has a physical disability and needs a property which is adapted or suitable for those needs, their application will be given additional priority for suitable homes. Following assessment, the application will be

awarded mobility category one to four and applicants with a mobility category will be given preference for all homes which meet their needs. (Refer to page 8).

### **Multiple need**

The banding scheme caters for the specific cases of multiple need identified above. It also allows for additional priority to be awarded where households are experiencing high levels of need, that is, where they have three or more types of identified housing need (see list in Annex 3), which place them in at least two of the reasonable preference categories identified in the Housing Act 1996, as amended by the Homelessness Act 2002 (Refer to Annex 5 for the reasonable preference categories). In such circumstances, their application will be placed in a higher band than if only the main housing need is taken into account.

In cases where an applicant has two of the above identified housing needs, the Head of Housing will exercise discretion as to whether to place the application in Band B where the needs fall within two of the reasonable preference categories.

### **Exceptional circumstances**

The Head of Housing may exercise a residual discretion for households whose defining features, including their cumulative needs, are so exceptional that a higher priority band is deemed to be necessary. Where the defining features (including the cumulative needs) of an applicant in Band A are considered to be so exceptionally severe as to warrant immediate/imminent re-housing, there is a discretion to enable the household to be made a direct offer.

#### **41. Transfer applicants with children under 10 living above the 4<sup>th</sup> floor**

It is the Council's policy not to re-house applicants with children under 10 above the 4<sup>th</sup> floor, although applicants may choose to bid for such accommodation. If applicants with children aged under 10 bid for a property above the 4<sup>th</sup> floor and are offered that property, they may not apply to be considered for a transfer to a lower floor for 12 months after accepting the tenancy.

#### **42. Applicants who will consider a property with one less bedroom than they need**

In recognition of the shortage of large family homes, applicants for 4 bedroom or larger properties, may be offered accommodation with one bedroom less than their entitlement, as long as this does not lead to statutory overcrowding. If the offer is accepted, the applicant may not apply for a transfer to a larger home within the following 12 months. If they refuse the offer, it will not count as their final offer.

#### **43. Families with one child under 12 months can bid for 1 and 2 bedroom homes**

Due to the shortage of family sized homes, applicants with a child aged under 12 months registered for 2 bedroom accommodation, may bid for 1 bedroom homes as well. This may increase their chance of being offered permanent Council accommodation.

**44. Discretion to vary the policy on offers**

In exceptional cases, not covered by the Allocations Policy, the Allocations and Resettlement Manager, the Divisional Manager (Housing Resources) and the Head of Housing or Director of Place and Regeneration, are authorised to vary the policy on offers in consultation with the Lead Member for Better Homes.

## Annex 1

### Persons who are not qualifying persons by virtue of the Allocation of Housing Regulations 2002.

The relevant provisions are sections 160A(3), (5) and (7) of the Housing Act 1996 and Regulation 5 of the Allocation of Housing (England) Regulations 2002 which renders ineligible those who are not habitually resident in the Common Travel Area except those exercising EU Treaty rights and those who fled Montserrat after the volcanic eruption].

Section 160A(3) of the Housing Act 1996 provides that a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority unless he is of a class prescribed by regulations made by the Secretary of State.

For the purposes of the Asylum and Immigration Act 1996 a “person subject to immigration control” means 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”:

Under the terms of the Immigration Act 1971 a person requires leave to enter or remain in the United Kingdom unless he is a British Citizen or is a Commonwealth citizen meeting certain limited criteria.

A person is therefore ineligible for an allocation of housing accommodation by the Royal Borough of Kingston if he or she is not a British Citizen or a Commonwealth Citizen with the right of abode in the United Kingdom unless he or she is made eligible under the Regulations made by the Secretary of State. The Secretary of State has decided that 4 classes of applicant are eligible for an allocation of housing accommodation despite being subject to immigration control. They are:

- Class A: Refugees within the meaning of the Geneva Convention 1951 (as amended);
- Class B: People:
- (i) who have been granted exceptional leave to enter or remain in the United Kingdom
  - (ii) where that leave is not subject to a condition that he should not be dependent on public funds;
- Class C: A person who has current leave to enter or remain in the United Kingdom

which is not subject to any limitation or condition and who is habitually resident in the UK, Republic of Ireland, Isle of Man or the Channel Islands except those who are sponsored immigrants and who have been in the United Kingdom for less than 5 years provided that at least one of the sponsors is still alive.

Class D: A person who is habitually resident UK, Republic of Ireland, Isle of Man or the Channel Islands and who

- (i) is a national of a state which has ratified the European Convention on Social and Medical Assistance or a state which has ratified the European Social Charter provided that he is lawfully present in the United Kingdom; or
- (ii) before 3rd April 2000 was owed a duty by a housing authority under Part 3 of the Housing Act 1985 (housing the homeless) or Part 7 of the Act (homelessness) which is still owed, and who is a national of a state which is a signatory to the European Convention on Social and Medical Assistance or the European Social Charter.

The Secretary of State has prescribed two further classes of people who, by virtue of section 160A(5) are to be treated as ineligible for an allocation of housing accommodation. Therefore, the Royal Borough of Kingston will not be able to make an allocation of housing to those who are

Class E: not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; or

Class F: whose right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is derived solely from EU Directives 90/364/EEC or 90/365/EEC (which require that the person has sufficient resources to be self-sufficient) unless:

- (a). He or she is a person who is a worker for the purposes of Council Regulation (EEC) No 1612/68 or (EEC) No 1251/70; or
- (b) He or she is a person who is an accession state worker requiring registration who is treated as a worker for the purpose of the definition of "qualified person" in regulation 5(1) of the Immigration (European Economic Area) Regulations 2000 pursuant to regulation 5 of the

- Accession (Immigration and Worker Registration) Regulations 2004;
- (c) He or she is a person with a right to reside pursuant to the Immigration (European Economic Area) Regulations 2000, which is derived from Council Directive No 68/360/EEC, No 73/148/EEC or No 75/34/EEC;
  - (d) He or she is a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption.

## Annex 2

### Size of home each household type is eligible for

	Single Person	Child-less Couple	Single OAP	Couple OAP	1 child family	2 child family	3 child family	4 child family	5 child family	6 child family	7 child family
Bedsit	✓		✓								
Bedsit Bungalow	✓		✓								
Warden assisted bedsit			✓								
Warden assisted flat			✓	✓							
One bedroomed flat	✓	✓	✓	✓	✓ ●●●						
One bedroomed house	✓	✓	✓	✓	✓ ●●●						
One bedroomed bungalow <sup>•</sup>	✓	✓	✓	✓	✓ ●●●						
Two bedroomed flat	✓ ●●	✓ ●●			✓	✓					
Two bedroomed maisonette					✓	✓					
Two bedroomed bungalow <sup>•</sup>	✓ ●●	✓ ●●			✓	✓					
Two bedroomed house					✓	✓					
Three bedroomed flat						✓	✓	✓			

	Single Person	Child-less Couple	Single OAP	Couple OAP	1 child family	2 child family	3 child family	4 child family	5 child family	6 child family	7 child family
Three bedroomed maisonette						✓	✓	✓			
Three bedroomed bungalow <sup>•</sup>						✓	✓	✓			
Three bedroomed house						✓	✓	✓			
Four bedroomed flat							✓	✓	✓		
Four bedroomed maisonette							✓	✓	✓		
Four bedroomed house								✓	✓	✓	
Five bedroomed house										✓	✓

- Preference will be given to applicants with a member of the family who is disabled for this type of accommodation.
- Where the second bedroom is required on medical grounds or for a live-in carer.
- Families with one child aged up to 12 months may bid on 1 bedroom homes

Please note that housing association policies may differ.

## Annex 3

### Priority bands for Re-housing

#### Band A (Emergency and Top Priority)

##### Emergency Categories

- Applicants awarded over-riding medical priority by the Council's Medical Adviser for a move to suitable accommodation.
- Homeless households, in priority need and living in temporary accommodation arranged by the Council where the lease has ended and the landlord wants the property back. (If the tenant has occupied temporary accommodation for less than 12 months, they will be offered alternative temporary accommodation instead).
- Council or Housing Association tenants who are at risk in their home and the Council has agreed to a Management Transfer.
- Council tenants who need to move because their home has become uninhabitable, or is to be re-developed and the contractors need vacant possession (decants).
- Applicants with an assessed need to move to a property adapted for a physically disabled person, who cannot remain in, or return to, their current home.
- Deferred Transfers (tenants with the requisite priority who have relinquished their tenancy and the Council has agreed to re-house them at a later date) who need re-housing within three months.
- Breathing Space tenants where the PLS lease ends who were in Band B (that is, tenants with the requisite priority who were overcrowded in their Council tenancy).
- Breathing Space tenants where the PLS lease ends who were in Band C and have occupied their PLS home for 12 months or more and with the requisite priority (if they have occupied their PLS home for less than 12 months, they will be offered alternative temporary accommodation).

##### Top Priority Categories

- Council Staff Re-housing Scheme tenants (Education and Housing Caretakers and Hostel and Sheltered Scheme Managers) the Council has a contractual obligation to re-house at commencement and on termination of their employment.
- Council or housing association tenants who qualify for the Incentive to Move scheme, that is, occupy family accommodation and are willing to move to smaller accommodation or to sheltered accommodation. Also, tenants of 1 bedroom general purpose accommodation moving to sheltered housing.
- Tenants in a property adapted for a disabled person which they no longer need which could be used by someone else with a need for that type of property.
- Council tenants who have succeeded to a tenancy, but a move has been agreed to smaller accommodation which meets their needs, or non-statutory successors where a discretionary offer has been agreed.
- Breathing Space tenants who have moved up from Band B after two years. They will remain in Band A for 6 months, after which they will receive a direct offer.

**Priority will be given to any Emergency Category applicants who bid for an available home.**

### Band B (Urgent Need to Move)

- Applicants nominated by Social Services through their re-housing quotas.
- Homeless households in priority need where the Council has accepted a re-housing duty, who have occupied temporary accommodation for two years or over (this only applies prior to 1 April 2011).
- Council or housing association tenants lacking two or more bedrooms who have an additional identified housing need (eg medical).
- Other applicants whose household lacks two or more bedrooms and have an additional identified housing need (preference for family homes of three bedrooms or more will be given to existing council or housing association tenants in this band).
- High medical need to move, that is, where current housing conditions are assessed as having a major adverse effect on the health of the applicant, or a member of their household.
- **@home scheme** households in priority need threatened with homelessness by relatives or friends, who remain in their home instead of making a homelessness application. Band B status would be retained unless the household were subsequently accepted as homeless and placed in temporary accommodation. In these circumstances the household would be moved to Band C and revert to the re-housing path followed by other accepted households in temporary accommodation.
- Breathing Space tenants who have opted to move to larger temporary accommodation on a deferred transfer basis and have either been assessed for Band B or have been placed in Band B after two years in Band C. (Such households will remain in Band B for two years when they will move to Band A).
- Tenants who need to move on from specialist supported accommodation, where this has been agreed by the Allocations Panel.
- Applicants experiencing high levels of multiple need, that is, who have three or more types of identified housing need from the list below\*, which place them in at least two of the reasonable preference categories identified in the Housing Act 1996, as amended by the Homelessness Act 2002 (refer to Annex 5).

### Band C (Identified Housing Need)

- Homeless households in priority need where the Council has accepted a re-housing duty. Tenants in their first Tenant Finder tenancy must normally have been accommodated in their current home for 12 months or more in order to bid for permanent accommodation. Private leasing tenants will not normally be considered for permanent accommodation during the first 6 months of their first temporary accommodation tenancy.
- Council and housing association tenants who have an **identified housing need\***.
- Other applicants with an identified housing need. Existing Council and housing association tenants in this band will be given preference for family homes of three bedrooms or more.
- Breathing Space tenants, already in Band C, who have opted to move to larger temporary accommodation on a deferred transfer basis. (Such households will remain in Band C for 2 years when they will move to Band B).
- Applicants for sheltered housing living outside the Borough, who need to move to give or receive support from a family member living in Kingston, who have been nominated by their local authority.

## Band D

- All other applicants for housing who do not have an identified housing need.
- Applicants who have unreasonably refused two suitable offers.
- Applicants living outside the Borough.
- Owner occupiers without an over-riding medical need to move.

### \* Identified Housing Need

This includes:

- Lacking one or more bedrooms. A single person living in a bedsit or studio flat is not considered to be lacking a bedroom.
- Lacking or sharing facilities (kitchen/living room/bathroom) with another household.
- Medical need (recommended by the Council's Medical Adviser).
- Home too large (households qualifying for the Incentive to Move scheme will be in Band A).
- Private sector tenants where the property is in poor condition and an Environmental Health Officer has stated there will be a delay in taking enforcement action for substantial disrepair.
- Families unable to live together because of a genuine lack of accommodation.
- Private sector tenants who have received Notice to quit or a possession order, including those who do not have a priority need.
- Households with children under 10 living in a flat above the 4<sup>th</sup> floor.
- Households with two members (where one is aged 10 or over) sharing a single bedroom.
- Any other exceptional circumstances at the discretion of the Head of Housing.
- In cases where an applicant has two of the above identified housing needs, the Head of Housing will exercise discretion as to whether to place the application in a higher band where the needs fall within two of the reasonable preference categories identified in the Housing Act 1996, as amended by the Homelessness Act 2002. (Refer to Annex 5 for the reasonable preference categories). Examples may include cases where tenants are severely overcrowded and are also suffering harassment in their current accommodation.

## **Annex 4**

### **Incentive to Move Scheme Grants**

Tenants moving to smaller or to sheltered accommodation, will be classed as an under-occupier and may be given individual support and advice to help decide what sort of home they would consider moving to.

Under-occupying tenants may be entitled to a grant once they have moved. The amount of the grant is dependent on the size of the property given up and on the size of the home they move to.

Grants available to tenants:

- 2 bedroom moving to 1 bedroom - £750
- 3 bedroom moving to 1 bedroom - £1,250
- 3 bedroom moving to 2 bedroom - £500
- 4 bedroom or larger moving to 1 bedroom - £1,500
- 4 bedroom or larger moving to 2 bedroom - £1,250
- 4 bedroom moving to 3 bedroom - £500
- 5 bedroom moving to 4 bedroom - £500
- 5 bedroom moving to 3 bedroom - £1,250

If the under-occupier moves to accommodation with 1 bedroom more than they need according to the Allocations Policy, they will not qualify for any grant.

Removals may be arranged and paid for by the Council and there may be assistance with disconnections and re-connections and help in purchasing carpets and curtains.

Grants and assistance are subject to available funding

## Annex 5

Reasonable Preference Categories, Housing Act 1996, as amended by the Homelessness Act 2002:

- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless and those who are not in priority need
- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- (c) people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- (d) people who need to move on medical or welfare grounds; and
- (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).