



Royal Borough of Kingston upon Thames Housing Allocations Scheme 2024

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Part 1: Introduction

1.1 The Housing Allocation Scheme

This document sets out the Royal Borough of Kingston upon Thames Housing Allocations Scheme. The Local Authority is required by the Housing Act 1996 (as amended) to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation.

This scheme enables the council to consider the individual needs of those applying for housing while making best use of the very limited housing resources available to the Royal Borough of Kingston upon Thames.

It sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who qualifies to be accepted onto the housing register and who may be disqualified
- How priority is determined
- How various property types will be allocated
- The processing of offering a property
- How often an application will be reviewed.
- How to request a right of review.

The aims and objectives of the scheme are:

- a. To make best use of available social housing.
- b. To promote balanced, mixed communities.
- c. To ensure a fair and transparent assessment of an individual's housing need.
- d. To ensure the system is simple to use and easy to understand.
- e. To fulfil our statutory duties.
- f. To prevent homelessness, minimising the time households spend in temporary accommodation or bed & breakfast.
- g. Explore all possible housing options in order to meet housing needs.

We assess all applications and place them on our housing register. This enables us to award priority based on housing needs.

1.2 The Legal Framework

In framing the Housing Allocations Scheme, we have complied with and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code"
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code"
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264

- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Children and Social Work Act 2017

1.3 Allocation of a tenancy

This scheme sets out arrangements for allocating accommodation within the meaning of Part 6 of the Housing Act 1996 (as amended).

The council allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by the Council.
- Nominates a person to be a secure or introductory tenant of accommodation held by another local authority. 'Secure tenant' includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985 (as amended).
- Nominates a person to be an assured tenant of accommodation held by a Registered Provider. The term 'assured tenant' includes a person with a periodic tenancy, including an Affordable Rent property.

Lettings not covered by the housing allocation scheme are outlined in [Appendix 1](#).

1.4 Data Protection

We will ensure the personal information of all applicants (new, existing and former) is:

- a) Stored lawfully
- b) Processed in a fair and transparent manner
- c) Collected for a specific, explicit and legitimate purpose
- d) The data will be kept up to date and held until it is no longer required
- e) Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

Our Privacy Notice can be located online at: www.kingston.gov.uk.

1.5 Equalities, Access and Monitoring

The council is committed to ensuring equal access and treatment for all applicants including those with protected characteristics as defined by the Equalities Act 2010. An Equality Impact Assessment has been carried out on this scheme to assess and mitigate any undue disadvantage to any group. The scheme also promotes the Public Sector Equality Duty and pays due regard to article 14 of the Human Rights Act. The scheme promotes the welfare of children through section 11 of the Children Act 2004. The council has had regard to the Interim Housing Strategy 2022-25 and the assessment of the needs of Gypsies and Travellers undertaken pursuant to s225 Housing Act 2004.

It is important that this Housing Allocations Scheme is understood by everyone. If you need a copy of this document in another format, you can either contact us or visit one of our offices. The telephone number of our contact centre is 020 8547 5003.

1.6 Force Majeure

We will not be liable for any delay in performing our obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to customers is taken by the council. More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, cyber-attacks, the act or omission of any governmental or other competent authority, war or national emergency.

1.7 Changes to the Housing Allocations Scheme

All major changes to the Housing Allocation Scheme must be approved by the Place Committee. Minor changes may be approved by a nominated council Officer in consultation with the Portfolio Holder for Housing. Where necessary, the Director of Services is authorised to make changes to the Scheme in the interest of remaining compliant with the statutory and operational obligations. Where we need to make a significant change to the Scheme, we will measure the impact to households already on the housing register and we will undertake formal consultation.

1.8 Statement on Choice

Once accepted onto the Housing Register the council assesses priority according to band, housing need and effective date. The choice based lettings (CBL) system allows eligible applicants to select properties that they are interested in, rather than the council allocating the property to the next applicant on the Housing Register.

The scheme follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer. We may restrict choice where we need to make a direct offer outside of band and time waited order. Where practical we may allow the applicant to exercise a preference. However this too may be restricted for homeless applicants where the council needs to discharge duty or where we have to work with available stock.

Part 2: Options for Housing in Kingston

2.1 Hybrid Allocations to Social Rented Accommodation

Kingston has a hybrid allocations policy which means a proportion of lets are made via direct lets where we identify a property and make the applicant a direct offer. We reserve the right to undertake lettings using this method. This allows us to control the homeless challenge facing the council, especially those in temporary accommodation, as well as making offers to specific applicants or for particular property types, in the interest of best use of stock. [For full details see section 5.1.](#)

The remainder of the properties will be advertised online, on our choice based lettings system. The exact split will be set each year in the annual lettings plan. [See appendix 3.](#)

2.2 Common Housing Register

The council operates a Common Housing Register, which means we work with partner registered providers in the borough to have a single register for social housing.

The partner landlords in the Common Housing Register are:

- Clarion Housing
- Home Group
- Kingston Churches Housing Association
- Metropolitan Thames Valley
- Paragon Asra Housing
- Richmond Housing Partnership
- Royal Borough of Kingston Upon Thames
- Wandle Housing Association

Tenants of these landlords will be considered as transfers when applying.

2.3 Registered Providers

The remainder of the registered providers we work with are subject to a nomination agreement where they have to give the council a percentage of their empty homes. They have their own administration arrangements, and you will be notified of these should you be nominated to one of them.

2.4 Other Housing Options

There is a limited supply of social housing available for letting each year in Kingston. You are strongly advised to consider all your options for your future housing. The council can help you select your options by providing information and advice on the range of alternatives available to you.

Some possible alternatives include:

- a. **Private rented housing.** Around one third of households in Kingston live in private rented housing and you may be able to find good quality accommodation that is available to move into straightaway. You can contact local lettings agencies, respond to adverts in local or London papers and look online to find a home for rent.

- b. **Low cost home ownership.** There are various types of low cost home ownership including shared ownership which allows you to buy a share in the property and pay rent on the remaining share.
- c. **Moving out of the area.** There are a range of options available if you would like to move out of the borough and you may be more successful.
 - Housing Moves Scheme; for social tenants wishing to move into another London local authority.
 - Seaside and Country Homes Scheme; if you are 60 and over and interested in moving out of London.
 - Home swapper; where one social tenant can swap with another social tenant with both landlords permission. You must be either an assured or secure tenant.

For more information go online at www.kingston.gov.uk.

Part 3: Eligibility and Qualification

3.1 Eligibility

Only applicants that are eligible in accordance with S160ZA of the Housing Act 1996 (as amended) and Eligibility Regulations can be included on the register. Eligibility is explained in detail within statutory guidance – “Allocation of Accommodation: guidance for local housing authorities in England”

You will not be eligible to join the register if you:

- Are subject to immigration control
- Only have a right to reside in the UK because you (or a member of your household) are a jobseeker
- Are not habitually resident in the UK
- Have a right to reside in the UK of less than three months
- Are not allowed to claim housing benefit under s115 of the Asylum and Immigration Act 1999

Applicants should note that their eligibility could change over time. If you cease to be eligible, we cannot allow you to remain on the housing register.

3.2 Right to Move

We reserve the right to give preference to the residents of Kingston when accepting applicants onto the Housing Register. However in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015), consideration will be given to applicants who need to move to the borough for employment and the council is satisfied that the employment meets the scheme rules. [Further details can be found at: Right to Move and social housing allocations - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

3.3 Special Arrangements for 16-18 Year Olds

- a. Anyone over the age of 16 with a housing need is eligible to join the Housing Register if their current address is their only home, or sole residence, and you are not already registered through someone else’s housing application.
- b. Applicants under 18 cannot legally hold a tenancy. If you are under the jurisdiction of Children Services and owed a duty under the Children Act, Children Services will act as a guarantor for those within 6 months of your 18th birthday. This is subject to your ability to live independently and manage a tenancy. Children Services will need to work with you to reduce the risk of you losing that tenancy. The tenancy will be held in trust until you reach 18.
- c. Those not owed a duty under the Children Act, may still be granted a tenancy provided you can nominate a suitable person to act as a guarantor such as a parent, legal guardian or relative and also show a willingness to engage with the levels of support identified to help you sustain the tenancy. The guarantor will accept responsibility for the tenancy and for the support where necessary, whilst the tenancy is held in trust until you reach 18.

3.4 Qualification Rules

In order to join the housing register, you be eligible as set out in [section 3.1](#) and have a recognised housing need.

- a. You meet a national rule, called a reasonable preference:
 - People who are homeless (within the meaning of Part 7 Housing Act 1996 (as amended)) and owed a homeless duty.
 - People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - People who need to move on medical or welfare grounds (including any grounds relating to a disability).
 - People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
- b. You meet one of the local connection rules:
 - Have resided in the borough for five continuous years at the point of making an application.
 - A care leaver under 24 years who has been looked after by the council for at least 2 years, including some time before they turned 16, under section 22A of the Children Act 1989.
 - You are a young person looked after by the council and have been placed in care outside the borough.
 - You need to move to the borough to provide full time care for a Kingston resident who has lived in the borough for 5 years or more.
 - You are in receipt of adult social care services provided by the council and have been placed out of the borough in a hospital or residential care or other accommodation under ongoing social care duties with Kingston.
 - Have one of the above immediately prior to incarceration on conviction or institutionalisation.
- c. Council and partner registered provider tenants looking to downsize to smaller accommodation (also known as under-occupiers).
- d. Council and partner registered provider tenants looking to free up an adapted property they do not need.
- e. Be a Gypsy or Traveller (as defined in the Caravan Sites Act 1968) who has habitually resorted to Kingston.
- f. Additional preference will also be given to serving, or those who have recently served with the armed forces including surviving spouses/civil partners who fall within the reasonable preference categories and are in urgent housing need.

In some cases, despite qualifying, we may not activate your application and you will not be able to bid. These are some of the likely circumstances:

- We are in the process of verifying your details.
- We require further information to assess your application.
- Your case is under investigation.
- You have support needs and are unable to sustain a tenancy.

3.5 Armed Forces Covenant



The Royal Borough of Kingston is a signatory of the Kingston Armed Forces Covenant. It is a voluntary statement of mutual support between a civilian community and the local armed forces community.

The council has created a Covenant Pledge to demonstrate its support, as an employer of choice, to the armed forces community. We believe that those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

In undertaking this covenant, we:

- ✓ Disregard injury and disability payments; whether these are periodic or a lump sum when considering the income of an applicant.
- ✓ Overlook lack of connection to the borough allowing members of the armed forces and their families to qualify.
- ✓ All applications qualify from current or former members (having left service as defined by s.374 of the Armed Forces Act 2006). We allow applications beyond 5 years post discharge.
- ✓ If you are divorced, separated or a civil partner of service personnel required and are required to move out of Ministry of Defence accommodation, you will qualify.
- ✓ If you have to move from an unsuitable property as a result of injuries sustained while in the Armed Forces, you will be awarded the highest possible medical priority.
- ✓ If you have a reasonable preference, and you also meet the local connection rules, we will award additional preference and place you in a higher band than you would qualify for.

3.6 Disqualification Rules

This section sets out the circumstances in which the applicants meet the qualification criteria but may be disqualified, if you fall into one or more of the groups below:

- a. You or a member of your household has been involved in unacceptable behaviour serious enough to make you an unsuitable social housing tenant.
- b. Giving false information to obtain or try to obtain a tenancy.
- c. Making a payment to obtain or try to obtain a social housing tenancy.
- d. Deliberately damaging or allowing someone else to deliberately damage your existing home, including altering your home without the permission of your landlord.
- e. Violence, crime or anti-social behaviour.
- f. Subletting your council or partner registered provider home.
- g. Possession of your service accommodation due to bad behaviour.
- h. You or anyone included in your application own a property or have an interest in a property in the UK or elsewhere.

If you do not qualify for the register, you can ask for us to review your case under section 27 of this scheme, or you can contact us if your situation changes.

3.7 Exceptional or Mitigating Circumstances

Each application will be assessed individually. Exceptional and/or mitigating circumstances will be considered. If it can be shown that they now qualify they will be placed in a suitable band. However, if there is still concern in relation to their behaviour or ability to pay the rent, their application may be suspended or made inactive for bidding until a suitable pattern of behaviour has been demonstrated over a period of 6 months or more.

These are some of the examples where we may make an exception:

- If you are experiencing harassment or violence or your home requires essential repairs.
- If you are vulnerable or have a disability.
- If you cannot reasonably afford your current rent and you are planning to move to a property with a lower rent.
- In some circumstances, people who own their own home may be permitted to join the housing register. Acceptance is subject to vacant possession of your home, which may mean selling it. The following will be considered:
 - a. You qualify for sheltered or specialist accommodation.
 - b. You qualify for placement in a band, despite not having a reasonable preference.

The housing panel will make all decisions for households with exceptional circumstances. The council has full discretion in considering these circumstances and our decision is final. [For details on the housing panel see appendix 2.](#)

3.8 Households in Rent Arrears

- Household in rent or mortgage arrears will not normally be considered for an allocation except in exceptional circumstances such as severe or urgent medical cases or where the council needs to discharge a homeless duty.
- Applicants owed a homelessness relief duty living in temporary accommodation, will be offered permanent accommodation. You will be expected to make an agreement to clear any rent arrears. You will be offered an introductory tenancy. You will be expected to adhere to the repayment agreement even after you have moved into your new home.
- If you are a tenant and wish to downsize because of the spare bedroom subsidy in your benefit claim, and you are in rent arrears and these are getting worse, you will be considered for a smaller property provided you sign an agreement to clear the arrears.

The housing panel will make all decisions for households in arrears. [For details on the housing panel see appendix 2.](#)

3.9 Safe Surrender Agreements

Possession of a property should be a last resort and every effort should be made to sustain the tenancy where possible. We recognise that may not be possible where the housing needs of the individual may be complex and not suited to the accommodation. We will work with registered landlords to find a way to keep tenants in their home and where this is not possible to identify a satisfactory solution which may involve a safe surrender agreement. A surrender is a voluntary agreement between the landlord and tenant that the tenancy has come to an end. It is sometimes known as a mutual surrender. A surrender terminates the tenancy, whether it is fixed term or periodic. The tenant must give the landlord vacant possession.

3.10 Removal or Suspension from the Housing Register

If we decide that an applicant has become ineligible in law or no longer qualifies to remain on the Housing Register; we may suspend or remove your application. Suspensions will be for 12 months and subject to a review before any suspension is lifted. We will confirm our decision in writing, giving clear grounds for taking the action and how to request a review of the decision. [See section 6.3.2](#)

Part 4: Applications and Assessments

4.1 Registering an application for housing

In order to apply for housing, you must register an application through our online registration process at: <https://www.kingston.gov.uk/housing-options-advice/join-housing-register/1>. There is guidance on how to complete the form and information we will need to assess your application. The system will acknowledge your registration and provide you with a reference number which you should keep. If your household is accepted onto the housing register, you are responsible for keeping your records up to date and accurate.

If you find it difficult to submit your application online or after reading the guidance, you still need more information, we will be able to help if you call our contact centre on 020 8547 5003 or you can visit our offices during office hours.

4.2 Household Composition

You can include the following people on your application if they normally live with you or could reasonably be expected to do so:

- Your Partner, Spouse or Civil Partner.
- Children dependent on you and/or your partner who live with you as their main residence. This will need to be evidenced by a copy of a valid residence order or proof of receipt of child benefit. Dependent children for the purpose of the Allocation Scheme are those aged 18 and under.
- Siblings.
- Adult sons and daughters.
- Other adults who are dependent on you.
- Other adults who give or receive long-term care from you or other members of your household in Kingston, can also be included, where the person cared for has care needs confirmed by assessment of social care services, which cannot be provided by visiting carers. The care needs must be substantial, that is a need for personal care with basic daily activities (such as dressing, feeding, bathing, toileting etc.), or an inability to live independently certified by a medical professional. A live-in carer, where the applicant already has a live in carer at the point of application or is expected to join the household once suitable accommodation has been found can also be considered, once evidence of care needs have been established.
- Where we have an ongoing duty to accommodate you as a homeless household under section 193 of Part 7 of the Housing Act 1996 (as amended), you can include anyone who we have accepted as part of your homeless application.
- A person cannot be on more than one application.

4.3 Household splits

Where children live with their main carer, but another parent/guardian has access arrangements involving the children staying with them some of the time, we will award the main priority to the main carer. We will ask for proof which can include residency orders, child benefit, school records, medical records to determine habitual residence. Children cannot usually appear on more than one application.

4.4 False information

The application form states that under the Housing Act 1996 and Homelessness Act 2002, it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if you are reasonably required to give it, on any matter regarding the allocation of housing. In addition, applicants will be advised that should an applicant be successful in obtaining a tenancy by knowingly or recklessly making a false statement then the landlord would seek possession of the property and may result in prosecution leading to a fine and/or imprisonment.

4.5 Verification and Checks

We will expect you to provide supporting evidence for us to verify and check authenticity and to assist us with assessing your application.

We will do this when:

- When you register your application.
- When we review your application.
- If you report a change of circumstances.
- Before we offer you accommodation.

Where proof cannot be supplied; the reasons will be determined, and a decision must be made by a senior officer on whether the application can be processed. We also reserve the right to visit you at your current address. Failure to comply with the checks can result in your application being suspended or rejected.

4.6 How priority is determined

In order to assess your housing needs and priority we will:

- Place you in an appropriate band.
- We will assess the size of home you need.
- We will consider applicants with high priority for authorisation for an offer via the housing panel. [See appendix 3.](#)

4.7 Allocation Bands

Each application will be assessed to determine the level of housing need of the household and placed into one of four bands. A housing panel may be convened if the council needs to award a band that you might not ordinarily qualify for, but where the council feels it has an obligation to avert an immediate risk to threat or life. [The terms of reference for the housing panel are set out in Appendix 3.](#)

We reserve the right to change an applicant's banding (increase or reduce priority) through the Housing Panel. The council shall exercise this right in the interest of fairness on a case by case basis. The statutory rights of applicants are unaffected, and applicants have the right to a statutory review.

4.7.1 Emergency Band

Very few applicants will qualify for this level of priority. This is an emergency band and represents those with only the most critical and immediate need to move.

Housing Priority	Description
Panel Moves	At the council's discretion, cases assessed as being exceptionally urgent. This will include domestic abuse, hate crime, fleeing violence, children threatened with care or safeguarding and witness protection. Instances of public safety as referred through MAPPA or the NWMS.
Urgent Medical Need	Where you are in hospital and cannot return to your home because it is no longer suitable for your medical needs. Where you have a need to move, where current housing conditions are assessed by the council's medical adviser as having a major adverse effect on your health, or someone in your household. Where you have been assessed for a property with adaptations.
Management Transfers	Council and partner registered provider tenants where <ul style="list-style-type: none"> ▪ There is an immediate risk to your life or the life of a member of your household. ▪ Failure to move you would result in a severe and significant deterioration in your or a member of your household's physical or mental health to such a degree as to be life threatening or would result in hospital admission.
Insanitary Conditions	People living in insanitary housing conditions so severe that a Prohibition Notice has or is in the process of being served.

4.7.2 Band 1

Housing Priority	Description
Decants	Council and partner registered provider tenants subject to decant proceedings within 12 months and where a relevant reciprocal arrangement has been agreed.
Underoccupation (releasing more than 1 bedroom)	Council or partner registered provider tenants or tenants of registered providers who have entered into a reciprocal arrangement who are underoccupying by more than one bedroom or are releasing a property by moving into council sheltered housing or through a mobility scheme such as Seaside & Country Homes.
Release of an adapted property	Council or partner registered provider tenants or tenants of registered providers who have entered into a reciprocal arrangement who are releasing an adapted property by moving into council sheltered housing or through a mobility scheme such as Seaside & Country Homes.
Succession	Statutory and non-statutory successors requiring a move to smaller or non – adapted accommodation.

4.7.3 Band 2

Housing Priority	Description
S193 Homeless Main Duty	People who are unintentionally homeless and in priority need (within the meaning of Part VII of the 1996 Act) to be rehoused in priority need date.
Underoccupation (releasing 1 bedroom)	Council or partner registered provider tenants or tenants of registered providers who have entered into a reciprocal arrangement who are underoccupying by one bedroom.
Overcrowding (lacking 2 or more rooms)	Council or partner registered provider tenants or tenants of registered providers who have entered into a reciprocal arrangement who are overcrowded and lacking two more rooms. We will count separate living and dining rooms for the purpose of this calculation.
Social Care Referrals	Referrals received by Adult Social Care or Children Services under an annual agreement, and which include: <ul style="list-style-type: none"> ▪ Young people leaving care ▪ People with a mental health illness ▪ People with disabilities ▪ Children with disabilities ▪ People with a Learning disability ▪ Children under the care of Children Act 1989 and 2004

4.7.4 Band 3

Housing Priority	Description
S189b Homeless Relief Duty	Applicants who have been a s189b relief duty and placed in temporary accommodation. We also include lease handbacks for private landlord where we are using their property for temporary accommodation in this category.
S195 Homeless Prevention Duty	Households who are homeless and have been accepted as statutorily homeless and owed a prevention duty by the Council under Part 7 of the Housing Act 1996 as amended. You have to include this duty and ideally it should sit higher than Main Duty.
Overcrowding (lacking 1 room)	Council or partner registered provider tenants or tenants of registered providers who have entered into a reciprocal arrangement who are overcrowded and lacking one room. We will count separate living and dining rooms for the purpose of this calculation.

4.7.5 Band 4

Housing Priority	Description
Intentionally homeless	People who are intentionally homeless (within the meaning of Part VII of the 1996 Act). You have to include this duty.
Non priority homeless	People who are homeless but not in priority need (within the meaning of Part VII of the 1996 Act). You have to include this duty.
Rough Sleeper	This is intended to rehouse those placed in accommodation under a Rough Sleeper Initiative.

Rehousing guarantee	Council tenants who have relinquished property and where the council has agreed to rehouse under a deferred transfer, where the tenant has been convicted and incarcerated or institutionalised.
Armed Forces	Armed forces personnel and veterans, reserves and those discharged (or widowed spouse / civil partner) and their families who are in housing need following their discharge from the armed forces and who do not meet the residency criteria.
Sheltered or Specialist Accommodation	Older people, including existing social housing tenants, who are not classed as underoccupiers but who wish to move from general needs into sheltered housing. You have not captured this elsewhere.
Gypsies & Travellers	Seeking a pitch on a dedicated Gypsy and Traveller site.
Key workers	Key workers will be considered for housing under a local lettings plan.
Mobility Scheme	Other London borough tenants seeking a transfer through a recognised mobility scheme such as Pan London Reciprocals or the Right to Move.

4.8 Determination of an effective band date

In order to determine your effective band date, and provided there is no delay in providing the information required within the time stipulated, we use the following:

- Your first assessment, we will use the date we verified your application.
- If you have a change of circumstances and your priority need changes and you go up a band, we will use the date your change was verified.
- If you have a change of circumstances and your priority need changes and you go down a band, we will use your original effective band date.
- An assessment and award of priority cannot take place without the supporting evidence. If you fail to provide this at the point of submission or the date you advised us of the change of circumstances, we will use the date we verify your application.
- If you are statutory homeless, the effective band date will be the date we accepted a statutory duty under the homeless legislation.
- In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property and the earlier registration date.

4.9 Household type and property size allowed

The table below shows the size of the property we will allocate to you depending on the size of your household.

Household Type	Number of Bedrooms
Single person (including someone expecting their first child)	Studio/1 bedroom
Couple	Studio/1 bedroom
Parent (s) with 1 child aged 12 months or over	2 bedrooms
Parent (s) with 2 children of the same sex where the children are under 16.	2 bedrooms
Parent (s) with one or more children over 16 with an age gap is less than 7 years.	2 bedrooms
Parent (s) with 2 children of opposite sex where both are under 10 years old	2 bedrooms
Parent (s) with 2 children of opposite sex where one child is over 10 years of age	3 bedrooms
Parent (s) with 2 children of the same sex where there is an age gap of 7 years or more and one child is 16 or over	3 bedrooms
Parent (s) with 3 children	3 or 4 bedrooms depending on ages and sex
Parent (s) with 4 children or more	3 or more bedrooms depending on ages and sex

The following exceptions are made when assessing property size:

- a. Where tenants are being decanted, the council can offer one extra room above your bedroom need entitlement where you are currently under occupying.
- b. Underoccupying council and partner registered provider tenants moving somewhere smaller are allowed to bid for or be offered a property with one bedroom more than their allowed size.
- c. Council and partner registered provider tenants placed in Band 1 due to risk of violence or harassment are allowed to bid for, or be offered, a property with the same number of bedrooms as their current home, or the allowed property size if this is smaller
- d. Applicants whose bedroom need is four or more bedrooms may bid for or be directly offered properties with one bedroom less than their allowed property size, because of the shortage of larger properties
- e. Where the medical advisor recommends increasing the allowed property size on medical grounds, which may specifically relate to the needs of a child in the household, or to allow a carer to live with the applicant, only one extra room will be granted. Provision will not be made for any members of a carer's household.
- f. Where a child under 16 is acting as a main carer, they will be allocated their own bedroom.
- g. Where two of the above exceptions to the rules conflict the most generous will apply.
- h. Where housing has been provided as part of their contract of employment certain staff employed by the Council may be entitled to re-housing by the Council on retirement. These can include School Caretakers of Community Schools provided accommodation by a Local Authority but will exclude those caretakers of Academies and Free Schools.

- i. Service tenants entitled to re-housing on retirement will be placed in Band 1 and will be made one suitable offer of accommodation by direct offer.
- j. Service tenants with seven years' service or more are entitled to re-housing to accommodation one bedroom size larger than their assessed housing need.
- k. Service tenants with less than seven years' service or more, are entitled to re housing to accommodation of that size determined by their assessed housing need.
- l. In the event of the death of a service tenant, their 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 on death where they will be entitled to accommodation one bedroom size larger than their assessed housing need.
- m. Partners who qualify for re-housing under this scheme must have been resident with the Service tenant for at least 12 months prior to his/her death.
- n. Service tenants are not entitled to rehousing under this scheme where their loss of employment is a consequence of dismissal on disciplinary grounds or where they own a home suitable for their occupation.
- o. In exceptional circumstances the housing panel may, at their discretion, allocate to an applicant a property that is either smaller or larger than their allowed property size. This may include where smaller or larger housing is required in order to make a final offer of accommodation under section 193(7) of Part 7 of the Housing Act 1996 (as amended).

4.10 Child of a tenant

This enables the council to rehouse adult children of 21 or above within a household with the aim of removing or significantly reducing the overcrowding housing award from the main household where the overcrowding is severe, the property needed is large and limited in number.

The child's application is awarded the same priority as the main household and the two applications are linked. Only studios or one bedroom properties will be allocated to the child. Once the child accepts an offer, it triggers the council to reassess the main household and the overcrowding award will either be reduced or ideally removed. The main household will not be offered accommodation before the child.

4.11 Priority if you are living in poor conditions

The council must give you reasonable preference for social housing if your home:

- is in serious irredeemable repair
- is unsanitary, for example it doesn't have proper drainage and sewerage · lacks basic washing and cooking facilities

There is usually a scale of priority for poor conditions. You may get a higher band if the council decides that your home is in such bad condition that it is dangerous or potentially damaging to your health. To decide how much priority you should get for council housing, the council visits your home to inspect it and assess how bad the conditions are, such as:

- a. Lacking one or more bedrooms
- b. Lacking or sharing facilities
- c. Severe Overcrowding

4.12 Priority if you need to live in a particular area

You may get reasonable preference on the Housing Register if you need to live in a particular area for social or welfare reasons. This may be so you can access support networks in the area. For example if:

- Someone in your household attends a special school in the area · You're leaving care and need to be close to people who can support you · You need to be close to a relative so they can look after you
- You need to be in a particular area to look after a close relative with health problems.

4.13 Priority if you have a health condition

You may get reasonable preference if anyone in your household has physical, medical or mental health condition that is made worse by where you live. When you apply for council housing, give as much information as possible about any health problems and how they are affected by where you are living. Explain the difficulties the medical condition or disability causes. Give as much detail as you can. Include details of any doctor, health worker or social worker who can support your application. The council normally asks a doctor, health visitor or other expert to assess your medical problems. This may be an independent person who does not know you. The council may also contact your GP.

Housing that 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 as follows:

- 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.

4.14 Housing for Older People

We allocate housing for older people to applicants who are aged 60 and over. These will either be direct lets or advertised online for you to bid if you meet the age restriction. [Age restricted properties are listed in appendix 6.](#)

4.15 Decants

If major works are to be carried out, the council will offer its own tenants alternative accommodation from council stock. This may be permanent where the tenant signs up for a new tenancy or temporary where the tenant returns to their own property once the works are complete. There are times when the tenant can only be decanted into private rented stock because a council property is unavailable. Our landlord

services department will talk tenants through their rights and the process of what happens. Sign off for a decant is by the Head of Landlord Services.

In some cases where a tenant has been moved permanently, they will have the right to return. This is usually where an estate is being regenerated. The tenant will be able to return to a property which has been rebuilt in a future phase.

Decants who need to move urgently because the works are imminent within the next 12 months will be awarded Band 1. Tenants who refuse to move after two offers of accommodation have been made will be referred to landlord services for action which may include possession of their home. It is our aim to inconvenience households as little as possible, housing them in areas where they already have a connection.

Our decant policy will outline this in more detail. This can be found on our website at: www.kingston.gov.uk.

In exceptional cases, people other than tenants and authorised occupants living in council property are affected by regeneration or works and they too may be decanted, but always in accordance with prevailing legislation and in conjunction with the current policy.

4.16 Elected members or employees

All housing applicants are asked whether they or any of their relatives work for the council or are an elected Councillor. If such circumstances apply, then these applicants are subject to special authorisation procedures. This includes employment in a shared service such as another local authority or contractor supplying services to Kingston. This includes:

- Anyone living with them as their partner or as a member of their household
- Natural/adoptive/stepparents
- Children
- Sisters and brothers
- Daughters or sons-in laws
- Grandparents
- Aunts and uncles
- Estranged spouses or partners, regardless of whether they live as part of the applicant's household
- Any other relations.

4.17 Pitches for Gypsies and Travellers

The allocation of pitches on a Gypsy and Traveller site is in accordance with the priority given to all applications to the Housing Register. However, additional priority for pitches will be given to close family members of existing licensees, who already live on site, to relieve overcrowding and to maintain family connections on the site.

Applicants for pitches can complete an online Housing Register application and provide the required evidence of identity. Where there are medical grounds for re-housing, medical evidence must be provided. Alternative methods of application are also available.

All applications for pitches will be assessed and registered with the appropriate priority. Applicants must then check on the Council's website for information about available pitches and place bids for any pitches they would like to be allocated. The pitch will be allocated to the eligible applicant in the highest priority band and with the earliest priority date in that band.

4.18 Notification of your assessment

We aim to assess your application within 20 working days, where you have provided all the relevant supporting evidence. You will be advised of your band, housing priority and effective band date. You will also be advised of the size of property you are entitled to.

4.19 Change in Circumstances

If your circumstances change, you must inform the council. You can do using our online registration process. Examples of change(s) you should tell us about include:

- The birth of a child
- A change of address
- Someone joining or leaving the household
- The purchase or acquisition of an interest in a home
- A change in the health or welfare of the main applicant and/or a member of their household
- Or any circumstances that affect either eligibility or qualification or disqualification to the Housing Register.

4.20 Cancellation of an Application

Applications will be cancelled for one or more of the following reasons:

- a. You ask for your application to be cancelled.
- b. Your circumstances change, and you are no longer eligible or no longer qualify.
- c. You do not respond to a review of your application within the 28 days requested.
- d. You make a false or deliberately misleading statement, or you withhold information relevant to your application.
- e. You fail to contact us within 28 days of a request.
- f. You fail to provide the evidence required to assess your application.

4.21 Deliberately or worsening circumstances

Where there is evidence that you have knowingly and deliberately made your housing situation worse in order to gain a higher priority on the register, the assessment of your priority will be based on the circumstances before your situation changed.

Some examples are listed below:

- i. Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property becoming overcrowded.
- ii. Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- iii. Homeowners who have intentionally transferred their property to another family member in order to join the housing register.
- iv. Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- v. Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- vi. Homeowners who have transferred the title to their property to a Trust; remain the beneficiaries of that trust.

Part 5: Allocations and Lettings

5.1 Direct lets

Not all properties that become available will be advertised and offered through the choice-based lettings system (CBL). There may be circumstances where for operational or financial reasons there is a need to make a direct offer of housing outside of CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this policy. Specifically, this would be where there are urgent operational or financial reasons to depart from the CBL system of lettings. The percentage of direct lets will be set annually in the annual lettings plan. [See section 5.15.](#)

Examples include but are not limited to:

- i. Where an applicant is homeless and in temporary accommodation and owed a section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct let to move applicants out of temporary accommodation to manage any budgetary or legal impact on that council.
- ii. Situations where urgent rehousing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed, or to discharge a statutory homelessness duty.
- iii. Where the housing need is urgent, where, given the applicant's circumstances, it would **not** be reasonable to wait for a successful bid through the CBL system to deliver an offer.
- iv. Direct offers to persons who a partner council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- v. Where an applicant is not being realistic in the areas they are bidding for and, as a result, may be occupying a temporary accommodation unit that is needed for a newly presenting homeless applicant.
- vi. Where a vacant adapted property, or a property designed to disability standards, becomes available and that property could be allocated to an applicant whose disability needs best match that property regardless of the date they were registered.
- vii. Where the decision of the council is that it is inappropriate for the applicant to participate in CBL. For example, a vulnerable applicant nominated by Adult Social Care or Children Services where the outcome of an assessment is that a direct let is the best letting solution for that applicant.
- viii. Other examples, including individual circumstances of some applicants subject to Multi Agency Public Protection Arrangements (MAPPA), or it is assessed presents a risk to themselves or others.
- ix. Sheltered housing cases where some older applicants are less confident in using the CBL system to increase take up of sheltered schemes

5.2 Choice based lettings

The remainder of empty properties will be let through choice-based lettings where the property is advertised in order for applicants to bid on them. A shortlist is pulled of people that bid in priority order. An offer is made to the most suitable applicant.

5.3 How to bid for properties

- 5.3.1 Properties available for letting will be advertised weekly and you will have to bid for properties that you wish to view.
- 5.3.2 You will only be able to bid for properties for which you are entitled.
- 5.3.3 For larger households who are waiting for properties with four or more bedrooms, you may be able to bid on properties with one bedroom less than your assessed need. This will only be possible where a suitable property is available, and you will not be making your current housing conditions worse by living in a property smaller than your assessed bedroom need.
- 5.3.4 We will shortlist the applicants with the highest priority who have bid on a property. If you are successful in your bid, you will be invited to view the property. Viewing types may vary depending on landlords but may include viewing on your own, a multiple viewing where several people view at the same time and there are times when the viewing may be online. For those that need it, an accompanied viewing can be arranged with the relevant officer.
- 5.3.5 Once the viewing is complete, the property will be offered to the highest priority applicant who wants to accept it. If this applicant refuses the property, it will be offered to the second highest bidder. If you refuse a property and the council feels it is a reasonable offer, then the council will no longer have to provide you with a further offer of housing and your application will be suspended for 12 months. You have a statutory right of review if you do not agree.
- 5.3.6 If we shortlist a property twice and everyone refuses it, we may make a direct offer to an applicant who matches the property or where the council has an urgent need to rehouse someone.
- 5.3.7 Where a property has been advertised with a restriction only applicants who meet the criteria will be shortlisted for the property. For example, if you have young children, you will not be considered for properties advertised as suitable for people aged over 60 or where a letting is considered for housing priority.
- 5.3.8 Ground floor properties identified as suitable for applicants with a ground floor medical recommendation (assessed by the Council's independent Medical Advisor) will be allocated to applicants within this category. In the case of all remaining ground floor properties, priority will be given to underoccupiers.
- 5.3.9 If you do not actively bid on properties for a year, your application may be reviewed, and you may be contacted to discuss your housing options. We may close your application where we have made reasonable attempts to contact you, but you have not responded. If we cancel your application, you will not be able to reapply for 12 months.

5.4 Auto bidding

If you are vulnerable or you are unable to bid for yourself, and you have no one who can assist you, we will allow you to register for auto bidding. Auto bidding is also used for homeless applicants who are owed a main duty. The system is given instructions on the properties that will match your housing need and then it bids on your behalf.

5.5 Grouped bids

We will use a single advert for identical properties. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group.

5.6 Local lettings

- 5.6.1 The council may decide to apply a local lettings plan to a particular area of a development. Section 166A(6)(b) of the Housing Act 1996 enables local housing authorities to allocate a relevant accommodation to people whether or not they fall into the reasonable preference category. This section enables the council to set aside homes on a particular estate, or certain types of properties across the housing stock, for applicants who meet specific criteria as set out in a Local Lettings Plan (LLP) applicable to those properties.
- 5.6.2 LLPs will be reviewed regularly to make sure that we continue to give priority in our allocations to the groups the law says we must give priority to.
- 5.6.3 Where such LLPs 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.
- 5.6.4 Keyworker schemes that we develop in the future will be subject to an LLP.
- 5.6.5 [The current local lettings plans are listed in appendix 5.](#)

5.7 Sensitive lets

Sensitive lets are rare and likely to be due to two main reasons:

1. Where a household requires careful placement for their safety or the safety of others, we may need to consider where we place in order to minimise any risks.
2. Where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases we may target the advert and select only the most suitable applicants.

5.8 Reciprocal arrangements

We may authorise a reciprocal arrangement where this would assist the council house someone who needs to move to another local authority. Reciprocals are a way of obtaining a nomination to another authority and in turn, Kingston will need to provide a matching property. In either case the property offered should meet the recipient authority's (or registered providers) normal rules as to *property size*.

5.8.1 Reciprocals initiated by Kingston (i.e. outgoing) - factors to take into account:

- a. Is the case an emergency case or otherwise particularly urgent?
- b. Is rehousing likely to be achievable using established channels, (e.g. HOMES Mobility Scheme. If so, these channels should be tried first.)
- c. Does another authority or registered provider "owe" the council a reciprocal nomination? If so, we will use this opportunity to get them to discharge that reciprocal nomination

5.8.2 Reciprocals initiated by other councils or registered providers (i.e. incoming) - factors to take into account:

- a. Is the case an emergency case, or particularly urgent or important? (Reciprocals are only normally considered in very urgent or important cases).
- b. Can rehousing be achieved using their own stock? This should be their first resort.
- c. Does the council "owe" the other authority or registered provider a reciprocal nomination? If so, this is an opportunity to discharge the council's debt to them. However, the property offered in redemption of such a "debt" should be no more valuable to the council than the original property that created the "debt", e.g. the council would not normally expect to offer a 4-bedroom property in return for a one-bedroom flat.
- d. Is the council likely to be in a position to assist within the required timeframe, i.e. how likely is it that a property of the required size, type, location will become available? Preference may be given to reciprocal nominations where the nominee is relatively "unfussy" as to location, type, etc.

5.9 Allocation of specialist accommodation to applicants who do qualify

In exceptional cases, we may use discretion (via the housing panel) to allocate specialised properties to applicants who would not normally qualify for them.

The specialised property types" referred to are:

- Sheltered housing
- Adapted housing
- Other specialist housing

Generally these types of housing are in short supply, and will not be offered to an applicant who does not qualify for it by virtue of their age, disability, etc.

There is an additional problem with allocating specialised properties to people for whom they were not designed. Schedule 5 of the Housing Act 1985 sets out the exclusions to the Right to Buy: these include certain properties for the disabled, and certain properties for persons of pensionable age.

Before allocating a specialised property to an applicant who would not normally qualify for it, the officer making the decision should check with the Legal Section that making the allocation will not compromise the council's future position on a Right to Buy application.

5.10 Offer of accommodation

An offer of accommodation must be deemed suitable. This will take into consideration:

- Household type and size
- Rent and service charges
- Property type, size and condition
- Medical need
- Affordability checks [see appendix 4](#)

Only one property can be offered at a time. An applicant successfully bidding for more than one property in one week or across several weeks will be allowed to choose which property is to proceed to an offer. However that decision must be made at the point of being informed of the second or subsequent successful bid.

An offer is made in writing (often sent by email) containing all the details of the property. If you view before an offer is made an offer letter will be sent after the viewing. It will be subject to a clear rent account or where the applicant is reducing the debt in line with a repayment arrangement.

5.11 Limited Offers

The council operate a one offer only for the following:

- homeless households owed a main duty under the legislation
- rough sleeper initiatives
- social care referrals
- offers on adapted properties
- offers under the armed forces covenant

5.12 Refusals

The council aims to provide as much information as possible when advertising available homes for rent at the time of bidding - normally including a photograph of the property, the number of bedrooms, and where applicable access via steps. There should be few reasons for you to refuse offers of homes you have chosen to bid and view. However we accept that there may be more refusals where a direct offer is made. In all cases we will record a refusal reason, and this will be captured in your offer history.

The consequences of refusing an offer of accommodation will depend on the circumstances in which the offer is made. It is important for an applicant who is owed a rehousing duty under Part 7 of the Housing Act 1996 (as amended) to understand that the refusal of a suitable offer of accommodation is highly likely to result in the discharge of the homeless duty we have awarded and may lead to the potential loss of any temporary accommodation, and subsequent assessments.

For all other applicants for housing the refusal of a reasonable offer may result in suspension from the register or a move to a lower band. Exceptions will only be applied to this scheme where it is in the council's interest to secure a move. A suspension will last for 12 months.

5.13 Tenancy determination

A tenancy determination involves identifying what type of tenancy you will be granted. Each landlord will have a tenancy management policy which will outline the tenancies they grant. You will be told in advance of the tenancy type and the conditions attached to the agreement.

The general principles will be:

- i. If you have never held a social tenancy before, or we feel you will benefit from support in the first year of your tenancy, you will be granted an Introductory Tenancy for 12 months; and provided you adhere to the terms of the tenancy agreement; this will convert to a secure tenancy at the end of the period. For registered providers this will be a starter tenancy for 12 months and if this has gone well, it will convert to an assured tenancy. Both introductory and starter tenancies are subject to periodic reviews and if things have not gone well, the landlord may extend this for a further 6 months provided they have given notice.
- ii. If you currently hold a lifetime tenancy, you will be granted another lifetime tenancy. This will be a secure tenancy for council tenants and an assured tenancy for registered providers.

5.14 Tenancy sustainment

We want people to be live happily in their homes and recognise that you may need support and assistance to sustain your tenancy. The Housing Allocations Scheme is designed to sort out longer-term solutions for people, and this means making it possible for you to stay in the home of their choice and one that meets your needs. We wish to ensure that we everything practically possible to promote tenancy sustainment by:

- Ensuring a household is correctly routed to the right team when they approach the council for housing
- That we consider the support need, both immediately and longer – term when you have your new home
- We take all necessary measures to safeguard you and your household
- We signpost you to employment, education and health advice where you have indicated a need
- That we work across all landlords to promote this approach
- That we assess your housing priority correctly
- That if your application is suspended that we work with you to provide you with the support and skills to address the behaviour that resulted in the suspension.
- If your tenancy is failing and it is not possible to save it, that we work with you and your landlord to find a solution which may include a safe surrender agreement.
[See section 3.9.](#)
- That we us grant the right kind of tenancy for your needs
- Ensure you can afford the rent.
- Ensure the property suits your need
- If you need specialist housing that we assess this at the earliest opportunity
- We safeguard community balance when allocating properties.

5.15 Annual Lettings Plans

Kingston's Annual Lettings Plan is an integral part of the Housing Allocation Scheme and has a direct impact on the properties that will be available for allocation.

- It records the council's lettings performance against band, category of need and property size.
- It will set the percentage of direct lets for the forthcoming year.
- The percentage of lets needed for specific categories of need.
- The prediction of social properties expected for the forthcoming year, both for the council and partner social landlords.
- It is published annually and [routinely attached to appendix 3](#).

We are committed to allocating properties each year for the following:

- 25 lets per annum for social care referrals
- 2 lets under the armed forces covenant

Part 6: Decisions, Complaints and Reviews

6.1 Decisions

When we process an application, we will have to make a number of key decisions:

- The decision that confirms or denies your eligibility to join the housing register.
- The decision that confirms or denies whether you qualify or are disqualified.
- The decision that awards your category of need, target group and reasonable preference.
- The decision to reassess your application as reduced preference or treat it under exceptional or mitigating circumstances.
- The decision to reassess your priority following a change of circumstance.
- The decision to cancel or suspend your application.
- The decision following the submission of a right of review.
- The decision that deems your refusal of a property as unreasonable.
- The decision that deems our decision that you cannot afford a property.

A decision will be made by an officer with the delegated authority to process an application and award your priority. Any officer who makes a decision on behalf of the council is made aware of the “rules” that came out of the Court of Appeal in the case of *Associated Picture Houses v Wednesbury Corporation* (1948). To ensure the decisions we make are “Wednesbury reasonable”, and not open to judicial review, we will have regard to the following:

- i. We will make decisions with reference to the relevant legislation and our statutory duties.
- ii. We will consider all relevant evidence before making a decision.
- iii. We will not take irrelevant matters into consideration when making a decision.
- iv. We will make every effort to ensure our decisions are not unreasonable, exercising discretion if the situation warrants it.
- v. All decisions will be made with due regard to the Housing Allocation Scheme.
- vi. We will state the reasons for our decision and a full record will be kept. It will be fair and transparent.

6.2 Complaints

If an applicant is dissatisfied with any aspect of the management of their application, other than where a review can be made, they should follow the Council’s published complaints procedure, available on the Council’s website at: www.kingston.gov.uk

If a complainant is not satisfied with the action the Council takes, they can send a written complaint to the Local Government Ombudsman. If an applicant wishes to make a complaint against a registered provider, they should use the registered provider’s complaints policy

6.3 Reviews

We reserve the right to review your application at any time, especially where we have received notification of circumstances we must consider. You will be informed of such reviews in writing.

6.3.1 Re – Registration

All applications will be asked to re-register every 12 months to ensure their circumstances remain the same. You will need to contact the council within 21 days of the review letter, or your application may be cancelled. If your circumstances change, we will reassess your priority.

In order to undertake a re-registration, we will:

- a. Set the correct review period on your initial assessment and all subsequent reassessments.
- b. Our system will flag the application on its review date.
- c. This will be assigned to an officer to review.
- d. We will write to the applicant or contact them by their preferred method to confirm if their circumstances remain the same.
- e. The applicant has 28 days to respond.
- f. If you fail to respond your application will be cancelled.
- g. If your circumstances remain the same, a new review date of 12 months will be scheduled.
- h. If you inform us that your circumstances have changed, you will be asked to provide the necessary evidence and your application will be reassessed.

6.3.2 Suspension Reviews

If your application has been suspended, we will review your application before the end of the suspension period. A tenant reference will be obtained from your landlord in order to assess your conduct during the suspension period. References from other agencies may also be obtained if the reason for the suspension is not tenancy related. If the reference is favourable, your suspension will be lifted and your application will be made active, and you will be able to place bids and receive offers subject to your continuing good behaviour. If your reference is not favourable, we will remove you from the Housing Register at the end of your suspension period. We will inform you of our decision in writing.

6.3.3 Statutory Right of Review

If you are not satisfied with a decision, you have a statutory right of review. You will need to inform us in writing.

In order to undertake a right of review:

- a. You or your representative must make the request within 21 days of the decision. You can email us at: housing.register@kingston.gov.uk. The request should state why you disagree with the decision and if necessary, provide the necessary information you feel should have been considered.
- b. The request will be logged and acknowledged. It will state how long the review will take. The review will be carried out within 28 days of the request being received.
- c. Your review will be assigned to an officer who is senior to the officer who made the original decision.
- d. If new information is submitted, the review will be closed, and the applicant will be advised in writing that this is now being treated as a change in circumstances.

- e. If the reviewing officer agrees with you, either fully or partially correct, the review will be upheld, and the application will be reassessed.
- f. If the reviewing officer does not agree with you, they will deny the review and the original decision will remain in place.
- g. The outcomes will be recorded.
- h. We will inform of our decision within 14 days.
- i. If we need more time, you will be advised in writing that an extension is required.
- j. Review decisions are final and there is no right of appeal.

6.3.4 Judicial Review

Where an individual or organisation feels the Housing Allocations Scheme is unfairly prejudicial or their case has been dealt with a prejudicial manner, they may wish to take legal action. They should seek independent advice before doing so.

The case will be heard in Court before a judge. Both sides will appoint counsel. If the judge decides the case against the council to be partly or fully substantiated, the council will be formally advised of the verdict and will need to respond through their counsel. The result may be an alteration to the Housing Allocation Scheme and/or a reassessment of the applicants case. These are termed judicial reviews.

Appendix 1: Lettings outside of the Housing Allocations Scheme

Lettings where a tenancy is created outside of the Housing Allocations Scheme include:

- a) **Conversion of an introductory tenancy:** to a secure tenancy under S125 Housing Act 1996).
- b) **Family intervention tenancies:** Introduced by the Housing and Regeneration Act 2008, these are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a registered provider to anyone who is a tenant of a lifetime tenancy subject to or could in the future be subject to a possession order on the grounds of anti-social Behaviour or domestic abuse.
- c) **Discretionary succession (tenancies):** Tenants who are awarded a new tenancy under the landlord's discretionary succession provision unless that happens via the Housing Allocation Scheme.
- d) **Non-Secure tenancies or temporary accommodation:** Any accommodation that is provided to meet an interim duty under Part 7 of the Housing Act 1996.
- e) **Temporary decants:** Tenants who need to be moved temporarily whilst major work is carried out on their home will be granted a license to occupy (this excludes the right to return as their original tenancy ends).
- f) **Mutual exchanges:** Between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- g) **Assignment:** To a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- h) **Transfers of tenancies by a court order:** Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- i) **Land Compensation Act:** Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- j) **Repurchased Homes:** Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- k) **Management Transfers:** Within the council or registered provider's stock, where the unit has not been made available to the Housing Allocation Scheme.

Appendix 2: Terms of Reference for the Housing Panel

The Kingston Housing Allocations Scheme delegates key decisions to a Housing Panel. Membership consists of nominated council officers. The panel allows the council to have flexibility where key decisions can be made quickly and appropriately. Cases are presented to a panel which meets fortnightly. A lead officer and at least one manager, will hear cases, referred to them via landlord services, social care and other relevant agencies. This is not a route for betterment and in most cases, offers of accommodation to households assessed by the panel will be for the same size and type of property. This is referred to as 'like for like'.

The panel makes decisions for households who have exceptional circumstances where the rehousing need is likely to be an emergency. They will collaborate with other agencies such as Adult Social Care and Children Services. The cases will fall into these categories:

- Council and partner registered provider tenants with rent arrears
- Anti-social behaviour cases
- Changes to banding for exceptional circumstances
- Care leavers
- Council and registered provider tenants fleeing violence or domestic abuse.

The following conditions apply to cases referred to the panel:

- I. There must be an existing housing register application.
- II. Applications that are deferred or suspended will not be considered.
- III. All referrals must state the applicant's housing reference number.
- IV. All referrals to the panel must be within the panel guidelines.
- V. Any referrals presented outside this framework will not be considered.
- VI. Households cannot self-refer.
- VII. Referrals will not be accepted from legal representatives.

Housing Panel Decisions

A referral form must be complete for the panel to consider a case. The officer making the referral, must have the form authorised by their line manager. Decisions will be written within 5 working days of the panel meeting. A record will be kept against the application.

The panel has the authority to make the following decisions:

- ✓ Award additional priority.
- ✓ Agree moves for tenants in arrears.
- ✓ Place the household in the relevant housing quota target group.
- ✓ Refer the case to appropriate forms of support.

Decisions made by the panel will be made in accordance with the Housing Allocation Scheme and the households statutory rights. The panel reserves the right to review decisions on a 6 monthly basis.

The applicant has the right to a review of the panel decision. This must be made in writing within 21 days of the decision. [See Part 6.](#)

Referring officers and professionals are expected to encourage the household to be realistic about the type of accommodation that may be available either via choice based lettings or a direct offer.

Appendix 3: 2023/24 Annual Lettings Plan

Each year the council produces an annual lettings plan. The plan publicises the performance of allocations and lettings by target group, band and reasonable preference. The plan will be placed in the Housing Allocation Scheme in Appendix 3 and updated each year. The 2023/24 annual lettings plan is laid out below.

Cambridge Road Estate Decant

The decant programme requires 6 secure tenants to be decanted to an available empty property. Sizes needed are:

Size of Property	Quantity
1 bedroom	1
2 bedroom	1
3 bedroom	2
4 bedroom	1
5+ bedroom	1

Allocations needed for the forthcoming year

Band	Overall %	Breakdown within the Band
Band 1	25%	<ul style="list-style-type: none"> 20% decants (based on need for 50 moves) 2% homeless applicants 3% management transfers and others in the band
Band 2	60%	<ul style="list-style-type: none"> 40% homeless applicants 10% social care referrals (equates to 25 lets) 10% transfer applicants and under occupiers
Band 3	5%	These are transfer applicants who are overcrowded by one bedroom
Band 4	10%	<ul style="list-style-type: none"> 5% from key worker, armed forces, others (street homeless) quotas 5% rest of the band

NB: These percentages relate to general needs properties only.

Reciprocal Moves

Kingston retains a commitment to Pan London Reciprocal Moves. However in 2020/22, the decant programme required a large number of available empty properties, which meant we could not actively participate in the scheme. Kingston needs to remain an active participant and has received lettings from other Local Authorities and we now owe the scheme family sized units.

Armed Forces covenant

We aim to offer two lettings annually under the armed forces covenant.

Kingston Churches Action against Homelessness (KCAH)

We aim to offer one letting annually to KCAH.

Succession

No specific target has been allocated to successors (secure council tenants). There is no specific target group, however applicants will be provided successor moves as and when required within voids available through under-occupier target group.

Applicants with a Mobility Category under a medical award

To help ensure our meeting of equalities legislation, provide for the best use of available accommodation and address unmet need where suitable voids become available these would be made available to applicants of all Target Groups who are awarded a Mobility Category and allocated according to applicants relative banding and priority date reflecting the applicants need.

David Hill
Accommodation Manager

2022/23 performance

176 General needs homes let 22/23 (used in Projection No 1 below)
Projected needs homes 23/23 - 200 (used in Projection No 2 below)
[increase in Projecting No.2 considers net growth in new build (new build projected '23/24 is 60 new build '22/23 as 37) -200 general needs properties]

Target Group	23/24 Target	Projection No 1	Projection No 2	Note	22/23 performance
Existing tenants	44%	80	88	39% of all lettings in 22/23	68
Decant	10%	17	20	Based on CRE regen. requirement of 16	39
Emergency (Panel Moves)	2%	3	4	Based on previous year's performance	3
Transfer	30%	53	60	Based on prioritising chain lettings (transfers)	12
Incentive to Move/ Spare Room downsizers	2%	3	4	Based on prioritising chain lettings (transfers) - need to offer flexibility in type of existing tenant % moves by target group to meet need of client group - chain lettings offering churn and best use does not reduce no of new void	14
New in-take	56%	99	118	Offering voids to existing tenant first via chain lettings principle increases churn and does not reduce no of new voids	104

Social service	10%	17	20	Based on previous year's performance/ continued need of existing rehousing target	15
Homeless	30%	53	60	Based on prioritising chain lettings (transfers)	76
@home	4%	7	8	Based on meeting need to rehouse existing applicants who were given a commitment to rehouse in 18 months and been waiting 4 years+	7
Tenant finder	1%	2	2		5
Other	10%	17	20		1

Exit from temporary accommodation - 60 project moves to social housing. Intake - 8 a month on previous averages - 96 long term TA placement increase over year
 Additional intake from loss of existing temporary accommodation nil net loss in TA '22/23 anticipated net loss of 20 units (116 TA placements needed with 60 exits net increase in TA of 56 homes outside larger growth in presentations and change to market access for temporary accommodation

Lettings achieved against target group and band

Band One - 49%

Band Two - 18%

Band Three - 33% (Homeless Target Group)

Target Group	Sheltered (bedsit, one & two bed)	One	Two	Three	Four +	Total (excluding sheltered)	Achieved	Banding
Decant (temporary & permanent)	2	8	16	11	4	39	22%	One
Homeless	13	33	33	8	2	76	43%	18 Band One 10% - 58 Band Three 33%

Transfer	6	3	3	5	1	12	7%	One & Two
Emergency (Panel Moves)	0	0	2	1	0	3	2%	One
Incentive to Move	2	5	2	0	0	7	8%	One
Spare Room Downsizer	0	1	6	0	0	7		
First Time Applicant	38	4	0	0	0	4	2%	One & Two
@Home Scheme	0	0	7	0	0	7	4%	Two
Social Service Quota (combining ASC & AFC)	0	13	2	0	0	15	8.5%	Two
Tenant Finder	1	1	4	0	0	5	3%	Two
Rehousing Guarantee	0	0	0	0	0	0	0.5%	Two
Mobility Scheme - Pan London Reciprocal	0	0	0	0	0	0		
Mobility Scheme - GLA	0	0	0	0	0	0		
Reciprocal	0	0	0	0	0	0		
KCAH	0	1	0	0	0	1		
Armed Service Veterans	0	0	0	0	0	0		
Breathing Space	0	0	0	0	0	0		

Staff Rehousing	0	0	0	0	0	0		
Total	62	72	72	25	7	176	100%	

NB: These percentages relate to general needs properties only.

Appendix 4: Affordability checks when allocating social housing

Being able to pay rent and service charges is key to a residents being able to sustain their tenancy. How much a resident can afford to pay for their housing costs will vary depending on the type of accommodation they live in and their financial circumstances. Carrying out affordability checks when allocating a home gives confidence to residents and social landlords that the tenant will be able to afford the home.

The law and affordability checks

The allocation of a social rented home is a matter of public law for the council and other social landlords. This extends to mutual exchanges and management transfers. Therefore any decision about an allocation and whether someone can afford to pay the proposed charges can be challenged in court, if that decision was made irrationally, illegally or failing to follow public law procedural requirements.

Therefore:

- Decisions must be made using accurate evidence and at the point of allocation.
- If an applicant states they can afford it, they must be given the benefit of doubt.
- If the landlord concludes they cannot afford it, the applicant must be given the opportunity to provide additional evidence.
- The applicant has a right of review or to make a complaint to the Ombudsman if the applicant is not offered the property, they must be given this information when the decision is made.

Tenants in rent arrears

Kingston Housing Allocation Scheme clearly sets out qualification rules where a council or partner registered provider tenant is in rent arrears. Rent accounts are routinely checked at the point of an offer and this is taken into account when an affordability check is undertaken, along with any other housing related debt. Current and former arrears will be examined, arrears repayments must be in place and adhered to. The tenant must be able to pay the new rent in addition to any repayment instalments.

Practicalities of carrying out an affordability check

In order to carry out the check, the following must be considered:

- i. Income of the household including salaries, benefits and investments.
- ii. Rent and other property charges.
- iii. Reasonable living expenses.
- iv. Priority debts.

They must be able to afford to support any dependent children or adults in the household. If the result of the check is that an applicant cannot afford social housing it is very unlikely that they will be able to afford private rented accommodation. Alternative sources of income to meet housing costs should be looked at including discretionary housing allowance or social care allowance.

Appendix 5: Current Local Lettings Plans

Cambridge Road Regeneration

We are committed to the decant programme for the Cambridge Road regeneration scheme which has a number of phases. Each phase has a decant requirement. There are two types of decant:

- i. Where we offer the tenant an alternative property on a temporary basis, and where the tenant has the right to return to the estate once the new properties are built.
- ii. Where the tenant moves off the estate on a permanent basis to another social housing property either with the council or a partner registered provider.

Each phase will be captured in the annual lettings plan. We will not only identify the number of units needed but also the size of the properties and any adaptations that may be needed. The Cambridge Road scheme is subject to a local lettings plan whilst it is being regenerated.

Keyworker Schemes

We do not have any keyworker properties. If we acquire keyworker schemes in the future, these will be subject to a local letting plan.

Appendix 6: Age Restricted Properties

The age restricted sheltered housing units in council stock consists of accommodation with shared facilities & self-contained studios.

Scheme	Number of Units
Roupel house, Florence Road, Kingston	20 units shared facilities
Dowler Court, Burton Road, Kingston	26 units shared facilities
Hugh Herland, Portland Road, Kingston	33 units shared facilities
Sobraon House, Elm Road, Kingston	32 units shared facilities
Charles Lesser House, Hereford Way Chessington	37 units shared facilities
Gilpin House, Rodney Road, New Malden	24 units shared facilities plus 2 s/contained
Charles Sumner, Hobill Walk, Surbiton	30 units shard facilities
Edith Gardens, Tolworth	20 s/contained studios
Ewell Road, Tolworth	16 s/contained studios