



THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

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 whilst making best use of the very limited housing resources available.

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.

The council will assess all applications and place them on the Housing Register allowing the us to award priority based on housing needs.

1.2 The Legal Framework

In framing the Housing Allocations Scheme, the council has 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
- Armed Forces Act 2021
- 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 anyone needs a copy of this document in another format, they can either contact the council or visit one of our offices. The telephone number of the contact centre is 020 8547 5003.

1.6 Force Majeure

Kingston 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 a significant change is needed, the council will measure the impact to households already on the housing register and 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; known as a hybrid allocation model. 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, sometimes outside of band order and time waited. 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 and bed and breakfast, 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 proportions will be published online in our annual lettings plan.

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 Housing
- 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

Registered providers outside of the Common Housing Register partnership are subject to a nomination agreement where they have to give the council a percentage of their empty homes. Each nomination agreement is scheme specific and the percentages for initial and subsequent lets will be agreed with the registered provider. Registered providers have their own administration arrangements, and applicants are notified if they are 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. We strongly advised everyone to consider all options for future housing. The council can help anyone select an option by providing information and advice on the range of alternatives available.

Some possible alternatives include:

- a. **Private rented housing.** Around one third of households in Kingston live in private rented housing and applicants may be able to find good quality accommodation that is available to move into straightaway. The applicant 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 an applicant 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 the applicant is 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. They must both be either an assured or secure tenant.
 - Pan London Reciprocals; where the council may enter into a reciprocal arrangement, allowing tenant mobility between local authorities. The scheme provides very few moves.

For more information on these alternatives, go online at www.kingston.gov.uk/housing-options-advice

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”

Applicants **will not** be eligible to join the register if they:

- Are subject to immigration control
- Only have a right to reside in the UK because they (or a member of their household) is 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 they cease to be eligible, we cannot allow them 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

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 they are not already registered through someone else’s housing application.
- b. Applicants under 18 cannot legally hold a tenancy. Where they 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 their 18th birthday. This is subject to their ability to live independently and manage a tenancy. Children Services will need to work with the care leaver to reduce the risk of them losing that tenancy. The tenancy will be held in trust until they reach 18.
- c. Those not owed a duty under the Children Act, may still be granted a tenancy provided they 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 sustain the tenancy. The guarantor will accept responsibility for the tenancy and for the support where necessary. The tenancy will be held in trust until they reach 18.

3.4 Qualification Rules

In order to join the housing register, the applicant must be eligible as set out in [section 3.1](#) and have a recognised housing need. This might be one or more of the following:

- a. They must 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. They must 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.
 - A young person looked after by the council and have been placed in care outside the borough.
 - A 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.
 - An adult in receipt of care from Adult Social Care and placed out of the borough in a hospital or residential care or other accommodation.
 - Have one of the above local connections immediately prior to going into prison or hospital or similar institution.
 - Those fleeing violence will be assessed under the homelessness legislation.
- c. Be a council and partner registered provider tenants looking to downsize to smaller accommodation (also known as under-occupiers).
- d. Be a 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 members of the armed forces, or those who have recently served 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 the applicants details.
- We require further information to assess the application.
- The case is under investigation.
- The applicant has support needs and is unable to manage a tenancy.

3.5 Armed Forces Covenant Duty



The Royal Borough of Kingston is a signatory of the Kingston Armed Forces Covenant. The Armed Forces Act 2021 places a statutory duty on local authorities to give preference to former members of the armed forces and their families for the purpose of allocating housing.

The original Covenant Pledge has since been changed to a statutory duty. However the council continues 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 been injured or are bereaved.

We will:

- ✓ Disregard injury and disability payments; whether these are periodic or a lump sum when considering the income of an applicant.
- ✓ Disregard the lack of local connection to the borough.
- ✓ Allow all former service personnel and their families to qualify and we disregard the length of time since the discharge from the armed services.
- ✓ Allow former partners of service personnel to qualify when they have to vacate Ministry of Defence accommodation.
- ✓ Awarded the highest possible medical priority, if you have to move from an unsuitable property as a result of injuries sustained during service.

3.6 Disqualification Rules

This section sets out the circumstances in which the applicants meet the qualification criteria but may be disqualified. We will however assess each application to ensure that we are sensitive to the needs of people who need more support than others and those who find themselves in these circumstances through the actions of others. When considering disqualification we look at one or more of the following:

- a. The applicant or a member of their household has been involved in unacceptable behaviour serious enough to make them 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 their existing home, including altering their home without the permission of their landlord.
- e. Violence, crime or anti-social behaviour.
- f. Subletting a council or partner registered provider property.
- g. Possession of their service accommodation due to bad behaviour.
- h. The applicant or anyone included in your application owns a property or has an interest in a property in the UK or elsewhere.

If the applicant does not qualify to join the Housing Register, they can ask for us to review their case, or they can contact us if their 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 they are experiencing harassment or violence or their home requires essential repairs.
- If they are vulnerable and in need of support or have a disability.
- If they cannot reasonably afford their current rent and they 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 their home, which may mean selling it. The following will be considered:
 - a. They qualify for sheltered or specialist accommodation.
 - b. They 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. We will consider the reason for the arrears to ensure that those who are only in these circumstances through the actions of others are not unfairly penalised.
- Applicants owed a homelessness relief duty living in temporary accommodation, will be offered permanent accommodation, but will be expected to make an agreement to clear any rent arrears. They will be offered an introductory tenancy. They will be expected to adhere to the repayment agreement even after they have moved into their new home.
- If they are a tenant and wish to downsize because of the spare bedroom subsidy in their benefit claim, and they are in rent arrears and these are getting worse, they will be considered for a smaller property provided they sign an agreement to clear the arrears.
- If you are a tenant in arrears and we need to move you, the arrears will be disregarded for the purpose of joining the Housing Register on the provision that a repayment plan is made at the point of making an application.

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 this 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 the council decides that an applicant has become ineligible in law or no longer qualifies to remain on the Housing Register; we may suspend or remove their application. Suspensions are usually for 12 months and subject to a review before it 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, the applicant must register an application through the 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 the application. The system will acknowledge the registration and provide a reference number which must be kept safe. If the applicant is accepted onto the housing register, they are responsible for keeping their records up to date and accurate. Anyone finding it difficult to submit their application online or after reading the guidance, they still need more information, will be able to get help if they call our contact centre on 020 8547 5003 or visit our offices during office hours.

To ensure that vulnerable groups are not disadvantaged in applying to the housing register we will offer assistance to complete the online form if the applicant is unable to use a computer and has no friend, relative or advocate assisting them. When this is not possible the council may refer the applicant to an outside organisation who will assist the applicant to submit an application. We also subscribe to a language translation service. This service will be used to ensure that the process of applying for housing and the main details within this policy are available to those from every ethnic background.

4.2 Household Composition

The following people can be included on an application if they normally live with applicant or could reasonably be expected to do so:

- The applicant's partner, spouse or civil partner.
- Dependent children aged 18 or under who live with the applicant 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.
- Siblings.
- Adult sons and daughters.
- Other adults who are dependent on you.
- A Kingston resident, who gives or receives long-term care to or from the applicant, or someone in their household. Social care or the medical advisor will make the assessment and they will determine whether someone needs full time or part time care and whether the carer has to live in and/or stay overnight.
- Where we have an ongoing duty to accommodate the applicant as a homeless household under section 193 of Part 7 of the Housing Act 1996 (as amended), they can include anyone who we have accepted as part of their 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 they are reasonably required to give it, on any matter regarding the allocation of housing. In addition, applicants will be advised that should they 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

The applicant will be expected to provide supporting evidence for us to verify and check to enable us to assess the application.

We will undertake checks when:

- When the application is registered.
- When the application is reviewed.
- If the applicant reports a change of circumstance.
- Before we offer 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 the applicant at their current address. Failure to comply with the checks can result in the 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.

4.7 Allocation Bands

Each application will be assessed to determine the level of housing need of the household and placed in a band by their category of need. A housing panel may be convened if the council needs to award a band that the applicant 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 2](#).

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 and will be assessed by the Housing Panel.

Category of Need	Description
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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 someone is in hospital and cannot return to their home because it is no longer suitable for their medical needs. Where someone has a need to move, where current housing conditions are assessed by the council's medical adviser as having a major adverse effect on their health, or someone in their household. Where someone has 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 someone's life or the life of a member of their household. ▪ Failure to move would result in a severe and significant deterioration in the physical or mental health of someone in the household 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.
Decants	Council and partner registered provider tenants subject to decant proceedings including applicants subject to Estate Regeneration who were tenants provided temporary accommodation on the Cambridge Road Estate at point of ballot to residents and who remain tenants provided temporary accommodation on the Cambridge Road Estate where a prior commitment to those applicants had been given on award of priority banding who need to move within the next 6 months, and where a relevant reciprocal arrangement has been agreed.

4.7.2 Band 1

Category of Need	Description
Decants	Council and partner registered provider tenants subject to decant proceedings, including applicants subject to Estate Regeneration who were tenants provided temporary accommodation on the Cambridge Road Estate at point of ballot to residents and who remain tenants provided temporary accommodation on the Cambridge Road Estate where a prior commitment to those applicants had been given on award of priority banding and where the move does need to take place for 6 months or more, 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.
S193 Main Homeless Duty	This award is limited to those applicants qualifying for the legacy priority Band One awarded Homeless applicants under Allocations scheme (2017) under the following qualification; people who are unintentionally homeless and in priority need (within the meaning of Part VII of the 1996 Act) and who are tenants of temporary accommodation provided through the Council's Private Lease Scheme and who have been served Notice to Quit their accommodation solely as a consequence of the return of the temporary accommodation provided to the properties owner or their agent. This priority Banding award is limited to applicants under the above qualification criteria where Notice to Quit has been served on the applicant prior to 1 April 2024 only and where the applicant retains occupation of the temporary accommodation provided through the Council's Private Lease Scheme. Following an applicant's move from the temporary accommodation this award of this legacy priority Band One award provided to Homeless applicants under Allocations scheme (2017) is removed and any ongoing priority reflects the applicants revised circumstances under Allocations scheme (2024). Applicants falling within this definition are to be rehoused in priority need date.
Succession	Statutory and non-statutory successors requiring a move to smaller or non- adapted accommodation.
Staff rehousing	The award to qualifying Staff Rehousing applicants limited to Council employees provided a rehousing commitment under their terms of employment with Kingston Council at an appropriate time prior to their retirement as notified by the Council's Education and Human Resources or any successor department to these services.

4.7.3 Band 2

Category of Need	Description
S193 Main Homeless 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

@home applicants	This award is limited to those applicants qualifying for the award of a Band 2 priority under the Housing Allocations scheme (2017) as @home applicants where that legacy priority be retained until such time an applicant qualifying for that priority Band under the Housing Allocations scheme (2017) is provided one offer of accommodation or their circumstances change (e.g a change of address). Following a change of circumstances or the refusal of an offer of accommodation an applicant's eligibility and priority to the Housing Register will be assessed under Housing Allocations scheme (2024).
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4.7.4 Band 3

Category of Need	Description
S189b Homeless Relief Duty	Applicants who have been assessed under a s189b relief duty and placed in temporary accommodation. If a household is living in temporary accommodation and the landlord wants the property back, we will transfer the household to another temporary accommodation property.
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.
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

Category of Need	Description
Intentionally homeless	People who are intentionally homeless (within the meaning of Part VII of the 1996 Act).
Non priority homeless	People who are homeless but not in priority need (within the meaning of Part VII of the 1996 Act).
Rough Sleeper	This is intended to rehouse anyone placed in accommodation under a Rough Sleeper Initiative.
Rehousing guarantee	Council tenants who have relinquished property and where the council has agreed to rehouse them under a deferred transfer, where the tenant was in prison, hospital or similar institution.
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.
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 government mobility scheme.

Right to Move	Applicants qualifying under Right to Move
Reciprocal	Applications made with prior agreement to rehouse under a reciprocal agreement with the Registered Provider

4.8 Determination of an effective band date

In order to determine the effective band date, we use the following:

- An assessment and award of priority cannot take place without the supporting evidence, either at registration or when they report a change in circumstance, we will use the date we verify the application.
- If there is a change of circumstances and the priority need changes and they go up a band, we will use the date the change was verified.
- If there is a change of circumstances and the priority need changes and they go down a band, we will use the original effective band date.
- If they are homeless, the effective band date will be the date we accepted a homeless duty.
- 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 depending on the size of the household. For the purpose of gender identity, we will consider each application on a case by case basis.

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 the bedroom need entitlement if you are already 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 is under 16 and 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.
 - ✓ 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.
 - ✓ Service tenants with seven years' service or more are entitled to re-housing to accommodation one bedroom size larger than their assessed housing need.
 - ✓ 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.
 - ✓ 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.
 - ✓ 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.
 - ✓ 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.
 - i. 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.
 - j. 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 the 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. The applicant may get a higher band if the council decides that the home is in such bad condition that it is dangerous or potentially damaging to your health. To decide how much priority should be given, for council housing, we will visit 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

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

- Someone in the household attends a special school in the area
- A care leaver needs to be close to someone who can support them
- The applicant needs to be close to a relative so they can be looked after by them
- The applicant needs to be in a particular area to look after a close relative with health problems.

4.13 Priority if you have a health condition

Someone may get reasonable preference if anyone in the household has physical, medical or mental health condition that is made worse by where they live. Give as much information as possible about any health problems and how they are affected by the current home. 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. We normally ask our own medical advisors to assess medical conditions. We may also contact your health professionals.

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 Decants

If major works are to be carried out, the council will offer its own tenants and those of partner registered providers alternative accommodation. 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 temporarily to enable works on a regeneration scheme, they will have the right to return to the same estate at a future date agreed with them in

advance. Some regeneration schemes are subject to local lettings policies and any returning tenants will have to qualify. [See section 5.6.](#)

Decants who need to move within the next 6 months, will be awarded the emergency band. Those who have more time, 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 decant policy.

4.15 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.

4.16 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.

4.17 Notification of your assessment

We aim to assess an application within 20 working days, once all the relevant supporting evidence has been provided. The applicant will be notified in writing of their band, housing priority and effective band date. They will also be advised of the size of property you are entitled to and what to do if they do not agree with the decision

4.18 Change in Circumstances

If the applicant's circumstances change, they must inform the council. This can be done online. 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
- Any circumstances that affect either eligibility or qualification or disqualification to the Housing Register.

4.19 Cancellation of an Application

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

- a. The applicant requests the cancellation.
- b. The circumstances change, and the applicant is no longer eligible or no longer qualifies.
- c. Failure to respond to a review of their application within 28 days of the request.
- d. A false or deliberately misleading statement, or withholding information relevant to an application.
- e. Failure to contact us within 28 days of a request.
- f. Failure to provide the evidence required to assess an application.

4.20 Deliberately or worsening circumstances

Where there is evidence that the applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their priority will be based on the circumstances before their 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 the applicant 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 an applicant will have to bid for properties they wish to view.
- 5.3.2 Applicants will only be able to bid for properties for which they are entitled.
- 5.3.3 For larger households who are waiting for properties with four or more bedrooms, applicants may be able to bid on properties with one bedroom less than their assessed need. This will only be possible where a suitable property is available, and they will not be making their current housing conditions worse by living in a property smaller than their assessed bedroom need.
- 5.3.4 We will shortlist the applicants with the highest priority who have bid on a property. If an applicant is successful in their bid, they will be invited to view the property. Viewing types may vary depending on landlords but may include the applicant viewing on their 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 an applicant refuses a property and the council feels it is a reasonable offer, then the council will no longer have to provide a further offer of housing and their application will be suspended for 12 months. They will have a statutory right of review if they do not agree with the decision.
- 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, an applicant with young children will not be considered for properties advertised as suitable for people aged over 60.
- 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 Where an applicant **does not** actively bid on properties for a year, their application may be reviewed, and they may be contacted to discuss their housing options. We may close the application where we have made reasonable attempts to contact them, but they have not responded. If we cancel an application, they **cannot** reapply for 12 months.

5.4 Auto bidding

Where someone finds it difficult to bid themselves and needs more support, and they have no one who can assist them, we will set them up for auto bidding. The system is given instructions on the properties that will match the applicants assessed requirements and the system bids on their behalf. Auto bidding is also used for homeless applicants.

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 3](#).

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

We allocate specialist accommodation to those who have an assessed need for them. Generally these types of housing are in short supply and will not be offered to an applicant who does not qualify for it. The specialised property types of accommodation are:

- Sheltered housing; more of whom are aged 60 and above.
- Adapted housing
- Other specialist housing

In exceptional cases, we may use our discretion to allocate specialised properties to applicants who would not normally qualify for them. This is done via an assessment through the Housing Panel.

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 must undertake a legal check to ensure 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 the applicant views 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 operates a one offer policy. This means that all applicants will be offered one suitable property. In exceptional circumstances, a further offer may be considered.

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 an applicant to refuse offers of homes they 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 an applicant's 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 where it is in the council's interest to secure a move. A suspension will last for 12 months.

The applicant has the right to appeal the decision and details of how to do this will be included in the offer letter.

5.13 Tenancy determination

Each landlord operates under their own tenancy management policy and the Housing Allocation Scheme does not cover the tenancies that can be granted.

The general principles are:

- i. If someone has never held a social tenancy before, or we feel they will benefit from support in the first year of the tenancy, they will be granted an Introductory Tenancy for 12 months; and provided they 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 someone currently holds a lifetime tenancy, they 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 some people need more support to do this. As a council we promote the following with the landlords that we work with:

- Routing the applicant to the right team when they approach us for rehousing.
- Considering the support need, both immediately and longer – term when allocating a home.
- Taking all necessary measures to safeguard a household.
- Signposting households to employment, education and health advice.
- Assessing the applicants housing priority correctly.
- If the application is suspended that we work with applicant to provide them with the support and skills to address the behaviour that resulted in the suspension.
- If the tenancy is failing, we will work with the tenant and their landlord to prevent them from becoming homeless.
- Ensuring the applicant can afford the rent.
- Ensure the property suits the applicant's needs.
- If the applicant needs specialist housing, we will assess this at the earliest opportunity
- Keeping communities safe when we allocate 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 online annually.
- We are committed to allocating 25 lets per annum for social care referrals and 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 eligibility to join the housing register.
- The decision that confirms or denies qualification or disqualification.
- The decision that awards priority.
- The decision to reassess an application under exceptional or mitigating circumstances.
- The decision to reassess priority following a change of circumstance.
- The decision to cancel or suspend an application.
- The decision following the submission of a right of review.
- The decision that deems a refusal of a property as unreasonable.
- The decision that deems a property unaffordable for an applicant.

A decision will be made by an officer with the delegated authority to process an application and award 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/council-democracy/feedback-complaints-compliments

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 maintain their application. Applicants will need to contact the council within 21 days of the review letter, or their application may be cancelled. If their circumstances change, we will reassess the priority.

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

- a. Set the correct review period when we make the initial assessment and then 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 an application has been suspended, we will review it before the end of the suspension period. A tenant reference will be obtained from your landlord in order to assess the applicant's 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, the suspension will be lifted and the application will be made active, allowing the applicant to place bids and receive offers subject to their continuing good behaviour. If the reference is not favourable, we will remove them from the Housing Register at the end of the suspension period. All applicants will be notified of the decision in writing.

6.3.3 Statutory Right of Review

If an applicant is not satisfied with a decision, they have a statutory right of review which must be submitted in writing.

In order to undertake a right of review:

- a. The applicant or their representative must make the request within 21 days of the decision. Email us at: housing.register@kingston.gov.uk. The request should state why they disagree with the decision and if necessary, provide the necessary information they 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. The 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 the applicant, either fully or partially, the review will be upheld, and the application will be reassessed.
- f. If the reviewing officer does not agree with the applicant, they will deny the review and the original decision will remain in place.
- g. The outcomes will be recorded.
- h. We will inform the applicant of our decision within 14 days.
- i. If we need more time, the applicant 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 in 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 non-secure tenancy (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: Current Local Lettings Plans

Cambridge Road Regeneration

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

- i. Where we offer the tenant or CRE homeowner an alternative property on a temporary basis, and where the tenant / homeowner has the right to return to the estate once the new properties are built.
- ii. Where we offer the tenant an alternative property on a temporary basis until a suitable permanent offsite decant property is accepted.
- iii. 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.
- iv. Where the tenant moves directly to a new permanent property on the estate.

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 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.