

Rother District Council

Housing Allocations Policy

Housing Services

As required by Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011

Offences related to information

Please note it is a criminal offence for anyone seeking assistance from a Council to:

- Knowingly or recklessly give false information; or
- Knowingly withhold information which the Council reasonably required the applicant to give.

The Council decides when these offences apply and when to institute criminal proceedings.

The Council may take action against the applicant which could result in a fine of up to £5000 or the loss of their housing association home if the Council considers this has been obtained fraudulently.

Table of Changes

Section	Change Made	Date Change Made
Band Priority (page 13)	Change to the wording for Band A to correct previous error that this banding applies to all applicants threatened with homelessness rather than those with accepted homeless duty.	1.8.22
Band Priority (page 13)	Removed reference to Appendix 13 which was incorrectly labelled.	1.8.22
Band Priority (page 14)	Removed reference to Social Welfare Panel as this is no longer in operation locally.	1.8.22
Band Priority (page 14)	Change to wording around Band B for Refuge applicants to cover all applicants assessed as being at risk of domestic abuse.	1.8.22
Band Priority (page 15)	Change to wording for Band C to advise this covers all applicants who are homeless or threatened with homelessness rather than just those in temporary accommodation.	1.8.22
Appendix 13 (page 61)	Appendix relating to operating protocol with Rother Refuge removed as this has been superseded with a new banding award to support all applicants at risk of domestic abuse.	1.8.22

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Introduction

All Councils are required by law to have a scheme which explains how it will allocate the social housing to which it has nomination rights. This document sets out the Council's Housing Allocations Policy and contains the priorities and procedures for allocating social housing in the district.

The Council has a responsibility through this policy to maximise the use of social housing in the district and to meet the housing requirements of those in housing need effectively offering choice to applicants registered for housing and enabling applicants to make informed choices about their housing options.

The Council's objectives are to ensure that social housing goes to those with the greatest need and in addition to those who have a local connection to the Rother District, either through residence, family connection, employment or voluntary activity. It aims to give the highest priority to those residents in unsuitable housing or who are less able to provide for their housing needs.

We define unsuitable housing as:

- Accommodation that is having a major adverse effect on someone's medical condition or disability
- Accommodation that is significantly detrimental to their welfare
- Accommodation that is severely overcrowded or severely unsanitary

The Council has no housing stock of its own however it has nomination rights to some of the housing stock in Rother owned by housing associations (see Appendix 1). The Council and its partner housing associations have introduced a Choice Based Lettings scheme called Homemove and available properties are advertised through this scheme. All applicants who apply for housing become members of Homemove and can search and bid for properties that they are interested in. The bidder with a local connection to the parish cluster where the vacancy occurs, the highest level of priority (Band), and the most time in the Band, is usually offered the property.

Housing Environment in Rother

Housing in the Rother District is predominately owner occupied. Only 8.7 per cent of all the available accommodation in Rother is social housing and as such the demand for social housing far outweighs the supply. The Council is therefore committed to enabling applicants to become pro-active in resolving their own housing need.

In January 2014 there were approximately 1,400 applicants on the Housing Register. There are on average an estimated 280 vacancies each year, many of these are homes for older people or those with special supported housing needs. This means that unfortunately over 80% of households on the Housing Register will not be rehoused in social housing.

Who is unable to join the Housing Register

Under Section 160a of the 1996 Housing Act certain applicants cannot be considered for an allocation of accommodation and as such are not eligible to join the housing register. These include:

- Persons subject to immigration control (unless classified as eligible by the Secretary of State)
- Other persons from abroad who the Secretary of State has decided are ineligible for an allocation of housing accommodation - See Appendix 2 for further information

In addition the following persons will **not be eligible** to join the Housing Register:

- Applicants who do not have a recognised local connection to Rother – See Appendix 3.
- Applicants under the age of 16 - although applicants under 18 will only be offered accommodation in certain circumstances.
- Applicants with social housing or Council related debts in excess of £1,000 will be ineligible until evidence has been provided that the debt has been repaid or the applicant has maintained a repayment agreement for the last 6 months. By social housing or Council related debts we mean outstanding rent arrears or other incurred debt with a housing association or debts incurred as

a result of non payment of service charges for temporary placements, storage costs and travel.

- Persons currently in Prison.
- Persons giving false or misleading information or withholding information that has been reasonably requested.
- Applicants who have been rehoused into social housing by Rother District Council within the last 12 months, unless there has been a significant change to their circumstances and the accommodation is no longer suitable for their needs. This will normally only include cases where there is an identified and significant need to move on medical grounds or welfare grounds or the household composition has changed and the household is under occupying social housing.
- Any member of the household who the Council has identified as being guilty of anti- social behaviour. This will include persons:

- | |
|--|
| <ul style="list-style-type: none">a) Guilty of anti-social behaviour and a possession order is being sought or has been obtained.b) Has been guilty of behaviour which the Council considers would entitle it, had they been a secure tenant, to obtain a possession order under S.84 of the Housing Act 1985 on any ground other than rent arrears.c) Being convicted of or had legal action taken against them for physical or verbal abuse against Council or Housing Association staff or its contractors.d) Applicants will also be considered ineligible if they are or have recently been repeatedly verbally or physically abusive to Council or Housing Association staff. |
|--|

An applicant or member of their household who the Council has identified as being involved in anti-social behaviour will be ineligible for housing until they have sustained 12 months with no reported issues of anti-social behaviour against them. This will be agreed by senior management.

- Applicants with sufficient financial means to secure their own accommodation will be considered ineligible. This will include;

- a) Home-owners with sufficient equity to be able to secure a suitable alternative accommodation at a market rent or to buy. Applicants over the age of 65 will be considered eligible if their current home is not suitable for their needs and they need to move into sheltered accommodation.
 - b) Applicants with a combined income in excess of £35,000 per year who are considered able to secure alternative accommodation.
 - c) Applicants with savings in excess of £24,000, unless this is the only source of income
- See Appendix 4 – Financial Resources for further information.

Any applicant found to be 'ineligible' will be excluded from joining the Housing Register unless they become 'eligible'. The Council will write to all applicants found ineligible advising them of the reason.

Applicants can request a review of the decision to exclude them and the review procedure is set out on Page 28.

If applicants become 'eligible' they must reapply using the online form and provide supporting evidence which confirms they are now eligible.

Please note these categories may be updated if legislation, guidance or regulations are changed.

How to apply for housing

All applicants and existing housing association tenants who wish to apply for housing must complete the online application form and provide documents to support their application. Applications can be made by visiting:

www.rother.gov.uk/housing

Once the application has been submitted online applicants have 21 days to provide supporting information as detailed on the online form and in Appendix 5. At this stage the status of the application will be "online to be validated".

Once the supporting documents have been provided the application will then be assessed to establish eligibility to join the register, local connection, bedroom need and the applicant's priority for housing. The Council **will not** process applications until supporting information has been provided. The Council will aim to assess applications within 28 days of receipt of their supporting evidence.

Assistance with making an application

In exceptional circumstances where the applicant is unable to use a computer and has no friend, relative or advocate assisting them, the Council may refer the applicant to an outside organisation who will assist the applicant to submit an application.

Who can be included on the application

- A partner, a civil partner or spouse, who lives with the applicant or who might reasonably be expected to live with them.
- Dependent children under 18 years who live with the applicant or who might reasonably be expected to live with them, where the applicant is the parent or guardian and is in receipt of Child Benefit or can provide a formal agreement of residency, for more than 50% of the time. Applicants with contact arrangements for children will not normally be eligible for family type accommodation where the children have accommodation available to them with the other parent or guardian.
- Any other non-dependant adult who can demonstrate they are normally permanently resident with the applicant or has a clear need to do so. This will not include lodgers or anyone subletting from the applicant.
- Dependant Relatives – a relative who has joined or needs to join the household because they are unable to live independently will be included on the application only if there are no other options for the family. Evidence from an appropriate professional will be required.
- A carer can be included on the application where it can be demonstrated that;
a) a live-in carer is essential on a 24 hour, daily and continuing basis; and

- b) a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available; and
- c) if the applicant were to claim Housing benefit the extra bedroom would be awarded, in conjunction with Housing benefit regulations.

Receipt of carers allowance does not necessarily mean that it is necessary for the carer to live with the person being cared for. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits commensurate with the need for a live in carer.

Exceptions:

- The Council will not include on the application any family member not resident in the UK at the time of the application.
- Young people living away from home as students with a rent liability will not be included on the application. (Normally students resident in designated Halls of residence will not have a separate rent liability and can be included whilst resident in this accommodation).
- A family member who already has an existing housing application will not be included.

The decision of whether persons are normally resident with the applicant and who is considered to be part of the household will be determined by the Council based on the facts of the case.

How can existing registered social landlord tenants get a transfer

Any housing association tenant living in the district, provided they have a local connection, can apply for a move to another home within Rother. These applicants will be classed as transfer cases.

In all transfer cases the tenant's conduct and rent history will be taken into account in determining their suitability for an offer of accommodation.

Applicants seeking a Mutual Exchange should contact their landlord directly for further information.

Assessment of Applications

Once the Council has received an applicant's supporting information, eligible applicants will be assessed and placed in one of the four priority Bands. Band A having the highest priority, Band D the lowest. The Council aims to assess and Band the application within 28 working days of receiving all the required supporting information. This may not be achieved when unusually large numbers of new applications are received.

A home visit may be made to an applicant at the Council's discretion where considered appropriate, i.e. to further verify the housing circumstances or clarify any issues.

Once the applicant has provided their supporting documents the Council will consider the information and if, the Council believes that an applicant may be homeless or threatened with homelessness, the applicant will be offered advice and assistance as required.

Applicants who are homeless or threatened with homelessness are advised to contact the Housing Options team as soon as possible as it is unlikely that new applicants will be successful in securing accommodation via the Housing Register within a short time scale.

The applicant will be notified in writing when they are placed on the Housing Register and informed of the priority Band they have been given. They will also be told of the relevant date when their Band status starts and their assessed bedroom need.

An application will not be made "live" and will be held in 'pending' if the Council requires further supporting information or if the applicant has not provided all the

information required to verify their case. If supporting documents are not provided by the applicant within 21 working days, the case and all existing documents will be archived and the applicant must make a new application. The Council will not contact applicants who have submitted an online form until supporting evidence has been provided.

Further guidance is provided at Appendix 5 and on-line to explain the documents required.

How the Homemove scheme works

Once an applicant has been accepted onto the Housing Register, Homemove will write to them, giving them a unique identification number which will allow the applicant to securely bid for properties. This will also explain which Band the applicant is in (A, B, C or D), with their priority Band date and the number of bedrooms the household is eligible for. A scheme User Guide explaining the bidding process can be found on the Homemove website: www.homemove.org.uk or a copy can be requested from the Housing Needs team.

Once the applicant receives this information they are able to bid for suitable vacancies.

Housing Needs Assessment

The Council will determine the applicant's level of priority based on the information provided. All applicants will be placed into one of four priority groups and their priority awarded depending on the **suitability of their current accommodation**.

Applicants are assessed as either Homeseekers or Transfer tenants. Transfer tenants are already renting a Registered Social Landlord property in the Rother area. Homeseekers live in any other type of home.

Band Priority

The reasons for applicants Band priority are set out below in Band order. Band A are applicants in the most housing need and Band D the least housing need.

The four priority Bands are set out in order of priority below:

Band A

- Applicants who are owed a full homelessness duty by the Council under Section 193(2) of the Housing Act as amended.
- Applicants with an overriding medical priority whose current accommodation is having a life threatening or significantly adverse effect on their health as to warrant highest priority.
- Housing association transfer applicants, living in Rother, who are under-occupying family sized accommodation.
- Applicants who live in Rother who need to be moved permanently because there is an urgent and immediate need for major repair or redevelopment of their home.
- Housing Association transfer applicants occupying an adapted property which is no longer needed and is required by other applicants.
- Applicants resident in Supporting People funded supported accommodation in the Rother area meeting the local connection criteria and assessed as ready to move onto independent living.
- Priority transfer cases – existing transfer tenants where the Council, in conjunction with the registered provider agrees that emergency priority should be awarded.
- Applicants where the Council's Private Sector Housing team has deemed the residents current accommodation to be an imminent risk to life.

Please refer to the Council's Homelessness Policy at Appendix 13 which explains how we discharge our housing duty for homeless households in the private rented sector.

Band B

- Households occupying accommodation that lacks two or more separate bedrooms.
- Applicants assessed as having very high medical priority where their current housing is seriously affecting their health.
- Applicants with dependent children living in insecure and unsuitable accommodation lacking or sharing facilities.
- Single homeless applicants who the Council have confirmed as rough sleeping within the district. This will be verified via interview and/or formal confirmation from an external organisation.
- Working households with school age children whom the Council has assessed meets the poverty threshold – see Appendix 7.
- Applicants living in accommodation that has been deemed by Private Sector Housing or the Environmental Health department as containing a “category one” environmental hazard and the property owner is unable or unwilling to remedy the defects - See Appendix 6.
- Applicants who have approached the council for assistance and the council have assessed that they are at risk of domestic abuse.
- Multiple Needs – Cumulative Band C reasons.

Band C

- Households lacking one separate bedroom.
- Applicants with medium or low medical priority where their current housing is adversely affecting their health.
- Single applicants resident with parents or other relative and sharing or lacking a bedroom.
- Households living in unsatisfactory housing conditions which the Council deems poses a moderate risk to their health and safety – this will normally be determined by the Private Sector Housing team or the Environmental Health department - see Appendix 6.
- Applicants requiring supported housing, older persons sheltered or extra

care housing where there is no other housing need.

- Applicants who are the confirmed victims of Anti-Social behaviour in the district and where a move to alternative accommodation would alleviate the hardship. This will be awarded at the discretion of the Council and where there is a supporting recommendation from the Police.
- Applicants threatened with homelessness and who are owed the homeless prevention duty by the council under section 195(2) of the Housing Act as amended.
- Applicants who are homeless and are owed the homelessness relief duty by the council under section 189b(2) of the Housing Act 1996 (as amended).
- Applicants who are homeless within the meaning of part 7 of the Housing Act 1996 (as amended) but to whom the homelessness relief duty or the S193(2) main homelessness duty are not owed (for example applicants who have been determined not be in priority need or have been found to be intentionally homeless)

Band D

- Applicants with no identified housing need.
- Applicants who have been found intentionally homeless until they can provide evidence that they have managed and maintained a tenancy for a 6 month period. (By intentionally homeless we mean applicants who have been formally assessed under the Housing Act 1996 Part VII as amended by the Homelessness Act 2002 and found to have intentionally lost their last settled accommodation).

Priority Band date

An applicant's priority date is the date that the applicant was awarded that Band.

Priority within bands is on a date order basis, according to the date the applicant was placed into that band.

If an applicant's Band increases then their priority date changes to the date the applicant was awarded their new Band status. If the Band decreases then the priority date will revert to the date the applicant applied or was previously in this band.

The principle of the scheme is that no one should overtake existing members within a higher band (except when shortlisting where local connection applies).

Bedroom Entitlement

The number of bedrooms an applicant is awarded is based on the Local Housing Allowance (LHA) criteria where one bedroom is allocated to each of the following:

<u>Criteria</u>	<u>Bedrooms</u>
Single Person	1 bedroom
Two children under 16 of the same sex	1 bedroom
Two children under 10 of the same or opposite sex	1 bedroom
Any other child or person aged 16 or over	1 bedroom
An overnight carer	1 bedroom

Please note a second reception room will be considered available for use as a bedroom. For larger households who require four or more bedrooms, the prevailing housing stock in the district could mean that the provision of accommodation may not be achievable.

Unborn children will not be considered until the birth and the applicant has provided a copy of the birth certificate. Where there is a proven and overriding medical need for an over-night carer the Council will consider allocation of up to one additional bedroom. This will be dealt with on a case by case basis.

Bedroom Eligibility

All applicants will be assessed and given a maximum bedroom need based on their household.

In deciding the appropriate size of a property the age and gender of the children within the household are considered.

For example where a family has two children under ten of the same sex they would be entitled to a two bedroom property. However where a family has two children of opposite gender where one is aged over ten years of age they would be entitled to a three bedroom property. Therefore some families with two children will be eligible for a three bedroom property whereas others will not.

	Single Person	Childless Couple	1 Child Family	2 Child Family	3 Child Family	4 Child Family
Studio flat	x					
1 Bedroom	x	x				
2 Bedroom			x	x		
3 Bedroom				x	x	x
4 Bedroom					x	x

Medical Assessment

Medical priority is only awarded in circumstances where a move to alternative accommodation would significantly improve the health or quality of life of the applicant or a member of their household.

Medical priority is not awarded because an applicant has a medical condition but only where there is a clear and adverse link between the current accommodation and the health of the applicant or member of the household. Some applicants with medical conditions will not be awarded any medical priority despite the seriousness of their condition if the Council considers that they already reside in accommodation which is suitable for their needs or that the Council is unable to provide accommodation that is more suitable for their needs.

In many cases re-housing will not alleviate the medical condition of the applicant. It is therefore always the effect on health of the current housing circumstances that the Council will assess, not the medical condition itself.

Mental illness can range from severe conditions such as schizophrenia to mild depression. Even severe conditions can be managed with medication and so none of these conditions automatically confers priority.

In addition relatively mild medical conditions or where the condition is temporary or intermittent are unlikely to receive medical priority under this scheme.

Applying for Medical Priority

Applicants wishing to apply for medical priority must complete the medical section of the online form. Applicants wishing to apply for medical priority after their application has been assessed must request a Medical Assessment Form from the Homemove team.

All applicants must send in all supporting information that they wish to be considered – see Appendix 8 for a list of documents to provide. Applicants are advised that if they are waiting for reports or supporting information, not to submit their medical assessment until they can submit all the supporting information they wish to be considered. A GP's letter, on its own, which simply states the applicant's medical condition and their wish to move does not constitute proof of a medical need to move.

How Medical Priority is assessed

An officer from the Housing Needs team will assess all medical information provided in relation to the applicant's housing situation. Where the Council considers appropriate the officer will send the medical information to an independent medical advisor for assessment. Applicants will be advised of the decision in writing.

Once a medical assessment has taken place, another one cannot be requested until a 6 month period has elapsed, unless evidence is provided that there has been a significant change in the health circumstances of the applicant or a member of their household included in their application.

Repeated requests for medical priority assessment may result in the Council charging applicants for the cost of assessment and referral to the medical advisor – this will normally be £20 per assessment.

Mobility Assessment

Where an applicant or member of their household advises of mobility issues they will be assessed under the mobility classification.

Mobility Group one – They use a wheelchair all the time, both indoors and outdoors.

Mobility Group Two – They cannot manage steps or stairs but do not rely on a wheelchair indoors, although they may use one some of the time.

Mobility Group Three – Independent but can only manage one or two steps.

Applicants with mobility needs will be prioritised for ground floor or lifted accommodation where appropriate and for bungalows.

Vacant properties

All the available properties are advertised fortnightly on the Homemove website www.homemove.org.uk

The adverts will give information about each vacant property.

Properties will be advertised for Transfer applicants or Homeseekers, or both with other eligibility criteria for the property, including:

- a. The minimum and maximum number of persons in the household.
- b. If there are age limits for households.
- c. The mobility group, if applicable.
- d. Whether the property has a social or affordable rent (please see Appendix 10).
- e. How long the tenancy will be for (please see Appendix 10).
- f. If persons require a care or support need.
- g. If the property has a local lettings agreement

If an applicant does not have internet access, access is available at the Town Hall Reception, all public libraries and other locations (please see Appendix 9). Paper copies will be available to view at the Council's Community Help Points.

How to bid for properties

Applicants can bid for up to three properties they are eligible for per fortnight.

Bids can be made in one of four ways:

- a. On the internet – using the unique identification number provided at acceptance onto the Housing Register.
- b. By telephone – call 0906 294 2036 and follow the instructions.
- c. By text – send a text message to 07781 472726.

All bids are checked against the eligibility rules, for example age restrictions or size of property. Ineligible bids will not be considered.

For a small fee, applicants can subscribe to receive the My Homemove property sheet, which will be sent to the applicant and will detail all the properties they are eligible to bid for. Please see the scheme user guide for further details of how to apply for this service.

If an applicant does not bid they cannot be considered for a property.

If a bid is made by an applicant and the bid is successful, the applicant will be offered the property as an offer of 'suitable accommodation'. At this stage Rother District Council will discharge any duty under homelessness legislation.

Assistance with bidding

The Council recognises that certain applicants may be unable to bid for themselves. The Allocations team will bid on properties for applicants who are unable to bid for themselves and has no friend, relative or advocate helping them. Applicants

requiring this service should complete the Request for Assisted bidding form which can be found on the Housing pages of the Councils website or can be requested from the Rother Homemove team.

The Council will only bid for the type of properties in the areas that have been requested and accepts no responsibility for not placing bids on properties that have not been requested via this form.

Short-listing

When bidding closes a shortlist will be created and the Council will consider the following during their shortlisting process:

- a. Local connection – for the purposes of shortlisting the district has been separated into three parish clusters – Applicants will be given priority for the vacancy if they have a local connection to a parish within the cluster where the vacancy lies. Vacancies in Bexhill will be available for all applicants regardless of where their local connection to the district lies. See Appendix 3

Exception – Applicants awarded Band A priority will not be required to meet this criteria in order to ensure applicants in the most severe housing need are not prevented from securing accommodation due to local connection or the shortage of social housing in certain parishes.

- b. Priority Band for housing.
- c. Priority date (date Band status awarded).
- d. Disability and medical needs and the type of vacant property.
- e. Exception site schemes – section 106 local connection homes. Local exception site homes, built in accordance with planning policy (on exception sites), can only be let in accordance with the rules of their individual legal agreement, these will always require applicants to have the correct local connection.
- f. Disabled adapted homes.
- g. The property is deemed to be a sensitive let.
- h. If the nomination will make best use of the housing stock in the district.

Band A accepted homeless households in temporary accommodation will be given first priority for all vacancies with the exception of section 106 exception sites. The Council will also prioritise Band A applicants accepted as homeless and those who have been deemed potentially homeless or ready to move on from Supported accommodation over other Band A applicants in order to prevent homelessness and carry out its statutory functions.

Where a property has been advertised to give preference to a mobility group priority will be given to applicants assessed as requiring this type of accommodation over those applicants without any recognised mobility needs. Bungalows will also be prioritised for applicants with mobility needs in most instances.

Applicants with particular housing needs or who have been awarded medical priority due to being resident in unsuitable accommodation can bid for general needs housing but the Council reserves the right not to nominate the applicant where it has reason to believe that the property would have an adverse effect on the health, welfare or safety of the applicant or member of their household.

The Council may also decide to not to nominate an applicant for a property where it would not make best use of the housing stock or to ensure mixed and sustainable communities.

Housing associations have the right to refuse to house an applicant and the Council has no powers to make a housing association take applicants they wish to refuse.

The Council will notify the relevant Housing Association of the top three nominees for the property within 4 working days of the shortlist closing. The Housing Association will then contact the applicants to arrange a viewing. Sometimes in order to minimise delays the Housing Association may arrange multiple viewings.

Adapted properties

There is an acute lack of adapted properties for disabled households in the Rother area. Therefore in order to make the best use to the Housing stock available the Council will prioritise disabled applicants in housing need, if a vacant property is

suitable to meet their needs, regardless of local connection to the Parish or Ward local connection (with the exception of Section 106 properties) or priority band.

The Council will consider applicants with a disability or medical need in relation to:

- a. the type of adaptations within an existing property, or
- b. the ability to easily adapt an existing property
- c. the availability of adapted housing stock in the area

Making an offer

Only the successful applicants will be contacted. Up to three applicants will be shortlisted for each vacancy.

The Council is unable to tell applicants what priority they are during the short-listing process, but feedback is provided on the Homemove website.

When an applicant views a property the housing association will explain that if they do not hear from them within a week, they have not been successful and the property will not be offered to them.

The successful applicant will be offered the property and asked to sign the tenancy or make a decision to accept the property within 24 hours.

Applicants viewing housing association properties will be subject to housing association checks and will also be asked to provide documentation in support of their application.

All household members will be required to prove:

- a. Identity/ status.
- b. Local connection to Rother and local connection at Parish/ Ward level.
- c. Residency.
- d. Income/ capital.

Other supporting documentation may be requested as appropriate.

Affordability of Social Housing

The 2010-2015 Government's reductions in and caps on benefits have resulted in affordability issues for benefit dependent people, especially with large families. In the event that an applicant is assessed as being unable to afford the rent they may not be offered the property.

When the Council will bid on your behalf

Band A priority cases:

The Council reserves the right to bid on behalf of applicants that have been accepted as homeless, awarded potentially homeless, assessed as ready to move on from supported accommodation schemes recognised under this Policy or other discretionary priority Band A status. Where the Council considers this necessary a bid will be made on all suitable properties. An offer of one of these properties will be considered a 'suitable offer'.

Failure to accept a 'suitable offer' of accommodation will result in a discharge of duty under homelessness legislation or removal of their Band A status.

Applicants placed into temporary accommodation by Rother District Council may be required to pay back all temporary accommodation costs incurred as a result of refusing a suitable offer by the Council.

The Council will also consider if other high priority applicants are making appropriate bids or refusing properties unreasonably. If it is found that the applicant has refused three offers of accommodation within 12 months the case may be suspended for a six month period.

Change of Circumstances

Applicants must keep the Rother Homemove team informed of any changes in their

circumstances and provide evidence to support the change where applicable eg; when they move house, change employment, have a change in their finances, have a baby or someone leaves or joins their household. If this results in a band or local connection change we will inform the applicant of the new band, the reason for it and the applicable priority date.

Failure to advise the Rother Homemove team about a change of circumstance may mean that the applicant could miss out on an offer of accommodation or could also result in an offer of accommodation being withdrawn. If we are unable to verify an applicant's details their case may be suspended until further evidence has been provided.

Re-registration

All applicants will be required to re-register their application every year. Applicants will be advised when they are required to re-register. Failure to respond to the request to re-register will result in the application being cancelled. The Council reserves the right to ask for additional supporting information that is required to re-assess the application.

If an applicant ceases to have a local connection to Rother the application will be cancelled unless the Council has a statutory duty to house them.

Exceptions to the Allocation Policy rules

The Council supports the development of balanced and sustainable communities. The allocation of properties will be sensitive to the needs of those currently living in the community. In some cases this will be formally by local lettings agreements.

Local lettings plans are an agreement between the Council, local tenants and residents that restricts lettings in the area to specific households. They may be adopted for a specific area or developments and will be agreed by stakeholders. Properties subject to local lettings plans will be clearly advertised and priority will be given to applicants meeting the agreed criteria.

New housing schemes are encouraged to be of mixed tenure, which cater for a range of households with varying needs. Some schemes will be specifically

advertised for working households and/or those with limited housing need and can contribute toward creating balanced and sustainable communities. Rural exception sites are developments built outside of defined planning of a village and have specific local connection criteria and aim to help meet the growing demand for local rural affordable housing and promote rural/village sustainability.

Direct lettings

The Council needs to retain some flexibility in order to deal with exceptional circumstances and in conjunction with the relevant Housing Association and Senior Officer reserves the right to let properties directly to suitable applicants. These properties will not usually be advertised via the Homemove scheme.

If an applicant refuses a direct let they must give their reasons for refusing in writing. The property will not be held empty while the refusal is reviewed but will be let to another applicant.

Feedback

All properties let will be listed on the Homemove website www.homemove.org.uk showing the number of bidders for each property and the priority Band date of the successful applicant.

Housing options – Vulnerability

This Council works closely with East Sussex County Council Adult Social Care and Children Services, to ensure that applicants identified with housing needs (as part of a community care assessment, for example) are given appropriate priority for suitable housing. In some cases we will agree specific local letting agreements and protocols for specialist supported housing schemes. These will become sub-agreements and protocols to this Allocation Policy. This will allow applicants to be assessed for housing, care and support needs and prioritised in accordance with those needs.

Sheltered housing

Age limits for schemes varies but this type of accommodation is generally for applicants aged 60 or over who wish to retain their independence but may prefer a

smaller, easier to manage, self-contained home.

Most sheltered housing provides a 24 hour alarm system for emergencies and some may have an on call warden or communal social areas for activities e.g. coffee mornings.

In exceptional circumstances younger applicants with recognised medical needs who would benefit from this type of accommodation may be considered.

Very Sheltered/ Extra Care Housing

The Rother District currently has one extra care sheltered scheme in Ticehurst which provides an element of care and other schemes are planned. The scheme provides staff cover 24 hours per day and all applicants are required to have a personal care need in order to be considered.

Applicants requiring this type of accommodation will need to have an assessment by Adult Social care to ensure suitability for the scheme. When a vacancy arises the property will be advertised via the Homemove scheme but nomination will be determined by the scheme allocations panel to ensure the most suitable applicant is offered the vacancy.

Applicants interested in this scheme are advised to contact the Rother Homemove team for further information.

Supported housing

Supported housing is an enhanced form of independent living accommodation with care and support provided. Supported housing is available for applicants of any age with particular care or support needs e.g. young care leavers or applicants with a learning disability but the availability of such vacancies in Rother is limited.

Eligible applicants for supported housing schemes will need to have a social care assessment of their needs by East Sussex County Council, Adult Social Care or Children Services and properties are rarely advertised through the Homemove

scheme.

The supported housing schemes are also subject to their own local letting agreements and protocols, based on the level of care or support required.

Under 18's

Anyone over 16 with a proven local connection and a housing need can join the Housing Register, although they will not usually be offered a permanent tenancy until they are 18. If there is an urgent housing need, a further assessment will be carried out and the most suitable accommodation to meet their individual needs will be considered. An offer of accommodation will only be made if the Council is satisfied the applicant:

- a. Is able to live independently.
- b. Is able to sustain a tenancy;
- c. Can show appropriate support is in place;
- d. Has an appropriate adult to hold the tenancy in trust until the applicant is 18;
- e. Can show the housing association they have an appropriate adult or agency acting as guarantor; and
- f. Can show the housing association they have an identified package of support available to them, or can be offered supported housing; or
- g. Is suitable for a supported housing scheme until ready for move-on into independent living.

Lone parents aged between 16 and 18 will not be allocated an independent tenancy without appropriate support being in place.

Removal from the Housing Register

An applicant will be removed from the Housing Register if:

- a. The applicant no longer meets the rules for local connection.
- b. They are re-housed into housing held by a housing association.
- c. They are re-housed into housing held by a private sector landlord through the Council's landlord link scheme.

d. They do not respond to a request to re-register.
e. They move and fail to complete a review application within 28 days or other agreed period of being requested to do so.
f. The applicant no longer meets the eligibility rules for the Housing Register.
g. The eligibility rules for immigration changes and the applicant no longer meets the criteria.
h. The applicant, or a member of their household, has been responsible for anti-social behaviour or has behaved in an unacceptable way.
i. The applicant has been evicted from social or private rented housing for rent arrears and has outstanding arrears which are not being repaid.
j. The applicant requests removal from the Housing Register in writing.
k. The applicant provides false or misleading information or with-holds relevant information.

If applicants are removed from the Housing Register they will be notified of the Council’s decision in writing and the reasons for it. Applicants will also be advised of their right to request a review / appeal of the decision.

How to ask for a review/appeal of a decision

Banding Appeal

An applicant wishing to appeal their Band or priority date should put their request in writing to the Homemove team. The request will be reviewed by a member of the Housing Needs team to determine if the application has been assessed correctly and in line with the Allocations policy.

If the reviewing Officer considers the application has been banded correctly the applicant will be advised of the decision in writing. An applicant wishing to further dispute their banding priority should put their request in writing to the Housing Needs Manager.

Where the application requires additional priority the officer will write to advise the applicant of the change. If additional information is required to make a more accurate

assessment the applicant will be asked to provide this information before the case will be reviewed.

The officer also has the right to reduce band priority if applicable and in line with this policy.

If the officer considers that there may be a case for addition priority based on extenuating circumstances or for social or welfare reasons not identified within the band reasons then the officer may decide to forward the case to the Social Welfare Panel.

Only cases where the reviewing Officer considers that there is sufficient grounds to warrant a referral to the Social Welfare Panel will be referred.

The Council will respond to requests for a review of banding appeal or priority date within 28 days. Continued requests for a review of priority will not be considered unless the applicant can provide evidence of a significant change in circumstances not considered in the previous review.

Social Welfare Panel

Cases the reviewing officer has referred to the panel will be heard at the 6 weekly panel meeting. Applicants who wish to provide supporting evidence to be heard by the panel must provide this information to the Council at least five days before the date of the panel.

The panel is independent and its members will consist of a Councillor and/or a Health care professional and/or housing provider and is chaired by a member of the Housing Needs team.

Consideration will be given to cases where the applicant or member of their household is being adversely affected by their current accommodation and their priority band does not reflect their housing circumstances.

There is no guarantee that the Social Welfare Panel will alter an applicant's housing priority and following that and the methods set out above, there is no other way to increase a customer's Band or priority for housing other than a change in their

housing circumstances.

If the Social Welfare Panel is split and unable to reach a majority decision, the case will be referred for a decision to the Housing Needs Manager or Senior Manager for a final decision. The decision of the Housing Needs Manager or Senior Manager is final.

Requests for review/appeal of a decision

All other requests for reviews/appeals of other decisions made by the Council's Housing Service must follow the following procedure:

- a. The applicant should put in writing their request for a review/appeal of a decision made by the Council, with details of the reason for the review/appeal request.
- b. A senior officer not involved in the original decision, in consultation with the legal department and Senior Manager will consider the facts of the case and decide whether or not to reverse or uphold the original decision.
- c. We will advise applicants in writing of the decision of the review/appeal within 28 days. The 28 days begins from the review/appeal receipt.
- d. An applicant will be advised of their right to seek independent advice and other remedies.

Repeat requests for a review/appeal of a decision will not be considered unless there has been a significant change in the applicant's circumstances.

The only exception to this rule are decisions made under the Housing Act 1996 Part VII, as amended, which will be decided in accordance with the legislation and its guidance. These will include the suitability of accommodation and discharging duty into the private rented sector.

Refusals

If an applicant refuses an offer of a home from a housing association, Rother District Council will note the reasons for the refusal and the next applicant on the shortlist will be selected for the offer.

If the applicant who refused the offer is in Band A accepted homeless an

investigation will be carried out by Rother District Council as to the reasons why the property was refused. If the property is deemed to be a suitable offer of the right size Rother District Council will discharge their duty under the homelessness legislation. See Appendix 10 for points of legislation.

If the applicant who refused the offer has been given other Band A priority, with the exception of Transfer tenants under-occupying accommodation, the Council will assess the reason the property was refused. If the property is deemed to be suitable and of the right size the Council may decide to remove the Band A priority.

Right of appeal suitability of the accommodation and the discharge of homelessness duty

An appeal can be made against the offer of accommodation and the decision to discharge the homelessness duty. It is recommended that where an applicant intends to appeal against the suitability of the accommodation and the discharge of homelessness duty, they accept the property offered whilst they make their appeal.

Complaints

Any applicant wishing to make a formal complaint about any aspect of their application must follow the Council's formal complaints procedure which can be found on the Council's website: www.rother.gov.uk

Complaints relating to housing association lettings

Complaints about adverts and allocations by the Council registered providers should be addressed to those partners. While we will do our best to assist in resolving such complaints and will take responsibility if the partner was acting on our instructions, we cannot be held liable for errors made or separate allocations policies followed by these bodies, which are independent of the Council.

Other Housing Options

The scarcity of housing in Rother means social housing cannot be available for all who request it. Applicants are therefore encouraged to consider other housing options that may be available to them. One of these options may be to consider the governments Help to Buy scheme.

Help to Buy

Help to Buy is a Government created scheme designed to help people to take steps to buy their own home. This may be available to you if you are looking to get onto the housing ladder or move up it and there are a number of Help to Buy products designed to make buying a home more affordable, including Shared ownership and Equity Loans.

How to apply for Help to Buy?

Rother works in partnership with a registered provider, to offer Help to Buy to people in our local authority area. Anyone interested in applying for Help to Buy or requires comprehensive information about the scheme should visit:

www.helptobuyeastandsoutheast.uk.com

Or call 03333 214044

If you are interested in buying in another area please visit **www.helptobuy.org.uk** to find details of the local Help to Buy agent for that area.

Mutual exchange

A mutual exchange is where tenants of a housing association or local authority swap homes. A mutual exchange can be a quicker way to move to a property of the type and location that is preferred, rather than through the Housing Register. Housing association tenants may have a right to carry out a mutual exchange subject to their landlords consent (although consent can only be withheld for a specified number of reasons).

Any tenant interested in this scheme should contact their landlord to discuss the options available.

Access to information

An applicant is entitled to see the entry on the Housing Register relating to them and receive a copy of the details held for a set fee. An applicant must also be notified of any Band or status change to their entry on the Housing Register.

All information held on the Housing Register is confidential and it will only be used for the purposes of allocating social housing.

It will also be used to provide information on levels of housing need across the district.

Any information used in this way will be anonymous, unless the express permission from the applicant has been given.

The Housing Register may also be used for identifying prospective tenants for other housing opportunities including in the private rented sector. The Council will share information about your housing situation with landlords and other agencies where necessary when referring you for housing.

The Allocations Policy is available on the Council's website www.rother.gov.uk. Printed copies will be made available on request. See Appendix 12 Data Protection and Confidentiality.

Equality and diversity

The Council is committed to ensuring equality and the promotion of diversity and will seek to ensure that applicants are not discriminated against on the basis of race, ethnic origin, culture, religion, gender, sexual orientation, age or disability. The Allocations Policy is subject to an Equality Impact Assessment and regular monitoring will be undertaken to ensure its fair implementation.

Monitoring of the Policy

The Council will undertake regular monitoring of the Allocations Policy and the information gathered will inform an annual review of the administration of the

Housing Register.

The Council will consult with its housing association partners, residents and other stakeholders on any proposed changes to the Housing Register and will notify applicants on the Housing Register of any significant changes to the Allocations Policy.

Appendix 1 – Housing Associations with Housing in Rother

Affinity Sutton

Amicus Horizon

Chichester Diocesan Housing Association Ltd

English Rural Housing Association

Five Villages Housing Association

Hanover Housing Association

Hastoe Housing Association

Housing 21

James Butcher Housing Association

Kelsey Housing Association

Manor Housing Association

Moat Housing Group South Ltd

Merrimac Housing Association

Orbit Housing Association

Sanctuary Housing

Southern Housing group

Sussex Housing and Care

Appendix 2 – Eligibility

The statutory framework for eligibility is subject to alteration by the Secretary of State and over-rides this Allocations scheme if the latter is out of date.

Applicants who are not eligible under S160a Housing Act 1996

- Person subject to immigration control who is an overstayer or visitor to the country
- Illegal entrant
- Asylum seeker
- Person in the country on condition that they have no recourse to public funds
- Person from abroad who fails the habitual residence test (with some exceptions)
- Person from abroad who is in breach of the European Community Right of Residence Directive
- Person whose only right to reside in the UK arises under European law based on their status as a job seeker or an initial 3 months right of residence
- Person from abroad who has been the subject of a sponsorship agreement for less than 5 years and whose sponsor is still alive
- Person with limited leave not granted as a result of a claim for asylum

Applicants who are eligible

- UK national, Irish national or commonwealth citizen with the right of abode (all subject to the habitual residence test)
- Person granted Exceptional Leave to Remain which is not subject to a condition of no recourse to public funds
- Person who has unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area and who is not sponsored
- Person who has been granted Humanitarian Protection
- Person who has been recorded by the Secretary of State as a Refugee

- Person not habitually resident in the Common Travel Area but who has rights of residence under European Law
- Person not habitually resident in the Common Travel Area but who is in the UK as a result of having been deported or expelled from another country
- Person not habitually resident in the Common Travel Area but who is fleeing from Montserrat, Lebanon or Zimbabwe (and other limited exceptions from time to time as decreed by the Secretary of State)
- Person whose only right to reside in the UK arises under European Law allowing a minor to exercise their right of residence
- Person whose only right to reside in the UK arises under European Law allowing the minor of an European Economic Area (EEA) national to complete their education, providing that child entered/resided in the UK while the EEA national parent was exercising treaty rights
- Person who is already a secure, introductory, flexible or assured tenant of accommodation to which they have nominated by a local authority

Habitual Residence – Generally most people are not habitually resident for the first three months, but this might not be the case if a British citizen is resuming occupation. Whether someone is habitually resident depends on their main centre of interest and their individual circumstances. There is no legal definition.

Appendix 3 – Local Connection criteria

Applicants must meet at least one of the following criteria in order to be eligible

Residence: The applicant or joint applicant has lived in the district, by choice, in their only home for a period of at least three years out of the last five years. Applicants will be awarded local connection to the parish or ward where this applies.

Exceptions:

Applicants who are currently resident in a caravan in the district will only have their residency count towards local connection if it can be evidenced that this is their main residence and they can demonstrate residence of at least 5 years. This will be awarded at the discretion of the Council. Residency split between caravans and private rented sector will also be based on residency of five years.

Residency in accommodation that is not residence of choice ie a placement in supported accommodation, foster care or residential care will not be considered to grant local connection. Under certain special circumstances, Rother District Council will look at the merits of the case two senior officers will determine whether or not that person will be granted local connection. If this is the case then the person will be written to and advised of the decision.

Relatives: The applicant or joint applicant has close relatives who reside in a Parish or Ward in the Rother area as their only or principal home and have done so for at least the previous five years. Close relatives will only cover parents, adult children or brothers or sisters, including corresponding step relationships.

Relatives who are not considered to grant a local connection are grandparents, grandchildren, aunts or uncles, carers and non-adult children. These persons will only be used to establish a local connection where the Council considers that it is necessary for the applicant to be accommodated within the Parish or Ward in order to provide or receive medical or social care to/from the relative at the discretion of

the Council.

Employment: The applicant or joint applicant has permanent paid employment (or a confirmed offer of such) in the district. This must be for a minimum of 16 hours per week but will not include seasonal or temporary contracts.

A person carrying out work on a self-employed basis must be able to demonstrate that on average they work at least 16 hours per week and the majority of the work carried out is undertaken within the district. Local connection will be awarded to the parish cluster where the majority of work is carried out.

Community / Voluntary Activity: The applicant or joint applicant provides employment or a community / voluntary based activity or service in the area, for a minimum of 10 hours per week, over at least the last six months. This must be something that provides jobs for local people or a service for the local community and will be awarded at the discretion of the Council.

Military personnel as defined in the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012:

Former and serving members of the Armed Forces (defined as those who left the armed forces within 5 years of the date they make an application for housing) will be given local connection to the Rother District and will be eligible for vacancies in all areas if they meet the following criteria:

- a) Serving members of the regular armed forces who need to move because of a serious injury, illness or disability attributable wholly or partly to their service;
- b) Former members of the regular armed forces;
- c) People who ceased, or will cease, to be entitled to live in Ministry of Defence accommodation following the death in service of their armed forces spouse or civil partner;
- d) Serving or former members of the reserve forces who need to move because

of serious injury, illness or disability attributable wholly or partly to their service.

If an applicant has lived in Rother for the required three year period but has resided within different Parishes or Wards, local connection will be awarded to the Parish or Ward the applicant lived in the longest during that three year period.

Applicants living in rural Parishes will be housed in accordance with their needs and the availability of the existing rural housing stock. In some Parishes there are few or no homes. The Council must make the best use of the available housing stock and house those in the most housing need in the area. To do this Parishes are grouped in clusters to manage the housing need and demand for vacancies.

Parish Groups for local connection priority

Housing applicants in local Parishes must be housed in accordance with their needs and the availability of the existing housing stock. In some Parishes there are few homes vacant so the Council must make sure it makes to best use of the available housing stock and houses those in the most housing need.

For the purposes of this policy vacancies in Bexhill will available to all applicants and is not subject to the local connection rules.

The parish clusters are as follows:

1. Battle Parish Cluster

- Battle
- Netherfield
- Bodiam
- Ashburnham
- Ewhurst
- Penhurst
- Brightling
- Catsfield
- Crowhurst
- Dallington

- Mountfield
- Whatlington
- Salehurst
- Westfield
- Sedlescombe

2. Rye and Rye Rural Parish Cluster

- Rye
- Brede
- Camber
- East Guildford
- Guestling
- Icklesham
- Fairlight
- Iden
- Beckley
- Northiam
- Peasmarsch
- Pett
- Playden
- Rye Foreign
- Udimore

3. Ticehurst Rural - including:

- Burwash
- Etchingam
- Hurst Green
- Ticehurst

If an applicant with a local connection to the parish cluster cannot be found on the shortlist then the applicant with the highest band priority with the earliest priority date regardless of local connection will then normally be offered the vacancy.

Appendix 4 – Financial Resources

S166a of the 1996 Act allows allocations scheme to give less priority to applicants who have the financial means to resolve their own housing need. Applicants who have sufficient resources to resolve their own housing need or who have unreasonably disposed of financial resources that could have enabled them to purchase/ obtain their own accommodation or they own other accommodation will be ineligible to join the housing register.

Homeowners

Applicants that own or part own a property that the Council considers they could reasonably reside in (even if they are not currently living in it) or where if they sold it could afford to secure alternative accommodation will be ineligible (with the exception of applicants aged over 65 whose accommodation is no longer suitable for their needs and they require sheltered accommodation).

If an applicant owns a share in a property but is unable to live there for example as a result of a relationship breakdown the Council will consider if the value of the share is above the savings limit of £24,000. The Council will consider this to be above the threshold for financial resources, regardless of any other outstanding debts and the applicant will be ineligible.

In certain circumstances where a homeowner has specific medical needs the Council will take into consideration the supply of economically realistic accommodation suitable for the applicant's specific needs and if the applicant's housing need can be met in the Rother area. Where the Council agrees to assist a homeowner with rehousing the applicant must place their property on the open market immediately.

Savings

Any applicant with savings over £24,000 (in line with the threshold for Child Tax credit qualification) will not be eligible as they are deemed to have enough financial resources to rent in the private sector. (Applicants over the age of 65 will not be taken into account). Any deliberate disposal of assets in order to become eligible will disqualify the applicant.

Applicants are required to disclose any savings they may have and failure to do so may result in the applicant being removed from the register.

Income

Applicants with a combined gross joint income of over £35,000 (disregarding disability benefits) will be excluded because they are deemed to have sufficient financial resources to enable the applicant and their household to find alternative accommodation.

The figures are set as of September 2012 and will be reviewed three yearly to determine if these figures still apply.

Appendix 5 – List of information required to verify a housing application

Local Connection

Applicants must provide their full address history for the past 5 years and the address history of all close relatives who meet the criteria and reside within the Rother district.

For local connection to be granted by virtue of employment a copy of the contract or confirmed letter of employment is required or the last three wage slips. All applicants must provide confirmation of their actual place of work, as this may be different from the address given on the wage slips or letters from employers.

If the Council is unable to verify an applicant's local connection they may request copies of utility bills covering the period required to confirm residency. If we are unable to verify an applicant's local connection they will not be eligible to join/ or remain on the register.

Identification – Copy of Birth certificate or passport

- Proof of ID – for applicant
- Proof of ID – for each family member included on the application
- Proof of name change via Deed Poll
- A copy of Marriage certificate (if name is different from Birth Certificate or passport)

Housing

- A copy of Tenancy agreement
- A copy of Licence agreement
- A letter from friend or relative confirming your living arrangements - (letter should state date when you moved in and number of bedrooms you have access to)
- A current valuation of your home, if you are a homeowner
- A copy of your latest mortgage statement, if you are a homeowner
- Confirmation of Tied accommodation

- A copy of your site agreement, if resident in a caravan

Income – copy of award letter or bank statements showing this amount

- Employment Support Allowance
- Income Support
- Child Benefit
- Child Tax Credit
- Incapacity benefit
- DLA
- Carer's allowance
- Pension credit
- State Pension
- Occupational Pension
- Last 3 months or 5 weeks payslips for each employment
- A copy of self-employed accounts
- Private Pension

Appendix 6 – The Housing, Health and Safety Rating System

On the 6 April 2006 the Housing Health and Safety Rating System (HHSRS) was implemented which replaced the Housing Fitness Standard. This is an evidence-based risk assessment of risks to health and safety in residential premises.

Local authorities now base decisions in respect of all residential premises on these assessments which enables them to address more effectively the hazards to health and safety present in the home.

The purpose of these assessments is not to set a standard but to generate objective information in order to determine and inform decisions made by the Council's Environmental Health Officers. Assessments are based on the risk to the potential occupant who is most vulnerable to that hazard.

The HHSRS assesses 29 categories of housing hazard, and provides a rating for each hazard. It does not provide a single rating for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.

A hazard rating is expressed through a numerical score which falls within a Band. There are 10 Bands, with Band J being the safest and Band A being the most dangerous. Scores in Bands A to C are category 1 hazards; and scores in Bands D to J are category 2 hazards.

Under the Housing Act 2004, local authorities have a duty to take enforcement action when category 1 type hazards are found and a discretionary power to take enforcement action in respect of category 2 hazards.

The hazards that can be assessed are those associated with or arising from:

Physiological Requirements	Protection Against Infection
Damp and mould growth	Domestic hygiene, pests and refuse
Excess cold	Food safety
Excess heat	Personal hygiene, sanitation and drainage

Asbestos (and MMF)	Water supply for domestic purpose
Biocides	Protection Against Accidents
Carbon monoxide and fuel combustion products	Falls associated with baths
Lead	Falling on level surfaces
Radiation	Falling on etc
Uncombusted fuel gas	Falling between levels
Volatile Organic Compounds	Electrical hazards
	Fire
Psychological Requirements	Flames, hot surfaces
Crowding and space	Collision and entrapment
Entry by intruders	Explosions
Lighting	Position and operability of amenities

Appendix 7 – Priority for Working Households

The Council aims to reward working households with school age children by prioritising their chance of securing social rented housing, if they are particularly poorly paid. This will not apply to transfer tenants already resident in social housing.

Research shows that the average income in Rother is £25,476 per annum, although housing costs fluctuate greatly across the district. This means that on average working households are required to spend over 30% - 40% of their disposable income on paying for their housing costs. The generally recognised indicator of poverty places the threshold at 60% of median earnings. For the Rother area this equates to £293.95 per week.

Priority Band B will therefore be awarded to working households, with a school aged child, for whom the Rother Local Housing Allowance rent level for the number of bedrooms they require would cost more than 40% of their disposable income (disregarding disability benefits).

This priority will not be awarded to households who do not have school aged children because such families have more options and less of a welfare need to remain in the local area and less need for social rented housing.

This will also help the Council to achieve sustainable communities whilst rewarding those less dependent of welfare benefits.

Assessment of Working Households:

Employment definition

- Only applicants working in the district or surrounding districts and who would be able to continue this employment if successful in securing accommodation will be prioritised. This is to prevent households eligible under local connection but residing elsewhere in the country to receive priority as a working household where they would be unable to continue to employment following a successful bid.
- Applicants must currently be working and provide proof of being in receipt of working tax credit.

Income definition:

The Council will assess the income based on the information provided by the applicant on the application and at point of re-registration. The Council will consider all disposable income available to the applicant including that of partners, civil partners or spouses living together. Applicants with non dependant relatives resident with them as part of their household will also have their income taken into account.

Disposable income is defined as:

The amount of money that households have available for spending and saving after income taxes have been accounted for.

Disability benefits are disregarded.

Evidence will need to be provided before this priority will be awarded and will be reviewed at point of annual re-registration.

It is the responsibility of the applicant to ensure that all information required is provided in order for this priority to be awarded.

Example 1: 2 Bed Household

Household Disposable Income	Bedrooms Required	LHA	40% of household disposable income	Eligible for Working Family Priority
£18,000 = £346 per week	2	£115.38	£138.46	NO
Household Disposable Income	Bedrooms Required	LHA	40% of household disposable income	Eligible for Working Family Priority
£15,000 = £288 per week	2	£115.38	£115.38	YES

Example 2: 3 Bed Household

Household Disposable Income	Bedrooms Required	LHA	40% of household disposable income	Eligible for Working Family Priority
£25,000 = £480 per week	3	£160.38	£192	NO

Household Disposable Income	Bedrooms Required	LHA	40% of household disposable income	Eligible for Working Family Priority
£20,500 = £394 per week	3	£160.38	£157.69	YES

Appendix 8 – Evidence Required for Medical Priority

If an applicant's health is being adversely affected by their current accommodation it may be possible to award medical priority.

Only applications where the applicant or member of their household can demonstrate their health is being adversely affected by their current accommodation and where evidence is provided will be considered for Medical priority.

Supporting Information should include:

- Any document(s) GP's or Consultants that outline the current medical diagnosis, symptoms, prognosis and treatment. This could include outcomes of tests or procedures from specialists or referral letters from your GP.
- Alternatively, you could also ask the receptionists at your GP's surgery for a 'Patient Summary'. This is a print-out summary of your history and diagnoses and will be supplied by your surgery for a small charge, or sometimes for free.
- A recent Occupational Therapy or other Adult Social Care report/assessment with regards to your medical condition.
- A copy of your current prescriptions.

Any other supporting medical information which is relevant to your case.

Only cases where sufficient information has been provided will be considered.

Issues such as Anti-Social behaviour or the location of your property are not medical matters that are considered by the medical advisor.

Request for Additional Bedrooms:

Whilst under Rother's allocations policy we have discretion to award additional bedrooms, the Housing Benefit Regulations do not offer the same degree of flexibility. Regulation 13D of the Housing Benefit regulations 2006 dictates the size criteria to be used for persons on Local Housing Allowance and Regulation B13 dictates the size criteria and restrictions imposed on customers whose landlord is a Registered Housing Association. Therefore, please be aware that you may have to

pay for the cost of any additional bedrooms allocated as the Housing Benefit you receive may not cover your full rent.

Appendix 9 – COUNCIL CONTACT DETAILS

Rother District Council

The Town Hall
Town Hall
London Rd
Bexhill on Sea
East Sussex
TN39 3JX

www.rother.gov.uk
Customer Services Tel: (01424) 787000
Housing Services Tel: (01424) 787513
Out of Hours Emergency (01424) 787868

Libraries

Bexhill Library
Western Rd
Bexhill on Sea
East Sussex
TN40 1DY

Battle Library
7 Market Square
Battle
East Sussex
TN33 0XA

Rye Library
Lion St
Rye
East Sussex
TN31 7LB

Appendix 10 – Points of Legislation

Part VI of the Housing Act 1996

Section 164 – (1) If a local Council decide –

- (a) not to put a person on their Housing Register who has applied to be put on, or
- (b) to move a person from their Housing Register otherwise than at his request,

they shall notify him of their decision and of the reasons for it.

Section 164 – (2) The notice shall also inform him of his right to request a review of the decision and of the time within which such a request must be made.

Section 164 – (3) A request for review must be made before the end of the period of 21 days beginning with the day on which he is notified of the authority's decision and reasons, or such longer period as the authority may in writing allow.

Section 164 – (4) There is no right to request a review of the decision reached on an earlier review.

Section 164 – (5) On a request being duly made to them. The authority shall review their decision.

Section 164 – (6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him.

Section 165 – (2) Provision may be made by regulations

- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
- (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.

Section 165 – (3) The authority shall notify the person concerned of the decision on the review.

Section 165 – (4) If the decision is to confirm the original decision, they shall also notify him of the reasons for the decision.

Section 165 – (5) Provision may be made by regulations as to the period within which the review must be carried out and notice given of the decision.

Section 165 – (6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him.

Part VII of the Housing Act 1996

Section 193 – (7) The local Council shall also cease to be subject to the duty under this section if –

- (a) the applicant, having been informed of the possible consequence of refusal, refuses an offer of accommodation under Part VI, and
- (b) the authority are satisfied that the accommodation was suitable for him and that it was reasonable for him to accept it and notify him accordingly within 21 days of the refusal.

Section 193 – (8) For the purposes of subsection (7) an applicant may reasonably be expected to accept an offer of accommodation under Part VI even though he is under contractual or other obligations in respect of his existing accommodation, provided he is able to bring those obligations to an end before he is required to take up the offer.

Data Protection Act 1988

- a) The Data Protection Act is designed to protect personal data about living individuals (Data subjects).
- b) The Act also places obligations on those organisations that process personal data (Data controllers).

As a Data Controller, the Council and its partners on the Housing Register are committed to complying with this legislation by applying the Principles of Good information handling across all services related to Home move.

Appendix 11 - Types of Tenancy and Affordable Rents - changes from the Localism Act

The main changes to housing from the Localism Act

Introduction - summary of the changes

1. The government has reduced the amount of grant funding it provides to build new affordable homes. It has instructed registered social housing providers (housing associations) to increase some rents up to 80% of the market rents. Registered providers are expected to use the difference to raise money to pay for new-build homes. Most new homes funded by government grant and registered providers will be let on affordable rents.
2. Tenants will see changes in the types of tenancy they can access; new tenancies may be for fixed lengths and under new terms.
3. The Council has more freedom to make local changes to its Housing Allocation Policy. In addition homeless households can be offered private sector rented homes rather than registered provider homes when they are homeless.

Fixed term tenancies

4. Registered provider / landlords will no longer have to let a tenancy for life; they can let it on a fixed-term. The minimum tenancy may be for 2 years (in exceptional circumstance) but will generally be for 5 years but can be for longer. This will depend on the policy of the landlord. Where a fixed term tenancy is granted the registered provider landlord must review the tenancy six months before it expires. If it is felt by the landlord that the tenant no longer needs affordable housing or the property they are in is no longer suitable (e.g. their income has improved significantly or the property is too big for their needs) the tenant may be asked to leave.
5. The tenant will be given advice to help them find suitable alternative housing; this may be a private rented sector or shared ownership home. Some people feel the advantage of this is that affordable housing is then only used for those in the most need; anyone who can afford an alternative should do so. Other people feel fixed term tenancies may make tenants feel insecure and are less likely 'to put down roots' in the community they live in.

Introduction of the affordable rent tenure

6. An additional change is a new tenancy called the affordable rent tenure (ART). In order to support the development of new homes, registered providers will be able to charge higher rents on some of their homes. This can be up to 80% of market rent levels that are charged in the private rented sector.

Existing tenants

7. The tenancy conditions of existing social housing tenants are not affected by these changes. If a tenant looks to transfer, then the property they bid for may be for a fixed term or be an affordable rent tenancy. This means that, tenants may lose some of their rights if they move but it is dependent on the landlord's policies.

Changes when applicants apply for housing

8. Those applying for housing and not already a housing association tenant, should read the adverts for housing very carefully and look for whether the property they are interested in is either a lifetime or fixed term tenancy, and the level of rent that it is being let at.

The Tenancy Strategy

9. The Localism Act requires Rother District Council to publish a Tenancy Strategy within one year of the Act being passed by Parliament. The Tenancy Strategy is intended to set out the matters to which the registered providers of social housing in its district are to have regard in formulating policies relating to:
 - (a) the kinds of tenancies they grant;
 - (b) the circumstances in which they will grant a tenancy of a particular kind;
 - (c) where they grant tenancies for a certain term, the lengths of the terms; and
 - (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
10. Rother District Council has worked with its landlords to draft a countywide Tenancy Strategy framework. Please remember – this Council is not a landlord and so the final decision as to what policies they have rests with the registered providers.

The impact of the changes to homelessness and welfare reforms

11. The Localism Act 2011 has made significant changes to the way in which local authorities will deal with applications for social housing and homelessness applications in accordance with legislation (under Parts 6 and

7 of the Housing Act 1996). Local authorities owe applicants, who are homeless, eligible for assistance, in priority need and not intentionally homeless, the main housing duty to secure suitable accommodation (unless a referral to another authority can be made under the local connection provisions).

12. Applicants can remain in temporary accommodation for long periods while they wait for a permanent offer of social housing. Currently, many applicants are offered assured short-hold tenancies (ASTs) with private landlords. However, the applicant can decline such offers as a full and final discharge of the duty, and wait for social housing.

Homelessness changes introduced by the Act

13. The Localism Act allows local authorities to fully discharge the full housing duty by a 'private rented sector offer'. This must be an offer of an AST with a minimum fixed term of one year. Applicants will lose the discretion to decline the offer as a final discharge, although they will retain the right to request a review of suitability.

Implications

14. When the relevant sections of the Act are in force, a person provided with accommodation in the private rented sector as final discharge of a homelessness duty will have no 'reasonable preference' for an allocation of permanent social housing, by reason of homelessness. As far as is reasonably possible, authorities must secure accommodation in their own areas. However, with the changes to housing benefit and the caps on local housing allowance (LHA) rates, it will become more difficult for many authorities, especially in high cost areas e.g. inner London, to find affordable private rented accommodation within their own area.
15. To discharge their homelessness duties, local authorities will probably make more offers outside their own area, so more homeless applicants may need to move to an entirely new district. And areas where private rented accommodation is cheaper will see more people moving there.
16. **Shared accommodation rate if an applicant is under 35 and single.** The maximum housing benefit they can receive (there are a few exceptions) is the LHA shared accommodation rate (the rate for a room in a shared house). This is the case even if they rent a house or flat of their own.

Appendix 12 – Confidentiality and Data Protection

The Council treats housing applicants' personal information as confidential in accordance with data protection legislation. In normal circumstances, this information is only disclosed to landlords participating in the choice based letting scheme within Sussex to enable them to consider an application and determine whether an offer of accommodation can be made. Applicants give their consent to this disclosure in completing the online application form.

Personal information is only disclosed to other parties with the applicants consent or in exceptional circumstances where disclosure without consent is warranted, defined as follows:

- Where there are over-riding legal, social or public interest considerations, for example, a risk of serious harm to the person themselves or to others if the information is not disclosed, where there is a serious threat to another party's staff or contractors
- Where the information is required by a local authority department or its external auditors to carry out statutory functions
- Where the information is required by the Police as part of a criminal investigation (Crime and Disorder Act (1998, Section 115))

Applicants have the right to see the information that the Council holds about them as part of their housing application. This right of access covers "personal" information, namely factual information which relate to a living individual.

In certain circumstances the Council may refuse access, where for example the information:

- May identify a third party and that party has not consented to disclosure:
- Concerns an individual's health and disclosure may cause serious harm to the wellbeing of the applicant or:
- Is held for the purpose of prevention or detection of crime or in respect of some other legal proceedings.

Requests for access of records must be made in writing to the Housing Needs Manager.