

AGENDA

HOUSING CONSULTATIVE BOARD MEETING



Date: Monday 26 September 2011

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, Beerling, Brindle, Mrs Gibson,
Ms Griffin, Mrs Grigg and Hinder

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Disclosures by Members and Officers
6. Disclosures of Lobbying

Continued Over/:

Issued on 14 September 2011

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

7.	Minutes of the Meeting held on 6 June 2011	1 - 3
8.	Report of the Director of Regeneration and Communities - Mandatory Power of Possession for ASB Consultation	4 - 9
9.	Report of Head of Housing and Community Services - Common Assessment Framework for Housing in Kent	10 - 44

MAIDSTONE BOROUGH COUNCIL

HOUSING CONSULTATIVE BOARD

MINUTES OF THE MEETING HELD ON MONDAY 6 JUNE 2011

Present: Councillor Barned (Chairman) , and
Councillors Beerling, Brindle, Mrs Gibson, Ms Griffin,
Mrs Grigg and Hinder

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. NOTIFICATION OF VISITING MEMBERS

Councillor Burton was in attendance.

4. ELECTION OF CHAIRMAN

Councillor Barned was nominated for Chairman by Councillor Mrs Gibson and seconded by Councillor Hinder. However, concern was expressed by other Members regarding a possible conflict of interest due to Councillor Barned being employed by Hyde Housing and being a Board Member of Golding Homes. It was therefore

RESOLVED:

1. That Councillor Barned be appointed Chairman for the meeting.
2. That advice be sought from the Monitoring Officer regarding the possible conflict of interest and reported back to the next meeting.

5. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Ms Griffin be elected Vice Chairman for the Municipal Year 2011/12.

6. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Beerling, Mrs Gibson and Hinder declared a personal interest by virtue of being a former Board Member of Golding Homes.

Councillor Barned declared a person interest by virtue of being a Board Member of Golding Homes, Chairman of the Golding Vision Committee and an employee of Hyde Housing.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Political Group Spokespersons be appointed for the Municipal Year 2011/12:-

Conservative	Councillor Barned
Liberal Democrat	Councillor Ms Griffin

9. HOUSING STRATEGY 2011/12-14/15

The Board considered the report of the Head of Housing and Community Services regarding the draft Housing Strategy 2011/12 – 2014/15.

In response to questions, Officers informed the Board that the consultation was undertaken in a variety of ways and therefore there was no "percentage return" available and that the Strategy does take into account migration into and out of the Borough.

RESOLVED:

1. That the Cabinet be recommended to agree the draft Housing Strategy 2011/12-2014/15 and recommend it to Council for adoption.
2. That a copy of the adopted Housing Strategy 2011/12-2014/15 be passed to the Homes and Communities Agency (East Region) and the Department of Communities and Local Government for information.

10. DISCUSSION ITEM - TRAINING/AWARENESS NEEDS

The Board were asked to consider the topics they wished to receive in-depth training in.

RESOLVED: That four evening training sessions be arranged within the next six months on the following topics:-

- a) Allocation Scheme and Choice Based Lettings
- b) Homelessness and housing advice
- c) Housing Standards and Management (to include responsibilities of the Landlord)
- d) Affordable Housing and Tenure Strategy

11. DISCUSSION ITEM - ACTION PLAN

Officers circulated a list of issues that could be considered by the Board over the next year. The Board discussed the list and

RESOLVED: That the work programme for the Municipal Year 2011/12 will include the following issues:-

- i) Affordable Rent
- ii) Tenure Strategy
- iii) Allocation Scheme
- iv) Homelessness

and will tie-in with the training sessions agreed in Item 10 above.

12. DURATION OF MEETING

6.30 p.m. to 7.50 p.m.

Agenda Item 8

MAIDSTONE BOROUGH COUNCIL

HOUSING CONSULTATIVE BOARD

26th SEPTEMBER 2011

REPORT OF THE DIRECTOR OF REGENERATION & COMMUNITIES

Report prepared by Andrew Paterson

- 1. Consultation on New Mandatory Power of Possession for ASB**
 - 1.1 Issue for Consideration
 - 1.1.1 The consultation document proposes the introduction of a new ground for possession in cases relating to anti-social behaviour. The new ground is primarily aimed at local authority and housing association tenancies and will be mandatory. The Board is asked to consider the observations made by the Head of Housing and Community Services in relation to the consultation paper as forming the basis for the response from Maidstone Borough Council.
 - 1.2 Recommendation of the Director of Regeneration & Communities
 - 1.2.1 That the Board recommends to the Cabinet Member for Community and Leisure Services the comments of the Head of Housing and Community Services to form the basis of the response to the consultation.
 - 1.3 Reasons for Recommendation
 - 1.3.1 The coalition government released in early August 2011 'A new **Mandatory Power of Possession for Anti-Social Behaviour**' consultation document with a 12 week consultation period until the 27th October, amendments were made to the document in light of the London and other inner-city riots that extended the consultation period by an additional two weeks.
 - 1.3.2 The document 'seeks views on the detail and practicalities' of the new power. The intention of the document is to streamline the possession process where serious housing related anti-social behaviour has already been proven and eliminates the need for

courts to consider the same material more than once, whilst ensuring that eviction remains a last resort

- 1.3.3 The present statutory framework for possession proceedings on grounds of nuisance, criminal activity or anti-social behaviour is 'discretionary'. This means the landlord must satisfy a two part test before the court will grant a possession order. Firstly, the landlord must prove the breach of the tenancy condition and secondly, that it is reasonable and proportionate for the court to make the order. It is this second part of the test that can lead to what is seen as prolonged and expensive hearings.
- 1.3.4 The solution proposed is to make a new ground for possession that does away with the second part of the test, so that the landlord needs only to prove the breach of tenancy condition occurred. This can be easily proven following a guilty verdict in a criminal case, as the test for conviction is higher in a criminal court i.e. beyond all responsible doubt. So, for example, a person found guilty of dealing in illicit drugs in a criminal court could lose their home on the back of the conviction because the evidence has been tested and proven in the criminal court at a higher standard than would be required by the county court.
- 1.3.5 The document envisages making amendments to current legislation and will be introduced 'alongside legislative changes required' following recent Home Office consultations on reforming tools and tackling anti-social behaviour.
- 1.3.6 Consultation Questions

Question 1:

Do you agree that we should extend the scope of the current discretionary ground for possession for anti-social behaviour and criminality in this way?

Comment

The change will provide an alternative route for possession for *serious, housing related anti-social behaviour which has been proved by another court*. However 'Housing related anti-social behaviour' is not defined and this could lead to appeals as the courts develop what is permissible.

A right to request a review to serve notice on this ground is proposed, however, it is unlikely that such a decision by a senior officer would be seen as independent, this perceived lack of independence would negate the intention of the review as a safeguard for the tenant.

The proposal removes the current requirement for the act to have been committed either in or on the locality of the dwelling house on which possession is sought. Whilst anti-social behaviour and criminality are an

issue regardless of locality would it be reasonable for an offence committed anywhere in the UK to result in eviction? This could lead to Landlords evicting tenants for reasons that have nothing to do with their tenancy or immediate locality.

A swift amendment to legislation as a reaction to current events will be likely to have unintended consequences. For example the consultation talks about convictions related to scenes of violent disorder, which could be widely interpreted to include offences committed by members of a household at football grounds many miles away from the dwelling house.

Question 2:

Do you agree that we should construct a new mandatory power of possession in this way?

Comment

The construction of the mandatory power in order to speed up the process and reduce costs is appealing but new legislation should not be introduced in order to deal with the failures of a system, in this case how possession hearings are held and concluded. The mandatory approach could lead to cases not being scrutinised as robustly and injustice occurring.

Removing the test of 'reasonableness' will mean removing the court's ability to consider the affect of homelessness on the other members of the household. For example is it reasonable to grant possession on the basis of an offence committed by an adult child of the tenant, when the tenant themselves might be elderly or vulnerable; and/or there are younger children in the household. Such matters should be considered by the court on the merits of the individual case.

A preferred approach would be to review the current system, identify properly where the delays exist and finding solutions to those problems.

Question 3:

Are these the right principles which should underpin a mandatory power of possession for anti-social behaviour?

Comment

It is necessary to ensure that the previous offence being used is serious and housing related. It should also be important that if the previous offence is not based in the locality of the tenancy that there should be a comprehensive case of ASB or housing related problems directly related to the tenancy held.

The guiding principles in themselves are supported but it is unclear why they cannot be achieved through existing provisions if the system were to be more efficient.

<p>Question 4: Have we defined the basis for the new mandatory power correctly? If not, how could we improve the definition?</p> <p>An outline of offences is provided but lacks any clarity as to how they are housing related or the circumstances in which they will be deemed to be housing related.</p> <p>Certain offences are 'triable either way' offences e.g. arson; and it remains unclear how such offences will be dealt with under the proposed changes.</p> <p>Without the scrutiny of the court how will the government monitor to ensure that landlords use the new mandatory ground proportionately?</p>
<p>Question 5: As a landlord, would you anticipate seeking possession using the mandatory power in some or all of the instances where this would be available?</p> <p>Comment Not applicable to MBC</p>
<p>Question 6: Are there other issues related the introduction of a mandatory power for possession for anti-social behaviour that we should consider?</p> <p>If the proposed changes go ahead, will the government amend the Homelessness Code of Guidance for Local Authorities to enable local authorities to rely on possession orders granted under this ground to find homelessness applicants homeless or threatened with homelessness intentionally? The same arguments put forward by the government in the consultation paper for relying on the evidence of other courts would equally apply to homelessness enquiries.</p>

1.4 Alternative Action and why not Recommended

- 1.4.1 The council could decide not to respond to the consultation, however, this would be an opportunity missed to influence and engage. Further clarification is required as to how these changes will be implemented through legislation, as well as in practice – therefore not responding cannot be recommended

1.5 Impact on Corporate Objectives

- 1.5.1 The Cabinet has agreed that ensuring Maidstone is a decent place to live is a priority. The outcome of this consultation could have a

significant impact on nuisance neighbours and anti-social behaviour.

1.6 Other Implications

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.2 Relevant Documents

1.2.1 Background Documents

- 1.2.2 Consultation Document: A new Mandatory Power of Possession for Anti-Social Behaviour Consultation
<http://www.communities.gov.uk/documents/housing/pdf/1959275.pdf>

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

HOUSING CONSULTATIVE BOARD

26TH SEPTEMBER 2011

REPORT OF HEAD OF HOUSING & COMMUNITY SERVICES

Report prepared by John Littlemore

1. Common Assessment Framework for Housing in Kent

1.1 Issue for Consideration

1.1.1 The Kent Housing Group has developed a draft Common Housing Assessment framework which aims to simplify the housing needs assessment process and provide efficiencies for Kent councils. It proposes that local authorities in Kent adopt the same method for assessing housing need, in accordance with statutory guidelines, whilst maintaining separate and distinct allocation policies that allow for meeting local needs.

1.2 Recommendation of the Head of Housing & Community Services

1.2.1 That the Housing Consultative Board recommends the Cabinet Member for Communities and Leisure adopts the proposed Common Housing Assessment framework as the basis for consulting on a revised Allocation Scheme for Maidstone Borough Council, subject to there being no additional cost to the council.

1.3 Reasons for Recommendation

1.3.1 The Kent Housing Group (KHG) has successfully introduced a number of joint initiatives including the Kent wide choice based lettings (CBL) scheme called Kent Homechoice. KHG asked a task and finish group to explore the next logical step, a common assessment scheme with the following aims:

- To provide a framework that will allow the council to assess housing need in a fairer and simpler way that will improve customer experiences.
- Working with other Kent councils to explore the scope for efficiencies in the development, consultation and implementation of the proposals.

- To identify whether the implementation of the proposals could lead to substantial cost savings in housing need assessment through the development of on-line processes and economies of scale

1.3.2 The draft Kent Common Housing Assessment framework document, attached as Appendix A, proposes to simplify the assessment of housing needs within the district by the introduction of a system that places all applications for housing into one of five bands. Within each band, the date of application will determine where each application is placed.

1.3.3 Applications placed in Band A will be regarded as having urgent housing needs. Bids from these applications will be considered first for each vacant home that is advertised in the Kent Homechoice choice based lettings scheme. Bands assessed in B, C and D will have gradually less priority, with applications in Band E having no priority for housing.

1.3.4 Following discussion within the KHG it was agreed to retain a Band E as occasionally 'hard to let' properties have been successfully bid on by applicants with a minimal priority. In addition, it was felt that the officer time that might be spent dealing with requests for review and appeals against the decision not to allow access to the housing register would negate any saving in time arising from not processing Band E applicants.

1.3.5 The council currently assesses housing applications with a points based system. The main differences between the current assessment system and the proposed Common Housing Assessment framework are as follows:

- Bands are used to group applicants into their relative priority
- The date of application is then utilised to determine relative priority within each band.

1.3.6 The proposed changes to the current scheme for housing needs assessment conforms with legislative requirements and is in response to the statutory guidance '*Fair and Flexible*' published in 2009 and the proposed Localism Bill currently going through Parliament. The main priorities and explanations for each of the five Bands are detailed in the following table:

Band	Description	Priorities
Band A	Urgent housing needs	<ul style="list-style-type: none"> • Urgent medical or welfare needs • Management transfer (e.g.

		major structural defect requiring the tenant to decant)
Band B	Serious housing needs	<ul style="list-style-type: none"> • People occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions.
Band C	Reasonable preference	<ul style="list-style-type: none"> • People who are homeless • People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions • People who need to move on medical or welfare grounds, including grounds relating to a disability • Mobility
Band D	General	<ul style="list-style-type: none"> • People who are intentionally homeless, or who have deliberately worsened their housing circumstances • People who are homeless by another local authority • Priority but no local connection • Non urgent priority but able to afford home purchase
Band E	General without priority	<ul style="list-style-type: none"> • No priority and no local connection • No priority and able to afford home purchase

- 1.3.7 The framework document also states who is eligible to join the council's housing register. Applications must come from persons aged 16 or over, they cannot have a suitable home elsewhere, they cannot be persons from abroad subject to immigration control, and they must not be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- 1.3.8 The Common Housing Assessment framework relates to accessing the housing register and the assessment of relative priority only. The proposal does not extend to decisions regarding the allocation of accommodation, which will be retained by each district. Local authorities in conjunction with their housing association partners will determine locally a quota system for allocations to ensure the scheme remains flexible enough to respond to a changing market. For example, if the number of homeless households in temporary accommodation increased vacant dwellings would be advertised via Kent Homechoice to inform applicants, priority would be given to households who are owed the full statutory homelessness duty, or the percentage split between transfers and home-seekers will remain a matter to be determined locally (e.g. the 70/30 split between MBC and Golding Homes).
- 1.3.9 The Kent Housing Group proposes that all participating councils in Kent conduct a joint consultation exercise with registered providers, partners, tenants, residents and other interested parties. This should enable the council to efficiently fulfil its legal duty to involve, as consultation documentation and planning will be pooled amongst all the Kent councils. Any significant changes to the proposals detailed in the Common Housing Assessment framework that came out of the consultation would have to be considered by the Cabinet Member.
- 1.3.10 Advantages:
A simplified mechanism for assessing priority between applicants is useful for enabling applicants to understand their likelihood of obtaining social housing. For those authorities who have moved to broad bands as opposed to points, they report applicants prefer a system which places more reliance on time on the list rather than specific attributes that confer additional points. The current Code of Guidance issued by the government on allocations endorses the use of banding being simpler to understand and to administer.
- 1.3.11 Implementation of Common Housing Assessment has the potential for making significant efficiency savings for the council. By working with partners in Kent Homechoice, a more effective housing needs administration system will be developed. Other choice based lettings schemes, such as the Greater Haven Gateway in Essex, have seen costs reduce through less reliance on application forms, less need for manual data input and reductions in manual housing assessments.

1.3.12 Currently the bidding process is managed by software provided by Locata. The system is set up to enable each local authority to operate their own back office software. In Maidstone's case this is provided by Capita Software in the form of the Academy for Housing system. By entering into a Common Assessment Framework a number of local authorities would be able to use the same software provided by Locata at an attractive fee. Additional upgrades could also be purchased at advantageous rates through the partnership.

1.3.13 The common approach and use of the same software also enables future shared services to be a greater possibility. Some local authorities have grouped together which has enabled their housing registers to be administered by one local authority on behalf of the other partners.

1.3.14 Disadvantages

The local housing authority will no longer be able to alter the assessment framework without the agreement of the other local authority partners. So, for example, if the local authority wanted to provide additional priority for members of the armed services it could not do so without agreement.

1.3.15 Maidstone Council would need to give notice to its current software provider and would then be tied into the preferred software provider of the partnership. The functionality of the partnership software may not meet all the current tasks; e.g. Property Services currently use the housing software for the collection and recording of rent payments on their rented accommodation, which may not be able to be provided in the same format as with the Locata system.

1.3.16 Timetable

Kent Housing Group has identified through its sub group, which is Chaired by the MBC representative, 5 local authorities who are committed to seeking approval to adopt the Common Housing Assessment framework in the first phase. Allowing for the consultation and process of adoption a notional commencement date has been set for April 2012. Other local authorities in Kent will follow 6 months later.

1.4 Alternative Action and why not Recommended

1.4.1 The council could choose not to participate in the Common Assessment Framework but in doing so the council would not be able to develop an assessment process that is both simple to understand and provides savings through efficiencies that are derived from on-line processing and ordering software or stationary through a consortium.

1.5 Impact on Corporate Objectives

1.5.1 A robust and efficient assessment system for recording and assessing relative housing need will support the corporate priority of corporate & customer excellence.

1.6 Risk Management

1.6.1 A summary of the perceived risks to the council is shown in the following table:

Perceived risk	Impact	Likelihood	Preventative action
The Common Housing Assessment framework fails to provide a fair system of access to affordable housing	High	Low	The council will work with housing associations to ensure that the new framework is implemented according to best practice and is closely monitored. The document gives priority to broadly similar groups to those currently assessed.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Financial

There is a cost involved to migrate the housing register across from one system to another. In this council's case it would involve terminating the Academy contract and moving onto the Locata system. The final cost of purchasing the new software is yet to be finalised but early indications are that a saving could be achieved. The recommendation to adopt the Common Housing Assessment framework is subject to the migration producing a cost saving or being cost neutral.

1.7.3 Legal

The proposed Common Housing Assessment framework is compliant with the requirements of the Housing Act 1996, as amended, and the Codes of Guidance that have been issued in relation to allocations and choice based lettings.

1.8 Relevant Documents

Maidstone Borough Council Allocation Scheme

1.8.1 Appendices

Appendix A. Draft Common Housing Assessment framework

1.8.2 Background Documents

Housing Act 1996

Homelessness Act 2002

Allocation of Accommodation: Code of Guidance for Local Authorities

Allocation of Accommodation Choice Based Lettings: Code of Guidance
– DCLG

Note:

Kent Housing Group is comprised of senior housing personnel from the local housing authorities and housing associations from across Kent and Medway. In addition representation on the Group comes from KCC, the Homes & Communities Agency and the Private Sector Landlords Association. The KHG is a collective voice for housing in Kent and has produced a number of strategic and best practice documents.

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....



KENT HOUSING GROUP

**COMMON HOUSING ASSESSMENT
FRAMEWORK DOCUMENT**

April 2011

CONTENTS

Background to common housing assessment	4
Consultation arrangements	5
Kent Homechoice and cross boundary mobility	7
Scope of the Kent Housing Group common housing assessment	8
Common housing assessment	
1. Equality and diversity	9
2. Eligibility	9
3. Priority bands	11
4. Waiting time	13
5. Circumstances outside of common housing assessment	14
6. Making an application	15
7. Personal data and information sharing	16
References	18
Appendices:	
Appendix one – Entitlement to housing assistance	19
Appendix two – Criteria for reasonable preference	25
Appendix three – Overcrowding	26
Appendix four – Local connection	27

BACKGROUND TO COMMON HOUSING ASSESSMENT

Statutory guidance on social housing allocations was issued in December 2009. Called 'Fair and flexible', the guidance is in part a reaction to the House of Lords judgement in the case of *R (on application of Ahmad) v. Newham LBC*. The main implications of the judgement are:

- Cumulative preference is no longer required within allocation schemes. Banding schemes have until now struggled to provide for cumulative preference.
- Waiting time can be used as the main factor in determining priority between people who have a reasonable preference.
- Councils can let a small proportion of their homes to social housing transfers who do not have reasonable preference.

The guidance makes it clear that social housing should still be prioritised to those who are in the greatest housing need, that is people who qualify under the reasonable preference categories. However, it goes on to tell councils that they should seek to achieve other outcomes, such as providing greater choice and mobility, produce policies which are fair and create more sustainable communities.

The proposals outlined in the Department of Communities and Local Government consultation paper, 'Local decisions: a fairer future for social housing' has reaffirmed that the reasonable preference categories will remain unchanged. The paper also supports increasing mobility which is an objective of Common Housing Assessment.

By producing this common housing assessment framework the Kent Housing Group aims to build on the success of the Kent Choice Based Lettings Partnership, the largest in the UK, and take advantage of the opportunities this offers. In this harsh financial climate common housing assessment would provide for substantial efficiencies, leading to reduced costs and better outcomes for customers.

However, the proposals contained in this document still gives scope for local decision making around lettings policies, allowing authorities to allow for the best use of the housing stock in their area.

CONSULTATION ARRANGEMENTS

Local authorities have a statutory duty to consult with their housing association partners when proposing changes to their allocation policies. Also, statutory guidance published in 2008 places a 'duty to involve' interested parties in local government decisions. Part 6 of the Housing Act 1996 (s168(3)) states that anyone likely to be affected by a major change to an allocation scheme must be notified of it.

The 'Fair and flexible' guidance goes further, stressing that councils need to properly engage and involve local communities in the development of their allocation policies. By doing so local authorities will achieve a greater sense among local people that social housing is being allocated fairly, and therefore reduce myths and misunderstandings about the allocation process.



Community engagement can be delivered by various methods. It is important to remember that one size doesn't fit all, that targeting particular groups may involve different forms of communication. The Kent Housing Group, as well as consulting partners, stakeholders, staff and elected members, will also involve the wider community including housing applicants, tenants and residents.

The Chartered Institute of Housing practice brief, 'Allocations and Local Flexibility' gives a comprehensive guide to the principles of community engagement.

- Raise awareness of the opportunities to engage, breaking down barriers through lack of knowledge
- Engage people in setting priorities
- Tell people why we are seeking their views
- Help vulnerable and disadvantaged groups get involved, by offering practical assistance such as transport or interpreting services
- Understand that people need to have adequate knowledge to allow them to get involved in a constructive way
- Let people choose how they wish to be consulted by offering a range of methods, drawing on partners' expertise
- Tell people how their views have shaped the policy



KENT HOMECHOICE AND CROSS BOUNDARY MOBILITY

All 13 local authorities responsible for housing in Kent operate the choice based lettings scheme, Kent Homechoice. Together with local, regional and national housing associations, Kent County Council and the HomeBuy Zone Agent, they are members of the Kent Choice Based Lettings Partnership, which incorporates a total of 38 full partners.

Research has shown that social housing tenants are far less mobile than residents living in other tenures. A recent study concluded that 'people can get locked into a particular property' due to a lack of mobility. The partnership is committed to providing an element of cross boundary mobility to its customers. Our funding proposal submitted to develop the choice based lettings scheme made clear that cross boundary mobility would be an important feature of the partnership.

'The traditional ways of allocating local authority and RSL homes stifles mobility and restricts the opportunities for people to find employment.....It is intended to pilot the scheme by making 10% of lettings available to bids from across the sub region. Safeguards will be built in initially to protect the interests of different local authorities.....The ultimate aspiration would be to remove all geographical restrictions within the scheme.'

Statutory guidance for choice based lettings was produced in August 2008. Chapter 7 of the Code of Guidance lays out the criteria for regional and sub-regional schemes. The Code expects sub-regional choice based lettings schemes, such as Kent Homechoice, to incorporate cross boundary mobility.

Councils are keen to ensure that local vacancies are offered to those who can demonstrate a connection with the area such as those working or seeking employment in the area, or have a care need or support network within the locality, with social housing tenants receiving priority. The priority band system explained in pages 11-13 provides the means for local authorities to help people move across district boundaries. Such persons who can demonstrate a local connection described above would have their applications placed in priority band C, either through criteria 3, medical and welfare grounds, or 4, mobility.

It is for local authorities themselves to decide on quotas for social housing transfers and when they implement cross boundary mobility.

SCOPE OF THE KENT HOUSING GROUP COMMON HOUSING ASSESSMENT

The aim of this document is to deliver a common form of housing assessment across all the local authorities in Kent. It does not aim to introduce a common allocation policy, as this would fail to recognise the distinct and different priorities of social housing landlords in Kent, and would not properly allow for local flexibilities. The legal context for common housing assessment is as follows:

- Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 concerns the *allocation* of housing, whether this is directly into the local authority's own stock or via a nomination to a housing association.
- The statute prescribes those persons who are ineligible to be allocated social housing.
- The local authority must adopt an allocation scheme that sets out the policy for determining priorities and the procedures for assessing and allocating accommodation.
- The statute sets out the circumstances under which certain categories of person are given preference, or no preference under the allocation scheme.
- A local authority cannot contract out the adoption or alteration of its allocation scheme.

It is possible to separate the assessment of housing applicants from the allocation of accommodation. Each council has to adopt its own allocation scheme therefore it is possible to replicate elements of the scheme to effectively have a common method of assessment. There are two main elements that form the basis of common housing assessment, and would allow for a common application form.

1. Prioritisation between housing applicants using a simple banding scheme that includes homeseekers and transfer applicants.
2. De-prioritisation for housing applicants who have no local connection or have excessive income or equity.

Areas that are outside the scope of common housing assessment include the allocation of accommodation by size and type, the use of quotas, and access to designated schemes such as sheltered, local lettings plans and rural exception schemes.

COMMON HOUSING ASSESSMENT

The aims of the common housing assessment are:

- Create a simple system of housing assessment that people will understand, will consider to be fair, and will have confidence in.
- To prioritise people who are in the greatest housing need in accordance with our statutory obligations.
- Have regard to local needs and build in local flexibilities.
- Maximise the use of the social housing stock and improve mobility by providing the opportunity for tenants to transfer to a more suitable home.

1. EQUALITY AND DIVERSITY

We are committed to delivering a service that is accessible and equitable to all the communities that we serve. We will ensure that people will be treated with respect and dignity. We will monitor access to the housing list, and the assessment of need in accordance with our equality impact assessment. We will make certain that no-one is discriminated against on the grounds of:

- Race
- Gender
- Disability
- Sexual orientation
- Age
- Religious beliefs

We will regularly review our vulnerable person's strategy to help people with support needs.

2. ELIGIBILITY

All 'qualifying persons' are eligible to join the housing list. Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 confirms that the Secretary of State may prescribe who are or are not qualifying persons.

The following persons can join the housing list:

- Any person aged 16 or over, and
- Their current home is their only home, or sole residence, and
- They do not have access to a suitable home elsewhere, and
- They are not already on the housing list, either on their own or with someone else, and
- They are not ineligible for housing assistance under section 160A(1) and (3), and 185(2) of the Housing Act 1996, or any regulation prescribed by the Secretary of State. Guidance on who is ineligible for housing assistance can be found in Appendix one.

In general terms a person from abroad who is subject to immigration control is ineligible for housing assistance. And

- They, or a member of their household, have not been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. Behaviour means it was so serious that, had they been a tenant of the local authority, the authority would have been entitled to a possession order, not suspended, against them by virtue of the behaviour. This relates to an entitlement to possession on the following grounds:
 - rent arrears
 - breach of tenancy agreement
 - nuisance or annoyance to neighbours
 - conviction of using for immoral or illegal purpose
 - damage or neglect
 - conviction for arrestable offence committed in the locality
 - domestic violence causing other to leave
 - false statement to induce grant of tenancy
 - premium paid for assignment
 - tied accommodation when dismissed for misconduct

Where a person has previously been found ineligible due to unacceptable behaviour but now believes this should no longer be held against him, he can make a fresh application. The local authority can also allow an application if they are satisfied that the person's behaviour has improved.

3. PRIORITY BANDS

Persons who join the housing list will have their application placed into one of five bands, in accordance with the 'Fair and flexible' statutory guidance. The bands will be called 'A to E', with applications in band A being afforded the highest priority on the housing list, B the next highest, then C, then band D, with band E being the lowest priority on the list.

Band A – urgent housing needs

Applications from persons who meet the following criteria:

1. Urgent medical or welfare needs.

Where an urgent medical need has been agreed with the local authority or a high priority referral has been accepted by the local authority under the Kent Agency Assessment procedure.

2. Management transfer.

Where the social landlord requires the tenant to move or the tenant needs to move due to violence, harassment, intimidation or threats of violence likely to be carried out, major works or other urgent management reason.

Band B – serious housing needs

Applications from persons where none of the above in Band A applies but who meet the following criteria:

1. People occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions.

Where a household is suffering from major overcrowding or living in supported housing and needs to move.

Band C – reasonable preference

Applications from persons where none of the above in band A or band B applies but who meet the following criteria:

1. People who are homeless.

Where the local authority have accepted a rehousing responsibility under Part VII of the Housing Act 1996 (as amended), or determined

that the person does not have a priority need for accommodation, or the household will be homeless soon.

2. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

This would apply, for example, if a person was lacking basic facilities, or was overcrowded or under-occupying. A full list of categories is listed in Appendix Two.

3. People who need to move on medical or welfare grounds, including grounds relating to a disability.

Where a medical need has been agreed with the local authority or a priority referral has been accepted by the local authority under the Kent Agency Assessment procedure. A list of criteria for priority to be given on medical and welfare grounds can be found in Appendix Two.

4. Mobility.

People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or to others. For example, to give or receive care, or to take up employment.

Band D – general

Applications from persons where none of the above in band A, band B or band C applies, or:

1. People who are intentionally homeless, or who have deliberately worsened their housing circumstances.

Where a decision has been made by the local authority under Part VII of the Housing Act 1996 (as amended) or, where a person has deliberately worsened their housing circumstances and would have been found to be intentionally homeless if an application under Part VII had been made.

2. People who are homeless by another local authority

This applies where a duty is owed by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3).

3. Where band A, B or C applies but they have no local connection with the district.

4. Where band B or C applies but they meet or exceed the financial threshold for HomeBuy. This threshold will change during time but as a guide persons will need to have access to (or savings of) £5,000 to cover the initial costs. They will also need to be in full time employment on a regular income that is sufficient to sustain a mortgage and/or rent payments.

Band E – general without priority

Applications from persons where none of the above in band A, band B or C applies, and:

1. They have no local connection with the district, and/or,
2. They meet or exceed the financial threshold for HomeBuy.

4. WAITING TIME

The simplest way of determining priorities between people with a similar level of housing need, and consequently those who are in the same priority band, would be to take into account the length of time which applicants have been waiting for an allocation. The housing list will differentiate between people who are in the same priority band according to their waiting time, taking into account the following:

- For new applicants, the date of their completed application.
- An application will only be completed once all the data required by the local authority to make an assessment has been provided.
- For transferring tenants, the date they applied for a transfer, and have provided all the data required by the local authority to make an assessment.
- For existing applicants or tenants, the date they notified the local authority of a significant change in their circumstances, that is, one which will improve their priority band. For changes that lower their priority band, the date of application applies. As above, the date will be from when all data required has been provided.

5. CIRCUMSTANCES OUTSIDE OF COMMON HOUSING ASSESSMENT

People who apply to join the housing list are assessed in accordance with the provisions of Part VI of the Housing Act 1996 (as amended). There are a number of circumstances where people will be assessed outside of common housing assessment and will have their applications managed by the local authority and/or housing association separately. These circumstances are:

- Mutual exchange.
- An application made under Part VII of the Housing Act 1996 (as amended) (Homelessness) and consideration for temporary accommodation under this Part.
- Transfers involving a temporary decant for major works, or other management reason not involving an application from the tenant.
- Where a local authority secure the provision of suitable alternative accommodation under the Land Compensation Act 1973, section 39.
- The grant of a secure tenancy under the Housing Act 1985, section 554 or 555, regarding a defective home.
- Any duties arising from an application made under the Rent (Agriculture) Act 1976, section 27 or 28.
- Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, section 89.
- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, section 90.
- Where a secure tenancy is assigned to someone who would be qualified to succeed to the tenancy if the secure tenant died immediately before the assignment.
- Where a secure tenancy vests or is otherwise disposed of in pursuance of an order made under:

the Matrimonial Causes Act 1973, section 24 (property adjustment orders in connection with matrimonial proceedings);

the Matrimonial and Family Proceedings Act 1984, section 17(1) (property adjustment orders after overseas divorce); or

the Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents), or

- Where an introductory tenancy

becomes a secure tenancy on ceasing to be an introductory tenancy:

vests under the 1996 Act, section 133(2) (succession to an introductory tenancy on death of tenant); or

is assigned to someone who would be qualified to succeed the introductory tenancy if the introductory tenant died immediately before the assignment; or

meets the criteria in the previous paragraph (disposal)

6. MAKING AN APPLICATION

Persons wishing to apply for housing should complete a housing application form. The simplest way to do this is to visit the Kent Homechoice website at www.kenthomechoice.org.uk and choose the Registration tab. An application and assistance can also be obtained from the local authority.

It is important that the application is completed fully and any evidence requested on the form is provided to the local authority. Waiting time will not accrue until all the data required by the council to make an assessment has been provided.

Once the form has been completed and all the information has been provided, the local authority may make additional enquiries into an application. They may conduct a credit reference check in certain circumstances. They could also conduct a home visit as part of their verification process.

A tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may be terminated and legal action taken by the landlord to recover possession of the property. In addition the applicant may commit a criminal offence if:

- He knowingly or recklessly makes a statement which is false and may lead the council to award priority for housing if the statement was relied on when assessing the application.

- He knowingly withholds information which the local authority has reasonable required him to give in connection with his application for housing

A person guilty of an offence, as stated above, is liable on summary conviction to a fine not exceeding scale 5 (currently £5,000) on the standard scale.

7. PERSONAL DATA AND INFORMATION SHARING

We will share data provided by a person applying for housing in accordance with the Information Sharing Protocol agreed by the Kent Choice Based Lettings Partnership. When completing an application form, either using a paper copy of the form or on-line, the person is asked to provide their consent to the sharing of personal data between the parties to the protocol. Personal data can be shared provided the person has given informed consent and the sharing is for the purposes for which consent is given. Informed consent means that the person has the capacity to give consent, is aware of what information is to be shared, whom it is to be shared with and what it is to be used for.

Personal information is only disclosed to other parties with the person's consent or in exceptional circumstances where disclosure without consent is necessary. These reasons are:

- Where there are overriding legal, social or public interest considerations, for example there is a risk of seriously harm to the person themselves or to others if the information is not disclosed.
- Where the information is required by a local authority department or external auditors to carry out a statutory function.
- Where the information is required by the police as part of a criminal investigation.

People have the right to see and confirm the accuracy of any information held electronically about them. On receipt of a written request, local authorities have 40 days to provide details to a person of any personal information held. Third party documents will require the prior consent of the third party. If the person considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If this is accepted by the council, appropriate action will be taken to amend the records. In the event of a disagreement, the information will remain and the person's comments will be recorded on file.

Disclosure of information may be denied by the local authority in the following circumstances:

- The information could prejudice criminal proceedings.
- Legal professional privilege could be claimed.
- A care professional is of the opinion that disclosure could result in a risk of serious harm to the person or others as a result of disclosure.



REFERENCES

Chartered Institute of Housing (2010). *Allocations and Local Flexibility Practice Brief*. London. CIH

Department for Communities and Local Government (2009). *Fair and flexible: statutory guidance on social housing allocations for local authorities in England*. London. CLG Publications

Department for Communities and Local Government (2010). *Local decisions: a fairer future for social housing*. London. CLG Publications

HM Government (2002) *The Homelessness Act 2002*. London. HMSO

HM Government (1996) *The Housing Act 1996*. London. HMSO

HM Government (2008) *The Housing and Regeneration Act 2008*. London. HMSO

Office of the Deputy Prime Minister (2002). *Allocation of Accommodation: Code of guidance for local housing authorities*. London. ODPM

Wendy Wilson (2010). *EU migrants: entitlement to housing assistance (England)*. London. House of Commons Library



APPENDIX ONE – ENTITLEMENT TO HOUSING ASSISTANCE

Persons subject to immigration control (PSIC)

Under section 160A(1) and (3), and 185(2) of the Housing Act 1996 a person from abroad who is subject to immigration control (PSIC) cannot be allocated social housing and is ineligible for housing assistance, unless s/he is of a class prescribed in regulations made by the Secretary of State. A PSIC is defined as someone who requires leave to enter or remain in the UK (whether or not such leave has been given).

A number of persons from abroad are not subject to immigration control, these are primarily European Economic Area (EEA) nationals and British nationals who have been living abroad. EEA nationals do not require leave to enter or remain in the UK if they have a right to reside in the UK that derives from European Community (EC) law. The question of whether an EEA national (or family member) has a right to reside in the UK will depend on their circumstances, particularly the economic status of the EEA national, for example whether he or she is a worker, self-employed, a student, or economically inactive.

Thus the existence or otherwise of a person's right to reside in the UK is the starting point in establishing their eligibility for housing.

Ineligible EEA nationals

The Secretary of State has prescribed that certain persons from abroad who are not subject to immigration control are also ineligible for housing assistance by virtue of sections 106A(5) and 185(3) of the 1996 Act. Regulations 4 and 6 of the Eligibility Regulations 2006 determine which persons from abroad who are not subject to immigration control are nonetheless ineligible for housing assistance in respect of applications made on or after 1 June 2006.

Broadly, EEA nationals are excluded from housing assistance if they fall into the following categories:

- Those who are not habitually resident in the Common Travel Area (CTA) unless they are workers or self employed EEA nationals, or family members of such EEA nationals.
- A person whose only right to reside in the UK:

i) is derived from his/her status as a jobseeker or the family member of a jobseeker; or

ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or

• A person whose only right to reside in the CTA is a right equivalent to one of those mentioned in i) or ii) above which is derived from the Treaty establishing the EC.

Eligible EEA nationals

EEA nationals who are not habitually resident in the UK may be eligible for housing assistance if they are in the UK and have a right to reside because they are:

- A worker;
- A self employed person;
- A person who is an accession state worker requiring registration who is treated as a worker for the purposes of regulation 6(1) of the 2006 EEA Regulations as amended;
- A person who is a family member of a person referred to above;
- A person with a right to reside permanently in the UK by virtue of regulation 15(c) (d) or (e) of the 2006 EEA Regulations.
- A person who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption; and
- Here as a result of his/her deportation, expulsion or other removal by compulsion of law from another country to the UK.

EEA nationals and habitual residence

Some EEA nationals will be persons from abroad who have not been specifically included as eligible for housing assistance under Regulation 6(2) of the 2006 eligibility Regulations but who nonetheless are eligible because they satisfy all elements of the habitual residence test. Habitual residence is not defined in legislation. There are two requirements that need to be met for habitual residence to be established:

- An appreciable time must have elapsed before a person can be considered to be habitually resident.

- The claimant must have a settled intention to reside in the UK.

There are also a number of categories of persons from abroad who have a right to reside under Directive 2004/38/EC and The Immigration (European Economic Area) Regulations 2006 “the EEA Regulations”, who are neither excluded by Regulation 6(1)(b) and (c) of the 2006 eligibility Regulations nor included by Regulation 6(2). These persons must satisfy the habitual residence test under Regulation 6(1)(a) in order to be eligible for assistance. Fundamentally these include non-economically active people, that is:

- An EEA national who is a student;
- A family member of an EEA student;
- An EEA national who is self-sufficient within the definition of the 2006 EEA Regulations;
- A family member of an EEA self-sufficient person;
- Extended family members (Regulations 7(3) and 8 of the 2006 EEA Regulations);
- An EEA national who has resided in the UK in accordance with the EEA Regulations for a continuous period of five years (permanent right of residence under Regulation 15 (1)(a) of the 2006 EEA Regulations);
- A family member of an EEA national who is not an EEA national but who has resided in the UK with the EEA national in accordance with the EEA Regulations for a continuous period of five years (permanent right of residence under Regulation 15 (1)(b) of the 2006 EEA Regulations);
- A person who (i) has resided in the UK in accordance with the EEA Regulations for a continuous period of five years; and (ii) was, at the end of that period, a family member who has retained the right of residence (permanent right of residence under Regulation 15 (1)(f) of the 2006 EEA Regulations).

Accession state nationals (A8)

Nationals of the ‘A8’ accession states (Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary and Slovenia) who enter the UK as workers are required (with certain exceptions) under the Accession (Immigration and Worker Registration) Regulations 2004 (SI 2004/1219) to register their employment with the Home Office until they have accrued a period of 12 months’ continuous employment. If they remain both registered and in work for 12 months they are treated as having a right to reside and therefore may be eligible for housing assistance.

To demonstrate eligibility for housing assistance accession state workers requiring registration should be able to:

- Provide a valid worker registration card and a valid worker registration certificate showing their current employer; or
- Where the worker has applied to register but not yet received a certificate, provide a copy of their application to register; or
- Show they have been working for their current employer for less than one month.

While looking for work (or between jobs) these nationals have a right to reside that is conditional on them being self-sufficient and not imposing an unreasonable burden on the UK social assistance system. Thus while looking for work they are ineligible for housing assistance. These conditions cease to apply once they have worked in the UK continuously for 12 months.

Bulgarian & Romanian nationals (A2)

On 1 January 2007, Bulgaria and Romania joined the European Union. The UK decided to impose restrictions on the right of these 'A2' nationals to work in the UK after accession. These restrictions go considerably further than those imposed on nationals of the A8 states. A Home Office press notice explained:

'The UK has decided to limit access to its labour market following the European Commission's recommendation to permit Bulgaria and Romania to join the EU on 1 January 2007. From that date Romanians and Bulgarians will have the right to travel throughout the EU.'

In the UK low-skilled workers from Romania and Bulgaria will be restricted to existing quota schemes to fill vacancies in the agricultural and food processing sectors. There will be no net increase in these existing schemes and workers will be required to have an authorisation document.

Skilled workers will be able to work in the UK - as now - if they get a work permit or qualify under the Highly Skilled Migrant Programme, if they are a student, are self employed or as their dependents.

These new arrangements will be reviewed within 12 months and the Government's proposed new Migration Advisory Committee will assist in this process taking account of the needs of our labour market, the impact of the A8 accession and the positions adopted by other EU countries.

Employers and employees will have a duty to abide by the new rules and there will be controls in place for rogue employers and illegal workers, including fixed penalty notices.'

These restrictions on attaining worker status also have an impact on the ability of the A2 nationals to attain a right to reside in the UK and thus attain eligibility for housing assistance.

The Allocation of Housing and Homelessness (Eligibility) (England) (No.2) Regulations 2006 (SI 2006/3340) were laid before Parliament on 15 December 2006 and came into force on 1 January 2007. These regulations provide that nationals of Bulgaria and Romania who are treated as a 'worker' for the purposes of the 2006 EEA Regulations (as modified) are exempted from the requirement to be habitually resident in the UK (or wider Common Travel Area) in order to be eligible for an allocation of accommodation under Part 6 of the 1996 Housing Act.

The Department of Communities and Local Government (CLG) issued a note to the Chief Officers of all local authorities in England on the position of A2 nationals in respect of housing assistance in December 2006:

'For a transitional period, the Government proposes to allow Bulgarian and Romanian nationals access to the UK labour market only in limited circumstances. Broadly, access will be limited to those who are already working here lawfully, those who qualify to come here under the Highly Skilled Migrant Programme, and low skilled workers who obtain authorisation to work in the food processing or agriculture employment sectors (and are working in accordance with that authorisation).'

The Government's policy is that EEA nationals who are working lawfully in the UK should have access to an allocation of accommodation under Part 6 of the Housing Act 1996 and to homelessness assistance under Part 7 of the 1996 Act, in accordance with their rights under EU law.

Under the EEA Regulations, those Bulgarian and Romanian nationals who have already worked lawfully in the UK for 12 months on 1 January 2007, or who enter the UK under the Highly Skilled Migrants programme, will have the same rights as other workers from the countries in the European Economic Area ("the EEA"). Such persons will be eligible for an allocation of accommodation or for homelessness assistance on 1 January by virtue of regulations 4(2)(a) and 6(2)(a) of the Eligibility Regulations.

However, the Accession Regulations 2006 modify worker status under the EEA Regulations for those nationals of Bulgaria and Romania requiring authorisation to undertake low skilled work. Consequently, the Amendment Regulations provide that those nationals of Bulgaria and Romania who are subject to worker authorisation and who are working lawfully in the UK in accordance with the Accession Regulations will also be exempted from the requirement to be habitually resident in the Common Travel Area in order to be eligible for an allocation or for homelessness assistance.

Since the number of Bulgarian and Romanian nationals who will be allowed to work lawfully in the UK during the transitional period will be limited, it is anticipated that the number of persons affected by the Amendment Regulations will be small.

From 1 January 2007, the Eligibility Regulations will apply to nationals of Bulgaria and Romania who come here in some other economic capacity (e.g. self employed or self-sufficient) in the same way as they apply to all other EEA nationals (subject to the modifications for workers outlined above).'

On 31 October 2007 the Government announced that the restrictions on A2 nationals in terms of working in the UK would remain in place at least until the end of 2008. These restrictions have continued.

APPENDIX TWO – CRITERIA FOR REASONABLE PREFERENCE

Insanitary, overcrowded and unsatisfactory housing conditions

Living in insecure housing, for example short term private renting
Lacking bathroom or kitchen
Lacking inside WC
Lacking cold or hot water supplies, electricity, gas, or adequate heating
Overcrowding (see Appendix Three)
Sharing living room, kitchen, bathroom/WC
Property in disrepair, with a Category 1 hazard
Property unfit
Poor internal or external arrangements
Under-occupation

People who need to move on medical or welfare grounds (criteria may apply to any member of the household)

A mental illness or disorder
A physical or learning disability
Chronic or progressive medical conditions (for example MS, HIV/AIDS)
Infirmity due to old age
The need to give or receive care
The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse
Ability to fend for oneself restricted for other reasons
Young people at risk
People with behavioural difficulties
Need for adapted housing and/or extra facilities, bedroom or bathroom
Need improved heating (on medical grounds)
Need sheltered housing (on medical grounds)
Need ground floor accommodation (on medical grounds)
Need to be near friends/relatives or medical facility on medical grounds

APPENDIX THREE – OVERCROWDING

When considering whether a household is suffering from overcrowding, a local authority will take into account two standards:

1. The bedroom standard
2. The space standard

For the bedroom standard a separate bedroom shall be required for the following:

- a) a person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b) a person aged 21 years or more
- c) two persons of the same sex aged 10 years to 20 years
- d) two persons (whether of the same sex or not) aged less than 10 years
- e) two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- f) any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above

The space standard is contravened when the number of persons sleeping in a property is in excess of the permitted number, having regard to the floor area of the rooms of the property available as bedrooms, or could be used as bedrooms. Children under the age of 5 years old will be regarded as half a unit, with a person aged 5 or over will be regarded as one unit.

Floor area of room	Number of persons
110 square feet or more	2
90 square feet or more, but less than 110 square feet	1.5
70 square feet or more but less than 90 square feet	1
50 square feet or more but less than 70 square feet	0.5

APPENDIX FOUR – LOCAL CONNECTION

Local connection is defined in Part VII of the Housing Act 1996 as:

- Those who are normally resident in the area. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice;
- Those who are employed in the area– the Local Government Association guidelines define this as employment other than of a casual nature;
- Those who have family connections – the Local Government Association guidelines define this as immediate family members who have themselves lived in the area for five years;
- Special circumstances at the discretion of the local authority. We could accept a local connection for those who grew up in the area but moved away and no longer meet the normal residence conditions or those who need to move to the district for urgent social reasons such as to receive/give support or to escape violence. This is not a definitive list and we will be able to exercise discretion under this heading.

The Housing and Regeneration Act 2008, section 315, removes the exemptions for serving or former members of HM armed forces in relation to local connection based on residence or employment.