

Maidstone Borough Council

Housing Services

Allocation Scheme

Draft for consultation

Draft v2.1 25/10/12



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Aims and priorities

The Allocation Scheme has been designed to ensure that access to social housing supports the corporate aims of the Council, as well as reflect the current legislation. The Council's vision is for economic prosperity and to have a growing economy. In order to support this ambition, the Council has decided to award additional priority to applicants in work or who assist their local community in other ways, such as serving in the Armed Forces and charitable work. There is an extremely limited supply of stock of social housing within Maidstone, and this policy is designed to work with our housing providers to make best use of the stock available and promote Maidstone as a decent place to live.

Maidstone Borough Council Allocation Scheme is designed to treat all applicants for social housing in a fair and equitable manner. The allocation scheme is designed to offer applicants some choice in their accommodation and ability to express preference on their accommodation type and location. This individual choice and preference must be balanced with the needs of all applicants and the need for the council to offer best value through its housing services. In cases of acute need e.g. homelessness, Maidstone Borough Council may prioritise the need for accommodation whilst responding to choice. Applicants should be aware that the housing stock in Maidstone is limited and that they may be moved to a more suitable property faster if they are more flexible in the type or location of the property that they require.

Part 1 - Introduction

1. Letting not covered by the policy

- 1.1. The following are examples of lettings not covered by, or specifically excluded from the Allocation Scheme, under the provision of the Housing Act 1996:
- 1.2. Offers of non-secure tenancies to homeless households pursuant to any duty under Part VII of the Housing Act 1996
 - The conversion of introductory tenancies into secure tenancies or their Housing Association equivalent.
 - Offers of tied accommodation made to Council employees
 - Offers or nominations of accommodation made at the Council's own instigation for example offers to tenants being decanted from their homes to allow major works to take place
 - Transfer of tenancies made by a Court Order under the Matrimonial Causes Act 1973 or other family legislation
 - Vesting or disposal of tenancies by order of a Court

2. The Legal Framework

- 2.1. Maidstone Council keeps a Housing Register of people who want to be considered for affordable housing. The Council's Allocation Scheme operates in accordance with the statutory provisions contained in the Housing Act 1996 (as amended).
- 2.2. The Housing Act 1996 (as amended) requires all Local Authorities to introduce a lettings scheme to reflect the priorities defined by the Act, and to give reasonable preference to:
 - People who are homeless (within the meaning of Part VII of the 1996 act (amended 2002))

- People who are owed duties by any Local Authority under Section 190(2), 193(2),195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- People occupying unsanitary housing or who are overcrowded or living in unsatisfactory housing conditions
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
- People who need to move on medical or welfare grounds including grounds relating to disability

3. Eligibility for Allocation of Housing

3.1. Certain persons subject to immigration control are not eligible for the allocation of the housing under s160A (1)(a), (3) and (5) under the Housing Act 1996 (as amended). This includes:

- Over-stayers and visitors to the country
- Illegal entrants
- Asylum Seekers
- People in the country on condition that they have no recourse to public funds
- "Persons from abroad" who fail the habitually residence test
- "Persons from abroad" who are in breach of the European Community Right of Residence directive
- "Persons from abroad" who have been subject of a sponsorship agreement for less than 5 years and who sponsors are still alive

3.2. The above list provides examples. It should be noted that the statutory framework for eligibility is subject to alteration by the Secretary of State

4. Equality and Diversity

- 4.1. The Council operates an equal opportunities policy and is committed to delivering a fair and equitable service that is appropriate and accessible to all sections of the local community, as well as working to eliminate discrimination on any grounds.
- 4.2. The implementation of a clear and consistent Allocations Scheme goes hand in hand with careful equalities monitoring. As part of the housing register application, we ask questions around ethnicity, disability, sexuality, religious beliefs, age, employment and support needs. The data provided by the applicant will help us to monitor that the scheme is operated in a fair and non – discriminatory manner as well as monitoring for service improvements.
- 4.3. It is important that the Allocations Scheme is understood by all current and prospective applicants. Straightforward information through leaflets is available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance. If an applicant prefers to be interviewed by someone of the same sex as themselves, please let us know in advance and we will aim to do this for you.

5. Access to Personal Information

- 5.1. An applicant has the right to see and to confirm the accuracy of information about them which is held by the Council.
- 5.2. In order to request access to personal information, applicants must put the request in writing to the Housing Options Team Leader.
- 5.3. The Housing Options Team will collect and prepare the information within 40 days. Files may be edited where necessary, for example to exclude information restricted by law or evidence provided by a third party, for example a healthcare professional. In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the professional(s) involved.
- 5.4. If the applicant considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If the Housing Options Team Leader agrees the information is incorrect,

appropriate action will be taken to amend the records. In the event of a disagreement, the information will remain and the applicants' comments will be recorded on file.

5.5. Disclosure of information may be denied by the Council in any of 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 applicant or others as a result of disclosure.

5.6. The Council will not pass information to a third party without an applicants' consent unless they have a legal right to obtain it.

6. Review of the Scheme

6.1. To ensure the continued effectiveness of the policy, certain improvements may need to be made to ensure the policy is kept up to date. Minor amendments can be made once approved by the appropriate Director. Elected members will be advised of the change with the opportunity to provide comments within one calendar month before the amendments are incorporated.

Part 2 – The Housing Register

7. Entry to the Register

- 7.1. The council operates a 'closed list' housing register. Unlike previous iterations of the housing register there are now qualifying entry requirements in order to be accepted onto the register. As the supply of social housing in the borough is limited, it is necessary to limit access to social housing.
- 7.2. In order to be accepted onto the register all applicants must meet the two qualifying criteria; these are local connection (see section 9) and housing need (explained in section 8).
- 7.3. Local Connection will not be deemed to be an overriding factor when it is necessary for an applicant to leave an area, such as in cases of domestic abuse.

8. Housing Need

- 8.1. Applicants must be in housing need to access the register and must qualify for one of the reasonable preference criteria as set out in s166a of the Housing Act.
- 8.2. The categories for housing need are the following:
 - Homeless - according to Part VI Housing Act 1996
 - Housing duty - according to Part VI Housing Act 1996
 - Hazardous properties - properties which contain a category 1 hazard as defined by HHSRS standards as according to section 30
 - Overcrowding - households which are overcrowded as according to section 31
 - Medical and Welfare - households whose current accommodation is unsuitable for them due to a medical or welfare condition as according to sections 17 & 18

- Hardship - Those who need to move to alleviate hardship as according to section 32

8.3. If an applicant does not meet any of these criteria they will not normally be allowed to have access to the housing register and will be unable to bid on properties.

9. Local Connection

9.1. In order to access the housing register, applicants must fulfil one of the following local connection criteria:

9.2. Resident - Applicant has been residing within Maidstone Borough for the 4 years immediately prior to the application. The Council may confirm these details with other data held internally.

9.3. Family - Applicant must have immediate family that qualify as residents based upon the definition above. The Council may confirm these details with other data held internally.

9.4. Employment - Applicant must have employment or an offer of employment within Maidstone Borough. The place of work, rather than the business address must be within Maidstone Borough. The employment must be for a minimum of 6 months and be for more than 16 hours a week.

9.5. Returning Resident - Applicant must have been residing in the borough for 4 of the last 7 years but does not currently live within the Borough.

9.6. If an applicant does not meet any of these criteria they will not be allowed to have access to the housing register and will be unable to bid on properties.

9.7. In cases where a Full Housing duty is owed, Local Connection requirements will be those contained within the relevant legislation which supersede those contained within this document.

9.8. In exceptional cases, applicants will have been told to leave an area where they have a local connection. This is usually supported by the police or another external agency. If the Housing Options Team Leader is satisfied with the evidence provided in these cases, or this fulfils duties under the sections domestic violence, hate crimes or crime and disorder, the applicant will be accepted onto the housing register.

10. Financial Circumstances

- 10.1. At the point of application applicants must provide details of all bank accounts, savings, investments and capital that belong to any member of the household.
- 10.2. An applicant's financial circumstances will be assessed at the time of their application and any change in circumstances should be reported as a change of circumstances as per section 15
- 10.3. As social housing is a limited resource, those who have the financial means to rent privately or to buy a property will automatically be put into the Community Contribution Band if they meet the other qualifying criteria to enter the register unless a Full Housing duty has been accepted toward them.
- 10.4. The Council considers that a total of £30,000 in capital, investments and savings constitutes sufficient funds.
- 10.5. A household income of £60,000 will also constitute sufficient funds.
- 10.6. The Council will take into consideration any disposal of funds within 3 months of the application to assess financial circumstances.

Part 3 – Applying to join the Housing Register

11. Who can be considered part of an application?

11.1. An application can only consist of the following types of people as per their relationship to the primary applicant:

- Partner
- Children
- Relatives
- Carers
- Any member of the household at the time of initial application

11.2. Children

- 11.2.1. Children must be born to the applicant(s) under 18 years of age or where the applicant has legal care and responsibility.
- 11.2.2. The test of normal residence as a member of the family will require residence as opposed to “staying” or “staying access” even in cases of joint custody or joint residence or similar orders. The Council in applying the test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the household. Account may be taken of whether the child is dependent upon the applicant. The Council may also take into account the supply and demand for accommodation in the Maidstone Borough and any under-occupation that may result where a child spends part of the week with one parent and part of the week with another parent.
- 11.2.3. In cases of children, the test of normal residence as a member of the family will require residence as opposed to “staying” or “staying access” even in cases of shared responsibility or joint residence or similar orders. The Council in applying the test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the household.

12. Pregnancy

- 12.1 A pregnancy must be reported to the Council as a change of circumstances and relevant proof of pregnancy must be supplied.
- 12.2 Upon entering the last trimester of a pregnancy, the pregnancy will count as an additional child and will be considered when working out the bedroom needs of an applicant

13. Area Preferences

- 13.1. Applicants should be aware that whilst their area preference will be respected, Maidstone has a limited supply of social housing. In order to make best use of this limited resource, and for an applicant to maximise their chances of being housed, applicants should bid on all properties that are suitable regardless of location.
- 13.2. Area preference does not form part of our suitability criteria. If you do not bid in two successive cycles the council will place a bid for you on any suitable available property and the standard refusal penalties will apply.
- 13.3. Kent Homechoice website will provide details of bidding activity including details of successful bids. Because applicants can identify areas of the Borough where many or few vacancies of the size they require become available, they can make a calculation as to the likelihood of a property becoming available in that area.

14. Bedroom Allocation

- 14.1. Household composition determines the number of bedrooms that an applicant can be allotted. The Council will use the bedroom standard recommended by the Secretary of State which allocates a separate bedroom to each:
 - Married or Co-habiting couple
 - Adult aged 21 years or over (unless the primary applicant in which case 18 years or over)
 - Pair of adolescents aged up to 20.

15. Being on the Register

- 15.1. Applicants must inform the Housing department in writing or by email of any changes to their circumstances such as, but not limited to, change of address or composition of household within 30 days of the change occurring. This may result in a change to the band that the applicant has been placed in.
- 15.2. Applicants are entitled to remain on the register until their housing need has been resolved unless they are removed by the Council, however, all applicants must be active on the register and bidding for properties whenever possible and appropriate.
- 15.3. Applicants are required to renew their housing register application every 12 months. The Council will contact applicants on an annual basis, reminding them of the requirement to renew, in order to remain on the Housing Register.
- 15.4. If an applicant fails to renew their application within two months allowed by the Council, their application will be cancelled. When a new housing register form is submitted after a cancellation the applicant will be treated as a new case. This means the applicants' point of application will not be backdated and they will lose their previous waiting date order position on the Housing Register.

Part 4 – Housing Register bands

16. Bands

16.1. The Council operates a system known as banding to measure an applicants housing need. When an application is received, it is assessed and placed into one of five bands depending on the housing needs of the application. These bands reflect the reasonable preference criteria set out by Parliament

16.2. The bands are as follows:

- Medical or Welfare
- Housing Duty & Homelessness Prevention
- Community Contribution
- Housing Need
- Housing Transfer

17. The Medical or welfare band

17.1. This band is reserved for people who require a move based on medical or welfare grounds. This band is for people whose current accommodation is not suitable for them due to medical needs, such as a disability, or those who need to leave their current accommodation as being victims of crime or intimidation. Evidence of a medical condition must be supported by documentation from medical professionals or appropriately qualified persons. Evidence of being a victim of crime or intimidation must be supported by the police and in cases of domestic abuse must be authorised by the Council's Domestic Violence Officer.

17.2 Medical Grounds

17.2.1 To qualify for this, applicants must be able to demonstrate that their current accommodation is unsuitable for their households needs due to a medical condition. This includes people who have a physical disability,

mobility needs, mental disability and learning disabilities.

- 17.2.2 Applicants must be able to demonstrate to the satisfaction of the Homechoice Officer that their current accommodation is not suitable. Documentation must be provided from NHS medical professionals, or an equivalent external agency.
- 17.2.3 If the Homechoice Officer is unsure if an applicant qualifies, all details will be sent to an independent medical advisor who will assess the application. The independent medical advisors assessment will form part of the information to determine if an applicant household qualifies on medical grounds.
- 17.2.4 It is possible to request a review of the outcome of the independent medical assessment or a review of a decision by the Homechoice Officer. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.
The review will then be undertaken in accordance with section 60
- 17.2.5 All applicants are entitled to one free medical assessment for each member of the household that will be moving with them. Any further medical assessments must be paid for in full by the applicant unless there has been a significant change in the medical condition of an applicant or someone in the household.
- 17.2.6 The fee for a medical assessment will be £75. This will be reviewed annually by the Housing Services Manager.
- 17.2.7 In order to obtain any free medical assessments after the initial one, a request must be made in writing to the Housing Options Team Leader which must include all documentation that an applicant wants to be sent for medical assessment. The Housing Options Team Leader will then review whether a free medical assessment is appropriate.

17.3 Welfare Grounds

- 17.3.1 A move on welfare grounds may encompass a wide range of individual circumstances and will include, but not be limited to:
 - Someone moving on from care or a drug or alcohol recovery programme

- Someone who wants to live independently but requires some additional support, such as someone with learning disabilities.
 - Someone who provides or receives care or support
- 17.3.2 A move on welfare grounds should be accompanied by supporting evidence from external professionals as is relevant to the particular application. The Housing Options Team Leader will assess whether an applicant qualifies in this category.
- 17.3.3 It is possible to request a review of the outcome of the independent medical assessment or a review of a decision by the Housing Options Team Leader. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.

18. The Housing Duty, Homelessness and Prevention band

- 18.1 This band is reserved for those who are homeless, to whom a full housing duty has been accepted under The Housing Act 1996 part VII, or who has been accepted by the Council as a Homeless Prevention case.
- 18.2 An applicant placed in this band with a full housing duty will have their application date set to the date that a homelessness application was made to the Council
- 18.3 An applicant placed in this band as a Homeless Prevention case will have their application date set to the date that the most recent approach was made for advice and assistance to the Council
- 18.4 An applicant placed in this band who is homeless but to whom a full housing duty is not owed will have their application date set from the point where homelessness has occurred.
- 18.5 Homeless applicants
- 18.5.1 This applies to homeless applicants owed a duty under s.193 or s 195 (s) of the Housing Act 1996 (as amended).

18.5.2 Homeless applicants will be expected to actively seek a property via the choice based lettings scheme and, at the discretion of the council, bids may be placed on behalf of the applicant. Where possible the council will seek to find and directly nominate to a suitable property in order to discharge its duty.

18.5.3 An offer of an assured tenancy via Choice Based Lettings, or a direct let, to an applicant will constitute a final offer of accommodation for the purpose of 193(7) Housing Act 1996 which is intended to cause the homeless duty to cease.

- Should such an offer of suitable accommodation be refused then the duty owed under the Housing Act 1996, s193 (5) (as amended) will be discharged. Any temporary accommodation provided would be terminated.
- As a result, the additional priority awarded to the application as a homeless applicant will be withdrawn

18.6 Intentionally homeless

18.6.1 An applicant who has been found intentionally homeless under Housing Act 1996 Part VII will be processed as a standard Housing Register Applicant and must meet the qualifications of entry to the register. The date of application will be set as the date of the decision letter sent to the applicant.

18.7 Rough Sleepers

18.7.1 The Council recognises the need of applicants sleeping rough. All attempts will be made to ensure the applicant is provided with some form of accommodation with floating support or supported hostel accommodation to assist with long term rehabilitation.

18.7.2 Where alternative accommodation cannot be secured and if the status of rough sleeping is verified by Maidstone Day Centre or any other registered agency working within the Borough for this client group, then the applicant will be treated as Homeless and placed into the Homeless band.

18.8 Homeless Prevention

- 18.8.1 As part of the Housing Options process in all circumstances the Council would first look to prevent the homelessness. Where it has been identified by the Housing Advisor that an applicant is threatened with homelessness but can remain at their current accommodation, they will be placed in the Prevention Band.
- 18.8.2 Homeless Prevention applicants will be expected to actively seek a property via the choice based lettings scheme and, at the discretion of the council, bids may be placed on behalf of the applicant. Where possible the council will seek to find and directly nominate to a suitable property in.
- 18.8.3 Where the homeless prevention priority continues, applicants will have up to 6 months from the date of being awarded the homeless prevention status to bid for accommodation. If an applicant fails to bid for a property, which would have been suitable for the household size, within the 6 months, their application will be passed to a designated officer to bid on their behalf.
- 18.8.4 An offer of an assured tenancy via Choice Based Lettings or a direct nomination will constitute a final offer of accommodation. Should the applicant refuse the offer of suitable accommodation, the additional prevention status awarded would be removed and the housing register application assessed in the normal way under this allocations policy.

19. The Community Contribution band

- 19.1 This band is for those who have a housing need due to unsatisfactory housing conditions, such as overcrowding or insanitary or hazardous properties, or those that need to move to prevent or alleviate hardship. Entry into this band also requires a community contribution which is defined in (insert section)
- 19.2 Community Contribution
- 19.2.1 Community contribution will be one of the determining factors as to what band an applicant is placed in. Community contribution is defined, but not limited to, the following:
- Member of the Armed Forces (see section 28)
 - Employment (more than 16 hours per week)

- Charity Work
- Providing Care (see section 31 on hardship)
- Foster carers and adopters (see section 26 on foster carers and adopters)

19.2.2 Community contribution must be supported by evidence as noted in the relevant sections.

19.2.3 Applicants must fulfil the community contribution requirements as stated at the point of application in order to enter this band.

19.2.4 Applicants must continue to fulfil the community contribution criteria whilst they are on the register and be able to prove that they fulfil the criteria when an offer of accommodation is made.

19.2.5 If an applicant believes that they fulfil the community contribution part in another way they should provide as many details and evidence of their contribution as they can to the Housing Options Team Leader who will decide if they qualify.

19.3 Foster Carers and adopters

19.3.1 Current foster carers and adopters will fulfil the community contribution qualification. Evidence of this must be provided by the relevant local authority.

19.3.2 As foster children are not included in bedroom allocation, an applicant who is currently fostering can request an additional bedroom to allow them to continue fostering, however, as they will not receive benefits for this room if they are not fostering they will need to prove that they can afford this.

19.3.3 This is only applicable to those that are currently looking after a child as a foster carer or adopter, and does not apply to those that are applying to be foster carers or adopters.

19.4 Charity

- 19.4.1 The Council believes that charity work provides a fundamental role in providing community cohesion, and allocation of housing should reflect the importance of this.
- 19.4.2 An applicant will qualify for this if they volunteer for a charity that works in or is based within the borough.
- 19.4.3 Applicants must be able to prove that they volunteer for a minimum of 10 hours a week with a charity and has done so on a consistent basis for 6 months. A letter or email from an employee of the charity to confirm this is required.

19.5 Armed Forces

- 19.5.1 Members of the Armed Forces, and their families, often struggle to fulfil local connection requirements due to having to move from base to base. As such, any household that fulfils the following criteria will be established as Armed Forces, will bypass the local connection criteria and will automatically have a community contribution.
- 19.5.2 The categories are:
- Current member of the Armed Forces
 - Served in the Armed Forces within the last 5 years
 - Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation and where the death of the spouse was wholly or partially attributable to their service.
 - Members of the Reserve Forces who need to move on medical or welfare grounds as a result of their service.
- 19.5.3 Members of the Reserve Forces qualify for community contribution, but must fulfil the local connection criteria.

20. The Housing Need band

- 20.1 This band is for those who have a housing need due to unsatisfactory housing conditions, such as statutory overcrowding or insanitary or hazardous properties, or those that need to move to prevent or alleviate hardship.

20.2 Hazardous Properties

- 20.2.1 A property will be defined as hazardous by the HHSRS standard (or any replacement standard) in The Housing Act 2004 Part I will be deemed as a hazardous property. To qualify the property must include 1 or more category 1 hazards that cannot be resolved within 6 months.
- 20.2.2 If this property is owned by a Registered Provider of Social Housing, the owner of the property will be responsible for fixing the hazard within a reasonable time frame as agreed with the Private Sector Housing Team Leader or Housing Services Manager. The owner of the property will be responsible for all costs incurred in the resolution of the problem, including any requirement for temporary accommodation that may result due to the hazard.
- 20.2.3 If the property is privately owned the Private Sector Housing Team Leader or Housing Services Manager will establish the most appropriate method of resolving the issue. The applicant will not be prevented from access to the register in whilst this is being resolved.

20.3 Overcrowding

- 20.3.1 A household will be deemed to be overcrowded if, when the bedroom standard in section 14 is applied, the household is lacking of one or more bedroom to be suitable for their needs. In larger properties, where there are additional rooms that would not be typically used as bedrooms, any additional rooms should be counted as bed spaces. This is with the exception of the kitchen and living room.
- 20.3.2 Households which have moved to a property – whether in the social housing stock or the private rented sector – and made themselves overcrowded will not be eligible under this category.

20.4 Hardship

- 20.4.1 This category is defined as those who need to move to alleviate or prevent hardship. This includes, but is not limited to those who need to move to give or receive care, those who need to move to take up an employment, education or training opportunity. Evidence of this must be provided and the Housing Options Team Leader will assess whether an applicant

qualifies in this category.

- 20.4.2 It is possible to request a review of the outcome assessment or a review of a decision by the Housing Options Team Leader. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.

21. The Housing Transfer band

- 21.1 Transfer applicants must meet both the local connection and housing need criteria in order to qualify for a transfer.
- 21.2 Transfer applicants must also meet any additional criteria that are in place with their individual landlords.
- 21.3 Applicants from a Private Registered Provider with more than 500 properties within the borough will be placed in the Transfer band. Applicants from Private Registered Providers with fewer than 500 properties will be placed in the appropriate band and treated as a Housing Register applicant.
- 21.4 A transfer applicant who does not meet the local connection and housing need criteria must apply to their landlord for a transfer. This will not be covered by this Allocation Scheme.

Part 5 – Allocations

22. The Bidding Process

- 22.1 Kent Homechoice is the website that the Council uses in order to facilitate applicants to bid on housing within the borough. Upon acceptance to the register, applicants will be sent details of their application number, which band they have been placed in and a user guide for the website.
- 22.2 Applicants should familiarise themselves with the website as soon as they are able to.
- 22.3 Properties are advertised on a fortnightly cycle and all applicants have a maximum of three bids to place on properties. Applicants should place bids on as many properties as they are able that meet their requirements. If an applicant does not bid on two successive cycles, the Council will place bids on behalf of the applicant.
- 22.4 Applicants are able to see on Kent Homechoice whether they have been successful in bidding on a property, and if not, where on the shortlist they have come. Applicants within the same band will be prioritised strictly in the order of the date of their application so the longer someone has been in housing need, the more likely they are to be successful.

23 Adverts

- 23.1 All adverts placed on the Kent Homechoice website must be an accurate description of the property and include any alterations that have been made to assist independent living. Any advert that does not accurately reflect the property will be withdrawn and be re-advertised.
- 23.2 Properties must be available for occupancy within 4 weeks of the end of the cycle in which the advert is placed. If this is not the case, the property will have to be withdrawn and re-advertised. If there will be a delay of no more than 2 weeks after this date i.e. 6 weeks after the cycle in which the advert has been placed, it is at the discretion of the Housing Services Manager as to whether the property should be withdrawn and re-advertised.

24 The Quota

- 24.1 The Council will set a quota to allocate what percentage of properties will be allocated to each band. This quota will be set at the beginning of every financial year for the following year.
- 24.2 The quota will be reviewed on a quarterly basis to ensure that best use of the housing stock is maintained. This review will be undertaken by the Housing Service Manager and Housing Initiatives Officer. Any recommendation to change the quota must be approved by the Head of Housing and Community Services and the portfolio holder.
- 24.3 Properties which have been adapted to suit those with specific needs, such as those with flush floor showers, disabled access etc will automatically be offered to the Medical band first.

25 Direct Allocations

- 25.1 In some cases, the Council may make a direct offer of accommodation outside of the Choice Based Lettings scheme. These offers will constitute a suitable offer of accommodation and the usual penalties for refusal will apply.
- 25.2 A direct offer of accommodation can constitute a property that is either social rent or private sector. This will depend on what is available and a suitable offer of private rented sector accommodation must meet with the legislation of the Housing Act 1996 as amended by the Localism Act 2011.

26 Offers

- 26.1 If an applicant's name appears at the top of the priority list, the Council or the landlord will check the applicant's circumstances to make sure the applicant is still eligible for an offer. If an applicant refuses an offer, the next person on the priority list will be invited to view the property.
- 26.2 Applicants that are classified as Homeseekers can refuse a property, however if the property offered is suitable the refusal date will replace the application date as the active date. As the active date determines priority within a band, this will mean that the applicant will have the least priority in their band. A review of the suitability of the accommodation can be requested in writing from the Housing Options Team Leader.

26.3 If an applicant is classified as a Prevention or Homeless case a refusal of a property will lead to the Council ending their duty toward them.

27 Ineligibility for an offer

27.1 At this stage, some applicants may be ineligible for an offer of accommodation. These reasons may include:

- Previous Rent Arrears
- A history of Anti-social behaviour
- Unable to verify applicant information
- Applicants circumstances have changed

28 Suitability

28.1 Suitability of accommodation will be determined by the following factors:

- Bedroom standard
- HHSRS standard
- Affordability
- Accessibility for those with mobility issues

28.2 Location will not be a factor in suitability unless there are specific concerns relating to Domestic Violence, Hate Crimes or Crime and Disorder as determined in section xxx.

29 Refusals

29.1 Applicants in the Community Contribution and Housing Need bands who refuse a property will have their active date set to the date of refusal effectively reducing their priority within the band.

29.2 Applicants in the Prevention band bands who refuse a property will have their active date set to the date of refusal effectively reducing their priority within the band.

- 29.3 The Housing Options Team Leader will also review which band they are placed in upon a refusal.
- 29.4 Applicants in the Homeless band may refuse a property but doing so may mean that the Council may terminate its Full Duty to them under legislation and their banding will be amended.
- 29.5 Applicants in the Medical band are entitled to refuse a property, however their priority date will be set to the date of refusal, effectively reducing their priority within the band.
- 29.6 Refusals on the grounds of suitability will be assessed by the Housing Options Team Leader based upon the suitability section (section 43) of this document.

30 Applicants in Prison

- 30.1 If an applicant is due to be released from prison, the normal local connection criteria would apply. Where an applicant who is in prison does not meet the local connection criteria set out in section xxx they will be unable to join the register and will be referred to the area in which they had a local connection prior to their sentence.

31 High risk Offenders

- 31.1 The housing of high risk offenders will be carried out as part of a multi-agency arrangement with the Police, Probation, Social Services and other appropriate agencies. An area or type of property acceptable to the Council will be agreed in partnership with the agencies involved. High Risk offenders will be offered limited choice through the Choice Based Letting Scheme. Where there are urgent issues, the Housing Services Manager may consider a direct offer.

32 National Witness Mobility Scheme (NWMS)

- 32.1 The NWMS is funded and managed by the Office of Criminal Justice Reform in the Home Office for Criminal Justice in the Home Office and works with police forces and housing authorities to assist with the re-housing of seriously intimidated witnesses.
- 32.2 The scheme enables witnesses to relocate outside their area to a place of safety.

- 32.3 NWMS work with Maidstone Council. The Council will investigate whether we would have a duty to assist with accommodation because they are threatened with homelessness and it is not reasonable for them to return.
- 32.4 The individual will need to complete a housing register form and the Housing Options Team Leader may consider awarding additional priority. Applicants accepted under this scheme will be limited to 2 nominations per financial year.

33 Supported Accommodation

- 33.1 There are a number of supported housing projects in Maidstone that are suitable for people with support needs. This includes:
- Young people
 - People with mental health problems
 - People with substance misuse problems
 - People with other vulnerabilities
 - People who are homeless
 - Offenders
- 33.2 The Council has nomination rights to certain schemes managed by Housing Associations or other agencies. Some of the schemes provide long-term accommodation whereas others assume that there will be a requirement for the resident to move on either after a certain period or when they are capable of living independently.

34 Selection criteria and priorities for Supported Housing

- 34.1 Applicants who may require supported accommodation or support to be provided to sustain the tenancy will be referred via the Single Assessment Protocol by their care provider or support service.
- 34.2 All clients are assessed according to their needs and support requirements at the time of the referral, together with any potential risk they may present to themselves and others.

- 34.3 An assessment is made to determine the most appropriate type of accommodation for the applicant, the level and type of support respective priority compared to other applicants.
- 34.4 Where a vacancy arises in supported accommodation:
- Normally overall priority is given to homeless applicants that are assessed as suitable, to whom the Council has or may have a statutory duty to secure accommodation, unless there is a suitable applicant with a higher need for supported accommodation at that time.
 - Where there is more than one suitable applicant for the vacancy and the applicants are assessed as having a similar level of need for housing and support (given that there is a shortage of supported accommodation in the Borough), priority will be determined on the basis of the applicant's local connection followed by their application date. (An applicant with a local connection will normally be given priority over an applicant without a local connection even if they have an earlier application date).
- 34.5 Where a social or support service is provided in conjunction with the accommodation, only applicants who are considered to require and benefit from that service will be considered for that accommodation. Examples of this type of accommodation would include extra care housing for older people, housing designated for special needs such as young people, people with mental health problems, or those known to be sleeping rough or roofless.
- 34.6 Some General Needs accommodation will be allocated to those in need of floating support. Allocation to such properties will be agreed in partnership with the social landlord concerned and the support provider via the Single Assessment Protocol process. Such Applicants may be selected for an allocation of that accommodation regardless of whether, under the Allocation Scheme, they are assessed as having the greatest housing need compared to other applicants

35 Processing Applications from Older People

- 35.1 Applicants over the age of 60 will be considered for sheltered Housing Accommodation only via one of the Council's housing partners. Golding Homes will accept applicants aged 50 plus. Applicants can also bid for designated sheltered accommodation through CBL. They may also be referred by relatives, social workers or doctors, or the Council's Medical Advisor may recommend sheltered accommodation. If contact is made by a third party the applicant will need to be contacted and asked to complete an application form.

35.2 Once a bid is placed through Kent Homechoice, the visiting officer from the Housing Association recommends whether the applicant is suitable for sheltered or not and if so whether extra care or enhanced extra care is thought to be appropriate. Those who appear to need a higher level of support and or care may be referred to Social Services. A recommendation for enhanced extra care will also be dealt with through the housing register. Social Services may make a referral direct to the Council.

36 Move on from Supported Accommodation

36.1 Where an applicant is considered suitable for independent living, additional priority will be awarded within the agreed quota with the service provider.

37 Adapted Properties

37.1 Where the accommodation has been designed or adapted to provide facilities which are intended specifically for use by a disabled or older person, only applicants whose household includes a person who is considered to require those facilities will be able to bid for that accommodation. These properties will be offered to the Medical band. This might include a property to wheelchair standard or a property which has been substantially adapted. In the event that there is no suitable applicant requiring the facilities then the property may be re-advertised to allow applicant to bid for the property who does not need it.

38 Local lettings policies

38.1 Local lettings plans are letting policies which form part of the housing letting process. They apply to a limited part of the housing stock where the Council has nominating rights. In consultation with relevant Housing Associations, the Council may adopt a local letting policy. This is to achieve a balanced community on a new development or a new area to rectify problems on an existing estate where there are management problems and the properties have become difficult to let. The principals agreed within the Kent Housing Group Sustainable Communities Protocol will form the basis of local letting plans.

38.2 The Council will monitor the impact of any lettings plan that may be introduced in order to ensure that overall, the policy as a whole provides reasonable preference to applicants entitled to it under Housing Act Part VI.

- 38.3 The Council maintains a standard local lettings plan which will form the basis of all local lettings plans.
- 38.4 The Allocation Scheme takes priority over any agreed local lettings plan.
- 38.5 Where the accommodation is subject to a planning agreement or other restrictions, whether legally enforceable or not, only applicants who can meet the terms of the agreement or restriction will be allocated accommodation. This may be the case for housing in some rural areas which is intended for occupation by local people.
- 38.6 The Council at times may consider direct offers for properties subject to a local lettings plan or planning agreements.

39 Reciprocals

- 39.1 In certain cases, the Council may negotiate a reciprocal letting arrangement with another local authority.
- 39.2 Authority to proceed with a reciprocal must be obtained from the Council's Housing Services Manager (in their absence delegated to the Housing Options Team Leader). A management move will only be applied following written confirmation from the other local authority that they will reciprocate with an urgent priority offer to a nominee of our choice and when required.
- 39.3 All reciprocals arrangements are agreed on a discretionary basis and the Council retains the right to decline a request for a reciprocal if it is not considered to be in the interest of the Council
- 39.4 Reciprocals can only be agreed when there is no material loss to the Council in terms of available housing stock. In most cases this means the Council will expect back a property of equal or larger size than the unit offered. The unit must also be comparable in terms of quality and type.
- 39.5 In exceptional circumstances the Council may agree to accept two smaller units in exchange for a larger unit of the same number of bedrooms.

40 Domestic Abuse

- 40.1 Domestic abuse can be defined as violence from an associated person, which includes partner, siblings, and parents. The violence may include physical, sexual, emotional and financial abuse, as well as psychological intimidation and controlling behaviour.
- 40.2 Maidstone Council employs a Domestic Violence Officer, who works with victims of Domestic Violence to offer help and guidance and to try to resolve housing issues
- 40.3 Where a case of Domestic Violence has been established and no other options are available/ appropriate, including the Council's Sanctuary Scheme, the applicant will be placed into the Homeless band unless there are medical qualifications for the Medical band.

41 Hate Crimes

- 41.1 Hate Crimes can be defined as violence/ harassment based on an individual's race, ethnicity, gender or sexual orientation. The harassment may include physical and verbal.
- 41.2 Where a case of Racial Harassment has been established and no other options are available/ appropriate, then a management move may be agreed.

42 Crime and Disorder

- 42.1 Where an applicant is a victim of a serious incident of crime or disorder in their home, Golding Homes (if their tenant) / Maidstone Council will work with the Community Safety Unit to enable them to stay in their home. However, if this is not possible and where the Community Safety Unit make a recommendation, Golding Homes or the Council's Housing Services Manager, respectively may authorise a management move .