

# Allocation Scheme

Version 2.2  
January 2022

# Contents

|  |           |
|--|-----------|
| <b>Part 1 – Introduction</b>                                   | <b>1</b>  |
| 1 Lettings not covered by the policy                           | 1         |
| 2 The Legal Framework  | 1         |
| 3 Eligibility for Allocation of Housing                        | 2         |
| 4 Equality and Diversity                                       | 2         |
| 5 Access to Personal Information                               | 3         |
| 6 Review of the Scheme   | 3         |
| 7 Review of decisions requested by applicants                  | 4         |
| <b>Part 2 – The Housing Register</b>                           | <b>5</b>  |
| 8 Entry on to the Register                                     | 5         |
| 9 Local Connection   | 5         |
| 10 Housing Need  | 7         |
| 11 Financial Circumstances                                     | 11        |
| <b>Part 3 – Applying to join the Housing Register</b>          | <b>12</b> |
| 12 Who can be considered part of an application?               | 12        |
| 13 Pregnancy   | 12        |
| 14 Area Preferences  | 12        |
| 15 Bedroom Allocation  | 13        |
| 16 Being on the Register                                       | 13        |
| <b>Part 4 – Housing Register bands</b>                         | <b>15</b> |
| 17 Bands   | 15        |
| 18 Band C - Community Contribution and Homelessness Prevention | 15        |
| 19 Band H – Homeless Applicants                                | 18        |
| 20 Band M – Medical and Health Assistance                      | 18        |
| 21 Band R – Reasonable Preference (Unsuitable Housing)         | 18        |
| <b>Part 5 – Allocations</b>                                    | <b>19</b> |
| 22 The Bidding Process   | 19        |
| 23 Adverts   | 20        |
| 24 The Quota   | 20        |
| 25 Direct Allocations  | 20        |
| 26 Nominations   | 21        |

|                                     |   |           |
|-------------------------------------|---|-----------|
| 27                                  | Ineligibility for an offer.....   | 21        |
| 28                                  | Suitability .....   | 22        |
| 29                                  | Refusals .....  | 23        |
| <b>Part 6 – Miscellaneous .....</b> |   | <b>24</b> |
| 30                                  | Gypsy and Traveller Sites .....   | 24        |
| 31                                  | Applicants in Prison.....   | 24        |
| 32                                  | High Risk Offenders.....  | 24        |
| 33                                  | National Witness Mobility Scheme (NWMS) .....                                   | 25        |
| 34                                  | Other Accommodation .....   | 25        |
| 35                                  | Selection criteria and priorities for supported housing.....                    | 26        |
| 36                                  | Processing applications from older people.....                                  | 26        |
| 37                                  | Adapted Properties .....  | 27        |
| 38                                  | Local Lettings Policies.....  | 27        |
| 39                                  | Decants (urgently moving existing housing association tenants).....             | 28        |
| 40                                  | Management Moves .....  | 28        |
| 41                                  | Reciprocal.....   | 28        |
| 42                                  | Applications from Maidstone Borough Council Employees and Elected members ..... | 29        |
| 43                                  | Glossary.....   | 30        |
| 44                                  | Appendix A .....  | 32        |
| 45                                  | Appendix B – Reviews .....  | 34        |

## **Aims and Priorities**

Maidstone Borough Council's Allocation Scheme has been designed to ensure that access to subsidised housing supports the needs of residents, the corporate aims of the Council, as well as reflect current legislation. The Council's vision is for our residents to live in decent homes, enjoy good health and well-being and for a pleasant environment with a successful economy. There is an extremely limited supply of subsidised housing within Maidstone and this scheme is designed to work with our housing providers to make best use of the stock available and promote Maidstone as an attractive place to live.

Maidstone Borough Council's Allocation Scheme is designed to treat all applicants for subsidised 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. 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.

The Council awards additional priority to applicants in work or who assist their local community in other ways, such as serving in the Armed Forces or undertaking voluntary work. The scheme is also designed to support the Council's objectives of the Homelessness and Rough Sleeper Strategy 2019-2024 and of the Strategic Plan 2019-2045 in preventing both homelessness and rough sleeping.

# Part 1 – Introduction

## 1 Lettings 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:
- Offers of non-secure tenancies to homeless households pursuant to any duty under Part 7 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 moved 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;
  - Granting or disposal of tenancies by order of a Court.

## 2 The Legal Framework

- 2.1 Maidstone Borough Council keeps a Housing Register of people who want to be considered for subsidised 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 7 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), as repealed by the Homelessness Reduction Act 2017 but not amended within the Housing Act 1996;
  - 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 housing under s160ZA (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 habitual residence test
- "Persons from abroad" who are in breach of the European Community Right of Residence directive
- "Persons from abroad" who have been the subject of a sponsorship agreement for less than 5 years and whose 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.

3.3 An applicant is able to request a review of the Council's decision by writing to the Senior Homechoice Officer (see Appendix B).

### **4 Equality and Diversity**

4.1 The Council has given due regard to the Equality Act 2010, particularly;

- Part 2 - Chapter 1, Protected Characteristics and Chapter 2 Prohibited Conduct; and
- Part 11 - Chapter 1, Public Sector Equality Duty and Chapter 2, Positive Action, in drafting and applying the Allocation Scheme.

4.2 The Council operates an equality and diversity 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.

4.3 The implementation of a clear and consistent Allocation 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 for service improvements.

4.4 It is important that the Allocation Scheme is understood by all current and prospective applicants. Straight forward information through leaflets are available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance.

## **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 can make a Subject Access Request by sending an email to [dataprotectionofficer@maidstone.gov.uk](mailto:dataprotectionofficer@maidstone.gov.uk)
- 5.3 The Homechoice Team will collect and prepare the information within 28 days. Files may be edited where necessary 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 third party(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 Homechoice and Strategy Manager agrees the information is incorrect, appropriate action will be taken to amend the records.
- 5.5 General Data Protection Regulation (GDPR) states individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.
- 5.6 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.
- 5.7 The Council will not pass information to a third party without an applicant's 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. The Chairman and Vice Chairman of the Communities, Housing and Environment Committee will be advised of the change with the opportunity to provide comments within one calendar month before the amendments are incorporated.

## **7 Review of decisions requested by applicants**

- 7.1 Applicants have a statutory right to request a review of a decision relating to their application, (Housing Act 1996 as amended). Where an applicant wants to introduce a medical issue not previously considered under the original application the applicant must follow the procedure set out in paragraph 10.2 Medical Grounds. In addition, Appendix B lists those subjects on which applicants can request a review, together with the timescale for requesting a review and receiving a response. All requests for a review must be made in writing (this can be in the form of an email).



## Part 2 – The Housing Register

### 8 Entry on to the Register

- 8.1 The Council operates a 'closed list' housing register and there are qualifying entry requirements in order to be accepted onto the register. As the supply of subsidised housing in the borough is limited, the Council will concentrate its resources, which includes its access to subsidised housing (nominations) and staff resources on those applicants most likely to receive an offer of accommodation.
- 8.2 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 (see Section 10). Applicants will not be accepted on to the housing register until all the requested information has been provided. Incomplete new applications will not be processed and the applicant will be contacted to provide the required information. The applicant will be given 28 days to provide all their relevant information; otherwise, the application will be declined. Applicants owed a homelessness duty may be given a further 28 days to provide all their relevant information at the discretion of the applicant's caseworker. A list of relevant documents is contained in Appendix A.
- 8.3 Where an application is accepted onto the housing register the applicant's priority date will be set as the date when a valid application was received, i.e. the date that the completed application and all required supporting information was received by the Council.
- 8.4 Applications will not normally be accepted from persons under 18 years of age, except those owed duties by any Local Authority under sections 189B to 195 of the Housing Act 1996 or under section 65(2) or 68(2) of the Housing Act 1985.
- 8.5 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.

### 9 Local Connection

- 9.1 In order to access the housing register, applicants need to fulfil at least one of the following local connection criteria.
- 9.2 Resident – the applicant has been residing within Maidstone Borough for a continuous period of 2 years immediately prior to the application. The Council may confirm these details with other information held internally by the Council e.g. Council Tax and Housing Benefit records.
- 9.3 Family - the applicant must have immediate family that has been residing within Maidstone Borough for a continuous period of 5 years immediately prior to the application. The Council may confirm these details with other data held internally.

- 9.4 Employment – the 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 12 months and be for more than 16 hours a week. Self-employed applicants should provide documentation that confirms they regularly work or operate a business within the borough. For zero hour contracts see 18.4.1.
- 9.5 Returning Resident – the applicant must have been residing in the borough for a continuous period of at least 2 of the last 5 years and may not currently live within Maidstone Borough. The only exceptions to this are applicants being released from prison where their sentence exceeds 5 years. The Senior Homechoice Officer may accept an applicant as being a returning resident in exceptional circumstances.
- 9.6 Applicants who currently hold a social housing tenancy in their name within Maidstone Borough will automatically meet the local connection criteria.
- 9.7 Members of the Armed Forces – Certain members of the Armed Forces and their households will bypass the local connection criteria. For more detailed information as to which members of the armed forces this applies to, please see 18.6.
- 9.8 In cases where a duty is owed in accordance with the Part 7 of the Housing Act 1996 confirmed by a decision letter (in accordance with section 184) the Local Connection requirements will be those contained within the relevant legislation and Code of Guidance, which takes precedence over those contained within this document.
- 9.9 Persons placed in Maidstone Borough by another local housing authority under the provision of the homelessness legislation will not become eligible to meet the local connection criteria stated in paragraphs 9.2, 9.5 and 9.6 above until the period of 5 years has expired from the date of their placement and their tenancy within Maidstone Borough would not amount to a local connection for other family members under paragraph 9.3. When a Relief Duty may be owed under Part 7 of the Housing Act 1996, the Homechoice and Strategy Manager may use discretion for the purpose of enabling a referral to another local authority.
- 9.10 In exceptional circumstances the matter will be considered as part of the review process and discretion can be applied by the Head of Housing and Community Services, if an applicant is able to demonstrate a local connection that does not readily match the local connection criteria stated above. For example, applicants may have a need for support, special school placements or medical treatment which cannot be met in any other reasonable location. Applicants may also have felt the need to leave an area where they have a local connection. This is often supported by the police or another external agency. If the Head of Housing and Community Services is satisfied with the evidence provided in these cases, the applicant may be accepted onto the housing register.

## 9.11 Right to Move

9.11.1 The Council supports the Government's guidance on the Right to Move that permits Armed Forces personnel access to the housing register.

9.11.2 The Allocation Scheme supports increasing mobility for social tenants to enable them to meet their employment aspirations and to support them into work. Where a social housing tenant needs to move to Maidstone to take up a job or apprenticeship offer or live closer to work, they must be able to demonstrate to the Council's satisfaction that the work or job offer is genuine and that they need, rather than wish to move, and that if they were unable to do so, it would cause them hardship. The Council will consider and take into account the factors recommended by the Secretary of State in determining whether a tenant needs to move to be closer to work or take up a job/apprenticeship offer. These include:

- The distance and/or time taken to travel between work and home.
- The availability and affordability of transport, taking into account level of earnings.
- The nature of the work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move.
- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

9.11.3 The Council will seek appropriate documentary evidence and may also contact the employer to verify the position (see Appendix A).

9.12 An applicant is able to request a review of the Council's decision not to agree local connection by writing to the Senior Homechoice Officer (see Appendix B).

## **10 Housing Need**

10.1 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(3) of the Housing Act 1996. Further clarification is provided below.

### 10.2 Medical

10.2.1 To qualify on medical grounds, 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 illness or learning disabilities.

- 10.2.2 Applicants must be able to demonstrate to the satisfaction of the Homechoice Officer that their current accommodation is not suitable. Medical conditions include physical disabilities, mobility needs, mental illness and learning disabilities and documentation to support the application must be provided from an NHS medical professional, or an equivalent external agency.
- 10.2.3 If the Homechoice Officer is unable to determine if an applicant qualifies, all details will be sent to an independent medical advisor who will assess the application. The independent medical advisor's assessment will form part of the information to determine whether an applicant qualifies on medical grounds.
- 10.2.4 All applicants are entitled to one medical assessment for each member of the household that will be moving with them at no cost. 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.
- 10.2.5 The fee for a medical assessment will be £75. This will be reviewed annually by the Homechoice and Strategy Manager.
- 10.2.6 Following an initial application for a medical assessment, a request must be made in writing to the Senior Homechoice Officer which must include all documentation that an applicant wants to be sent for medical assessment. The Homechoice and Strategy Manager will then review whether a free medical assessment is appropriate.
- 10.3 Welfare
- 10.3.1 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.
  - Someone moving on from 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.
  - Someone who needs to leave their current accommodation due to being a victim of crime or intimidation or domestic abuse
- 10.3.2 A move on welfare grounds should be accompanied by supporting evidence from an appropriately qualified professional connected with the applicant. The Homechoice Officer will assess whether an applicant qualifies in this category.
- 10.4 Hazardous Properties
- 10.4.1 A property will be defined as hazardous by reference to the Housing Health and Safety Rating System (HHSRS) prescribed within The Housing Act 2004 Part 1 (or any replacement standard).

- 10.4.2 A property will be considered as being hazardous where an HHSRS assessment identifies:
- i) one or more Category 1 hazards, and where;
  - ii) a member of the applicant's household falls within the vulnerable age group for the hazard/s (as detailed in the relevant guidance), and;
  - ii) the hazard/s cannot be resolved within a period of 6 months.
- 10.4.3 Properties, located in Maidstone, assessed as containing Category 1 hazards that can be resolved within a period of 6 months will be subject to enforcement action to remove the hazard. 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.
- 10.5 Overcrowding & Under Occupancy
- 10.5.1 A household will be deemed to be overcrowded if, when the bedroom standard in section 15 is applied, the household is lacking one or more bedrooms and their home is not considered 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 providing bed spaces. This is with the exception of a kitchen/dining/living area.
- 10.5.2 Households that have moved to a property and made themselves intentionally overcrowded will not be eligible under this category.
- 10.5.3 Whilst under occupying is not necessarily a housing need it is in the interest of applicants and landlords that best use is made of existing accommodation. A household will be deemed to be under-occupying if they are an existing social housing tenant and when the bedroom standard in Section 15 is applied, the household exceeds its need by one or more bedrooms.
- 10.5.4 In determining whether a property is overcrowded or under-occupied the Homechoice Officer will apply an objective test based on the size and type of property and not on how the property is being used by the occupants.
- 10.5.5 The Homechoice and Strategy Manager has the discretion to consider exceptional cases where the bedroom criteria does not readily match the household type (e.g. bed space criteria.)
- 10.6 Hardship
- 10.6.1 Households will be deemed to be in hardship if they 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, and those who need to move to take up an employment, education or training opportunity.
- 10.6.2 Evidence of this must be provided and the Homechoice Officer will assess whether an applicant qualifies on the basis of hardship.

- 10.6.3 Applicants who are applying due to financial hardship will need to provide a completed income and expenditure form for the household, in order for an assessment to be completed. A form to assist the applicant can be sent upon request.
- 10.7 Homeless
- 10.7.1 Housing need will apply to those applicants who are owed the S.195(2) Prevention Duty; S.189B(2) Relief Duty or S193(2) main housing duty. The date of the application will be set to the date of the original application for housing assistance confirmed by a member of the Housing Advice Team. Applicants who have their Prevention duty discharged as a result of a deliberately and unreasonable refusal to co-operate will no longer be considered to have a housing need under this category.
- 10.7.2 Applicants owed the S.195(2) Prevention Duty will not need to meet the Local Connection criteria as stated in section 9 of this scheme. Once the Prevention Duty has ended, in order to remain on the register, an applicant will need to demonstrate they have a local connection commensurate with section 9 and a housing need in accordance with section 10.
- 10.7.3 Housing need will apply to homeless applicants found to be intentionally homeless and owed the advice and assistance duty under S190(2) of the Housing Act 1996. Where an applicant is found to be intentionally homeless, their priority date will be set as the date of the decision letter. Once an applicant has obtained settled accommodation, their housing need will end. The application will be processed under the housing register and must meet the qualifying criteria for local connection. A fuller explanation of all homeless categories can be found here (<http://www.legislation.gov.uk/ukpga/1996/52/contents>)
- 10.7.4 Where an applicant who is rough sleeping has their situation confirmed by a partner agency e.g. Maidstone Day Centre or any other registered agency working within the Borough for this client group, then the applicant will be assessed as having a housing need.
- 10.7.5 Applicants who are of no fixed abode, where evidence has been provided, may be considered as having a housing need, either because they are overcrowded or because they may be threatened with homelessness. This will apply to applicants who are found to be not in priority need and whose Relief Duty has ended.
- 10.8 If an applicant does not meet any of the housing need criteria, they will not normally be allowed to have access to the housing register and will be unable to bid on properties. An applicant can request a review of the Council's decision to refuse an application on housing need by writing to the Council (see Appendix B).
- 10.9 In exceptional circumstances, the Head of Housing and Communities has the discretion to accept an application that does not meet any of the above housing need criteria.

## **11 Financial Circumstances**

- 11.1 In order to access the Housing Register at the point of application, and upon request e.g., at the point of an offer of accommodation, applicants must provide details of all bank accounts, savings, investments and capital that belong to any member of their household.
- 11.2 An applicant's financial circumstances will be assessed at the time of their application and any material change in circumstances should be reported as a change of circumstances as per Section 16.
- 11.3 As subsidised housing is a limited resource, those who have the financial means to rent privately or to buy a property are unlikely to meet the qualifying criteria to enter the register unless a main housing duty has been accepted for them.
- 11.4 Applicants who currently hold a social housing tenancy in their name within Maidstone Borough will not need to meet the financial circumstances qualifying criteria.
- 11.5 When determining affordability for certain developments in Parish areas that are subject to specific planning requirements e.g. rural exception sites (see paragraph 38.5) the test applied is whether the applicant can afford the cost of housing in the Parish where the rural exception site has been delivered as opposed to the cost of their current accommodation where this is away from the Parish area.
- 11.6 The Council considers that a total of £16,000 in capital, investments and savings constitutes sufficient financial means to rent privately or buy a property. This includes equity from a property. The Council will only consider priority payments, such as rent and council tax, when taking debts into account.
- 11.7 A household's gross income of £50,000 will also constitute sufficient financial means. This figure includes any benefits received.
- 11.8 The Council will take into consideration any disposal of funds within 2 years of the application to assess financial circumstances. Where an applicant cannot demonstrate the appropriate disposal of funds, the Council may draw an inference as to how the funds have been used.
- 11.9 The Senior Homechoice Officer has the discretion to accept exceptional cases where the applicant's financial circumstances may mean securing alternative housing (e.g. privately renting) may prove difficult given the household's needs.
- 11.10 An applicant is able to request a review of the Council's decision to refuse an application on financial circumstances by writing to the Senior Homechoice Officer (see Appendix B).



## Part 3 – Applying to join the Housing Register

### 12 Who can be considered part of an application?

- 12.1 The only persons who will be considered as part of an applicant's household will be:
- Partner
  - Children
  - Relatives
  - Carers
  - Any member of the household who can reasonably be considered residing with the applicant at the time of initial application

#### 12.2 Children

12.2.1 Children are defined as members of the household who are under 18 years of age and the applicant must have legal responsibility for the children.

12.2.2 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.

### 13 Pregnancy

- 13.1 Pregnancy must be reported to the Council as a change of circumstances and relevant proof of pregnancy must be supplied.
- 13.2 Upon entering the last trimester (usually the last 12 – 14 weeks) of a pregnancy, the pregnancy will be considered as an additional child for the purpose of assessing the bedroom needs of an applicant.

### 14 Area Preferences

- 14.1 Applicants should be aware that whilst their area preference will be respected, Maidstone has a limited supply of subsidised 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.



- 14.2 The Kent Homechoice website will provide details of bidding activity including details of successful bids. Information is provided through Kent Homechoice that will enable the applicant to make an assessment of how long it will take to be housed. Some areas are more popular than others and some property types attract more bids than others. As applicants can identify areas of the Borough where many or few vacancies of suitably sized accommodation may become available, they can make an assessment as to the likelihood of a property becoming available in that area.

## **15 Bedroom Allocation**

- 15.1 Household composition determines the number of bedrooms in a home that an applicant can be awarded. 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
- Person aged 16 years or over
- Two children of the same sex up to the age of 16
- Two children aged under 10 years regardless of sex

- 15.2 Extra bedrooms may be allocated in exceptional circumstances such as where an overnight carer is required (see paragraph 18.2) or an extra bedroom is required for a disabled child who would normally be expected to share a bedroom. This must be approved by a Senior Homechoice Officer.

- 15.3 An applicant is able to request a review of the Council's decision in respect of bedroom allocation by writing to the Homechoice and Strategy Manager (see Appendix B).

## **16 Being on the Register**

- 16.1 Applicants must inform the Housing Service 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. This may affect an offer of accommodation if the information provided by the applicant is out of date and could result in the withdrawal of an offer.
- 16.2 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.
- 16.3 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.

- 16.4 If an applicant fails to respond within 28 days of being asked to renew their application their application will be removed. When a new housing register application is submitted after one has been removed, the applicant will be treated as a new case. This means the applicants' priority date will be set at the date of the new valid application.
- 16.5 An applicant is able to request a review of the Council's decision to cancel an application by writing to the Senior Homechoice Officer (see Appendix B).

## Part 4 – Housing Register bands

### 17 Bands

17.1 The Council operates a system known as banding to measure an applicant's housing need. When an application is received, it is assessed and placed into one of four bands depending on the housing needs of the applicant. These bands reflect the reasonable preference criteria set out in the relevant legislation.

17.2 The bands are as follows:

- C – Community Contribution and Homelessness Prevention
- H - Homeless
- M – Medical and Health Assistance
- R – Reasonable Preference

17.3 In order to achieve the aims and priorities (Page 3) a greater number of properties per applicant will go to Band C; the intention being to encourage applicants into this band. Applicants in Band M are likely to need housing based on a medical requirement. The Council will work with its housing providers to match adapted properties to applicants with a specific need for this type of housing.

### 18 Band C - Community Contribution and Homelessness Prevention

18.1 This band is for those applicants who have a housing need (see section 10) and in addition entry into this band requires either a community contribution which is defined below, or the applicant is owed a duty under S.195(2) of the Housing Act 1996.

18.1.1 Any applicant to whom a Relief Duty is owed under S.189B; a main housing duty under S.193(2) or S.193C(4) has been accepted under the Housing Act 1996 or; is confirmed as a rough sleeper, will be placed in Band H – Homeless applicants, regardless of if they meet the following community contribution criteria.

18.1.2 Community contribution is defined by, but not limited to, the following criteria:

- Persons who are members of the Armed Forces or their families (see paragraph 18.6)
- Persons undertaking voluntary work
- Persons in employment
- Persons who are foster carers or adopters (see paragraph 18.5)
- Persons providing care (see paragraph 18.2)

18.1.3 Community contribution must be supported by evidence to demonstrate the persons within the application fit into one of the criteria set out in the following paragraphs.

- 18.1.4 Applicants must fulfil the community contribution requirements as stated in 18.1.2 at the point of application in order to enter this band.
- 18.1.5 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.
- 18.1.6 Where an applicant is placed in Band R, they are eligible to move into Band C once they have demonstrated that they meet the community contribution criteria.
- 18.1.7 If an applicant believes that they fulfil the community contribution test in another way, they should provide as many details and evidence of their contribution as they can to the Senior Homechoice Officer who will decide if they qualify.
- 18.1.8 An applicant is able to request a review of the Council's decision that the community contribution criteria are not met by writing to the Senior Homechoice Officer (see Appendix B).
- 18.2 Persons Acting as Carers
- 18.2.1 Any applicant in receipt of the Carer's Allowance will qualify as a carer.
- 18.3 Persons Undertaking Voluntary Work
- 18.3.1 The Council believes that voluntary work provides a fundamental role in providing a community contribution and the allocation of housing reflects the importance of this.
- 18.3.2 An applicant will qualify if they volunteer for a not for profit group or organisation that works in or is based within the borough.
- 18.3.3 Applicants must be able to prove that they volunteer for a minimum of 10 hours a week and have done so on a consistent basis for at least 6 months. A letter or email from an employee of the group/organisation to confirm this is required.
- 18.4 Persons in Employment
- 18.4.1 Employment must be for a minimum of 16 hours per week and with a contract of employment for at least 12 months. Self-employed applicants should provide documentation that confirms they regularly work a minimum of 16 hours per week. In relation to zero hours contracts if the applicant can provide evidence of continuous employment over a 12 month period this will be sufficient.
- 18.5 Persons who are Foster Carers or Adopters
- 18.5.1 KCC approved adopters and foster carers will fulfil the community contribution qualification. Those who are applying to be a foster carer or adopter will not qualify for community contribution until they have been approved by KCC and provided documentation confirming this.

18.5.2 As foster children are not included in bedroom allocation, an applicant who is an approved foster carer can request an additional bedroom to allow them to continue fostering.

18.5.3 When an applicant is an approved adopter, they are entitled to request an additional bedroom so as not to prevent them adopting a child.

## 18.6 Persons who are Members of the Armed Forces or their Families

18.6.1 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 bypass the local connection and housing need criteria and will automatically have a community contribution.

The criteria are:

- Current member of the Armed Forces
- Served in the Armed Forces within the last 5 years (except where the applicant has been dishonourably discharged).
- 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.

18.6.2 Members of the Reserve Forces qualify for community contribution but must fulfil the local connection criteria.

## 18.7 Homeless Prevention

18.7.1 Applicants who are owed a prevention duty under S.195(2) of the Housing Act 1996. Prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance.

18.7.2 If the prevention duty is ended and a relief duty is accepted as the applicant has become homeless, they would be eligible to remain on the housing register if they meet the local connection criteria as stated in section 9 of this policy. If eligible, from the date that the Relief Duty is accepted, their application would be placed in Band H – Homeless Applicants.

18.7.3 If the prevention duty is ended for another reason (e.g. The applicant has refused to cooperate with their caseworker or they have refused an offer of suitable accommodation) they would no longer be eligible to remain on the housing register unless they have evidenced that they meet the two qualifying criteria of housing need and local connection.

## **19 Band H – Homeless Applicants**

- 19.1 This band is for all applicants to whom a Relief Duty is owed under S.189B or a main housing duty under S.193(2) or S.193C(4) has been accepted under The Housing Act 1996. This band is also for applicants found to be intentionally homeless and owed a duty under S.190(2) and applicants found to be not in priority need, or who are rough sleeping. For more information see Section 10.7.
- 19.2 An applicant placed in this band will have their application date set to the date that a homelessness application with all the relevant supporting documentation was made to the Council, unless they were already accepted on to the Housing Register due to having an alternative housing need or have found to be intentionally homeless, see paragraph 10.7.3.
- 19.3 Homeless applicants owed the main housing duty under S.193(2) will be expected to actively seek a property via the Kent Homechoice Scheme and the Council may place bids on behalf of the applicant or apply auto-bidding. The Council may seek to find and directly nominate to a suitable property in order to discharge its housing duty.

## **20 Band M – Medical and Health Assistance**

- 20.1 This band is for people who have a housing need due to significant medical grounds whose current accommodation is not suitable for them due to medical needs, such as a physical disability, or where another housing need exists but the applicant has a significant medical need and requires an adapted property. Evidence of a medical condition must be supported by documentation from medical professionals or appropriately qualified persons (see section 10.2). It is the Council's intention to match where possible adapted properties to this band.

## **21 Band R – Reasonable Preference (Unsuitable Housing)**

- 21.1 This band is for those applicants who have a housing need due to unsatisfactory housing conditions, such as statutory overcrowding or insanitary or hazardous properties, those with a medical need not requiring specific adaptations, or those that need to move to prevent or alleviate hardship or on the grounds of welfare. Other applicants who do not meet the requirements of Band C, Band H, or Band M will join this band if they qualify to join the housing register.

## Part 5 – Allocations

### 22 The Bidding Process

- 22.1 Kent Homechoice (Choice Based Letting Scheme) is the mechanism the Council uses to enable applicants to bid on housing within the borough. Kent Homechoice is a web based scheme on which landlords advertise vacant properties. Kent Homechoice is a partnership between the 13 Local Housing Authorities in Kent and over 30 housing association landlords. Upon acceptance to the register, applicants will be sent details of their application number, which band they have been placed in, and details of the 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 daily and all applicants are allowed to bid on up to three adverts while the bidding is open. Applicants should place bids on as many properties as they are able to that meet their requirements.
- 22.4 Applicants will be expected to actively seek a property via the Kent Homechoice Scheme. If an applicant is not placing regular bids, the Council may suspend their application. The applicant will be contacted within 7 days and asked to explain their reason for not bidding. If the applicant fails to respond with a valid reason within 14 days their application will be removed. If the reason for non-bidding relates to their inability to use the Kent Homechoice system, the Council will provide assistance to the applicant and the application can be reinstated by the Senior Homechoice Officer without any penalty. Alternative forms of bidding are available, such as by telephone or text messaging. In some circumstances, the Council may place bids on behalf of an applicant.
- 22.5 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 been placed. Applicants within the same band will be prioritised in the order of their priority date, i.e. the date that the completed application and all required supporting information was received by the Council. 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 are intended to be an accurate description of the property and include any alterations that have been made to assist independent living. Adverts are placed by the landlord and are not the responsibility of the Council. If an advert does not accurately reflect the property this should be drawn to the attention of the landlord. Applicants who are unhappy with the standard of the advert are advised to complain to the relevant landlord. Where necessary, e.g. persistently poor adverts whether notified by applicants or staff to the Homechoice and Strategy Manager will be referred to the Kent Homechoice Manager for further action to be taken.

## **24 The Quota**

- 24.1 The Council will set a quota to allocate the percentage of properties for each band. This quota will be set at the beginning of every financial year for the following year and, if appropriate, following an amendment to the Allocation Scheme.
- 24.2 The quota will be reviewed on a regular basis to ensure that best use of the housing stock is maintained. This review will be undertaken by the Homechoice and Strategy Manager. Any recommendation to change the quota must be approved by the Head of Housing and Community Services and the Chairman or in their absence the Vice Chairman of the Community, Housing and Environment Committee.
- 24.3 Properties which have been adapted to suit those with specific needs, such as those with flush floor showers, disabled access or stair lift etc will be advertised to the Medical and Health Assistance Band (Band M) first.
- 24.4 Properties that are subject to age restrictions (e.g. sheltered housing) or specific planning conditions such as Local Needs Housing will be advertised to all bands.

## **25 Direct Allocations**

- 25.1 The intention of the Council and its Housing Partners is that all vacancies are advertised and let through Kent Homechoice. However, there are occasions when it is not practical to do so. For example, when the Council is ending its Main Housing Duty and Relief Duty, as reflected in the Homelessness Reduction Act. Alternatively, some properties may not attract any bids and to minimise the number of empty properties in the borough the Council will match an applicant to a suitable property without the applicant necessarily bidding on the vacancy.
- 25.2 In the case where no bids have been received on a vacancy that was advertised to a specific Band, the advert will be extended and opened to all bands. In the event that no bids are received from any applicant the landlord can request a nomination from the Council which will constitute a direct allocation. These offers will be a suitable offer of accommodation and the usual penalties for refusal will apply.



25.3 A direct offer of accommodation can be a property that is either subsidised rent or private sector. The Council must make best use of whatever stock is available in the Borough. This may result in an offer of accommodation in the private rented sector.

25.4 The Council may agree with a landlord that certain properties in specific locations are more difficult to let. With the prior agreement of both parties these properties may be advertised to all Bands in the first instance. In certain cases, the Council may negotiate a reciprocal letting arrangement with another local authority, where one authority provides a vacant property on the basis that the receiving authority will provide one of their vacancies to the other authority at a later time.

## **26 Nominations**

26.1 The Council will nominate applicants to a property in accordance with the Allocation Scheme. The Council acknowledges that some housing providers retain their own allocation policy. There may be circumstances where the Council's nomination is declined by the housing provider. In those circumstances the applicant will be referred to the relevant housing provider by the Council to enable them to challenge the decision made by the housing provider, if the applicant wants to do so.

26.2 Where a successful nomination is made the housing provider will attempt to contact the applicant. If the applicant does not respond to the housing provider within 7 days of the initial contact the nomination will be deemed to be refused and paragraph 29.2 will be applied. Whilst being considered for an offer of a property, applicants will not be short-listed for other vacancies.

## **27 Ineligibility for an offer**

27.1 At the point of nomination, some applicants may be ineligible for an offer of accommodation. The Council reserves the right to determine an applicant ineligible for an offer of accommodation if it considers the applicant has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant. The Council will contact the applicant to inform them of decisions made under this section.

27.2 The reasons for determining an applicant ineligible for an offer may include (but are not limited to) the following:

- current rent arrears or rent arrears from previous tenancies within a reasonable period (e.g. 6 years) from either private or social tenancies, equivalent to a minimum of 8 weeks rent
- arrears with Maidstone Council for a debt in relation to a tenancy, loan or other financial assistance provided by the Housing Service
- a history of anti-social behaviour or has wilfully damaged previously rented accommodation

- 27.3 The Homechoice and Strategy Manager can apply discretion when determining if an applicant should initially be suspended from the register in accordance with section 27.4. Examples of where discretion may be applied are where the applicant is able to demonstrate a repayment agreement is in place and has been maintained for a reasonable period or where the applicant's rent charge has been found to be unaffordable by the relevant housing officer and the debt accrued at no fault of the applicant.
- 27.4 Applicants found ineligible under section 27.2 will be suspended from the register for 6 months. The application will be reviewed and reassessed after this time and another suspension may be applied. If after a further 6 month suspension period an applicant is still found to be ineligible, they may be removed from the register.
- 27.5 If an applicant has failed to provide the relevant information for their application to be verified or they haven't notified the Council of a change in circumstances that would result in a material change to their housing needs, they may be ineligible for an offer at the point of nomination.
- 27.6 An applicant may be asked to provide additional or updated information in order to verify their application at the point of nomination. If an applicant fails to respond to this request within 28 days their application will be considered incomplete and removed.
- 27.7 An applicant's priority date will be amended to the date on which they become eligible for an offer of accommodation.
- 27.8 An applicant is able to request a review of the Council's initial decision that they are ineligible for an offer by writing to the Senior Homechoice Officer (see Appendix B).

## **28 Suitability**

- 28.1 The suitability of an offer of accommodation is considered for all applicants as part of the allocations process. The test of suitability will be determined by the statutory basis of the offer (see paragraph 28.5)
- 28.2 Suitability of accommodation will be determined by the following factors:
- Bedroom standard
  - HHSRS assessment
  - Affordability
  - Accessibility for those with mobility issues
- 28.3 Location will not ordinarily be a factor in suitability unless there are specific concerns relating to an area. In these cases, the Senior Homechoice Officer will decide if the offer was suitable or not. The Council will follow the relevant Code of Guidance (issued by the government) and case-law to determine the relevant factors to be considered in determining suitability.

- 28.4 An applicant is able to request a review of the Council's decision that an offer was suitable by writing to the Homechoice and Strategy Manager (see Appendix B).
- 28.5 For applicants owed a housing duty under Part 7 of the Housing Act 1996, in assessing suitability of a final offer of accommodation, consideration will be given to relevant legislation and guidance. Applicants will have the right to request a review of the suitability of any offer of accommodation offered to discharge a duty under sections 189B to 193C and 195. Applicants should be advised of their right to request a review having accepted an offer, as this secures the accommodation whilst the review is considered.

## **29 Refusals**

- 29.1 Refusals on the grounds of suitability will be assessed by the Senior Homechoice Officer based upon the suitability section (Section 28) of this document.
- 29.2 Applicants who refuse a property will have their priority date set to the date on which they refused the offer of accommodation, effectively reducing their priority within the band.
- 29.3 An applicant is able to request a review of the Council's decision to refuse an application by writing to the Homechoice and Strategy Manager (see Appendix B).
- 29.4 For applicants owed a housing duty under Part 7 of the Housing Act 1996, a Senior Officer within the Housing Advice Team will make a decision on whether the final offer of accommodation was suitable, considering any additional information provided by the applicant and whether, as a result of a refusal of the final offer, the housing duty owed to the applicant will be discharged. Applicants should be advised of their right to request a review having accepted an offer, as this secures the accommodation whilst the review is considered.

## Part 6 – Miscellaneous

### 30 Gypsy and Traveller Sites

- 30.1 The Council recognises that because of the particular circumstances of the Gypsy and Traveller community it may not be appropriate to follow normal housing allocation policy.
- 30.2 Applicants can register their interest in vacant site plots by completing a Housing Register application form and indicating that they require a plot on a site.
- 30.3 Plots will be allocated, where available, to members of the Gypsy and Traveller community who can provide evidence that they live in or regularly frequent Maidstone borough. If they live in the Borough, evidence should be provided as stated in Appendix A of this scheme.
- 30.4 Applicants for vacancies will be considered in the order of when their completed application form and all required supporting information was received by the Council.

### 31 Applicants in Prison

- 31.1 If an applicant is due to be released from prison imminently and confirmation has been received from the Prison Service or Community Rehabilitation Company, an applicant may be considered as having a Housing Need. The normal local connection criteria would still apply. Where an applicant who is in prison does not meet the local connection criteria set out in Section 10 they will be unable to join the register and will be directed to the area in which they had a local connection prior to their sentence.
- 31.2 Applicants who have served a period in custody at a prison located in Maidstone, or at approved premises will not meet the local connection criteria on that basis alone.

### 32 High Risk Offenders

- 32.1 The housing of high risk offenders will be carried out as part of a multi-agency arrangement with the Police, National Probation Service, Social Services and other appropriate agencies and an Accommodation Specific Housing Risk Assessment will need to be completed by the National Probation Service.
- 32.2 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 Kent Homechoice. Where there are urgent issues, the Homechoice and Strategy Manager may consider a direct offer, taking into account all relevant matters concerning the applicant.

### **33 National Witness Mobility Scheme (NWMS)**

- 33.1 The NWMS is funded and managed by the Office of Criminal Justice Reform in the Home Office and works with police forces and housing authorities to assist with the re-housing of seriously intimidated witnesses.
- 33.2 The scheme enables witnesses to relocate outside their area to a place of safety.
- 33.3 NWMS work with Maidstone Council. The Council will investigate whether it has a duty to assist with accommodation because the applicant is threatened with homelessness and it is not reasonable for them to return.
- 33.4 The applicant will need to complete a housing register form and the Senior Homechoice Officer will consider the appropriate priority. Due to the high demand for subsidised housing in the borough the Council will accept up to 2 nominations per financial year from the NWMS under this voluntary scheme.

### **34 Other Accommodation**

- 34.1 There are a number of supported housing projects in Maidstone that are suitable for people with support needs. These include supported housing for:
- Young people
  - People with mental health needs
  - People with substance misuse needs
  - People with other vulnerabilities
  - People who are homeless
  - Offenders
  - People who require assisted housing
  - Almshouses
- 34.2 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.
- 34.3 Supported housing projects are often let on a short to medium term basis. Anyone in the last six months of their stay in supported accommodation will be defined as having a housing need but must still fulfil the local connection criteria. Applicants in supported accommodation for more than 2 years will fulfil local connection criteria by virtue of residency.
- 34.4 When the supported housing provider considers that the applicant is capable of sustaining a tenancy in general needs housing (with appropriate support) and provides evidence, the applicant will be deemed as having a housing need.

34.5 If an applicant is successful in securing a vacancy in a supported housing property, their housing register application will be suspended until the supported accommodation provider considers that the applicant is capable of sustaining a tenancy in general needs housing (see paragraph 34.4). The applicant will be required to complete a Change of Address form to update their Housing Register application.

### **35 Selection criteria and priorities for supported housing**

35.1 Applicants who may require supported accommodation or support to be provided to sustain their tenancy will be referred to the relevant agency providing that support.

35.2 All applicants 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.

35.3 The assessment is made to determine the most appropriate type of accommodation for the applicant, the level and type of support and respective priority compared to other applicants.

35.4 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 who have no housing whatsoever.

35.5 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 housing association concerned and the support provider. Such applicants may be nominated to that accommodation regardless of their position under the Allocation Scheme.

### **36 Processing applications from older people**

36.1 Some accommodation has criteria defined by age which will be in the property advert. Applicants over the age of 60 will be considered for sheltered accommodation if assessed suitable by the housing provider. Some housing providers will accept applicants aged 50 plus. Applicants can also bid for designated sheltered accommodation through Kent Homechoice. They may also be referred by relatives, social workers or GPs, 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.

- 36.2 Once a bid is placed through Kent Homechoice, an officer from the housing provider recommends whether the applicant is suitable for sheltered accommodation or whether extra care is thought to be appropriate. Those who appear to need a higher level of support and/or care may be referred to adult services. A recommendation for extra care will also be dealt with through the housing register. Adult services may make a referral direct to the Council.

### **37 Adapted Properties**

- 37.1 Where accommodation has been designed or adapted to provide facilities which are intended specifically for use by a disabled 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 advertised to applicants in the Health Assistance band (Band M). This might include a wheelchair accessible property or a property which has been substantially adapted.
- 37.2 In the event that there are no suitable applicants bidding on the property the Council may consider a direct allocation to an applicant requiring the facilities to make the best use of the adaptations. In the event that there is no suitable applicant in any of the Bands, the property may be re-advertised to allow applicants to bid for the property who do not require the adaptations.

### **38 Local Lettings Policies**

- 38.1 Local lettings plans are lettings policies which form part of the housing nomination process. They apply to a limited part of the housing stock where the Council has nomination rights and will be determined by site and when the properties are released for occupation. In consultation with relevant Housing providers, the Council may adopt a local letting policy. This is to achieve a balanced community on a new development or to tackle issues in an existing locality where there are management problems and the properties have become less desirable. The Council has referred to the principles agreed within the Kent Housing Group (Creating Successful Communities in Kent and Medway protocol) when drafting local lettings plans.
- 38.2 With the exception of paragraph 38.5, local lettings plans normally apply to the initial allocation on new developments. Where a local lettings plan is agreed for an established development the Council and relevant landlord may monitor the impact of the lettings plan to ensure it meets the stated aims of the plan.
- 38.3 The Council maintains a standard local lettings plan which will form the basis of all local lettings plans to assist developers, landlords and other interested parties in drafting the planning contribution agreement.
- 38.4 In order for the Council to meet the aims and priorities as stated at the start of this document, the Allocation Scheme takes priority over any agreed local lettings plan.



38.5 Where accommodation is subject to a planning agreement or other restrictions, 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. The Council may also consider direct offers for properties subject to a local lettings plan or planning agreements.

### **39 Decants (urgently moving existing housing association tenants)**

39.1 Decants apply to social housing tenants only. Where single properties are decanted, e.g. to undertake extensive planned or emergency repairs (where the tenants are required to be moved to temporary accommodation), the landlord will identify temporary accommodation from within their own stock and this will be allocated outside of the Kent Homechoice scheme. The tenant will return to their home following completion of the repairs.

39.2 Where large-scale redevelopment proposals require tenants to leave their homes whilst the properties or a specified area is redeveloped, the relevant landlord is required to consult with the Homechoice and Strategy Manager so that the approach can be agreed prior to the redevelopment scheme being confirmed. An appropriate Local Lettings Plan will be drafted that meets the requirements of the landlord, seeks to minimise the impact on the overall availability of vacant homes and on tenants, and where appropriate enables existing tenants to return to the same area.

### **40 Management Moves**

40.1 Management moves will be the responsibility of the housing providers to operate and will not form part of the Allocations Scheme. Management Moves are intended to operate in exceptional circumstances where rapid housing to alternative accommodation is required within the landlord's stock, for example where the property has dangerous structural defect.

40.2 The landlord is required to notify the Council when such a move has been made, the reason and details of the properties concerned.

### **41 Reciprocals**

41.1 Maidstone Borough Council has signed up to the Kent and Medway Reciprocal Scheme. This is a voluntary scheme between the 13 Kent and Medway authorities to support the duty to co-operate under S.213 of the Housing Act 1996. The scheme's aim is to prevent households from becoming homeless as a result of domestic abuse or violence / serious harassment from outside the home.

41.2 Where the Council has agreed to assist another Local Authority under this Scheme, the applicant will be assessed in accordance with this Allocation Scheme however, the local connection criteria will not apply.



## **42 Applications from Maidstone Borough Council Employees and Elected members**

- 42.1 Applications from employees and elected members of Maidstone Borough Council (including applications where the employee or elected member is part of the household in the application) will be assessed in accordance with the Allocation Scheme and will have to meet the same qualifying criteria in order to be accepted on to the register.
- 42.2 Employees of Maidstone Borough Council should not use any internal housing systems to access their account or those of their family members and/or associates. Where a conflict of interest may arise, the officer should bring this to the attention of their line manager.

## **43 Glossary**

### **Children**

Children are defined as those aged under 18 for whom the applicant is legally responsible or has proven shared legal responsibility. An adult child for the purposes of local connection would be considered immediate family.

### **Domestic Abuse**

Domestic abuse is defined as violence from an associated person, which includes partner, siblings, and parents. The violence may include an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial, and emotional.

Where a case of Domestic Abuse has been established and no other options are available/appropriate, including the Council's Sanctuary Scheme, the applicant will be placed into the relevant Band according to their characteristics.

### **Family**

For the purposes of this Allocation Scheme, family will mean immediate family. This will include siblings, parents and children.

### **Hate Crimes**

Hate crimes can be defined as violence/harassment based on an individuals' race, ethnicity, disability, gender or sexual orientation. The harassment may involve physical or verbal intimidation.

Where a case of hate crime has been established and no other options are available or appropriate, then a managed move may be agreed with a housing provider.

### **HHSRS**

The Housing Health and Safety Rating System was established by the Housing Act 2004. It provides for the assessment of 29 health and safety hazards found in housing and a method by which they are rated to identify those hazards that present the greatest risk to occupiers.

### **Crime and Disorder**

Where an applicant is the victim of a serious incident of crime or disorder in their home, the Council's Community Safety Unit will work with them to enable them to stay in their home, if that is the most appropriate option.

**Social Housing Tenant**

A social housing tenant is someone who rents a property from a local council or housing provider.

**No Fixed Abode**

Not having a fixed geographical location as a residence.

## 44 Appendix A

Documents required from the applicant to be accepted on to the housing register or upon consideration of an allocation of accommodation

### Eligibility

Applicants who are not UK citizens will need to meet the eligibility criteria as stated in the current guidance issued by the Ministry of Housing, Communities and Local Government and provide the relevant evidence.

### Additional Information

#### 1. Proof of identity

For each named applicant photographic identification, for example, a valid passport or photo driving licence, or similar document and your national insurance number.

#### 2. Proof of income

Salary/wage slips for the past two months  
 Proof of any income-related benefits received, for example, income support  
 Statements from all bank, building society and savings accounts for the past two months

#### 3. Proof of your address/tenure

Tenancy agreement if there is a tenancy, if not recently addressed correspondence.

#### 4. If you have children living with you

Birth certificate for each child, and  
 Proof of receipt of child benefit

#### 5. If you have access to children that do not live with you full time

Residence Order if available, or letter from the child's full time carer detailing the access arrangements, including the frequency of visits, the length of time they have been in place, and any future arrangements.

#### 6. If you own, or have ever owned, a property

Current mortgage statement and recent valuation of the property.  
 Confirmation of the amount received from the sale or transfer of the property.

## **7. Medical Information**

Documentation provided from an NHS medical professional, or an equivalent external agency.

## **8. Voluntary, charitable work or training**

A letter or email from an employee of the group/organisation to confirm that you volunteer or carry out charitable work for a minimum of 10 hours a week and have done so on a consistent basis for at least 6 months.

A letter or email from the college, university or training organisation providing the details of the course being undertaken including the start and finish dates of the course.

## **9. Right to Move**

A contract of employment.

A formal offer/acceptance of employment letter.

Proof of current address.

**Appendix B – Reviews**

| <b>Section</b> | <b>Subject of Review Request</b>       | <b>Officer Conducting the Review</b> | <b>Time Limit</b>     | <b>Response Time</b> |
|----------------|--|--------------------------------------|-----------------------|----------------------|
| 3              | Eligibility for Allocation for Housing | Senior Homechoice Officer            | 28 days from decision | 56 days from request |
| 5              | Access to Personal Information         | Data Protection Officer              | Not applicable        | Within 28 days       |
| 9              | Local Connection                       | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 10             | Housing Need                           | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 11             | Financial Circumstances                | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 15             | Bedroom Allocation – Extra bedroom     | Homechoice and Strategy Manager      | 21 days from decision | 56 days from request |
| 16             | Being on the Register                  | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 18             | Community Contribution Band            | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 27             | Ineligibility for an offer             | Senior Homechoice Officer            | 21 days from decision | 56 days from request |
| 28             | Suitability                            | Homechoice and Strategy Manager      | 21 days from decision | 56 days from request |
| 29             | Refusals                               | Homechoice and Strategy Manager      | 21 days from decision | 56 days from request |
| 37             | Local Lettings Policies                | Homechoice and Strategy Manager      | 21 days from decision | 56 days from request |