

**Thurrock Council**

**Housing Allocations Scheme**

**April 2023**

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# Background

## Introduction

This document is known as Thurrock Council's Housing Allocations Scheme and sets out how the Council will allocate the housing stock that it has available.

The demand for Social Housing in the Borough far outstrips the supply that Thurrock Council has available and therefore we must prioritise those with the greatest need.

This means that for most households the chances of being offered a property by the Council are extremely low and other housing options will need to be identified and considered.

Thurrock Council has a statutory duty to prioritise certain groups of people but the Council may also use its discretionary powers to meet the needs of other priority groups and local priorities. The Council continues to have a closed waiting list, which means that only applicants who meet certain criteria will qualify to join.

The Allocations Scheme lays out the rules and processes by which this will be achieved.

The scheme has regard to Thurrock Council's Homelessness Prevention and Rough Sleeping strategy and Housing strategy.

The scheme's vision is to provide access to accommodation that is responsive to the needs of local people in a fair, consistent and transparent way.

## Aims and purpose

Thurrock Council is committed to providing high quality homes for our tenants. The purpose of the Housing Allocations Scheme is to fulfil our statutory obligation under the Housing Act 1996 to outline how allocations of both council own properties and properties made available to the council by other housing providers will be made.

Thurrock Council has a statutory duty to prioritise certain groups of people but the Council may also use its discretionary powers to meet the needs of other priority groups and local priorities. Following consultation, the Council has decided to have a closed waiting list, which means that only applicants who meet certain criteria will qualify to join.

The Allocations scheme sets out the rules and processes by which this will be achieved.

The scheme applies to all council staff and housing tenants. This policy does not apply to leaseholders.

The scheme has been developed with due regard to the following documents in addition to the councils overall aims and objectives:

- Housing Strategy
- Homelessness Prevention and Rough Sleeping strategy
- Housing Revenue Account Business Plan (HRA)
- Housing ASB Strategy
- Housing Rent Policy
- Housing Repairs Policy
- Housing Pet Permission Policy

The scheme aims to guide officers to:

- make fair and lawful decisions regarding allocations of council owned properties and properties made available to the council by other housing providers
- maximise tenancy sustainability by taking a person-centred approach and ensuring allocations of properties best suits the individual(s) needs
- ensure that the Council uses its stock to support those applicants with the greatest need in line with the statutory obligations
- make best use of housing stock

The purpose of this policy is to provide a robust framework that allows the council to:

- provide clear, accurate and up to date information
- provide a simple and straightforward process for applicants
- provide access to accommodation that is responsive to the needs of local people in a fair, consistent, and transparent way
- support vulnerable applicants

Whilst the council will aim to follow this policy to ensure transparency in the decision-making process the council retains the ability to exercise discretion.

## Corporate context

Thurrock Council's vision and corporate priorities, adopted in January 2018, underpin this Housing Allocations Policy. The Council's vision is for Thurrock to be **an ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.**

Sitting alongside the vision are the three corporate priorities of People, Place and Prosperity.

**People** – a borough where people of all ages are proud to work and play, live and stay.

This means:

- high quality, consistent and accessible public services which are right first time
- build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
- communities are empowered to make choices and be safer and stronger together

**Place** – a heritage-rich borough which is ambitious for its future.

This means:

- roads, houses and public spaces that connect people and places
- clean environments that everyone has reason to take pride in
- fewer public buildings with better services

**Prosperity** – a borough which enables everyone to achieve their aspirations.

This means:

- attractive opportunities for businesses and investors to enhance the local economy
- vocational and academic education, skills and job opportunities for all
- commercial, entrepreneurial and connected public services

## **Legislation, Regulation and Best Practice Framework**

This Policy will ensure compliance with current legislation, promote good practice and has regard to:

- The Housing Act 1985
- The Housing Act 1988
- The Housing Act 1996
- The Care Act 2014
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Fraud Act 2006
- The Prevention of Social Housing Fraud Act 2013
- Anti-social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021
- Equalities Act 2010
- Armed Forces Act 2011

## **Local context**

Thurrock Council has a legal obligation to allocate properties in line with a Housing Allocations Scheme formally adopted by the council and the scheme has to comply with current legislation, regulation and case law. The current scheme was implemented in 2013 after the enactment of the Localism Act 2011, which gave increased powers to determine local priorities when defining how properties should be allocated.

Since 2013 the Policy and procedure have been reviewed frequently, however the most recent update was completed in April 2019. It was necessary to review the Housing Allocations Policy again to ensure it remains fit for purpose, delivering against the aims and objectives of the Housing Strategy 2022-27

In Thurrock, as with most boroughs, the demand for housing exceeds availability. There are increasing numbers of people in Thurrock who need a home and many more existing tenants with a priority need to move.

With a limited number of properties available through the Council and increasing house prices in the private and owner-occupied sectors, the reality is that many households face long waits for suitable and affordable settled accommodation that is fit for purpose. The shortage in the supply of affordable homes is becoming an acute problem across the region and these pressures are expected to intensify over future years to come.

As a result, the current Housing Allocations Policy has to be revised to ensure local people with the highest need for settled accommodation in Thurrock can have their needs met.

# Section 1. Housing Waiting List Eligibility and Qualification

Any application to join the housing waiting list will be assessed via a two-stage test:

- Stage One – Applicants will be assessed for Eligibility
- Stage Two – Eligible Applicants will then be assessed for Qualification

Only where an applicant passes these two stages will they be able to join the waiting list. Applications will not usually be accepted from applicants under the age of 18 years; however this can be reviewed at the council's discretion except where the applicant is approaching their 18th birthday.

Eligibility and qualification criteria will still apply even where an applicant meets the criteria for a reasonable preference.

Existing Tenants with a priority will automatically meet the requirements for these two stages.

## 1.1. Stage One – Eligibility

Eligibility for social housing is not determined by Thurrock Council but is governed by Central Government via legislation and subsequent amending instruments. The rules are complicated and eligibility will depend on a number of factors.

More information is available at [www.housing-rights.info](http://www.housing-rights.info)

A flow chart can be found at 4.3.1 but this is a very basic outline and each case will be assessed on the individual circumstances in line with the legislation in force at the point of application.

Housing Allocations is governed by the Housing Act 1996 (HA 1996), as amended by the Homelessness Act 2002. This is further clarified by SI 2006 No 1294 which determines the following:

### 1.1.1. Persons subject to Immigration Control and not Eligible for Social Housing

Persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they fall into a class prescribed as eligible by regulations made by the secretary of state.

Such a person requires leave to enter or remain in the UK. Only the following categories of persons **do not** require leave to enter or remain:

- British Citizens
- certain Commonwealth citizens with a right of abode in the UK
- citizens of an EEA country and their family members – depending on their economic status
- persons exempt from immigration control including diplomats and their family members based in the UK and some military personnel

Any person not falling into one of these categories will be subject to immigration control and will be ineligible for the waiting list unless they fall within a class of persons prescribed as eligible by the secretary of state under regulation 3 of the eligibility regulations.



### **1.1.2. EEA Nationals living in the UK before 1st January 2021**

In accordance with the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861), the current eligibility rules on access to social housing and homelessness assistance also apply to those Registered under the EU Settlement Scheme.

Those granted pre-settled status (also known as limited leave to enter or remain), including frontier citizens working in the UK, where they have less than five years' continuous residence in the UK, will have the current eligibility regulations applied. This also applies to EEA nationals who have not yet applied to the EU Settlement Scheme to secure long-term immigration status in the UK.

Those granted settled status (indefinite leave to remain) under the EU Settlement Scheme are eligible for access to social housing, supported housing and homelessness assistance, on a comparable basis to a UK national, provided that a habitual residence test is satisfied.

### **1.1.3. EEA nationals that move to the UK from 1st January 2021**

EEA nationals that move to the UK from 1st January 2021 will generally have no recourse to public funds and will not generally be eligible for social housing, unless they:

- fall under a government exemption as set out in government Eligibility Rules (e.g., having a refugee status), or
- are eligible and have been granted indefinite leave to remain by the UK government.

Those granted settled status/indefinite leave to enter or remain under the EU settlement scheme are eligible to join the Housing Register. Evidence of settled status will be required.

Those granted pre-settled status/limited leave to enter or remain or Frontier working in the UK will be eligible, provided the terms of their leave do not prevent them from making recourse to public funds.

EEA nationals granted settled status will be able to prove their eligibility for social housing using their digital status, via the web page [www.gov.uk/view-prove-immigration-status](http://www.gov.uk/view-prove-immigration-status).

### **1.1.4. Persons subject to immigration control who are eligible**

The following classes of person fall within regulation 3:

- a person granted refugee status
- a person granted exceptional or discretionary leave to remain – subject to certain conditions, such as recourse to public funds
- a person granted indefinite leave to enter or indefinite leave to remain – subject to certain conditions
- a person who has humanitarian protection granted under the Immigration rules

### **1.1.5. Persons not subject to Immigration Control but treated as ineligible**

Applicants who are not subject to immigration control but who are prescribed by regulations as being “persons from abroad”.

Persons who are not subject to immigration control will be treated as ineligible if they fall into one of the following categories:

- a person who is not habitually resident in the Common Travel area – subject to certain exemptions
- a person whose only right to reside in the UK is derived from his status (or as a family member) as a Job Seeker – as defined in the EEA regulations
- a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA regulations
- a person who's only right to reside in the Common Travel area is a right equivalent to the above which is derived from EU treaty rights

### 1.1.6. Habitual residence

Applicants, who have been continuously resident in the UK for the two-year period preceding the application, are considered to be habitually resident.

Where an applicant has not been resident for two years, further enquiries will be carried out to establish a degree of permanency. This includes applicants who are British Citizens. The overall circumstances of the applicant will be considered.

For members and former members of the armed forces, see Section 9 for details.

### 1.1.7. Eligibility Assessment Process

When assessing an application, officers will need to inspect the applicants' original passport and any other documentation relating to their eligibility to remain in the UK.

It may be necessary to interview the applicant and make further enquiries with other agencies.

Applicants may be asked to produce further documents and evidence.

### 1.1.8. Right of appeal

If the decision is reached that a person is ineligible for the housing waiting list, the person will be notified in writing and the grounds for making the decision will be clearly stated. Any decision will be based on the relevant facts and clear grounds will be identified.

The person will have a right to appeal the decision – see Section 10.

## 1.2. Stage 2 – Qualification

The Council may only allocate social housing accommodation to qualifying persons. Qualification is determined by local policy. Thurrock Council has determined that qualification will be determined as follows.

### 1.2.1. Closed Waiting List

In order for an applicant to join the waiting list, they must meet the following criteria:

- local connection to the borough **and**
- their financial means falling within set thresholds **and**
- their behaviour **and**
- a priority need

An assessment will be carried out and only where an applicant meets all criteria will they qualify for the housing waiting list.

## **1.2.2. Local connection qualification**

Applicants must first meet the local connection criteria in **one** of the following ways.

### **1.2.2.1. Residence**

Qualifying applicants must be living in the borough and have done so continuously for the last 6 years.

Where an applicants' residence in the borough is not by choice, for example through a period of detention or hospitalisation, a local connection will not be achieved.

Applicants housed in temporary accommodation in the borough by another Local Authority will not be able to count this period of time as residence for the purposes of local connection.

For members and former members of the armed forces see Section 9.

### **1.2.2.2. Family Connection**

Qualifying applicants must have a one of the following family members living in the borough and have done so continuously for the last 6 years:

- Parent (including acquired parental responsibility)
- Children
- Siblings

Further to this, the Council reserves the right to use discretion to award a family local connection outside the defined criteria.

### **1.2.2.3. Key Workers in Thurrock**

The Council and NHS have difficulty recruiting to certain key worker roles in the borough. Examples of key worker roles include, but are not limited to:

- medical professionals
- physiotherapists
- occupational therapists
- social workers
- teachers

Key workers may be moving to the borough for the first time to start work, and as such may not meet any of the current qualifying criteria for a local connection.

The Council will award a local connection to allow permanent newly qualified and junior key workers in Thurrock or working at Basildon and Thurrock University Hospital.

#### **1.2.2.4. Other special reason**

Discretion can be used to allow applicants to qualify under local connection where they do not meet any of the criteria listed above but have an urgent need to move to the borough. For example:

- where an applicant needs to move to the borough to receive specialist treatment or education
- to flee violence and no other borough is deemed safe.
- to whom a duty is owed under homeless legislation

#### **1.2.3. Financial qualification**

Qualifying applicants will not have savings, assets or an annual income above the set caps. Any applicant with a total net income savings or assets above the appropriate levels will be expected to meet their own housing needs and will not qualify to join the housing waiting list

The thresholds are set at different levels and are dependent on the type and size of housing that the applicant needs. They are related to the costs of renting a suitable property. The three different levels are:

- general needs housing
- sheltered housing
- extra care housing

Please refer to Appendix 2 for a full breakdown of the financial caps.

When assessing the relevant cap for general needs housing a calculation of the bedroom need will be made in line with the Bedroom Entitlement at Appendix 1.

##### **1.2.3.1. Assessment of financial criteria**

When assessing a household against the financial criteria, the following applies:

- the net income of the applicant
- the net income of all joint applicants and/or any partners who are not joint applicants

Net income means:

- any income such as salary/wages (including all overtime, bonuses and expenses) child benefit, child maintenance payments, bank interest, tax credits, payment from non-dependent children, lodgers and all other financial deposits

##### **1.2.3.2. Exceptions**

The following incomes will not be considered:

- disability living allowance/personal independent payment
- war pension
- compensation received by current and former members of the armed forces due to injury sustained on active service

Applicants who deliberately deplete or transfer savings into any other account will be disqualified under the financial qualification criteria.

### **1.2.3.3. Homeowners**

Applicants who own any property will only qualify to join the housing waiting list if:

- they do not have sufficient funds to maintain the property to a liveable standard
- the property is inadequate, and they do not have sufficient funds or assets to be able to adapt the property
- they do not have sufficient funds or assets to move to alternative accommodation

Where a homeowner is able to meet their own housing needs by selling their property, they will be expected to do so and will not qualify for the housing waiting list.

Homeowners who are made an allocation will be expected to sell their property and a written undertaking that they will do so will need to be signed before an offer of accommodation is made. The Housing Allocations Team will be responsible for ensuring the undertaking is given at the point of an offer.

Applicants will need to supply information regarding the details of all properties they own.

The council can however, at its discretion allow an offer to be made whilst an applicant still owns a property.

### **1.2.4. Behaviour qualification**

Where there has been evidence of an applicant's unacceptable behaviour, including all forms of social housing related fraud, they will be disqualified from joining the housing waiting list.

For the purposes of this policy, unacceptable behaviour is defined by means of the "fault grounds" for eviction found in Grounds 2 to 8 of Schedule 2 to the Housing Act 1985 as follows:

- Ground 2: anti-social behaviour
- Ground 2A: domestic violence
- Ground 3: waste and damage caused to the property
- Ground 4: damage to furniture
- Ground 5: tenancy obtained by false statements
- Ground 6: assignment by payment of premium
- Ground 7: inappropriate conduct in non-housing accommodation
- Ground 8: temporary accommodation provided during works

These grounds only define the kinds of behaviour that the Council will take into account when deciding whether an applicant should be disqualified from joining the housing waiting list, irrespective of whether a possession claim has been brought against them.

The Council will only decide that an applicant has been guilty of unacceptable behaviour where the Council or a current or former landlord of the applicant has taken formal action against them. This includes the applicant or a member of the applicant's household in respect of conduct, under any of the above headings.

The Council will disqualify an applicant from joining the waiting list where formal action has been taken on any of the bases set out above, within the period of two years prior to their application to join the waiting list.

The applicant will be able to reapply at the end of the two year period. However if the applicant has not complied with the terms of the formal action taken, or where there is evidence of new unacceptable behaviour, the Council will extend the disqualification for a further period of two years.

A person who is not permitted to join the waiting list for these reasons will have a right of appeal.

The Council may use its discretion to allow a person guilty of unacceptable behaviour to join the waiting list by:

- deciding not to disqualify the applicant
- imposing a shorter period of disqualification,
- allowing a further application to be made before the end of a period of disqualification.

The Council will take into account all the circumstances when deciding whether or not discretion should be applied, including the likelihood of the unacceptable behaviour being repeated.

#### **1.2.4.1. Applicants already on the Waiting List**

If an applicant is already on the housing waiting list when formal action is taken against them on one of the grounds set out above, any offer made to them will be withdrawn, any offer that would otherwise be made to them will be bypassed, and their application will be removed from the housing waiting list for the two-year disqualification period.

However, the Council may use its discretion to allow an application to remain on the waiting list. The Council will take account of all the circumstances in exercising this discretion.

If a decision is made to remove an application from the waiting list, the applicant will have a right of appeal to the Rehousing Manager.

#### **1.2.5. Right of Appeal**

If the decision is reached that a person is not qualified to join the housing waiting list, the person will be notified in writing and the grounds for making the decision will be clearly stated. Any decision will be based on the relevant facts and clear grounds will be identified.

The person will have a right to appeal the decision – see Section 10.

#### **1.2.6. New Applications**

Applicants who are refused qualification to join the housing waiting list may re-apply via a new application where their circumstances have changed. It is the responsibility of the applicant to evidence the change in circumstances.

## **Section 2. Transfer List Eligibility and Qualification**

### **2.1. The Transfer list**

The transfer list will offer an opportunity for tenants where there is no housing need but have maintained their tenancy in an appropriate manner, to move to alternative accommodation.

The following applicants will be permitted to join the transfer list, subject to the conditions below:

- current secure tenants of Thurrock Council
- current assured tenants of Registered Providers living in Thurrock

For details on which properties will be available to the transfer list, please see section 7.3.

#### **2.1.1. Conditions to joining the Transfer list**

Conditions are:

- clear rent account (this includes recharges and court costs) – at the council’s discretion agreement may be given to allow an applicant to join the Transfer list with arrears or money owed
- unacceptable tenancy management – see section 2.1.2.

Where a decision has been made that a tenant cannot join the Transfer list there will be a right of appeal (see Section 10).

#### **2.1.2. Unacceptable Tenancy Management**

Where a tenant has breached their tenancy agreement or has otherwise managed their tenancy in an unacceptable manner, they will not be permitted to join the transfer list; however, the council may show discretion.

Section 1.2.4 outlines full details of what is considered unacceptable behaviour as defined by means of the “fault grounds” for eviction found in Schedule 2 to the Housing Act 1985.

In addition to those listed in section 1.2.4, Ground 1 of the Housing Act 1985 (breaches of tenancy agreement) also applies.

If a tenant is already on the Transfer list when formal action is taken against them on one of the grounds set out above, their application will be removed from the Transfer list for the two year disqualification period, however the Council may use its discretion to allow an application to remain on the Transfer list.

#### **2.1.3. Tenants in temporary accommodation on the Transfer list**

If a tenant in temporary accommodation during works to their main home (Ground 8) is already on the Transfer list, when they are informed that their main home is available for them to return to, their application will be suspended until they have returned to their main home.

The Council may allow a tenant to remain on the Transfer list, or may move their application to the waiting list, before they have moved back to their main property, or without requiring them to do so, where there is a good reason, relating to their housing circumstances, not to require them to return.

Where the Council takes formal action against them to obtain possession of the temporary accommodation, (for example in the absence of a good reason) their application will be removed from the Transfer list for the two year disqualification period, however the Council reserves the right to use its discretion to allow an application to remain on the Transfer list.

If a decision is made to remove an application from the Transfer list, the tenant will have a right of appeal to Rehousing Manager.

#### **2.1.4. Transfer Inspections**

Council tenants transferring to alternative accommodation should not represent a cost to the Council, and therefore tenants will be expected to pass a pre-transfer inspection of their property before any new tenancy is offered. The inspection will determine whether the property needs any works carried out, including redecoration, to bring it up to a standard whereby it can be re-let.

The inspection will be carried out by an officer from the Council who will check that the property has been maintained in a reasonable condition and that no unauthorised alterations have been made to the property. This includes internal decoration, any damage to fixtures or fittings and external features such as fencing, sheds, gardens, trees.

Where a tenant fails the inspection, any offer will be withdrawn. The tenant will be given a reasonable period to rectify the fault during which time no further offers will be made.

Failure to rectify the fault within a reasonable period of time will result in the transfer application being cancelled, with the loss of any accumulated waiting time. The tenant would only be able to join the Transfer list again once the works have been completed.

However, the Council may use its discretion to allow a tenant to transfer to alternative accommodation without passing the transfer inspection.

Where a decision has been made that a tenant cannot join the Transfer list on these grounds there will be a right of appeal, which will be considered by the Strategic Lead- Housing Solutions.

Where a tenant does move to alternative accommodation and it is subsequently found during the void inspection that works, including redecoration are required to repair their old property, a recharge will be applied.

#### **2.1.5. Prioritising Transfer list applicants**

Transfer list applicants will be prioritised solely based on waiting time.

Applicants will be made aware of their effective date in writing when they receive their Registrations Letter. The effective date on this letter is that date which will be used to prioritise applicants on the transfer list.

#### **2.1.6. Transfer list applicants with a priority**

If a transfer list applicant, either at the point of registration or subsequently, meets the criteria for a priority, they will be offered the option to move to the housing waiting list, with the appropriate banding.

Should the applicant decide to remain on the transfer list the priority will not be awarded.



## **Section 3. Supported Housing Eligibility and Qualification**

### **3.1. Sheltered Housing**

Sheltered housing is designed and built with the needs of older people in mind. Most sheltered housing schemes are made up of one-bedroom flats or bungalows, although there are a very limited number of two-bedroom properties.

Sheltered Housing offers the opportunity to live independently in your own property, but with the additional support of a sheltered Housing Officer.

To be eligible for these schemes applicants must meet all of the following criteria:

- 55 years and over, or aged 50 to 54 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care element) or Enhanced Rate of Personal Independence Payments (PIP)
- single or joint applicants with no dependent children

On a case-by-case basis, the council may allocate a sheltered property to an applicant below the age ranges outlined above if there is a need for housing-related support and the environment of a Sheltered Housing complex would allow the applicant to live independently.

### **3.2. Extra Care Housing**

Extra Care housing is allocated outside of the Choice Based Lettings process. A separate eligibility criteria and process applies. This is found at Appendix 4.

## **Section 4. Assessment of Housing Need**

To allocate its properties, Thurrock Council will keep a housing waiting list of applicants.

### **4.1. Application procedure**

Applications should be made via the Council's online application form. However, provision will be made for those applicants who cannot access the internet or who need assistance in completing the form. All sections of the form need to be completed honestly to prevent and detect housing related fraud.

Supporting documentation will be requested by the registrations team when the application has been verified. Only original documents will be accepted and failure to provide all applicable documentation will suspend your application and can affect your application date.

Applicants will be advised on what documentation is required. This will include, but is not limited to:

- proof of photo ID for all household members aged 18+
- supporting documents for household children
- proof of household income

At the point of registration, the applicant's tenancy history may be checked.

### **4.2. False statements and withholding information**

Applicants are expected to provide Thurrock Council with accurate information, both at the time of the initial application and during any subsequent dealings with officers. This includes any changes in circumstances.

Where an applicant knowingly or recklessly provides false information or withholds information, which misrepresents their housing needs they could be committing housing fraud.

Those committing housing fraud may invalidate their secure tenancy and could face civil action from the Council to recover their property. They may also be prosecuted for criminal offences contained within the Prevention of Social Housing Fraud Act, Fraud Act and the Housing Act.

### **4.3. Assessment Process**

Once the registrations officers have completed the assessment, the applicant will be advised of the outcome.

If the applicant is eligible, they will be notified of their application number, priority banding, effective date and all of the necessary next steps.

For members and former members of the armed forces see Section 9.

If the applicant is not eligible, they will be advised of the reason as to why and given details of the appeals process.

#### **4.4. Assessed Bedroom need**

Applicants must include on their application all family members and other people who would reasonably be expected to live with them, provided they are currently living with them at the time of the application. At the point of registration, a calculation will be made, based on the household make-up to determine how many bedrooms the household requires. The assessment is based on the bedroom standard, which can be found at Annex 1 Bedroom Entitlement.

At the council's discretion, it may be possible to include family members who do not currently live with the applicant, but this will need to be assessed on a case by-case basis, depending on the household circumstances and the reasons why the family members do not currently reside together. This may include foster children.

It is the responsibility of applicants to notify the Council of any changes to their application – see 4.8.

#### **4.5. Shared care of children**

Where an applicant shares the care of children, a calculation will be made to determine whether they will be included in the household for the assessment of bedrooms.

The registrations team will determine whether the Council is already adequately accommodating any children in another of its properties or if they are adequately housed in private accommodation.

“Adequately accommodating” means that any child either has their own bedroom or is sharing appropriately in line with the Bedroom Standard.

In all cases applicants will need to provide evidence of the shared care of any children. This will need to be in the form of:

- a copy of the child's birth certificate **and**
- evidence of parental responsibility for the child **and**
- proof of a Court Order or written agreement by the sharing parent evidencing shared care **and**
- evidence of benefits received for the children – for example, Child Benefit or Child Tax Credits – it is expected that parents with shared care will also share any State Benefit provided for the child

When assessing an application, officers will need to inspect original documentation relating to the residence of the children.

#### **4.6. Less than 50% shared care**

Where an applicant has shared care of one or more children, and that care is for less than 50% of the time, they will not be included in the assessment for bedroom entitlement.

#### **4.7. 50% or more shared care**

Where an applicant has shared care of one or more children, and that care is for at least 50% of the time, the Council will further assess whether they will be included in the assessment for bedroom entitlement.

Where they are already adequately accommodated the applicant may bid for one extra bedroom only, regardless of the number of children.

If it is established that they are not already adequately accommodated, they can be counted as part of the bedroom entitlement.

## **4.8. Change of Circumstances**

Where applicants' circumstances change for example, a change of address, contact details or number of people in the household, the applicant must notify the Council immediately so that the application can be re-assessed.

Failure to do so may result in an offer being withdrawn or the applicant being incorrectly assessed.

### **4.8.1. Relationship Breakdown – End of joint tenancy**

Where a joint tenancy is due to be terminated, but one tenant wishes to remain in the property, the council will consider whether to allocate a new sole tenancy to the remaining occupier. A new tenancy will not be allocated unless the following conditions are met:

- the joint tenancy was conducted satisfactorily (see 2.1.2)
- all outstanding housing related debts are cleared
- the accommodation is of a suitable size for the remaining household members
- the tenant giving notice has not left because of domestic abuse committed by the remaining joint tenant

If all the conditions are satisfied, the remaining party will be offered a sole tenancy to run consecutively to the joint tenancy.

If the current accommodation is larger than the assessed bedroom need, the remaining party may be offered a priority for alternative accommodation in line with their assessed bedroom need. The remaining party will be asked to complete a housing waiting list application and awarding a band 2 – change of tenancy priority will be considered.

If there are housing related debts, the remaining party may be allocated a new tenancy at their existing property, provided they reach an agreement to repay the outstanding arrears.

In all other circumstances the remaining party will not be awarded the tenancy or a priority on the housing waiting list and may instead need to submit a homelessness application.

Applicants can appeal decisions not to award a priority banding in these circumstances.

All decisions will be notified to the applicant in writing.

## **4.9. Joint tenants requiring two properties**

Where a relationship breakdown involves joint tenants who wish to move to separate one-bedroom properties and a larger property (2 or more bedrooms) would be vacated, a priority may be awarded to both parties. Both tenants must be eligible to join the housing waiting list and will be awarded a band 2 priority on that list.

When the first tenant is offered and accepts a tenancy, he/she will have to give notice on the current tenancy. This will end the tenancy on behalf of both parties.

The second tenant will be able to remain in the property until an offer of accommodation is made to him/her but this will be on the basis of use and occupation only – there will be no further tenancy.

Should the second tenant not bid for available properties within 3 months of the ending of the tenancy, Allocations officers may bid on their behalf and make an offer of suitable accommodation.

Should the applicant refuse a suitable offer, Thurrock Council may start eviction proceedings against the applicant.

If the remaining tenant subsequently requests to remain in the current property, the criteria in 4.8.1 will apply.

#### **4.10. Inactive Applications**

Records show that there is a high percentage of inactive applications, including those within higher priority bands. In most cases those who do not place bids will not be offered a property.

The council reserves the right to cancel any applications that have been inactive with no bids placed for more than 12 months.

## **Section 5. Prioritising Applicants and Bandings**

### **5.1. Prioritising Applicants**

#### **5.1.1. Legal Framework**

As set out in the Housing Act 1996 amended by the Homelessness Act 2002 and Localism Act 2011, the housing authority must ensure that reasonable preference is given to certain categories of people, known as reasonable preference groups.

These include the following:

- people who are homeless (within the meaning of Part VII of the 1996 Act)
- people who are owed a duty under the Housing Act 1996, Section 190(2), 193(2) or 195(2) (or under Section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under Section 192(3)
- people who occupy unsanitary or overcrowded housing, or otherwise live in unsatisfactory conditions
- people who need to move on medical, disability or welfare grounds
- people who need to move to a particular locality in the district where failure to meet that need would cause hardship to themselves or others

The Council can also give additional preference to people who fall within the reasonable preference categories and have an urgent need to move, known as additional preference groups. Additional preference is further detailed in section 6.6.

In seeking to meet these requirements, Thurrock Council has framed its Allocations Scheme to identify those in the greatest housing need by means of an initial assessment at registration. Once identified, preference is given by means of placing applicants into a band.

The housing need will also be checked at the point of an offer of accommodation.

Tenants of Thurrock Council and Registered Providers (where Thurrock Council nominated the tenant to the property) with no assessed priority will only be able to join the Transfer list.

### **5.2. Worsening circumstances deliberately**

Applicants, who have deliberately worsened their circumstances in order to achieve a priority, will have the priority removed and any offer made withdrawn.

## Section 6. Bands

The Council has five bands for prioritising applicants on the housing waiting list:

- band 1
- band 2
- band 3
- band 4
- band 5

Priorities will be assessed under a number of headings, which reflect the reasonable, and additional preference groups, and depending on their urgency, will determine which band an applicant is placed in.

Applicants in band 1 will have the highest priority whilst applicants in band 5 will have the lowest priority.

Once an application has been made active, the applicant will be advised in writing of their bidding reference number, their band and the types and size of properties that they can bid for. An applicant has the right to request a review of their banding at the point of registration, and at any further point where their circumstances have changed.

Officers will also consider whether a change in banding is necessary whenever they are made aware of changes in the applicants' circumstances. If an applicants' banding is changed, the applicant will be notified of the changes and how these were assessed.

The Transfer list does not have bands and only consists of transferring tenants with no priority.

Where a Transfer list applicant is assessed as meeting the criteria for a priority, they will be advised of the option for their application to move from the Transfer list to the housing waiting list. If the application is moved to the housing waiting list but the priority is subsequently removed the application will move back to the Transfer list.

### 6.1. Time limits and suitability

Priority bands may be restricted to a time limit – see Priorities at Section 5 and the Chart at Appendix 3 for time limits.

This reflects the urgency of the applicants' housing need. Where a time restriction is placed on an application, the Housing Allocations Team will undertake monitoring of bidding activity. If an applicant fails to bid for suitable properties (see 6.2 for definition of suitable properties) that have been advertised within the time limit, then the priority may be removed or suspended, or a direct offer made (such as for homeless applicants – see 8.9) The applicant will be notified of this.

Time limits must be reasonable and appropriate and where there have been no suitable properties advertised, or there are special circumstances for not bidding within the time limit, an extension may be granted. The Housing Allocations Team, following an investigation of the case, will determine this.

### 6.2. Suitable Properties

“Suitable property” means a property that will meet the housing need of the applicant's household and it will be the Council's determination of suitability.

When considering if a property is suitable the following factors will be considered:

- the number of bedrooms available to suitably accommodate the applicants' household size
- the area of the property being safe for the applicant and their household to live
- the affordability of the property
- the type and suitability of the property ensuring it meets any needs of a disabled person within the household

Due to the shortage of social housing, applicants are unlikely to be able to choose houses or bungalows in preference to flats or maisonettes. Where an applicant has a time restriction, they will be expected to bid for all suitable property types and not restrict themselves to one property type for example, only houses. This may involve a compromise on preference to meet urgent housing need.

Applicants will have the right of appeal against a decision to remove or suspend priority or make a direct offer. Any appeal against the removal of a priority should be made to the Senior Allocations Officer and they will decide on whether or not to extend the priority.

### **6.3. Property Restrictions**

A restriction may also be placed on the type of property that an applicant can bid for with their priority.

This may reflect a recommendation for a property type, for example where a medical priority is awarded. It may also restrict an applicant from bidding for properties within a certain area, for example where an applicant has received a priority to move away from an area where he/she has experienced violence.

### **6.4. Process for assessing priorities**

Once an applicant has been deemed eligible and qualifies to join the housing waiting list, the Registration Team will initially assess the application for any priority. If further enquiries are necessary, they will be initiated depending on the type of identified possible priority.

It may be the case that other agencies or Council departments identify a priority and contact the Housing Allocations Team or Registration Team accordingly.

To be transparent, consistent and fair, all priorities are determined against defined criteria, and wherever possible, officers and other professionals outside of the Allocation and Registration Teams will contribute to, or in some cases, award the priority. These are identified in the Annex of priorities.

The chart at Appendix 3 lays out the priorities that can be awarded and gives a brief description of the criteria, how it is assessed, any time limits and restrictions of property types.

An extended description is given below.

### **6.5. Band 1 – Urgent Need to move**

This band is used to recognise applicants with the highest priority.



### **6.5.1. Violence or Threats of violence**

Where applicants are facing violence or threats of violence that are life threatening and an immediate move is required.

This priority will not be available for Thurrock Council tenants since any need for an urgent move would be dealt with as a management move –see section 8.12

The decision to award the priority will be made by the Council's Housing Management Move Panel and usually in conjunction with a formal, recorded, and direct recommendation from a senior police officer or the Anti-Social Behaviour Service and Strategy Manager.

Due to the urgency of the need to provide alternative accommodation, a direct offer of suitable accommodation will be made in line with the applicants' assessed bedroom need and outside of any identified areas of danger.

Once re-housed, the applicant may choose to register a transfer application, and this will be awarded the date of the original housing waiting list application.

### **6.5.2. Domestic Abuse**

The Domestic Abuse Act 2021 provides the definition of 'domestic abuse' for this allocations scheme.

The homelessness legislation recognises domestic abuse as a priority need category and reasonable grounds for leaving a home that would otherwise be available.

The council will consider a household's circumstances and needs when determining the suitability of their current accommodation, including personal safety. There are a number of potential accommodation options for victims of domestic abuse, and the council may award a Band 1 priority where the most suitable option would be a permanent move to accommodation within its housing stock.

Due to the urgency of the need to provide alternative accommodation, a direct offer of suitable accommodation may be made in line with the applicants' assessed bedroom need and outside of any identified areas of danger.

Once re-housed, the applicant may choose to register a transfer application, and this will be awarded the date of the original housing waiting list application.

### **6.5.3. Permanent decants for redevelopment, refurbishment, or decommissioning**

This priority only applies to Thurrock Council tenants where the Council has agreed to re-house tenants.

The priority is awarded where the tenant needs to be moved out of their current property to allow the building to be:

- redeveloped
- refurbished
- decommissioned
- demolished

If applicants fail to bid for suitable properties bids may be placed on their behalf by the Housing Allocations Team or a direct offer will be made.

Applicants will be restricted to bid for a property of the same type that they currently occupy, but appropriate to the assessed bedroom entitlement. However, should no similar property type be available an alternative type may be offered where it is deemed too urgent to wait for a similar property type to become available.

For individual Council tenant and temporary decants the management move procedure will be applicable – 8.12.

## **6.6. Band 2 – Additional Preference Groups**

This band includes applicants within the reasonable preference groups who are assessed as requiring additional preference because of their urgent need to move.

Thurrock Council has also chosen to use this band to move certain people on policy grounds to free up larger and resident staff, accommodation.

### **6.6.1. Cumulative Need**

Thurrock Council will continue to recognise cumulative need for example, where an applicant meets the criteria for more than one reasonable preference group (band 3) an additional priority is awarded.

Evidence for the appropriate priorities within the band 3 must be met. The Housing Needs Manager will award the priority upon evidence of the criteria being met.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants will be restricted to moving to a property type which meets the needs of both priorities, such as an adapted or level access property

### **6.6.2. Delayed Hospital Discharge**

Priority can be awarded to an applicant who is in a hospital or care home and ready for discharge, but the applicant cannot be discharged to their current home due to its unsuitability or because they face a homeless situation. The hospital will need to confirm that the applicant is a delayed discharge and that they are holding up a bed that is needed for other patients.

Where appropriate the hospital Occupational Therapists will liaise with the housing Occupational Therapists to determine that the current accommodation is unsuitable.

Due to the urgency of the need to provide accommodation, a direct offer of suitable accommodation can be made in line with the applicants' assessed bedroom need. When making the offer the advice of both the housing and the hospital occupational therapists will be considered.

### **6.6.3. Medical Priority 1**

This priority is awarded where an applicants' quality of life is compromised because of their current housing.

When making a medical assessment, the Council can award this priority where the applicant or a member of their household:

- has a life-threatening illness or progressive condition being made significantly worse by their current housing
- is housebound due to internal or external stairs or steps at their current property

Any applicant who feels they need a medical assessment can email [housing.reg@thurrock.gov.uk](mailto:housing.reg@thurrock.gov.uk) to request this. Applicants must have an active application and be able to provide supporting evidence for a medical assessment to progress.

The Allocations Team is responsible for the assessment of medical priority and may take advice from an independent medical service and a doctor may review the application. When a decision is made, the applicant will be advised in writing and where applicable a copy of the doctor's advice attached.

Applicants may be restricted to bidding for a particular property type or size which meets their assessed needs, for example a ground floor flat or a property with a lift.

When independent medical advice is provided, a recommendation for the most suitable type and size of accommodation may also be made which may also restrict the properties an applicant can bid on.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants will be advised by the Allocations Team of properties being advertised that appear to meet the applicants' needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

It is not usual for an applicant to be seen by a doctor or other medical advisor at the Council when undergoing the medical assessment.

### **6.6.4. Carers – Priority 1**

This priority is awarded where an applicant needs to be moved to alternative accommodation either to give care to, or receive care from, another person. The higher priority is awarded where an urgent need to move is identified.

The priority is awarded where it is shown that regular care is needed for a person who is unable to care for themselves within the home. This can be evidenced by, but is not limited to, proof of benefit received for caring for someone such as Carers Allowance and/or copies of social care, health or caring agencies support plans.

The priority is applied to allow the applicant to live closer to the person giving or receiving the care, and consideration will be taken of the wishes and circumstances of both the carer and the person receiving care, and of the likely wait for suitable properties, should the priority not be awarded.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Where the priority is awarded to the person being cared for applicants may be restricted to bidding for a property type which meets their assessed needs, such as an adapted or level access property. In these circumstances applicants will be advised by the Allocations Team of properties being advertised that appear to meet the applicants' needs and encouraged to place bids accordingly. When a property is subsequently offered, the Housing Occupational Therapist may attend the viewing to consider the suitability of the property and/or any adaptations that will be required.

Where the priority is awarded to the carer, no restrictions will apply.

The priority is assessed and awarded by the Allocations Team.

### **6.6.5. Adapted Housing**

This priority only applies to Thurrock Council tenants where recommendations have been received from occupational therapists to undertake major adaptations.

This priority will be awarded to support a move to an alternative property which already meets the recommendations for adaptations or accessibility, where engagement with the applicant (and their household) shows a preference to explore this option.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicant's eligibility for the priority will be carried out.

Applicants will only be able to bid for properties which meet, or can be adapted to meet their needs, as assessed by the Occupational Therapist, and must be within the bedroom requirement for the household.

### **6.6.6. Downsizing by more than 1 bedroom**

This priority only applies to Council or Registered Provider Transfer Applicants living in Thurrock, who are moving to a smaller property, thereby making available a property with two or more bedrooms extra to their bedroom entitlement.

Applicants will be identified at the registration stage, or at the point of a change of circumstances, and the Housing Allocations Team, upon confirmation that the property meets the criteria, will award the priority.

Couples down-sizing from a 3 or 4 bedroom house will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom.

Where downsizing would result in children of the opposite sex sharing a bedroom when they previously did not, a priority will not be awarded since this would be setting up a future over-crowding situation.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

Because down-sizing frees up larger family sized properties the Council may offer a financial incentive scheme and / or assistance with moving. These schemes will be advertised separately and will only apply to Thurrock Council tenants.

### **6.6.7. Retiring Thurrock Council Resident Staff**

This priority only applies where applicants are staff members of Thurrock Council with at least two years continuous service and have been living in tied accommodation with the Council for at least two years.

The priority will be awarded where the applicant is retiring from the Council or leaving the post to take up another non-residential post within the Council, and the new member of staff taking over the role requires the current accommodation.

The Housing Allocations Team will require written confirmation from the applicants' line manager before an assessment is made.

The priority will not be awarded where the applicant is dismissed from the post on disciplinary grounds.

The priority is time limited to 3 months and will be regularly monitored by the Housing Allocations Team to ensure that the applicant is bidding appropriately. The 3 month time-limit reflects the need for the applicant to move quickly in order to free up the tied accommodation. However, there may be circumstances where the priority is awarded in advance of the retirement, in which case the 3 month time limit can be extended.

Where the applicant fails to bid for suitable properties a direct offer of suitable accommodation may be made.

The Council may also take formal action to re-possess the tied accommodation. Should a re-possession take place, the priority will no longer be relevant and will be removed.

### **6.6.8. Change of tenancy**

The procedures and rules regarding successions, and changes to tenancies following relationship breakdown, are found in the annexes below. This priority is awarded only on the specified grounds:

- where an applicant has the right to succeed to a tenancy, but the succession would result in the property being under-occupied, the Council will seek to make good use of its housing stock by offering more suitable alternative accommodation – see Appendix 6

Under Ground 16 of Schedule 2 Housing Act 1985, the Council may seek possession of a secure tenancy where the property is more extensive than is reasonably required by the tenant.

In such cases the Council will award a priority to the new tenant to enable a move to a suitable property that meets their bedroom entitlement.

- where the applicant does not have the right to succeed to a tenancy that is under-occupied, the Council may use its discretion to allow a priority for alternative accommodation – see Appendix 6

In making such a decision, consideration is taken of the amount of time an applicant has lived at the property, the makeup of the household and whether the applicant has any particular vulnerability.

- where a joint tenant has ended the tenancy but the applicant remains at the property and the property is under-occupied – see relationship breakdown at 4.8.1

Thurrock Council may use its discretion to award a priority so that the applicant moves to smaller accommodation in line with their assessed bedroom need.

- where a relationship breakdown involves joint tenants who wish to move to separate one-bedroom properties and a larger property (2 or more bedrooms) would be vacated – see relationship breakdown at 4.8.1

A priority may be awarded to both parties.

In all of the above situations, the Tenancy and Neighbourhood Services Manager makes the decision to award the priority as part of the Change of Tenancy procedures.

The procedures for these circumstances are defined below in the appropriate sections or annexes.

### **6.6.9. Transfer from high-rise properties for those unable to self-evacuate in the event of an emergency**

The housing service has been undertaking significant work to understand the support needs of residents living within the council-owned high-rise residential tower blocks in the borough.

Other factors, such as the disproportionate impact of the Grenfell Tower fire on residents with disabilities and new building and fire safety regimes introduced through the Building Safety Act 2022, have led the housing service to consider the suitability of high-rise residential tower blocks for residents unable to self-evacuate, if necessary in the event of an incident or emergency.

It is important to note that the 'Stay Put' policy remains in place in the event of a fire at blocks of flats, meaning that residents should not evacuate unless the fire is inside their flat or they are affected by heat or smoke.

This priority banding will support those already living in high-rise properties but, due to a medical condition or disability, are identified as being unable to self-evacuate safely from that property in the event of an incident or emergency if necessary.

The Allocations Team is responsible for the assessment of this priority and may take advice from an independent medical service and a doctor may review the application.

When a decision is made, the applicant will be advised in writing and where applicable a copy of the doctors' advice attached. If a medical priority is awarded, a recommendation for the most suitable type of accommodation may also be made, for example, ground floor or a property with a

lift. Where such a recommendation is made, applicants will be restricted to bidding for only that property type.

## **6.7. Band 3 – Reasonable Preference Groups**

This band recognises and awards priority to applicants who meet the criteria for Reasonable Preference

### **6.7.1. Homeless Applicants – owed the main housing duty**

Homeless applicants fall into the reasonable preference group, but Local Authorities may distinguish between groups of homeless applicants when determining whom they prioritise within their Housing Allocation Scheme.

Thurrock Council has decided to make a distinction between those homeless people who are owed the main housing duty under the Housing Act 1996 and those who are not.

This priority only applies to applicants who have been assessed by a Homeless Officer and meet the criteria for the main housing duty by the Council for example, applicants to whom a homeless duty has been accepted under S193 or S195 Housing Act 1996.

Where an applicant qualifies for the homeless duty but only because of a restricted person within their household such as someone who is subject to immigration control and not eligible for assistance, this homeless priority cannot be awarded.

The Council intends to use the full range of housing options available to it to discharge its homeless duty and this includes making use of private housing instead of social housing where the relevant conditions are met. Decisions regarding how the duty is discharged are in the Council's policy on the discharge of the homeless duty into the private sector.

If this priority is awarded, the applicant may place bids on properties which meet their identified needs; however, the council may also seek to make a direct offer of accommodation.

The Council has a duty to accommodate homeless households, which often involves temporary accommodation, before a final offer is made. The Council will ensure that temporary accommodation usage is minimised by offering any available suitable accommodation in line with the criteria at 6.2.

Any offer made will be considered an offer to discharge the homeless duty (subject to suitability) – this means that applicants will only receive one offer of accommodation.

All homeless applicants who are owed a statutory re-housing duty by the Council, have the right to request a review of the suitability of any accommodation offered to them as a discharge of that duty. This right is a statutory right under Part VII of the Housing Act 1996 and applies whether the property is accepted or not.

### **6.7.2. Medical – Priority 2**

This priority is awarded where an applicants' quality of life is compromised because of their current housing.

When making a medical assessment, the Council can award this priority where the applicant or a member of their household:

- has a condition requiring ongoing medical treatment, being severely exacerbated by current housing
- has a condition causing a significant reduction in mobility when combined with stairs or property location

Any applicant who feels they need a medical assessment can email [housing.reg@thurrock.gov.uk](mailto:housing.reg@thurrock.gov.uk) to request this. Applicants must have an active application and be able to provide supporting evidence for a medical assessment to progress.

Section 6.6.5 outlines further details regarding the assessment of medical priorities, any restrictions on bidding and the duration of the priority banding given.

### **6.7.3. Carers – Priority 2**

This priority is awarded where an applicant needs to be moved to alternative accommodation either to give care to, or receive care from, another person, but the need to move is not so urgent as to meet the (higher) level 1 priority see 6.6.6.

The priority is awarded where it is shown that regular care is needed for a person who is unable to care for themselves within the home. This can be evidenced by, but is not limited to, proof of benefit received for caring for someone such as Carers Allowance and/or copies of social care, health or caring agencies support plans.

Section 6.6.6 outlines further details regarding the assessment of carer priorities, any restrictions on bidding and the duration of the priority banding given.

### **6.7.4. Care Leavers Move-on**

Where an applicant is a former child who has been looked after by Thurrock Council, a priority may be awarded to enable the applicant to move into Council accommodation to live independently.

Any priority will be subject to the agreed protocol between the Housing Department and the Children's Leaving and After Care Team. Priority is only awarded after the applicant has lived in semi-supported accommodation and has shown that he/she can live independently.

The applicant must be willing to accept floating support and/or any recommended care package.

Recommendations for the priority are discussed at a joint panel meeting attended by Social Care and Housing Officers. A joint decision is made regarding suitability for awarding the priority and a risk assessment must be carried out.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

### **6.7.5. Supported Housing Move-on**

Move-on Priority can be awarded where the Local Authority has placed an applicant in supported housing, and that applicant is ready to move on to independent living, thereby freeing up space in the supported accommodation for another suitable and eligible applicant.



Any priority will be subject to any agreed protocol between the Housing Department and the supported housing provider (where applicable).

This priority will not be awarded to all applicants leaving supported accommodation, since other housing options will also be considered and may be deemed more suitable.

To qualify the applicant must have completed a period of appropriate training within the scheme and show that he/she is capable of living independently. For example, an applicant living in the mother and baby unit will undergo a period of training relating to motherhood.

A report is required from the Supported Housing Manager outlining the training and the reasons why it is felt that the applicant is ready to move on.

This priority is also available to applicants who have been living in residential care where it is determined that this level of support is no longer applicable. The priority will not be awarded to all applicants leaving residential care since all housing options will be considered, but in cases where it is determined that applicants can live independently or in sheltered housing a report outlining this and the proposed continuing support to be provided will be required.

The Senior Allocations Officer will award the priority upon assessment of the reports provided.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

### **6.7.6. Court Order**

Where a Court orders that an applicant must be offered suitable alternative accommodation, a priority will be awarded. Proof will be required in the form of a Court Order to the Council and the Housing Allocations Team will assess this.

Any restriction on property type will be determined by the Court order if appropriate.

It may be necessary to make a direct offer where the Court orders that a specific property is to be offered – see Direct Offers.

### **6.7.7. Properties with severe housing hazard(s)**

Where an applicant is living in privately rented accommodation that has been assessed by the Housing Environmental Health Officer, and has a category 1 hazard under the Housing Health and Safety Rating system which is an immediate threat to health and cannot be rectified within a reasonable time, or has a number of significant Category 2 Hazards identified, a priority may be awarded once an application has been submitted.

Housing Environmental Health Officer will inspect the property and produce a report outlining the hazards.

The Housing Environmental Health Officer will normally issue the Landlord with a Housing Act notice to remove the housing hazards.

If the Landlord subsequently fails to rectify the hazard(s), within a reasonable period of time, then a priority can be awarded. In such circumstances the Housing Environmental Health officer will

present the case to the Senior Allocations Officer who will determine if a priority is to be awarded. If the hazards are rectified before any successful bid is achieved, the priority will be removed.

This priority is not applicable to Council tenants since any hazards within Council accommodation should be rectified promptly or the tenant moved to more suitable accommodation.

If this priority is awarded, the priority will have a time limit of 4 weeks; however, this can be extended at the council's discretion or where no suitable properties have been advertised, for example where an adapted property is required for a disabled applicant, the period may be extended to find a suitable property.

The Housing Allocations Team will monitor the bidding process.

If the applicant fails to bid for suitable properties (see definition of suitable properties at 6.2) within the 4 week time limit period, the Allocations Team will place bids on suitable properties on behalf of the applicant and/or make a direct offer of accommodation. This recognises the urgency of the need to move.

### **6.7.8. Overcrowding**

Overcrowding is recognised as one of the reasonable preference groups to whom a Local Authority must give priority.

Thurrock Council will use the Housing Health and Safety Rating System (HHSRS) and Housing Act 2004 to measure overcrowding. Under this system the bedroom standard in Appendix 1 is used to determine the number of bedrooms required by a household.

When assessing for overcrowding the household makeup will be measured against this standard to determine the recommended number of bedrooms for the household.

A housing officer will usually visit the family to verify the number of people living at the property, including their ages and sex, and bedrooms available. A report will be provided to the Housing Allocations Team who will carry out the assessment and award the priority where appropriate.

A Housing Environmental Health officer following a visit to the property can also carry out assessments.

Where the number of bedrooms is short by two or more bedrooms the applicants will be placed in band 3 to recognise that they are overcrowded.

Where the number of bedrooms provided is short of the standard by 1 bedroom the applicants will be placed in band 4 since they will not be adequately housed.

Applicants who deliberately overcrowd their property with family members or others who would not reasonably be expected to live with them will not be awarded the priority.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

### **6.7.9. Welfare Grounds**

Priority is given to applicants who need to move to, or from, accommodation, because of specific social and welfare needs. This priority encompasses a wide range of needs and is determined on a case-by-case basis.

The criteria may apply to the applicant or any member of the household and may include, but is not limited to:

- a need to move to a particular locality within the borough where failure to do so would result in the applicant or others facing hardship
- a need to move because of a disability – this includes a learning disability as well as a physical disability
- a need to provide or receive care or support – this includes cases where an applicant has been assessed and is in the advanced stages of being accepted as a foster carer by the council but cannot foster until larger accommodation is provided, and the award of a band 3 priority for being rehoused in a larger property would allow their application with Children's Services to progress to completion
- a need to recover from the effects of violence or from threats of violence or physical, emotional or sexual abuse

The Housing Allocations Team, considering recommendations by other agencies such as Social Care, Health Professionals, Police and other supporting agencies, will carry out an investigation of the circumstances.

The decision to award the priority is made by the Council's Housing Management Move Panel, having considered all the facts.

Where alternative accommodation is offered it is essential to assess any support and/or care needs that the applicant may have, and how these needs will be addressed within the alternative accommodation.

Applicants may be restricted to bidding for a property type which meets their needs and is appropriate to their bedroom entitlement.

The Housing Management Move Panel may also award this priority as a homeless prevention measure where such priority would enable the applicant to remain in their current home or an alternative home for at least 6 months following intervention by the Housing Solutions Team.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

### **6.7.10. Transfer within Sheltered Housing**

Where an applicant lives in Council owned sheltered accommodation, on the first floor without a lift, a priority can be awarded to facilitate a move to the ground floor in the same scheme due to medical needs.

The assessment is carried out by the Housing Occupational Therapist, in conjunction with information provided by the Scheme Sheltered Housing Officer and any medical information

provided by the applicant. The decision to award the priority is made by the Senior Allocations Officer.

Applicants should identify why they need to move to a lower level – this will typically be because of deteriorating health and mobility issues.

Where the Housing Occupational Therapist identifies a more urgent move, a medical assessment will be carried out in line with the criteria for Medical Priority.

Applicants with this priority are restricted to moving to a ground floor property within the same scheme or within another scheme close by. The property must meet their assessed bedroom entitlement.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

### **6.7.11. Under-occupation by 1 bedroom**

This priority only applies to Council or Registered Provider Transfer Applicants living in Thurrock, who are moving to a smaller property and thereby freeing up a property with one bedroom extra to their bedroom entitlement.

Applicants will be identified at the registration stage, or at the point of a change of circumstances. Upon confirmation that the property meets the criteria, the Housing Allocations Team will award the priority.

There is no time restriction, but applicants will only be entitled to bid for properties that meet their bedroom entitlement.

Couples down-sizing from 3 or 4 bedroom houses will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom – they will be entitled to the appropriate priority for under-occupation depending on the number of bedrooms they are giving up.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

Because such moves free up larger family sized properties Thurrock Council may offer a financial incentive scheme and / or assistance with moving. These schemes will be advertised separately and will only apply to Thurrock Council tenants.

In such circumstances applicants need to be aware that changes in welfare benefit may mean they are not entitled to benefit for a property that is larger than their assessed bedroom need and therefore there may be a shortfall in benefit received.

Where downsizing would result in children of the opposite sex sharing a bedroom when they previously did not, a priority will not be awarded since this would be setting up a future over-crowding situation.

Should an applicants' assessed bedroom need change such that they would no longer be under-occupying, then the priority will be removed.

## **6.8. Band 4 – Low Housing Need**

This band is for applicants with a general housing need that do not meet the criteria for a higher priority.

### **6.8.1. Applicants who have been issued with a valid notice to quit**

Applicants must be given notice in writing, which must meet the required standards laid down in law. An assessment of the validity of the notice will be carried out by a member of the Housing Solutions Team. Where an invalid notice is issued, an applicant will be advised accordingly.

### **6.8.2. Applicants who are not adequately housed**

Applicants not adequately housed include those who:

- are living in privately rented or other non-social housing accommodation
- are not adequately housed in terms of size, suitability or affordability
- do not meet the criteria for the reasonable preference groups

This will include households who are 1 bedroom short of the bedroom standard – see overcrowding – Section 6.7.8

### **6.8.3. Homeless Applicants – not owed the main housing duty**

Homeless applicants fall into the reasonable preference group, but Local Authorities may distinguish between groups of homeless applicants when determining whom they prioritise within their housing allocation scheme.

Thurrock Council has decided to make a distinction between those homeless people who are owed the main housing duty under the Housing Act 1996 and those who are not.

This band applies to homeless applicants who do not meet all the criteria for the main housing duty for example, they do not have priority need or who have been found intentionally homeless.

### **6.8.4. Applicants with Rent Arrears and other charges**

#### **6.8.4.1. Current Rent Arrears**

Where applicants on the housing waiting list have current rent arrears they will usually be placed in this band until the arrears are cleared and a clear rent account is maintained for at least 3 months, or an arrangement with the Landlord has been agreed and kept to for at least 6 months, at which point they will be moved to the appropriate band for their circumstances.

#### **6.8.4.2. Former Rent Arrears**

Where an applicant owes money for rent on a former Private, Council or Registered Provider tenancy, and the debt has accrued within the past six years, then they will be placed in this band until the debt is cleared or an arrangement has been made and kept to for at least 6 months, at which point they will be moved to the appropriate band for their circumstances.

### **6.8.4.3. Using discretion regarding arrears**

In some cases – usually for cases meeting the criteria for a high priority – it may be necessary for an applicant to be placed in a higher band despite having arrears. This will be decided at the council's discretion

Applicants with a priority will still be expected to clear any current or former rent arrears before an offer is made although it may be possible, at the council's discretion for an offer to be made where tenants do have arrears, these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible (See Section 8.5.2 and 8.5.3).

### **6.8.5. Applicants with multiple band 4 needs**

Band 4 of the Housing Register exists for applicants with a general housing need, but which does not meet the criteria for a higher priority.

Where there is a combination of these needs within a household, or where there may be multiple reasons why a household is not adequately housed under band 4, the council recognises the need to be rehoused becomes more urgent.

When an applicant or their household has two or more 'Band 4' priority needs, the effective date on the application is backdated to reflect this additional level of need by six months. For each additional 'Band 4' priority need identified, the application effective date can be backdated by a further six months.

## **6.9. Band 5 – No Housing Needs**

This band is for applicants with no housing need. From 1 April 2019, no new applicants will be accepted into band 5, except for those who would be eligible for Sheltered Housing (See Section 3.1)

### **6.9.1. Adequately Housed**

Applicants who are adequately housed in their current accommodation.

Where applicants are already housed in accommodation, which meets their needs, in terms of size, property type and affordability – then they will be deemed adequately housed and will remain in this band.

If an applicant disputes this, they will need to provide information regarding the size and cost of their accommodation and any other applicable information to enable the assessing officer to decide.

In determining whether an applicant is adequately housed, the following will apply:

- where an applicants' assessed bedroom requirement is larger than that afforded by their current accommodation, they are not adequately housed
- where an applicant is in receipt of housing benefit that covers the full cost of their property rent, the applicant cannot argue that the property is inadequate on financial grounds since the rent is being fully covered by housing benefit

## Section 7. Allocating Properties

### 7.1. Choice Based Lettings

Thurrock Council uses a process known as Choice Based Lettings for allocating properties, where the applicant chooses which property s/he is interested in and registers that interest via a “bid”.

There are some situations however, where the choice is limited to a particular property type or area.

The “bidding” system does not involve a payment for property – placing a bid merely indicates that an applicant would like to be considered for that property.

### 7.2. Bidding Cycle

Properties are advertised at [housing.thurrock.gov.uk](https://housing.thurrock.gov.uk)

The advertising cycle usually begins on a Thursday and ends at midnight on the following Monday, but properties may be advertised in between these dates. Applicants with an active bidding number can place bids on up to two properties per week, but only for properties that match their assessed bedroom entitlement and any requirement relating to any priority they have been awarded – see priorities in Section 6.

### 7.3. Division of advertised properties

The Allocations team will advertise properties that become available to them either through void Council properties or through a Registered Provider property being offered as part of a nominations agreement.

Properties belonging to a Registered Provider may attract some restrictions that Council properties do not and will be subject to the individual Registered Provider’s own allocations policy. This will be made clear on the advertisement.

The Council will endeavour to ensure that at least 90% of all available properties will be allocated through the choice based lettings system. However, the Council reserves the right to use a number of available properties as direct offers – these are discussed in Section 8.10.

Of all advertised properties 25% will be only for applicants on the Transfer list, all other applicants will be unable to bid for these.

The Housing Allocations Team will endeavour to ensure that the 25% allocated to transfer applicants represents a fair mix of property types and areas. This may mean that not all advertising cycles will have a 25/75% split of properties since this may vary from week to week.

At the end of the bidding cycle the advertised properties are allocated according to the ranking of the bidders.

For properties advertised for Waiting List applicants (the remaining 75% of properties) the ranking will automatically shortlist by order of priority. Where there is more than one applicant in a priority band the short-listing within that band will be in date order – effective date will be used.

For properties advertised for Transfer list applicants (25% of properties) the ranking will be solely by date order since no applicants within this list will have a priority.

If a property is advertised for Transfer applicants only and there are no successful bidders, then the property will be re-advertised for all applicants on the housing waiting list. The property will still count towards the 25% quota for transfer applicants only and no substitution will be provided.

## **7.4. How to bid**

Applicants can place a bid on the internet at [housing.thurrock.gov.uk](https://housing.thurrock.gov.uk)

Bids can be placed at any time during the bidding cycle which last 5 days – this is usually between Thursday morning and midnight on Monday but on occasions where a different bidding cycle is used the days may change; the timing of the bid does not determine any priority.

Once a bid has been placed an applicant can check their position in the queue. If they wish, they can remove the bid for that property and place the bid on another at any time during the bidding cycle.

Applicants may find that there are no properties for which they can bid in a particular cycle. This could be for several reasons, including the following:

- there may be no properties advertised for which the applicant is eligible to bid
- the application may be suspended – this could be for several reasons including that the application has been cancelled, the applicant is under offer for a property or there is a problem with the application

The Council reserves the right to place a bid on behalf of an applicant where a priority has been awarded but the applicant is failing to bid, despite suitable properties being available. A definition of “suitable properties” is found at 6.2.

## **7.5. Assisted Bidding**

Thurrock Council is committed to equality for all and is determined to ensure that all applicants can bid for properties of their choice.

To ensure vulnerable applicants are not disadvantaged, officers will operate an assisted bidding scheme. If an applicant wishes to be included on the council’s assisted bidding list, the applicant or their support worker may contact the Registrations team at [housing.reg@thurrock.gov.uk](mailto:housing.reg@thurrock.gov.uk)

The assisted bidding list is reviewed weekly. The service offered will be determined by the specific needs of each applicant but may involve telephoning an applicant to discuss an advertised property and/or placing bids for applicants.

The Allocations Team will notify applicants when they have been added to the Assisted Bidding list.

## **7.6. Working Households**

Thurrock Council allocate a maximum of 20% of its advertised properties or applicants with a member of the household who is working. The 20% would include properties advertised for the Waiting List and for the Transfer list and only those deemed eligible would be able to bid for these properties.

This represents:



- maximum of 15% of all properties advertised – only for working Waiting List applicants
- maximum of 5% of all properties advertised – only for working Transfer applicants

The Allocations Team will endeavour to spread the mix of these properties across the property types and areas within the borough.

The Council recognises that some households have no family members who can work due to factors such as age, disability and a requirement to provide care to other family members. Therefore, consideration will also be given to an applicant who has shown a contribution to the community – for example through voluntary work or caring for someone else.

To be eligible to bid for one of these properties an applicant would need to show that someone within their household meets the following criteria:

- in employment for at least the past 12 months and that the hours worked in that employment average to 16 hours per week over a 12-month period OR
- involved in voluntary work (or other contribution to the community such as caring for someone else) for at least the past 12 months and the time spent volunteering involves at least 16 hours per week
- are self-employed and can provide tax returns to prove the business has been operational for a minimum of 12 months

If there are two working people within the household, their combined working hours can be counted – for example two adults working 8 hours each would qualify.

If a property is advertised for working households only and there are no successful bidders, then the property will be re-advertised for all applicants on either the housing waiting list or transfer list, the property will still count towards the quota for working households only and no substitution will be provided.

## **7.7. Allocations to Thurrock Council Employees, Members and their families**

This Scheme is designed to ensure that Thurrock Council is fair and transparent when letting homes to all applicants and this includes staff or Council Members and their relatives.

The Allocations Scheme is open to any eligible applicant and there are checks in place for all applications. These include checks on eligibility, qualification and the applicants' circumstances.

Staff, Council Members and their relatives are treated as any other applicant and will not be awarded any advantage or preferential treatment in the course of their application; neither will they be disadvantaged.

Therefore, the following procedure will be undertaken to ensure that any letting can be subject to a high level of scrutiny:

- a staff member or Council Member who is applying for housing will have no direct input into any decision regarding their re-housing. This includes authorising the original application onto the computer system, maintaining that application, or adding any priority at any time onto the application
- the same rule applies for any relative of the Staff member or Council Member
- applications will be clearly marked on the computer system as that of a staff member, Council Member or relative

- when such an applicant has bid for a property and is short listed at the top of a list the allocation must be checked by a member of the Housing Allocations Team and countersigned by the Rehousing Manager and with the option to escalate to the Assistant Director

Elected members are prohibited from taking part in any decisions on an individual allocation if the accommodation is in their electoral ward or if the person subject to the allocation decision has a sole or main residence in their electoral ward – Allocation of Housing (Procedure) regulations 1997 SI 1997/483.

Elected members can seek and obtain information on behalf of their constituents and participate in more general policy decisions that affect their wards.

## **7.8. Local Letting Plans**

A local lettings plan allows priority for properties in a certain area, to specific groups outside of the usual reasonable preference groups: for example where there is a village environment with low numbers of social housing, priority can be awarded to people with a local connection to that village, or where people are moved out of an area for redevelopment, a local lettings plan would allow those people priority to move back to the area once the redevelopment is completed.

A local lettings plan is permitted so long as the plan does not dominate the allocations scheme.

Thurrock Council may determine local lettings plans for new development sites; the plans would be specific for each development and would be agreed in consultation with ward and other relevant members.

To ensure consistency, fairness and transparency for all new build developments within existing Council Housing estates, an agreed local lettings plan will be used for all first lettings – Details can be found in Appendix 7

## **7.9. Adapted Properties**

Some properties will already be adapted to meet specific needs. In such circumstances the property will be advertised so that preference is given to applicants where a member of the household is requiring that adaptation.

The Council operates an Accessible Housing Register alongside the housing waiting list that records the details of waiting list applicants who have been awarded a priority for, or need, adapted properties. Applicants on this register are assisted by the officers to look for adapted properties that meet their needs.

Viewings of adapted properties are usually accompanied by the Housing Occupational Therapist and/or Housing Allocations Medical Officer, who will determine whether the property meets the needs of the applicant it has been offered to. Where the officer determines that it does not meet those needs, the offer will be withdrawn, unless it is reasonable and practicable to adapt the property through adaptations. This will be discussed with the applicant at the time of the viewing / offer.

Any agreed adaptations will be carried out in due course but this may not be immediately. Subsequently, an applicant may be required to move into the property before adaptations are completed. However, where an immediate risk to the applicant is identified, it will be mitigated by the installation of minor adaptations.

Where a property with major adaptations is advertised it will be restricted to applicants on the Accessible Housing Register. The Housing Allocations Team will identify properties where there are major adaptations and try to match them up with suitable applicants. Some flexibility will be needed since it may not always be possible to exactly match applicants with adaptations.

If subsequently there are no bidders requiring those adaptations an assessment will be made to determine if the property should be advertised again or offered to a bidder who does not need the adaptations.

Bidders who accept a property with adaptations they do not require will not be able to have those adaptations removed and must accept the property with the adaptations in place. For example, where a property has a shower or wet room and is advertised as such, the shower will not be removed and replaced with a bath at a later date.

In some circumstances it may be necessary to allow a family to under-occupy a property where there are extensive adaptations, to make best use of public funds. This may involve advertising a property again and extending the bidding to applicants with a lesser bedroom need.

Applicants who are allocated a property that results in an under-occupation will need to be aware of restrictions in Housing Benefit payment under the Welfare Reforms. This will be discussed with any such applicant when the offer is made.

## **Section 8. Shortlisting and Offers**

### **8.1. Housing waiting list properties**

Once the bidding cycle ends, all the bids received for any one property are prioritised in order of the banding. Where there is more than one applicant within a band, the applications within that band are prioritised in order of effective date.

### **8.2. Transfer list properties**

Once the bidding cycle ends all the bids for any one property are prioritised in date order.

Being the top bidder for a property does not automatically guarantee that the property will be offered to the applicant. It is still the responsibility of the Council to make a final judgment on whether it is appropriate to allocate a certain property to a particular applicant.

### **8.3. Shortlisting process**

At the end of each bidding cycle, the Housing Allocations Team will draw up the lists of bidders for each property and then assess the applications to determine if they meet the criteria for the property for example, in terms of bedroom size, clear rent account and any adaptations within the property. – see Section 8.5.

Tenancy Management or Sheltered Housing Officers will arrange for a viewing of the property with the top three successful applicants. If the successful applicant refuses, the offer will be made to the next applicant on the shortlist. If that applicant refuses, the offer will be made to the next applicant on the shortlist and so on.

Registered Providers may also require applicants to complete their own application form. If this is the case the Registered Provider will contact the applicant to advise them. It is important that applicants complete and return the application forms immediately to avoid the Registered Provider moving on to the next bidder on the shortlist.

### **8.4. Transfer Inspections**

Transferring tenants will be expected to give notice on their current tenancy and Thurrock Council tenants will be required to pass a tenancy inspection before any new tenancy agreement is signed. Failure to pass the inspection will result in the offer being withdrawn.

Registered Provider tenants may also need to undergo an inspection and should advise their tenancy management officer as soon as an offer is made.

### **8.5. Bypassing successful bidders**

Being the top bidder for a property does not automatically guarantee that the property will be offered to the applicant. It is still the responsibility of the Council to make a final judgment on whether it is appropriate to allocate a certain property, to a particular applicant.

There are a number of reasons why an applicant could be bypassed for a property even though they are the top bidder. These include but are not limited to the following: -

### **8.5.1. No longer eligible or qualifies for the offer**

The Housing Allocations team will check on the bidders' eligibility for the property at the short-listing stage and request sight of appropriate documents to support this. This will include the eligibility and qualification test set at the onset of the application, and the bedroom entitlement of the current family make-up and if a priority banding has been awarded, checks will be carried out to ensure the applicant still qualifies for this banding. Where these criteria have not been met or original documentation has not been produced in time, the applicant will be bypassed.

### **8.5.2. Rent arrears owed to a current or former landlord**

Where an applicant owes money for rent on a current or former Council, Registered Provider or Private tenancy, and the debt has accrued within the past six years, then an offer of accommodation will not usually be made until the debt is cleared or in the case of a private tenant an arrangement has been made with the landlord and kept to for 6 months.

At the council's discretion (for cases with a high priority) it may be possible for an offer to be made where tenants do have arrears, but these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible.

### **8.5.3. Rent arrears owed to a former Landlord**

Where an applicant owes money for rent on a former Private, Council or Registered Provider tenancy, and the debt has accrued within the past six years, then an offer of accommodation will not usually be made until the debt is cleared or an arrangement has been made that has been kept to for at least the past 6 months.

Where applicants have arrears owing, they will usually be placed in Band 4 until the arrears are cleared or an arrangement with the Landlord has been agreed and kept to for at least 6 months.

At the council's discretion (for cases with a high priority) it may be possible for an offer to be made where tenants do have arrears, but these will be assessed on a case-by-case basis and the applicant will be expected to make a commitment to clear the arrears as soon as possible.

### **8.5.4. Unsuitability of property**

Where an applicant has been awarded a priority for a specific type of property and that property type is not met by the property on offer – for example, an applicant awarded a medical priority for a level access property and the property type is a house with internal stairs – or if the property is deemed unsuitable on other grounds for example because its location is unsafe for this particular applicant, an offer will not be made. This includes where a property has been specified as being a disabled adapted property, but the bidder does not require those adaptations.

### **8.5.5. Delay in production of documentation**

Only original documents will be accepted at the point of shortlisting. Applicants will be expected to produce the documentation within two working days of being notified of being shortlisted.

Applicants who cannot provide the correct documentation to support their application within two working days of being shortlisted will be bypassed.

The council can use its discretion to allow more time to be given to produce documents. Applicants will be advised on what documentation is required

## **8.6. Offers of Accommodation**

When an applicant is identified as the successful bidder for a property, and there are no reasons for bypassing that applicant, the applicants' details will be sent to the appropriate Tenancy Management Officer, or Registered Provider.

The Tenancy Management Officer will contact the applicant and arrange a mutually convenient time to view the property. At that time the applicant will be shown around the property and will need to decide whether to accept it.

Applicants will be encouraged to decide regarding whether to accept or refuse the offer at the time of viewing. To minimise void periods for properties, a maximum period of 24 hours will be allowed for an applicant to make the decision, although at the council's discretion a longer period can be given.

If the applicant accepts the offer, a tenancy agreement will need to be signed with an agreed tenancy start date – usually the Monday following the viewing, and the applicant will be expected to pay one weeks rent in advance. The tenancy agreement is a legally binding contract between the tenant and the council.

Upon the tenancy starting, the current application for housing will end (i.e. be cancelled). Should the applicant decide that he/she wishes to transfer to another property, a transfer application will need to be completed and the whole application process will start again. This can be done immediately but it is the responsibility of the applicant to complete a new online application form – it will not automatically happen.

## **8.7. Refusing an Offer**

Applicants may decide to refuse a property that is offered to them.

All applicants in Bands 4 and 5 and transfer list applicants are entitled to two offers of accommodation. Should such an applicant refuse a second offer their application will be cancelled.

Applicants in Bands 1, 2 and 3 will only be made one offer of suitable accommodation with the priority banding. Should the applicant refuse that offer, the priority will be removed, and they will be placed back in Band 4 or 5 or application will be cancelled depending on their circumstances. There is an exception for applicants with a priority for under occupation.

All offers are subject to suitability, if the applicant can show that the property was not suitable for their needs or it was unreasonable to accept, then the offer will not count.

Where an applicant in Bands 1, 2 or 3 is the successful bidder for two properties, an officer will contact the applicant to discuss which offer the applicant would prefer.

Where the priority awarded specified a certain type of property (for example, a level access property), and only one of the two successful bids meets the specified property type, only that property will be offered.

## **8.8. Acceptance of an offer**

Once an applicant accepts a property their current housing application will be cancelled. The applicant can apply to join the Transfer list from the new property, but the application will start again, for example the applicant will have a new application date and number.

## **8.9. Reporting Results**

The Housing service provide regular reports to the Overview and Scrutiny committee which outline how properties have been advertised and who has been successful. The reports also include details regarding who is on the waiting lists, number of priorities awarded, average waiting times and other statistical information as deemed necessary.

## **8.10. Direct Offers**

It may be necessary to make a direct offer of a property outside of the Choice Based Lettings scheme, for example a property will be identified for a specific applicant and offered to them without being advertised through the bidding process.

Thurrock Council wishes to remain transparent and fair in all its lettings but there are occasions when properties need to be let outside of the usual procedures.

Applicants will receive only one direct offer of accommodation. If the applicant refuses the accommodation offered, they will be removed from the direct offer list. Direct offers will be made on a like for like basis for the property type subject to an assessment of needs.

It is envisaged that the number of such moves will be a minority of the total available properties however, this will be dependent on the number of cases being identified and may vary from year to year.

Where properties are let via a direct offer, these will not be advertised, and the results will not be published, in the same manner as other properties. This is due to the nature of the cases requiring such moves and the need for confidentiality in many of those cases. However, the numbers of properties let in this manner will be made available in annual statistics to be produced.

In limited circumstances an applicant may be awarded their old application date – see priorities below – but this is only the case where an applicant has been limited on their choice of area and/or property type. An applicant will be advised if this is the case when their priority is awarded.

Direct lettings will be used in, but not limited to, the following Circumstances:

## **8.11. Priority cases with a risk of harm or delayed discharge from hospital**

Where a priority is awarded for circumstances where the applicant is at risk of harm if not moved immediately or is a delayed discharge in hospital, applicants will be made a direct offer of suitable accommodation.

The accommodation offered would be subject to what is available at the time, according to suitability criteria discussed in Section 6.2.

## **8.12. Management Moves and Temporary Decants**

It may be necessary for Thurrock Council and other Registered Provider tenants to move to alternative accommodation for safety or other management reasons. This includes but is not limited to the following reasons:

- where the current property has been damaged by fire or flood
- where there are urgent remedial works required on the current property that cannot be carried out whilst the applicants remain in residence

- where there are neighbour issues that cannot be resolved and require one party to move to an alternative property
- where a sole tenant is the victim of domestic abuse

Registered Providers will be expected to deal with their own management moves wherever possible, however where they do not have sufficient resources to meet the housing needs of their tenant it may be necessary for the Council to assist with a management move. In such cases it would be expected that the Registered Provider offer back the void property to the Council for a further nomination.

Requests for a management move are assessed by a re-housing panel after consideration of supporting information and a direct offer will be made to the tenant(s)

Tenants will only be offered a property of the same type that they currently occupy but subject to their current assessed bedroom need.

Applicants who are decanting to allow repairs, amongst other works, will be able to move back into the original property once any repairs are carried out.

### **8.13. Rent Arrears and Management Moves / Temporary Decants**

Where a management move or temporary decant is agreed by the Management Move Panel, the usual rules regarding rent arrears may be bypassed. The decision to bypass the rule will be made by the panel members, having considered all the circumstances of the case.

### **8.14. Ex-wardens properties**

Ex-wardens properties within the sheltered scheme, and other previously tied accommodation, may also be offered directly to households due to the location of such properties and need for sensitive lettings.

In such cases an under-occupation of up to one bedroom will be allowed. The criteria to be met by applicants for these properties are:

- applicants must meet the age criteria for sheltered housing
- other household members must be aged over 18 years

Applicants may be advised that they will not be entitled to certain privileges afforded to other secure tenancies, such as the right to buy, or to mutually exchange other than to applicants who meet the same criteria.

All such lets will need to be authorised by the Rehousing Manager and will be subject to sufficient evidence being provided by the Housing Allocations Team. In some cases, such as where there is more than one suitable applicant for a property, a panel of housing managers will meet to discuss the most appropriate offer, based on the evidence provided.

### **8.15. Extra Care properties**

Extra Care properties will always be offered via a direct offer in line with the allocation criteria – see Appendix 5 – and will not be counted in the annual total of direct offers.



## **8.16. Court order**

Where a Court orders the Council to offer an applicant a specific property, a direct offer of that property will be made to comply with the Court Order.

## **8.17. Multi Agency Public Protection Agreements (MAPPA)**

Applicants subject to MAPPA restrictions and in need of housing will not automatically be awarded a priority for Council accommodation and other options will be considered.

However there will be circumstances where the MAPPA group recommends that an applicant be housed in Council accommodation. In such circumstances the group will make recommendations on the best location of a property and when a suitable property is identified a direct offer will be made to the applicant, subject to suitability checks by the police or other relevant organisations.

## **8.18. Homeless Households**

For homeless applicants, who have been awarded a priority under Section 6.7.1, (homeless applicants owed the main housing duty) the Housing Allocations Team may make a direct offer of suitable accommodation in order to meet its statutory duty and to minimise the use of temporary accommodation.

## **8.19. Applicants living in housing with severe hazards**

Applicants, who have been awarded a priority under Section 6.7.7 because their current accommodation has severe hazards, will be given 4 weeks to bid for suitable properties. If the applicant fails to bid for suitable properties within the priority time limit, the Housing Allocations Team may make a direct offer of suitable accommodation.

## **8.20. Properties identified as suitable for supported housing**

Properties may be identified for use as supported housing and made available to other departments within the Council or other agencies working with the Council. For example: a property may be offered to Social Services to assist with the decanting of people from unnecessary residential care placements into supported accommodation.

## **8.21. Reciprocals**

To support applicants at serious risk of harm who currently have a social housing tenancy, Thurrock Council may enter into a reciprocal agreement with the applicant's current landlord to retain their current tenancy status and to increase the available housing options.

To be eligible as a reciprocal the resident must:

- have a sole social housing tenancy
- be a high-risk victim of violence or abuse
- not be suitable for an internal transfer

## Section 9. Armed Forces

Under The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 extra priority will be given to certain members and former members of the Regular Armed Forces who meet any of the Reasonable Preference categories, such as the categories in band 3.

The priority applies to the following groups of people:

- a serving member of the regular armed forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- a former member of the regular armed forces
- a person who was living in accommodation provided by the ministry of defence, where the accommodation is no longer available to them because of the recent death of their spouse or civil partner, and that spouse or civil partner's death was attributable (wholly or partly) to their service in the armed forces
- a serving member or former member of the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

Applicants will only be entitled to the additional preference when they already meet the criteria for a reasonable preference (band 3), therefore this priority will only be considered if a priority has already been awarded.

Applicants will be expected to provide evidence of their service.

### 9.1. Armed forces Definitions

Definitions of Regular Armed Forces and Reserve Forces are found in the Armed Forces Act 2006 S 374 as follows:

The Regular Armed Forces:

- the Royal Navy
- the Royal Marines
- the Royal Air Force
- the Regular Army – any of Her Majesty's military forces other than the Army Reserve, the Territorial Army and forces raised under the law of a British overseas territory

The Reserve Forces:

- the Royal Fleet Reserve
- the Royal Naval Reserve
- the Royal Marines Reserve
- the Army Reserve
- the Territorial Army
- the Royal Air Force Reserve
- the Royal Auxiliary Air Force

### 9.2. Habitual Residence

Members of the regular armed forces will not be disqualified on residency grounds due to the nature of their work. This extends to ex-service personnel where an application is made within five years of discharge.

### **9.3. Residence Qualification**

Members of the regular armed forces (including former service personnel making an application within 5 years of discharge) will not be disqualified on residence grounds if they do not meet the 6 year residence rule.

### **9.4. Assessment Process**

Former members of the regular armed forces, who have registered an application within one year of leaving the Force, will be entitled to have their application date backdated for the number of years in which they served in the Forces – up to a maximum of ten years. Evidence of their service dates will be required.

The Senior Allocations Officer will award the priority upon evidence of the extra criteria being met.

The priority is awarded for a maximum period of one year during which time it is anticipated that the applicant will successfully bid for a property. After one year, if the applicant has not been housed, the priority will be removed and the applicant will need to re-apply for the priority, at which point a further assessment of the applicants' eligibility for the priority will be carried out.

Applicants may be restricted to moving to a property type, which meets their assessed medical needs, such as an adapted or level access property.

## **Section 10. Decisions and appeals**

Applicants have the right to information about certain decisions, which are taken in respect of their application, and the right to review those decisions.

Thurrock Council must notify applicants in writing of the following decisions:

- a decision that an applicant is not eligible to join the housing waiting list
- a decision that an applicant does not qualify for the housing waiting list

### **10.1. Appeal Procedure**

#### **Stage 1 – notification in writing**

An applicant will be notified of the decision in writing.

The notification will give clear grounds for the decision and must be based on the relevant facts of the case.

Where a notification is sent to an applicant at the given contact address, but the applicant does not receive it, it can be treated as having been received if it was available at the Civic Offices for a reasonable period of time.

Where an applicant has difficulty in understanding the implications of a decision, the Council will make arrangements to advise the applicant verbally.

#### **Stage 2 – 21 days to appeal**

The notification letter will advise the applicant that they have 21 days in which to appeal the decision and that the appeal should be in writing and whom it should be addressed to. The letter will also outline what information should accompany the request.

It will also be possible for a representative to submit an appeal on behalf of the applicant – for example the Citizens Advice Bureau or other agency.

The Council retains the right to use its discretion to allow an appeal outside of the 21 days.

#### **Stage 3 – reviewing officer**

An officer who is senior to the original decision maker will carry out the review of the decision.

The review will be considered based on the Allocation Scheme, legal requirements and all the relevant information.

Relevant information may include further information that was not available at the time of the original decision.

The reviewing officer will carry out the review and notify the applicant of the outcome within 28 working days of receipt of the appeal.

Any extension to the time limit and the reasons for it will be notified to the applicant

#### **Stage 4 – notification of the outcome**

The notification of the outcome of the appeal will be in writing and will give clear grounds for the decision.

There will be no further right of appeal to the Council. Should an applicant's circumstances change, they will be able to make a fresh application but the onus will be on the applicant to outline the changed circumstances.

If the applicant remains dissatisfied with the outcome, they may seek a judicial review or take the case to the Housing Ombudsman.

#### **10.2. Right to request information on how priority is decided**

Applicants also have the right to request information on any decision about the facts of their case, which have been or are likely to be taken into account when deciding whether or not to make an allocation to that applicant.

## **Section 11. Exemptions from Part VI Housing Act 1996**

### **11.1. Mutual Exchanges and Transfer of tenancies**

A separate eligibility criteria and process applies. This is found at Appendix 6.

### **11.2. Succession to a Tenancy**

A separate eligibility criteria and process applies. This is found at Appendix 7.

## **Section 12. Reviewing the Allocation Scheme**

Thurrock Council will continually review this Allocations Scheme and may make amendments to reflect changes in legislation, Codes of Guidance or working practices.

In accordance with legislation, where any significant changes are to be made, the Council will carry out a wider consultation with the Local Registered Providers with whom it has nomination rights and an Equality Impact Assessment.

If the changes would affect a large number of people, a more extensive consultation with a wide range of partners, applicants and tenants would be undertaken.

## **Section 13. Diversity and Inclusion**

The council recognises that it provides housing for communities which include wide social diversity and is committed to providing equal access to services.

This policy aims to treat all customers fairly, with respect and professionalism. In line with the duty placed on the local authority under the Equalities Act 2010 specific consideration of the impact of this policy has been given to people with protected characteristics, including gender, race, age, disability, religion, sexual orientation and marital status.

The approach adopted within this policy focuses on understanding individual circumstances in order to provide appropriate advice and support; this includes understanding the needs of tenants who have protected characteristics.

Consideration will therefore be given to language barriers, accessibility and cultural issues which may affect a tenant's ability to manage their tenancy or seek advice on problems, and resolutions which take account of the individual's beliefs and abilities.

The council will enable all our tenants to have clear information and equal access to available services and information in a range of appropriate languages and formats will be provided when requested.

This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents. The Equality Impact Assessment will be reviewed as part of reviewing the policy document in order to inform any changes that may be required.



## **Section 14. Risk Management**

The failure to review, manage, exchange or end tenancies in accordance with legislation and regulation could result in delays in securing possession where court action is required, or leave the council open to claims of maladministration. This could lead to increased complaints, legal and compensation costs, reprimand from regulatory authorities and cause damage to reputation.

The failure to monitor and review tenancies effectively may result in homes not being allocated appropriately, an increase in tenant arrears and anti-social behaviour having negative impacts upon local communities.

## Appendix 1 – Bedroom Entitlement

Bedroom requirement is based on the Bedroom Standard and will be determined on a case-by-case basis by checking the household make-up against the Bedroom standard.

The standard works out the number of bedrooms required by pairing up members of the household. Any household member left over will be entitled to another bedroom.

Household Members	Bedroom Entitlement
<b>Married or co-habiting couple</b>	1 bedroom
<b>Adult aged over 21 years</b>	1 bedroom
<b>Pair of adolescents aged 10-20 years – same sex</b>	1 bedroom
<b>Pair of children under 10 years regardless of sex</b>	1 bedroom
<b>Adolescent aged 10-20 years and child under 10 years – same sex</b>	1 bedroom

Where a member of the household is pregnant, the new baby will count as a household member once the pregnancy has reached 28 weeks – evidence of pregnancy will be required

Married or co-habiting couples will only be entitled to a bedroom each where there is medical evidence for this need. People will only be entitled to an extra bedroom for medical equipment or carers at the council's discretion. This will be verified by the Council's medical/adaptation service and may require independent medical advice.

Where a 3 bedroom house has an extra room downstairs ("parlour type property"), which is safe for use as a bedroom, this will be offered as a 4 bed roomed property

Where a 4 bedroom house has an extra room downstairs ("parlour type property"), which is safe for use as a bedroom, this will be offered as a 5 bed roomed property

Couples down-sizing from a 3 or 4 bedroom house will be eligible to bid for a two bedroom bungalow or flat even though their assessed need is only for 1 bedroom – they will be entitled to the appropriate priority for the under-occupation

Where schemes have been designated for older people (such as sheltered, extra care or HAPPI homes) and there are no waiting applicants meeting the criteria for a void 2 bedroom property in the scheme, the property can be offered to a couple or single person with an assessed need for 1 bedroom. In such circumstances, couples will be prioritised for a 2 bedroom property over a single person.

Households who do not fit into any of the categories above will be advised of their bedroom entitlement upon registration.

## Appendix 2 – Financial Qualification Caps

Qualifying Applicants must not have a total household income above the cap set for their household size. In order to determine the levels, the following information has been used:

- it is generally recommended that a household should spend no more than one third of its total net income on housing
- it follows that for housing to be affordable, a household's net monthly income (after deductions for tax and national insurance) needs to be three times the monthly cost of their housing
- housing costs vary depending on factors such as the area and type of property. To be consistent, average costs for renting and purchasing have been used

Property size – according to household make-up	Net Annual Income Required 2023/24
<b>Single Person</b>	£27,700
<b>1 Bedroom (couple)</b>	£29,700
<b>2 Bedrooms (single/couple plus children)</b>	£56,200
<b>3 Bedrooms (single/couple plus children)</b>	£64,900
<b>4 Bedrooms (single/couple plus children)</b>	£86,500
<b>Sheltered Housing</b>	£203,600
<b>Extra Care Housing</b>	£284,000

## Appendix 3 – Summary of Priorities

Band 1	How assessed	Criteria	Bidding Restrictions	Property type restrictions
<b>Violence or threats of violence (including domestic violence and sexual violence)</b>	Decision made by the Management Move panel following investigation	Violence or threats of violence established and recommendation made in conjunction with police and/or other agencies at a senior level	No bidding – direct offer made	Applicants will be offered a suitable property appropriate to assessed bedroom entitlement and outside of danger areas
<b>Permanent Decants</b>	Assistant Director to identify properties to be decanted due to refurbishment or demolition	Properties needing demolition or major refurbishment where the tenant cannot continue to reside	Either 6 weeks or 3 months – Time limit determined by urgency of decant – monitored by Allocations Team	Applicants are restricted to moving to a suitable property type but appropriate to assessed bedroom entitlement

Band 2	How assessed	Criteria	Bidding Restrictions	Property type restrictions
<b>Cumulative Need</b>	Allocations Team to identify two or more priorities which have been awarded. Rehousing Manager to award priority	Applicants must meet the criteria for the two or more priorities in the usual way	1 year – after which the priority will be removed	<p>Applicants are restricted to moving to a property type which meets the entitlement of both priorities.</p> <p>Applicants are restricted to moving to a property type which meets the entitlement of both priorities.</p>
<b>Armed Forces</b>	Allocations Team to identify initial priority awarded and connection to the armed forces as per the criteria. Rehousing Manager to award priority	Applicants must be eligible for a priority and qualify as a member, former member or spouse/civil partner of a deceased member of the armed forces	1 year – after which the priority will be removed	<p>Applicants are restricted to moving to a property type which meets their assessed need.</p> <p>Applicants are restricted to moving to a property type which meets their assessed need.</p>
<b>Delayed hospital discharges</b>	Hospital Discharge Team to identify patient and time ready for discharge – Allocations Team to investigate	Applicants' current accommodation must be shown to be inadequate and the hospital need to provide a discharge date when applicant is medically fit	No bidding – direct offer made	Applicants will be offered a suitable property appropriate to assessed bedroom

<b>Band 2</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Bidding Restrictions</b>	<b>Property type restrictions</b>
<b>Medical – Priority 1</b>	Assessed through the medical priority service	This priority will only be awarded to the most urgent of cases	1 year – after which the priority will be removed	Applicants may be restricted to bidding for a property type recommended by the health Advisor
<b>Carers – Priority 1</b>	As per the medical framework procedure – by the Private Medical Service Manager upon recommendation made by social care or other agency	Where daily care is required with a level of personal care and dependence such that if the care were not provided by the carer then it would need to be provided by formal carers via Social Care or the Health Authority	1 year – after which the priority will be removed	The priority can be awarded to the carer or the care receiver – care receivers may be restricted to bidding for a property type recommended by the health Advisor.
<b>Housing Adaptation Panel (HAP) Priority</b>	HAP panel meets to discuss case and advises if adaptations are not going to be made	Priority awarded following full investigation by HAP panel taking into account the physical and financial issues of carrying out the recommended works	1 year – after which the priority will be removed	Applicants can only bid for the property type which will meet their medical needs
<b>Under -occupation by more than 1 bedroom</b>	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate records	Applicants currently under-occupying	No time restriction except where applicants are in receipt of DHP and then reviewed at 6 months	Applicants are restricted to a smaller property which meets their assessed property entitlement

<b>Band 2</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Bidding Restrictions</b>	<b>Property type restrictions</b>
<b>Retiring Thurrock Council Resident staff</b>	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate records	Where an applicant is leaving a Thurrock Council job that involves tied accommodation and the property is required for a new member of staff	3 months bidding priority – monitored by Allocations Team	No restriction
<b>Succession to a tenancy that is under-occupied</b>	Priority awarded through Change of tenancy procedure	Current property is too large to meet the applicants assessed property entitlement	No time restriction	Applicants are restricted to a smaller property which meets their assessed property entitlement
<b>Domestic Abuse and Sexual Violence</b>	Decision made Management Move panel following investigation of case	It must be determined that an urgent move to alternative accommodation is in the best interests of the applicant	4 weeks bidding priority – monitored by Allocations then a direct offer will be made	Applicants will be offered a suitable property appropriate to assessed bedroom outside of any danger area
<b>Change of tenancy</b>	Priority awarded through Change of tenancy procedure	Applicants are not eligible for succession or property is too large or discretion used to allow a move from an under-occupied property	1 year – after which the priority will be removed	Applicants are restricted to a smaller property which meets their assessed property entitlement
<b>Transfer from High-Rise Properties for those unable to self-evacuate in the event of an emergency.</b>	Assessed through the medical priority service	This priority will only be awarded where due to a medical condition or disability, the applicant is identified as being unable to self-evacuate safely from that property in the event of an incident or emergency if necessary.	No time restriction	Applicants may be restricted to bidding for a property type recommended by the health Advisor

<b>Band 3</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Bidding Restrictions</b>	<b>Property type restrictions</b>
<b>Homeless applicants</b>	Homeless officer will determine duty and advise applicant via S184 letter	Homelessness duty accepted under S193 or S195 Housing Act 1996	4 weeks bidding priority – monitored by homeless officer then a direct offer may be made	No restriction
<b>Medical – Priority 2</b>	As per the medical framework procedure – by the Health Advisor	Where quality of life is compromised but applicant does not meet the criteria for medical 1 priority	1 year – after which the priority will be removed	Applicants may be restricted to bidding for a property type recommended by the health Advisor
<b>Carers – Priority 2</b>	As per the medical framework procedure – by the Private Medical Service Manager upon recommendation made by social care	Where regular care is required for someone who cannot care for him/herself within the home – the priority can be awarded to the carer or the person cared for	1 year – after which the priority will be removed	The priority can be awarded to the carer or the care receiver – care receivers may be restricted to bidding for a property type recommended by the health Advisor.
<b>Care Leavers – move on</b>	Rehousing Manager in conjunction with Leaving and After-care Team	Applicant must be a looked after child who is ready to live independently with on-going support from Leaving and After-care Team	1 year – after which the priority will be removed	No restriction
<b>Supported housing – move on</b>	Report received from supported Housing Scheme Manager advising applicant is ready for independent living – assessed by Allocations Team	Applicant must have completed a reasonable period of time in the supported housing during which time he/she will have participated in the required training	1 year – after which the priority will be removed	No restriction



<b>Band 3</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Bidding Restrictions</b>	<b>Property type restrictions</b>
<b>Court Order</b>	Copy of Court Order received – checked by Allocations Team	Criteria is dependent on particular Court Order	No time restriction	No restriction unless ordered by the Court
<b>Properties with severe Housing Hazards</b>	Report provided by Housing Environmental Health officer identifying the hazards	Property has category 1 or 2 hazards as identified by qualified officer	4 weeks bidding priority – monitored by Allocations then a direct offer may be made	No restriction
<b>Overcrowding</b>	Tenancy Management Officer / environmental health officer to visit and carry out calculations and to provide results to Allocations Team	Priority will be awarded where the household is 2 or more bedrooms short of the Bedroom Standard	1 year – after which the priority will be removed	No restriction
<b>Welfare grounds</b>	Decision made by Re-Housing panel following investigation of case	Full investigation of case in conjunction with other agencies such as police, health professionals, social care and support agencies	1 year – after which the priority will be removed	Applicants may be restricted to moving to a property type which meets their needs according to the particular circumstances
<b>Transfer within sheltered housing to lower floor</b>	Assessment made by the housing Occupational therapist in conjunction with the sheltered housing officer and medical information	Applicants to show why they can no longer manage the first floor accommodation – if a more urgent move is required medical priority to be considered instead	1 year – after which the priority may be removed	Applicants are restricted to moving to a ground floor property within the same scheme or another close by

Band 3	How assessed	Criteria	Bidding Restrictions	Property type restrictions
<b>Under-occupation by 1 bedroom</b>	Assessment and Registration Team assess at point of registration and identify to Allocations Team to investigate	Applicants currently under-occupying by 1 bedroom	No time restriction except where applicants are in receipt of DHP and then reviewed at 6 months	Applicants are restricted to a smaller property which meets their assessed property entitlement

<b>Band 4</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Bidding Restrictions</b>	<b>Property type restrictions</b>
<b>Applicants who are adequately housed but who have been issued with a valid notice to quit</b>	Registration Team assess at the point of registration – by examination of appropriate documents	Valid notice to quit received	No time restriction	No restrictions – subject to property size entitlement
<b>Applicants who are not adequately housed</b>	Registration Team assess at the point of registration – by examination of appropriate documents	Applicants are not adequately housed in terms of size or affordability of accommodation but do not meet the criteria for any other priority	No time restriction	No restrictions – subject to property size entitlement
<b>Non-Statutory Homeless Applicants (Homeless/Threatened with homelessness)</b>	Homeless officer will determine duty and advise applicant via S184 letter	Applicants who are homeless/threatened with homelessness as defined by S195 and S189B but do not meet the s193 main duty	No time restriction	No restrictions – subject to property size entitlement
<b>Applicants with rent arrears on a current tenancy or a Council tenancy within the last 6 years</b>	Registration Team assess at point of registration	Applicants must be eligible to join the Housing Register	No time restriction	No restrictions – subject to property size entitlement

<b>Band 5</b>	<b>How assessed</b>	<b>Criteria</b>	<b>Time limit</b>	<b>Property type restrictions</b>
<b>Applicants who are adequately housed</b>	Registration Team assess at point of registration	Applicants must be eligible and qualify to join the housing waiting list	This category is only active until 31 March 2020, however no new applications are being accepted	No restrictions – subject to property size entitlement
<b>Applicants who are eligible for Sheltered Housing and who are otherwise adequately housed</b>	Registration Team assess at point of registration	Applicants must be eligible and qualify to join the housing waiting list	No time restriction	Sheltered Housing only

## Appendix 4 – Extra Care Housing – Criteria and procedures

Extra Care housing is provided at a number of locations within Thurrock, including the Thurrock Council schemes at Piggs Corner, and the Hanover scheme at Elizabeth Gardens.

Housing and Care needs are met through the provision of personalised support within a safe environment. The aim of Extra Care housing is to promote and improve the health, wellbeing, and quality of life of tenants.

It will enable people to retain their independence and remain in their own home for as long as possible through the provision of extra support and care.

Different levels of support required will be reflected in the cost of the care and support provided.

People applying to Extra Care housing must meet certain criteria; this will be assessed in accordance with the following and waiting lists of applicants will be maintained by Thurrock Council Housing department.

### Assessment of Housing Eligibility

People requiring Extra Care housing will need to apply to the Housing Service at Thurrock Council, where an initial housing application must be completed. Where the applicant is already a Council tenant, a transfer application should be completed.

Applicants must meet the criteria laid out in the sections above.

If an applicant meets the housing eligibility, a further assessment is then carried out to determine eligibility for the care and support that extra care housing provides.

### Assessment for Eligibility of Care and Support Needs

The assessment of an applicant's eligibility for the scheme is carried out by the Extra Care Panel – see below.

There are two elements:

#### 1. Age is the initial qualifying criteria.

Applicants must usually be aged 55 or over (any partner must be over 50 and living with the applicant), however at the council's discretion individuals below the age of 55 years with a long term disability may be considered. The decision to accept applicants under 55 will be made by the allocations panel and will be subject to any funding implications. Where the tenant has died, any remaining partner will not need to meet the requirement to be aged over 55 years provided they have been living at the accommodation with the deceased partner.

#### 2. Applicants will require assistance with their daily living tasks, and/or their personal care.

This means that a person would require an assessed minimum need of **seven hours care each week**. This minimum will not be the overriding factor, particularly in the case of applicants with early stage dementia. Where an Applicant's current requirement for care and support is low or moderate but their potential to benefit from the facilities that extra care housing can offer them is high, and where the assessment indicates a likelihood of the applicant having critical or substantial needs within the next 2 years, they will be considered eligible.

Care may be defined as formal – being delivered by a statutory agency – or informal by family or friends of the client. The needs of the care provider (if appropriate) will be considered in the assessment.

The level of care required will be assessed by Social Care according to the following criteria.

### **Critical**

When you are in a life threatening situation or when you have significant health problems which could become life threatening.

### **Substantial**

When you are unable to do most things for yourself, significantly affecting your basic personal care needs and are without help.

Applicants with issues that are considered to be critical or substantial will be eligible for council support and may be eligible for Extra Care housing.

In certain circumstances applicants may be eligible for Extra Care housing if their needs are within the following categories:

### **Moderate**

When you cannot do a number of things for yourself and that stops you from taking part in work, education or getting out and about.

### **Low**

When you are unable to do a few things and this affects your quality of life.

Applicants may currently be living in residential care or sheltered housing but may benefit from extra care. A more independent lifestyle may be facilitated for some, whereas the provision of regular overnight care or a continually supportive community will be key factors for others.

Residents may need flexibility in the provision of care services. Care plans will be compiled to reflect ways of meeting their needs in the scheme, to provide maximum independence, autonomy, dignity and choice for the individual.

The Extra Care Panel will consider the level of care required according to the Social Care assessment and determine whether or not the applicant should be placed on a waiting list for an available property.

## **The Extra Care Panel**

The Extra Care Panel will comprise of Local Authority officers and other partners from across the Housing, Social Care and Health services, as well as appropriate representatives from Hanover and the Care provider for Elizabeth Gardens. The Panel is a multi-agency group, made up of at least 4 of the following multi agency representatives:

- Strategic Lead – Providers Services or representative (Chair)
- Rehousing Manager
- Social Care representative
- member from the Community Mental Health Team

- Thurrock Council Sheltered Housing Manager
- representative from Thurrock Council's Housing Adaptation Team
- 2 representatives from Hanover Housing Association (Elizabeth Gardens scheme only)
- 2 representatives from the Care provider at Elizabeth Gardens (Elizabeth Gardens scheme only)

Whilst it is anticipated that all of the above may contribute to the assessment of cases, the decision on nominations to Hanover for Elizabeth Gardens will rest with the following:

- the Extra Care Manager from Thurrock Council or representative
- the Senior Allocations Officer from Thurrock Council or representative
- 2 representatives from Hanover
- 2 representatives from the Care Provider

The quorum for such decisions will be one representative from each of the parties – Thurrock Council, Hanover and the Care Provider. Should agreement by the parties not be reached, the final decision on allocation for Elizabeth Gardens will rest with Hanover Housing Association, acting reasonably and in accordance with the Nominations Agreement in order to avoid any unnecessary void loss.

Panel meetings will be held monthly or more frequently if required. Minutes will be kept up to date and distributed within 7 working days of the meeting taking place. Any issues arising from the minutes will be taken forward as 'matters arising' at the following meeting. Accuracy of the minutes will be agreed at the following meeting.

The Chair of the Panel will receive all administration relating to applicants for extra care accommodation. The Chair will collate the information for each application and make sure it is available for the next meeting of the Panel.

If there are occasions where a decision on a case needs to be made outside of the monthly meeting date, for example in the case of an emergency placement due to homelessness of the applicant, the Panel can discuss and reach a decision via email conversation. However there must be at least 4 members of the Panel included in the decision making, and this is to include a representative from both Hanover and the Care Provider for the Elizabeth Gardens scheme.

## **The Referral Process**

The Chair of the Panel will receive referrals in writing from Social Workers and other referring agencies. This can be via email. The Chair will distribute the referrals for discussion at the appropriate Panel meeting. The referrers will be expected to present their cases at the Panel meeting.

The Panel will be responsible for:

- assessing the applicant's ability to manage in extra care accommodation
- confirming the care package required
- confirming the dependency level
- monitoring care and support availability
- deciding how to deal with complex applications
- considering any other issues relating to health and wellbeing
- considering any exceptional circumstances, such as homelessness or risk from abuse
- reviewing the order of priority of the applicants on the waiting list according to their level of need and support

- reviewing / monitoring existing tenants regarding their level of need or any tenancy issues involving a significant level of care and support issues – tenancy issues of a predominately housing management nature will not be relevant to the Allocations Panel

Decisions will be made on a consensus basis, with decisions not being incompatible with relevant advice of Council Officers on financial and / or compliance matters. Applicants who meet the criteria for a property will be placed on a waiting list maintained by the Housing Allocations Team.

The Panel will endeavour to enable applicants to enter extra care accommodation at an optimum time for them, such as the early stages of dementia; recovery from depression; when leaving hospital or in order to prevent an admission into care (which may be as a result of a longstanding physical or mental health condition, such as dementia).

## **Dependency Levels**

Residents living in extra care housing will usually have care and support needs related to social / health difficulties, including disability, frailty, dementia, cognitive impairment, mental ill health and learning disabilities. The Panel should endeavour wherever possible, to maintain a balanced community within the schemes.

It is recognised that tenants may need flexibility in the provision of care services and that tenant's care needs will change over time. This may involve movement from one level of care to another. The Panel will take account of any existing tenants and their care needs when assessing for future tenants in order to maintain a balance of dependency levels.

Existing tenants whose dementia worsens and those who develop symptoms of dementia will be supported within the scheme. If behaviour is severely challenging or anti-social and/or people become a danger to themselves or others, then a further multi-disciplinary assessment will be undertaken, including a risk assessment.

If a resident's care and support needs alter due to medical or cognitive impairment, such that they require very frequent or 24 hour nursing, beyond the level of the Community Nursing Service and their behaviour or condition means that their needs cannot be adequately/safely met in extra care accommodation, then all agencies will work to find suitable alternative accommodation and care for the resident, subject to the rights and responsibilities of both the tenant and the landlord under the tenancy agreement.

An applicant will not usually have, upon entering the scheme, or shortly after entering:

- a level of physical or mental frailty exceeding that which can reasonably be met within the scheme, and / or
- a level of physical or mental frailty which is likely to cause serious disruption or risk to other residents, including:
  - persistently intruding on others
  - physical or verbal aggression

## **Allocation of a Property**

When a vacancy is identified by the Landlord the Panel will nominate the most appropriate candidate, via Thurrock Choice Homes and in accordance with the timescales set down in the nominations agreement. It is anticipated that the Panel will be aware of impending voids so that suitable nominees are identified in advance of the property becoming available.



When allocating a particular property, the Panel will take into account the:

- the applicant's preference for a particular scheme
- why a particular floor is required such as ground floor for applicants with a phobia of lifts
- why a particular flat is required such as flats close to communal facilities for applicants with poor mobility
- why a flat with full disability provision is required

In the case of Elizabeth Gardens – the panel will endeavour to have at least six approved nominees with varying degrees of care and support needs at all times so as not to unduly cause delays in the re-letting process.

## **Bedroom Need – Elizabeth Gardens**

Where no waiting applicants meet the bedroom need criteria for a two-bedroom property specifically designed for older people, the property may be offered to a couple or single person (still subject to the other eligibility criteria for social housing as outlined in the Allocations Policy). Couples will take priority over single applicants.

## **Refusal Policy and Procedure**

Nominees who refuse offers of accommodation for reasons not related to their housing and care/support needs **may** lose their position on the waiting list of Nominees. An offer of accommodation is where the Council or Housing Association has a vacant property and has contacted a nominee to see if they want to be re-housed into the same.

## **Unreasonable Grounds for Refusal**

Unreasonable refusals are those where the offer meets the Nominee's requirements as detailed in their application and their circumstances have not changed. This could include the following:

- the Nominee does not yet want to move
- the Nominee has been offered a vacant dwelling at the Scheme, but having visited decides they do not want to live there

All cases would be looked at on an individual basis by the Allocations Panel.

## **Reasonable Grounds for Refusal**

Reasonable refusals are those where although the offer meets the Nominee's requirements as detailed in the application form, the Nominee's circumstances have changed. This would include the following:

- the Nominee is in hospital or awaiting hospital treatment
- the Nominee has recently suffered bereavement
- the Nominee's current ill health

Other reasonable grounds for refusal will be determined as necessary on a case by case basis by the Allocations Panel.

## **Removal from the waiting list of applicants for Extra Care**

It is envisaged that removal from the waiting list for Extra Care will be extremely infrequent; however, where an applicant has been removed and their circumstances subsequently change, they may re-apply and will be assessed in the usual manner.

## **Complaints and Appeals**

If an application does not reach the Allocations Panel because the Council does not consider that the applicant meets the Housing and/ or care criteria for entry to the scheme, and the applicant is dissatisfied with this decision they can appeal to the Council and may have recourse to the Council's complaint procedures.

The Appeals Process:

1. If an application reaches the Allocations Panel but is turned down following an Allocations Panel decision, the Allocations Panel will advise the applicant
2. If the applicant has insufficient needs to fulfil eligibility criteria, he/she will be advised to reapply when circumstances change
3. If the applicant is dissatisfied, they may in the first instance appeal back to the Allocations Panel so that any additional information provided can be fully considered – the Allocations Panel may review the application and advise whether the earlier decision should be upheld or a different recommendation reached – appeals might be against the refusal to give priority status, exclusion from the waiting list, amongst other reasons

## **Complaints Procedure**

If an application has reached the Allocations Panel, and the applicant is not satisfied with the way their application has been dealt, they can use the Council's complaints procedure to raise an issue. Such complaints might include applications that have gone missing or those which have not been dealt with quickly enough.

## **Distinction between Appeals and Complaints**

Appeals against specific decisions/outcomes will be made through the appeals process referred to above. Complaints about process may be dealt with under the Council's complaints procedure.

The two processes are not interchangeable. Decisions of the Allocations Panel can be challenged by appealing as indicated above, but the complaints procedure cannot be used to challenge these decisions unless the applicant considers and can demonstrate to the satisfaction of the parties that the process has also been open to challenge.

## **Appendix 5 – Mutual Exchanges and Transfers of Tenancies**

Where two or more tenants wish to exchange their properties, the rules regarding their rights to do so and their subsequent tenancies will depend on the type of tenancy that they occupy.

Applicants will need to find their own exchange partner(s) and arrange to view properties. Having agreed to swap properties, each tenant should apply to their own landlord and prospective new landlord for permission to exchange.

Thurrock Council secure tenants can only mutually exchange their property with another secure or assured tenant if they obtain permission from both landlords

Introductory tenants do not have the right to mutually exchange or transfer their tenancies.

### **A. Mutual Exchanges**

This applies where both tenants have secure or assured tenancies that were issued before the introduction of the Localism Act 2011.

Section 92 of the Housing Act 1985 allows secure tenants to assign their tenancies by way of a mutual exchange, provided they have the consent of their landlord.

A mutual exchange happens when two or more tenants decide to swap tenancies. The tenancy includes all the rights and responsibilities that go with it.

The tenant(s) must hold a Secure (Council) or Assured (Registered Provider) tenancy and must obtain the permission of their landlord prior to the exchange. Council / Registered Provider tenants cannot mutually exchange with the tenant of a private landlord.

Applicants will need to find their own exchange partner and arrange to view properties. Having agreed to swap properties, each tenant should apply to their own landlord for permission to exchange.

Thurrock Council will not give permission for an exchange of tenancies where the result would be an under occupation i.e. one or more bedrooms not in use.

### **Mutual Exchange procedure**

Thurrock Council tenants and prospective tenants will need to complete and return an application form for each landlord

The landlord has a maximum of 6 weeks (42 days) in which to agree or refuse the exchange.

There are limited grounds upon which a Landlord can refuse. For a Council these are found in the Housing Act 1985 and are shown below (Grounds for refusal).

Thurrock Council tenants will also be expected to pay any rent arrears or rectify any other breach of the tenancy agreement. Permission will be conditional upon doing so.

If there are no reasons why the exchange should be refused, Thurrock Council will contact their tenant to make appointments for the gas and electricity in the property to be checked. A Building Inspector will also visit and inspect the property and advise about any repairs that need to be done before the exchange can proceed.

The inspection is carried out because each property must be ready for the new tenant to move in to, without any outstanding repairs. Each tenant will be expected to accept their new home in its existing condition, and they may be asked to confirm this in writing.

Arrangements for the exchange should not be made until permission in writing is given. If two different landlords are involved, letters from both will be required.

Tenants should never accept any offer of a payment or inducement to carry out an exchange – this includes offers to pay off rent arrears – as this could lead to the exchange being refused and the loss of any monies paid.

## **Grounds for refusal**

There are very limited grounds upon which a landlord can refuse a mutual exchange. These are laid down in Schedule 3 of the Housing Act 1985.

### **Ground 1**

The tenant or the proposed assignee is obliged to give up possession of the dwelling-house of which is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

### **Ground 2**

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds one to six in part one of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under Section 83 (Notice of Proceedings for Possession) which specifies one or more of those grounds and is still in force.

### **Ground 3**

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

### **Ground 4**

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his/her family.

### **Ground 5**

The dwelling house:

- a) forms part or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, **and**
- b) was let to the tenant or predecessor in title of his/her in consequence of the tenant or predecessor being in the employment of:
  - the landlord

- a local authority
- a new town corporation
- a housing action trust
- the Development Board for Rural Wales
- an urban development corporation, or
- the governors of an aided school

## **Ground 6**

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

## **Ground 7**

The dwelling-house has features which are substantially different from those of an ordinary dwelling-house and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

## **Ground 8**

The landlord is a Housing Association or Housing Trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

## **Ground 9**

The dwelling-house is one of a group of dwelling-houses which is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

## **Ground 10**

The dwelling-house is the subject of a management agreement under which the manager is a Housing Association of which at least half the members of the association, and the proposed assignee is not, and is not willing to become, a member of the association.

## **Assignment of the tenancy**

Once a mutual exchange has been agreed by all the landlords involved, the outgoing tenant (assignor) and the incoming tenant (assignee) will need to arrange to come into the Civic Offices to sign the Deed of Assignment. This is a legally binding document that confers all the rights and responsibilities of the property onto the new assignee.

## **B. Transfer of Tenancies**

This applies when there are tenancies issued after the Localism Act 2011 involved – where:

- one tenant has a secure or assured tenancy that is not a flexible tenancy **and**
- the other tenant has a flexible tenancy **and**

- any other tenants (where applicable) within the chain have either a secure assured or flexible tenancy **and**
- at least one of the secure or assured non-flexible tenancies was granted prior to the day that the provisions of the Localism Act 2012 on mutual exchanges came into force **and**
- none of the landlords has refused to comply with the request to exchange

Thurrock Council will not give permission for a transfer of tenancies where the result would be an under occupation, for example one or more bedrooms not in use.

## Grounds for refusal

Under S158 Localism Act 2011 a Landlord may refuse to comply with the request only on one of the grounds set out in Schedule 14 of the Act as follows:

### Ground 1

Any rent lawfully due from a tenant under one of the existing tenancies has not been paid

### Ground 2

An obligation under one of the existing tenancies has been broken or not performed

### Ground 3

Any of the relevant tenants is subject to an order of the court for possession of the dwelling house let on that tenant's existing tenancy

### Ground 4

Either of the following two conditions is met.

Condition one:

- proceedings have begun for possession of a dwelling-house let on an existing tenancy which is a secure tenancy, **and**
- possession is sought on one or more of grounds 1 to 6 in Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which possession may be ordered despite absence of suitable accommodation)

Condition two:

- a notice has been served on a relevant tenant under Section 83 of that Act (notice of proceedings for possession), **and**
- the notice specifies one or more of those grounds and is still in force

### Ground 5

Either of the following conditions is met.

Condition one:

- proceedings have begun for possession of a dwelling-house let on an existing tenancy which is an assured tenancy, **and**

- possession is sought on one or more of the grounds in Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which the court may order possession)

Condition two:

- a notice has been served on a relevant tenant under Section 8 of that Act (notice of proceedings for possession), **and**
- the notice specifies one or more of those grounds and is still in force

## Ground 6

Either of the following conditions is met.

Condition one:

- a relevant order or suspended Ground 2 or 14 possession order is in force in respect of a relevant tenant or a person residing with a relevant tenant

Condition two:

- an application is pending before any court for a relevant order, a demotion order or a Ground 2 or 14 possession order to be made in respect of a relevant tenant or a person residing with a relevant tenant

Relevant order means:

- an injunction under Section 152 of the Housing Act 1996 (injunctions against anti-social behaviour) or
- an injunction to which a power of arrest is attached by virtue of Section 153 of that Act (other injunctions against anti-social behaviour)
- an injunction under Section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords)
- an anti-social behaviour order under Section 1 of the Crime and Disorder Act 1998, or
- an injunction to which a power of arrest is attached by virtue of Section 91 of the Anti-social Behaviour Act 2003

Demotion order means:

- a demotion order under Section 82A of the Housing Act 1985 or Section 6A of the Housing Act 1988

Ground 2 or 14 possession order means:

- an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988

## Ground 7

The accommodation afforded by the dwelling house proposed to be let on the new tenancy is substantially more extensive than is reasonably required by the existing tenant or tenants to whom the tenancy is proposed to be granted.

## Ground 8

The extent of the accommodation afforded by the dwelling house proposed to be let on the new tenancy is not reasonably suitable to the needs of:

- a) the existing tenant or tenants to whom the tenancy is proposed to be granted, **and**
- b) the family of that tenant or those tenants

## Ground 9

The dwelling house proposed to be let on the new tenancy meets both of the following conditions:

Condition one:

- The dwelling house **either**:
  - a) forms part of or is within the curtilage of a building that, or so much of it as is held by the landlord:
    - i. is held mainly for purposes other than housing purposes, **and**
    - ii. consists mainly of accommodation other than housing accommodation
  - b) is situated in a cemetery

Condition two:

- The dwelling-house was let to any tenant under the existing tenancy of that dwelling-house, or a predecessor in title of the tenant, in consequence of the tenant or the predecessor being in the employment of:
  - a) the landlord under the tenancy
  - b) a local authority
  - c) a development corporation
  - d) a housing action trust
  - e) an urban development corporation, or
  - f) the governors of an aided school

## Ground 10

The landlord is a charity and the occupation of the dwelling-house proposed to be let on the new tenancy by the relevant tenant or tenants to whom the new tenancy is proposed to be granted would conflict with the objects of the charity.

## Ground 11

Both of the following conditions are met.

Condition one:

- the dwelling-house proposed to be let on the new tenancy has features that:
  - a) are substantially different from those of ordinary dwelling-houses, and



- b) are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling house.

Condition two:

- if the new tenancy were granted, there would no longer be such a person residing in the dwelling-house

## **Ground 12**

Both of the following conditions are met.

Condition one:

- the landlord is a Housing Association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to meet their need for housing

Condition two:

- if the new tenancy were granted, there would no longer be such a person residing in the dwelling house proposed to be let on the new tenancy

## **Ground 13**

All of the following conditions are met.

Condition one:

- the dwelling house proposed to be let on the new tenancy is one of a group of dwelling houses, which it is the practice of the landlord to let for occupation by persons with special needs

Condition two:

- a social service or special facility is provided in close proximity to the group of dwelling houses to assist persons with those special needs

Condition three:

- if the new tenancy were granted, there would no longer be a person with those special needs residing in the dwelling house

## **Ground 14**

All of the following conditions are met.

Condition one:

- the dwelling-house proposed to be let on the new tenancy is the subject of a management agreement under which the manager is a housing association, **and**

- at least half the members of the association are tenants of dwelling-houses subject to the agreement

Condition two:

- at least half the tenants of the dwelling houses are members of the association

Condition three:

- no relevant tenant to whom the new tenancy is proposed to be granted is, or is willing to become, a member of the association

## **Procedure for requesting a Transfer of tenancies**

Thurrock Council tenants and prospective tenants will need to complete and return an application form for each landlord.

The forms should be returned to the respective landlords upon completion.

The landlord has a maximum of 6 weeks (42 days) in which to agree or refuse the exchange.

If there are no reasons why the exchange should be refused, Thurrock Council will contact their tenant to make appointments for the gas and electricity in the property to be checked. A Building Inspector will also visit and inspect the property and advise about any repairs that need to be done before the exchange can proceed.

The inspection is carried out because each property must be ready for the new tenant to move in to, without any outstanding repairs. Each tenant will be expected to accept their new home in its existing condition, and they may be asked to confirm this in writing.

Arrangements for the exchange should not be made until permission in writing is given. If two different landlords are involved, letters from both will be required.

Tenants should never accept any offer of a payment or inducement to carry out an exchange – this includes offers to pay off rent arrears – as this could lead to the exchange being refused and the loss of any monies paid.

## **Signing new tenancies**

Once the transfer of tenancies has been agreed the old tenancies will be surrendered and new tenancies will be signed. There will not be an assignment of tenancies as is the case with mutual exchanges of tenancies that are both non-flexible secure or assured.

The type of new tenancy will depend on the status of the previous tenancy.

Where the previous tenancy was a non-flexible secure or assured tenancy that was not an assured short hold tenancy, a new secure tenancy or assured tenancy will be signed – according to the landlord's capacity to grant such a tenancy.

(Secondary legislation expected that will make an exception where the fixed tenancy is for a term of less than 2 years.)

## **Housing Applications**

Once a mutual exchange or transfer of tenancies has taken place, any Transfer or Housing register application, belonging to either of the parties, will be cancelled.

A new transfer application can be completed by Thurrock tenants but this will not be backdated to any original application date.

## Appendix 6 – Succession to a Tenancy

Succession to a secure tenancy is governed by Section 87 of the Housing Act 1985 (as amended by S86A of the Localism Act 2011) and the rights of the remaining residents will depend on a number of facts.

### Joint Tenancy

Where there is a joint tenancy and one of the tenants dies, Thurrock Council will grant the remaining joint tenant the sole tenancy of the property. This will count as a succession so that there can be no further right of succession to the tenancy.

### Sole tenancy

Where the tenant who dies was a sole tenant, any further succession will depend on whether or not that sole tenant was himself a successor.

#### 1. Previous succession

Where there has been a previous succession there can be no further right to a succession – if the landlord grants a tenancy, it will be a new tenancy and as such will not benefit from the rights and responsibilities of the previous tenancy.

#### 2. No previous succession

Where there has been no previous succession, the tenancy may be passed on to a 'qualified' successor. The rules regarding people qualified to succeed to the secure tenancy will depend on when the tenancy was granted.

### Tenancy granted prior to Localism Act 2011 provisions

If the tenancy was granted before the Localism Act provisions came into force on 1 April 2012, then the people who would be qualified to succeed are either:

- the tenant's spouse or registered civil partner who was occupying the property as his/her only or principal home at the time of the tenant's death, **or**
- a member of the tenant's family who was living in the property as their only or principal home at the time of the tenants death and during the twelve months leading up to the death

If there is more than one person qualified to succeed on the death of the tenant, a spouse or civil partner will take precedence.

If there is no spouse or civil partner, but there is more than one family member who meets the conditions for succession, they should choose between them who will succeed to the tenancy.

There can only be succession to a sole tenancy – they would not jointly succeed to a joint tenancy. If they are unable to agree between themselves, the landlord is entitled to make a choice.

Definition of family member is provided in Section 113 of the act as follows:

- i. a person with whom the tenant lived as if they were husband or wife, or if in a same sex relationship but not registered civil partners, lived together as if they were civil partners

- ii. the tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece
- iii. a relationship by marriage is treated as a relationship by blood
- iv. a relationship of the half blood is treated as a relationship of the whole blood
- v. the stepchild of a person is treated as his or her child
- vi. an illegitimate child is treated as the legitimate child of his mother and reputed father

## **Tenancy granted after the Localism Act 2011 provisions**

Where the tenancy had been created after the implementation of the Localism Act provisions on 1 April 2012, there is no right for a family member to succeed to the tenancy unless there is an express term within the tenancy agreement that allows it.

Section 86A states the following.

A person is qualified to succeed the secure tenancy if either:

- 1) that person occupies the dwelling house as their only or principal home at the time of the tenant's death, **and**
- 2) that person is the tenant's spouse or civil partner

Or:

- 1) there is no spouse or civil partner of the tenant living at the property as their only or principal home at the time of the tenant's death, **and**
- 2) there is an express term in the tenancy agreement making provision for a person other than the spouse or civil partner to succeed, **and**
- 3) the persons' succession is in accordance with that provision

## **Under-occupation of the property following succession**

If a family member other than a spouse or registered civil partner succeeds to the tenancy and this results in a substantial under occupation of the property, the Council has a discretionary power under Ground 16 of Schedule 2 of the Housing Act 1985 to repossess the property providing an offer of suitable alternative accommodation is made.

If this is the case, then possession proceedings must be commenced between six and twelve months following the succession. The successor must be advised of this at the outset and timescales must be adhered to. Although there is an intention to move the successor to another property more suitable to his/her needs, the tenancy that s/he has succeeded to is, nevertheless, secure.

In such cases the successor will be asked to complete a housing application and will join the housing waiting list.

A band 2 priority will be awarded to their application to enable a move to an alternative suitable property.

## **Family member/s left in occupation where there is no legal right to succession**

Occasions will arise where a family member or members are left in occupation and there is no further right of succession. In certain circumstances, for example family members have occupied

the property for a significant period of time and they require that size accommodation, a decision may be made to grant a new tenancy of that property.

Alternatively, a decision may be taken to offer alternative accommodation suitable to the needs of the family member/s. In this case, 'Use and Occupation' charges will be set up for the period from the tenant's death.

In such cases the successor will be asked to complete an application to join the housing waiting list. A band 2 priority will be awarded to the application to enable a move to an alternative suitable property.

### **People left in occupation, who do not meet the criteria above**

Family members and others, living at the property following the tenant's death, who do not qualify for any of the above, will not be awarded a priority for succession.

### **Procedure for determining succession or any subsequent priority**

A Housing Manager makes decisions, as part of the Change of Tenancy procedures in the first instance. The Housing Management Panel will make decisions in the case of an appeal.

### **Discretion**

The Housing Management Panel may use its discretion to allow a further tenancy where no statutory right exist.

# Appendix 7 – Local Lettings Plans

## Introduction

This local lettings plan sets out the criteria to be followed when allocating newly developed Council properties.

It only applies to first lets – all subsequent lets will be made in line with the Council's usual allocations process.

## Objective

The objective of this local lettings plan is to maintain balanced and sustainable communities. This is particularly relevant to sites where the development is part of a rededication of the land, in contrast to a completely new development on previously unbuilt or brown field sites. Inserting new developments with a concentration of properties can destabilise a community and therefore it is important to ensure that a high number of the new tenants are already part of the community.

## Allocation of Properties

Of the properties 75% within the new development will be allocated in line with the local lettings plan.

Of the properties within the new development 25% will be allocated in line with the Council's usual allocations process.

## Qualification

Tenants will only qualify for the 75% allocation if they meet all of the criteria in **A and B and C and D**:

- A. tenants must hold a current Thurrock Council secure tenancy – introductory and demoted tenants will not be eligible
- B. tenants must meet Thurrock Council's criteria for joining the housing Transfer list as laid out in the Housing Allocations scheme:
  - tenants with rent arrears or other outstanding housing related charges (such as re-charges for previous works) will not be eligible
  - where a tenant has breached their tenancy agreement, or has otherwise managed their tenancy in an unacceptable manner, they will not be eligible
- C. tenants must live in a property, rented to them by Thurrock Council, which is situated within the designated boundary of the scheme
- D. tenants must pass a transfer inspection of their current property

## The designated boundary

The designated boundary described in 3.2 will vary from scheme to scheme and will be agreed by the Assistant Director of the Housing Service.

## **Prioritising applicants for the 75% quota**

All tenants who wish to be considered for the 75% quota will be required to register their interest in the scheme. Details for registering an interest will be widely advertised.

The Allocations Team will assess the following in line with the housing allocations scheme and allocate the properties accordingly, outside of the usual Choice Based Lettings (CBL) process:

- size and type of property needed by the household
- number of bedrooms required in line with the bedroom standard
- any mobility or adaptation needs
- any age criteria that applies

Where there are more tenants expressing an interest than properties available, tenants will be prioritised according to the amount of time they have lived consistently within the designated boundary.

Where a tenant has been living at more than one property within the designated boundary, the combined time will count, provided they have lived within the designated boundary continuously leading up to their current tenancy.

For example:

- a tenant, who had lived in property A within the designated boundary for 10 years and then moved to their current property B within the designated boundary 5 years ago, will have a combined time of 15 years
- a tenant, who has lived in property C within the designated boundary for 30 years, and then moved to property D outside of the designated boundary for 3 years, and then moved back to their current property within the designated boundary for 2 years, will have a combined time of 2 years

However, where the development is specifically designed for older people and/or those with disabilities or dementia, prioritising applicants for the 75% quota would be undertaken by the Extra Care Panel (consisting of both housing and social care professionals) that would assess each case and determine which has the higher need for the accommodation.

## **Property quotas**

Property quotas are:

- of first lettings, 75% will be for current Thurrock Council tenants, who meet the criteria in 3.1 and 3.2
- the remaining 25% of first lettings will be allocated via the Councils Housing allocations scheme in line with the usual processes, for example through Thurrock Choice Homes (TCH)
- a mixture of property sizes and floor levels will be made available for each group
- properties will be allocated to households who have a need for the number of bedrooms provided, as determined by the Housing Allocations schemes' bedroom standard
- these provisions only apply to the first lettings



## **Miscellaneous**

Where there would be a joint tenancy and only one tenant meets the age criteria the Allocations Team would determine whether or not a joint tenancy could be issued, taking into account factors such as the age difference, disabilities, amongst others.

Where applicants are downsizing from a larger Council property the current rules regarding downsizing incentives would apply.

## **Monitoring**

When a new development of council properties within an existing estate is identified they will form the list of applicable properties which qualify for the local lettings plan.

Where a new development has properties which have been specifically adapted for residents with disabilities, these will be allocated outside of the local lettings plan via the councils' usual allocations process, in order to ensure that such properties are matched to those with a disability and need for adaptations.

The local lettings plan will only be used for first lettings; any subsequent re-lettings will be made through the councils Housing Allocations procedures.

Notification of how properties have been allocated will be provided via the council's usual scheme of notification via the Choice Based Lettings process.