

# **Tonbridge & Malling Borough Council**

## **Housing Allocation Scheme**

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**In this document:**

**'we'** or **'the Council'** means Tonbridge & Malling Borough Council

**'you'** or **'the applicant'** means someone who applies for housing

**'register'** means Tonbridge & Malling Borough Council's housing register

**'scheme'** means Tonbridge & Malling Borough Council's housing allocations scheme

**'assessment form'** means Tonbridge & Malling Borough Council's housing assessment form

**'CBL'** means choice based lettings

## **1. INTRODUCTION**

The Council maintains a register of households who want to move to affordable housing managed by our housing association partners. In 1991 we transferred our housing stock to Tonbridge & Malling Housing Association, now known as Russet Homes. As the Council no longer owns any accommodation, we rely on housing associations to provide housing for people in need of affordable accommodation in the borough.

The Council is a member of Kent Homechoice, the choice based lettings partnership for allocating housing association homes in the borough. CBL is a new approach to letting homes, which will make lettings arrangements more transparent. Rather than the Council selecting applicants from the register and matching them to a vacancy in the housing association stock of properties, CBL allows applicants to bid for suitable properties they are interested in. Available properties are advertised on the internet and a fortnightly magazine, which allows applicants to see what housing association properties are available. This will enable them to play a greater role in the process of selecting their home.

The Director of Health and Housing is responsible for this scheme, and he will regularly review its operation.

### **1.1 Assessment forms**

So that accommodation can be allocated fairly on the basis of greatest housing need, applicants must complete an assessment form before they are added to the Council's register. The assessment form asks for information about the applicant and their household, and the applicant's preferred type and location of housing. This information is then used to determine each applicant's priority on the register.

This scheme explains how and why the Council matches the requirements of applicants for housing to vacancies in the housing stock of its housing association partners. This document sets out :

- The rules for determining an applicant's priority on the register, and
- The procedures to be followed when matching prospective tenants to properties available to rent from our housing association partners.

### **1.2 Banding and points**

We use a banding scheme with points to achieve fairness and equality when matching applicants on the register to properties. We prioritise the competing demands for accommodation and each year an allocations forecast is drawn up with our housing association partners. This attempts to link the vacancies that are likely to arise with the kinds of applicants who are likely to be offered these vacancies. This is based on the different levels of housing need on the register.

### **1.3 Data protection**

The register is registered under the Data Protection Act 1998, and information on it is received, held, and disclosed only for registered purposes. We deal with all applications in a confidential manner. Applicants have the right to see information on their file relating to their application, except where this involves confidential third party information. If an applicant is not eligible for inclusion on the register, does not respond to the annual review or is removed from the register, their assessment form will be kept for two years before being destroyed.

### **1.4 Equal opportunities**

The Council promotes equal opportunities for all applicants regardless of race, colour, gender, nationality, religion, sexuality, disability, marital status, family circumstances or age.

### **1.5 Other assistance**

The Council may be able to help applicants with low cost home ownership opportunities such as shared ownership and Homebuy. We may also be able to assist with obtaining privately rented accommodation. In certain circumstances we might be able to provide assistance with rent in advance payments and/or deposit bonds.

Advice on a wide range of housing matters can be obtained from the Council's Housing Options team on 01732 876067. The service is free and confidential.

### **1.6 Information about the scheme**

A full copy of the scheme will be provided to any member of the public who asks for one. We may charge a reasonable fee for this service. The Council will make a copy of the scheme available for inspection at its offices at:

Environmental Health & Housing Services  
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ

Tonbridge Castle, Castle Street, Tonbridge, Kent, TN9 1BG

Telephone enquiries: 01732-876067

e-mail enquiries: [housing.services@tmhc.gov.uk](mailto:housing.services@tmhc.gov.uk)

Internet: [www.tmh.gov.uk](http://www.tmh.gov.uk)

A summary of the scheme appears at Appendix 1 and is also available separately. There is no charge for a copy of the summary.

## **2. LEGAL FRAMEWORK**

This scheme has been drafted to comply with Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002. Part 6 of the Housing Act 1996 covers the allocation of housing association homes. It sets out the circumstances of applicants to whom we should give reasonable preference when deciding who will be offered a property. The scheme takes account of the 2002 Allocation of Accommodation Code of Guidance for local housing authorities and the 2008 Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing.

### **2.1 : Reasonable preference categories**

In accordance with section 167(2) of the Housing Act 1996 (as amended by the

Homelessness Act 2002), this scheme gives reasonable preference to:

- All homeless people (whether or not the applicant is owed a housing duty) and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation;
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing;
- People who need to move on medical or welfare grounds, including grounds relating to disability; and
- People who need to move to a particular locality within the borough of Tonbridge & Malling to avoid hardship to themselves or others.

## **2.2 : Additional preference categories**

The Council will give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

(a) Those owed a homelessness duty as a result of violence or threats of violence that are likely to be carried out, and who, as a result, require urgent rehousing, including:

- victims of domestic violence;
- victims of racial or homophobic harassment amounting to violence or threats of violence;
- witnesses or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes; and
- close family members of convicted perpetrators of harassment, violence or threats of violence who are at risk from victims or victims families.

(b) Those who need to move for urgent medical reasons, where failure to rehouse could have life threatening consequences, or could lead to a rapid decline in health. If more than one person in the applicant's household has a medical condition or disability that affects their housing need, we will take this into account when deciding on medical or disability priority.

If the applicant's household has several different needs, for example if they are overcrowded and also have welfare or medical needs, the combined need may mean that the application will be awarded a higher band or level of points than each element alone would merit.

In each of these cases there must be clear evidence that rehousing will result in an improvement in health and/or welfare. Each case will be considered on its individual merits and will require evidence from other agencies / professionals where appropriate.

## **2.3 : Allocations covered by the scheme, although not by the rules under Part 6 of the Housing Act 1996**

Where the Council has a duty to rehouse displaced occupiers into suitable alternative accommodation either:

- under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be rehoused as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or

- following the compulsory purchase of a property under the Land Compensation Act 1973,

we will award 40 points from either the date that the agricultural worker was given a valid notice to quit, or the compulsory purchase order was obtained. In exceptional circumstances, we may consider a discretionary offer outside of the points scheme.

#### **2.4 : Allocations falling outside the rules in our allocations scheme and also Part 6 of the Housing Act 1996**

- If we provide temporary accommodation for homeless persons under Part 7 of the Housing Act 1996.
- Transfers of housing association tenants for urgent management purposes, for example: a decant to allow repairs to a property to be carried out; accommodating tenants in an emergency or those that are seeking a move as a result of domestic violence or harassment. The Council will however monitor the number and type of the vacancies filled in this way.
- Reciprocal arrangements: other councils or housing associations outside the borough occasionally approach the Council asking us to rehouse a person outside of the normal procedures and offer, in return, an empty property for one of the Council's nominees. The Housing Needs and Strategy Manager will initiate, accept or refuse reciprocal arrangements according to the circumstances of each individual case.

#### **2.5 : Reconciling choice and housing need**

The Council aims to give applicants a choice of property, whilst continuing to give reasonable preference to those with the most urgent housing need. In an attempt to reconcile choice and housing need, the scheme provides a primary banding system with points to prioritise applicants' housing needs.

### **3 : APPLICATIONS TO BE INCLUDED ON THE REGISTER**

#### **3.1 : General overview**

If you are 16 years of age or over then you can complete an assessment form to record your household's housing needs on the housing register. The Council will consider all applications for social housing in accordance with the procedures set out in this scheme. Any applicant wishing to be included on the register must:

- complete and sign an assessment form,
- complete any supplementary forms or answer further questions as we require,
- provide proof of their identity and current housing circumstances, together with any documents that we request to independently verify this information.

If you need assistance completing the form or require an assessment form in another format please contact us on 01732 876067.

Where an applicant is aged less than 18 years, an assessment will be made of their ability to manage a tenancy. This will usually involve a referral to social services or a supporting people funded provider of floating support services to identify any support needs. Any applicant aged less than 18 years will be granted a tenancy held in trust until they reach 18 years of age, with the legal interest being held by another suitable person, usually their parent or legal guardian.

You are responsible for completing the assessment form accurately. We will use the information to assess your level of housing need by placing you in the appropriate priority band. Points are awarded in accordance with the table on pages 12-13. We will carry out home visits and interviews to confirm housing needs. Insufficient information may result in your application being awarded a lower priority, or in not being included on the register.

The assessment form asks you to state the areas of the borough where you would prefer to be offered accommodation. It also asks what type of home you would prefer. If you would like a flat, it asks what floor level you would prefer. This information is recorded for the purposes of monitoring the level of demand in the borough. You can choose as many or as few areas and property types as you wish. However, if you limit your choices, you could limit your access to vacancies that may arise, and will usually have to wait longer for an offer. Although most applicants will have some choice in terms of the type and location of property they are offered, because of the high level of demand for housing in the borough there is still a need to prioritise applications. This is done by looking at all the relevant circumstances of each application and ensuring that reasonable preference is given through the banding and points system, based on housing need.

The types and sizes of empty properties and the areas that they are in vary considerably. In addition, the needs of persons applying for housing are very different and it is impossible to define them all. A guide to the size and type of homes for which applicants will be considered is set out on page 22. As an indication, a table giving details of homes managed by Russet Homes, which is the main provider of affordable housing, is included on page 36.

Vacancies in the borough also occur from time to time with other housing associations, who currently own about 17% of the affordable housing in the borough. These include Town and Country Housing Group, Southern Housing Group, Hyde Housing Association, Moat Housing Group and Housing 21 Housing Association, and from newly built social housing. When we allocate properties on new developments we try to achieve balanced and stable communities as quickly as possible. Where a housing association builds new properties, particularly in rural areas, it may be a planning condition that only certain people with a specific local connection to the area can be offered the accommodation.

Some housing association properties are designated or adapted for people who are frail, have disabilities or have special support needs. When such properties become available they will, where possible, be let only to people who meet the relevant eligibility criteria. Information regarding eligibility for specific schemes can be sought directly from the housing association.

The Council will write to you to tell you whether you have been included on the register. If you have been included, we will tell you which of the priority bands you have been placed in, and the level of points your circumstances attract. If your circumstances change, for example a person joins or leaves your household or your address changes, this may affect your level of housing need. You must therefore, inform us, in writing of any change. We will write to you to let you know if your band or points level changes.

If you are a tenant of Russet Homes or another Council or housing association seeking a transfer, your application will be assessed in the same way, and we will

inform you of the priority you have been awarded on the register.

### **3.2 : Ineligible households**

You might be ineligible to join the register because:

- (i) you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless the Secretary of State has stated that you should be eligible for housing). This includes the following groups of people:
  - visitors who have limited leave to enter or remain in the UK, granted on the understanding that they will not get public funding;
  - people who have valid leave to enter or remain in the UK, which includes a condition that they will not get public funding;
  - asylum seekers;
  - most people who are not habitually resident in the UK, including certain people who are in the UK under sponsorship arrangements;
  - illegal entrants;
  - people who have overstayed their leave; or
  - any other person from abroad who the Secretary of State has judged ineligible for housing; and/or
- (ii) we are satisfied that you (or a member of your household) has been guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant.

### **3.3 : Unacceptable behaviour**

Where the Council is satisfied that you (or a member of your household) is guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant, we may decide either:

- to treat you as ineligible for inclusion on the register ; or
- to remove any priority for reasonable preference that you may have been awarded.

Where the Council decides that you are ineligible to be included on the register, or will not be awarded any preference because of unacceptable behaviour, we will give you written notification of our decision. The notification will include clear reasons for the decision, which will be based on the relevant facts of the case. Any decision to exclude you from the register or to reduce your priority will be approved by the Housing Needs and Strategy Manager.

The only behaviour which can be regarded as unacceptable for these purposes is behaviour by you or by a member of your household that would – if you had been a secure tenant of the Council at the time – have entitled the Council to a possession order under section 84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2, other than Ground 8. These are ‘fault’ grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the property for immoral or illegal purposes. It is not necessary for you to have actually been a tenant of the Council when the unacceptable behaviour occurred. The test is whether your behaviour would have entitled the Council to a possession order if, whether actually or notionally, you had been a secure tenant.

If the Council has reason to believe that you (or a member of your household) may be ineligible for inclusion on the register because of unacceptable behaviour,



it will take the following steps to satisfy itself that:

- there has been unacceptable behaviour which falls within the definition in section 160A(8) of the Housing Act 1996. In considering whether a possession order would be granted in the circumstances of a particular case, the Council will consider whether, having established the grounds, the court would decide that it was reasonable to grant a possession order. The Council will consider all the circumstances of you and your household. In cases involving: noise problems, domestic violence, racial harassment, anti social behaviour, intimidation and drug dealing, courts are likely to grant a possession order.

Rent arrears would probably lead to a possession order, although in many cases it will be suspended giving the tenant the opportunity to pay the arrears. Where rent arrears are the result of factors outside your control, they would not usually be considered serious enough to make the person unsuitable to be a tenant. Examples of arrears outside your control are: delays in housing benefit payments, and liability for a partner's debts where you were not in control of the household finances, or were unaware that arrears were accruing.

- Having decided that there would be an entitlement to an order, the behaviour was serious enough to make you unsuitable to be a tenant. For example, the Council will need to be satisfied that, if a possession order were granted, it would not be suspended by the court. Behaviour such as the accrual of rent arrears, which were outside of your control (see examples above)— would not be considered serious enough to make you unsuitable to be a tenant.
- you (or a member of your household) is unsuitable to be a tenant by reason of the behaviour in question in the circumstances at the time your application is considered. Previous unacceptable behaviour may not justify a decision to consider you (or a member of your household) as unsuitable to be a tenant where that behaviour can be shown to have improved.

The Council must be satisfied on all three of the above grounds. Only then will the Council consider whether you (or a member of your household) is to be treated as ineligible for inclusion on the register. Where there are relevant agencies giving you support, we will (with your permission) ask them for advice and information about you before deciding whether to exclude you from the register.

If you have, (or a member of your household has), been deemed by the Council to be ineligible, you can make a new application if you think that the unacceptable behaviour should no longer be held against you. Unless there has been a considerable lapse of time, you will have to show that there has been a material change in your behaviour or circumstances. For example, you would have to provide evidence that you have kept to an arrangement to clear arrears or have sought help and support in managing your tenancy.

### **3.4 : Financial considerations**

Most housing associations have charitable status and provide services within the local community to satisfy needs that cannot be met by other means. This means that the majority of housing association tenants, leaseholders and shared owners do not have sufficient money to rent privately or buy a home on the open market.

If you are an owner-occupier or have enough money to be able to rent or buy in the private sector, you will usually be placed in the band that is one band lower than your assessed band. If you are assessed as Band D, but have household income or savings above the threshold, you will remain in Band D.

Income and savings thresholds will be reviewed annually on 1 January each year. The levels set on 1 January 2009, based on existing good practice are;

- Households with a total gross income of £50,000
- Households with total savings of £30,000

Housing associations may refuse to offer you a tenancy:

- If you have outstanding rent arrears with your current landlord or a former landlord, or
- where there is evidence of your anti-social behaviour.

Each case is judged on its merits. Where you owe rent for a previous tenancy, you will be encouraged to enter into an agreement to pay their arrears. If you keep to such an agreement for a reasonable period, the application will be reconsidered. However, if you are an existing housing association tenant seeking a transfer, a clear rent account is normally expected, except in the case of a rehousing emergency.

### **3.5 : Joint tenancies**

Housing associations will not grant a joint tenancy to two or more people if any one of them is

- a person from abroad who is ineligible; or
- a person who is being treated as ineligible because of unacceptable behaviour.

## **4 : HOUSING REGISTER : GENERAL INFORMATION**

### **4.1 : Registration date**

The registration date is usually the date that your application is received. However if you do not provide all the necessary documentation within 28 days of our receipt of your application to enable us to make an assessment, your registration date will be the date on which we receive all of the necessary information.

If you are subsequently awarded high priority on the grounds of medical or welfare needs, or the condition of your current home, your registration date will be amended to the date that the high priority was awarded.

If you become homeless and you have been awarded priority points because we have accepted the duty to rehouse you, your registration date will be amended to the date that the duty was accepted, or the date that you were placed into temporary accommodation, if this was earlier.

The banding scheme reflects broad levels of housing need. Therefore changes in your circumstances often make no difference to the band you are in. However, sometimes a significant change in circumstances, such as the birth of another child or a sudden worsening in your health, may result in a change of band.

## **4.2 : Annual review**

We will write to you, once a year on or around the anniversary of the date you were first registered. We will ask you whether you wish to remain on the register for another year, and to remind you to tell us about any changes in your circumstances. You must reply to this letter. If you fail to reply to the letter or provide any additional information we ask for within 28 days of the letter, we will assume that you no longer wish to be on the register. We will then cancel your application without further notification. If you reply to the review letter telling us of a change of circumstances, you must also supply evidence of the change in order for us to be able to reassess your application.

## **4.3 : Keeping applications up to date**

Your name will be removed from the register for any of the following reasons:

- not responding to the annual review;
- not responding to a correspondence from the Council that asked you to provide information;
- you are no longer eligible to be included on the register;
- you no longer wish to be rehoused; or
- you have left temporary accommodation which we arranged for you, and we do not have your forwarding address.

It is your responsibility to inform the Council of any material change that could affect the priority you have been awarded. If we have made an offer of accommodation to you and on further investigation, it appears that your circumstances had changed and you were not entitled to the priority you had been awarded, the Council reserves the right to withdraw the offer. During this period of further investigation, the housing association may choose not to hold the property for the applicant.

## **4.4: Advice and information**

Any written advice and information will be available in summary form in a range of formats and languages, as appropriate. There may be a short delay in providing this information whilst this is arranged. You may request a home visit in order to receive help and advice, if you have problems that make it difficult for you to come to our offices to access the service.

You have the right to certain general information:

- information that will enable you to work out how your application is likely to be treated under the scheme, and, in particular, whether you are likely to fall within the reasonable preference categories; and
- information about whether a property appropriate to your needs is likely to become available, and, if so, how long it is likely to be before such a property becomes available based upon data on turnover rates.

In practice waiting times depend on your personal circumstances, the number of applications we receive, the number of properties available for letting, changes in legislation, and the number of bids made by applicants. Accordingly, only a very general indication can be given as to how long an applicant may have to wait to be the successful bidder. Such an indication offers no guarantee of housing by a certain date. People in low housing need are likely to wait a very long time before receiving an offer and many will never receive an offer of accommodation.

#### **4.5 : The right to request a review of a decision**

You have the right to request a review of the following decisions:

- to treat you as ineligible because of your immigration status or unacceptable behaviour serious enough to make you unsuitable to be a tenant of the Council;
- not to give you any preference under the scheme because of unacceptable behaviour serious enough to make you unsuitable to be a tenant of the Council; or

about the facts of your case which have been, or are likely to be taken into account by the Council in considering whether to make an allocation.

If you do not agree with the decision about your acceptance on to or removal from the register, or the level of priority awarded to your application you may request a review. You must write to us within 28 days of receiving the notification, stating your reasons for requesting a review. You may be asked to attend an interview to say why you do not agree with the decision. A senior officer of the Council, who has not been involved in the original decision, will carry out the review. You will usually receive a letter within 28 days, telling you the result of the review and the reasons for the decision made. If we need further information to make a decision, we will let you know. What information is needed and how long it will be before we reach a decision.

#### **4.6 : Offences related to information given or withheld by applicants**

It is an offence for anyone seeking help from the Council to:

- give false or misleading information, or
- withhold information, which we have asked for on an assessment form or in subsequent correspondence, or
- to fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

It is an offence under the Housing Act 1996 to obtain accommodation on the basis of false or deliberately misleading information. When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property. The Council will decide when these provisions apply and when to begin criminal proceedings.

### **5 : BANDING AND THE POINTS SCHEME**

You will be placed into one of four bands, Band A to Band D. Within each band, relative priority is determined through the points scheme. Points are awarded for housing needs, depending on your circumstances, in accordance with the scheme below. We will not usually include you on the register if you do not receive any points under the scheme, because you have no realistic chance of being offered accommodation. If your circumstances change, you will need to re-apply.

#### **Overcrowding**

For each person lacking a bed space

*(For further information see paragraph 5.1.1 below)*

**Points**  
10

#### **Lacking facilities**

*(If you are not currently living in traditional housing)*

If you lack one or more of the following:

- Bath or shower

**Points**  
8

- Electricity supply
- Internal W.C.
- Piped water supply

**Sharing facilities**

**Points**

*(Except with other members of the same household seeking rehousing)*

4

If you share one or more of the following:

- Bath or shower
- W.C.
- Somewhere to prepare and cook food

**Condition of current housing**

**Points**

- High Priority - a move is essential 40
- Medium Priority - a move would be beneficial 15
- Low Priority – a move is not essential 5

*(For further information see paragraph 5.1.2 below)*

**Medical or disability reasons for moving**

**Points**

- High Priority - a move is essential 40
- Medium Priority - a move would be beneficial 15
- Low Priority – a move would be desirable, but is not essential 5

*(For further information see paragraph 5.1.3 below)*

**Social or welfare reasons for moving**

**Points**

- High Priority - a move is essential 40
- Medium Priority - a move would be beneficial 15
- Low Priority – a move would be desirable, but is not essential 5

*(For further information see paragraph 5.1.3 below)*

**Local connection**

**Points**

Applicants with a local connection to Tonbridge and Malling

5

*(For further information see paragraph 5.1.6 below)*

**Council duties**

**Points**

Duties to displaced residential occupiers following compulsory purchase etc.(see paragraph 2.3 above)

40

**Homelessness**

**Points**

- Where the Council accepts it has a duty to secure accommodation under Part VII Housing Act 1996 35
- Where you are of no fixed abode or homeless, but the Council does not owe you a duty to secure accommodation 10
- For each month spent in temporary accommodation, up to a maximum of 12 months 1

**NB: Points awarded for homelessness cannot be combined with points from other need categories, except for medical, social or welfare priority and local connection.**

**Under occupation**

Housing association tenants moving to a smaller home will receive 10 points for each bedroom given up

*(For further information see paragraph 5.1.7 below)*

## 5.1 Further information on the points scheme

### 5.1.1 Overcrowding/lacking bed spaces:

We assess overcrowding by comparing the number of bedrooms in your current home against the number of bedrooms you require. We use the criteria in section 6, and the general rules below. In assessing the number of bedrooms in your current accommodation, the following rooms are discounted:

- kitchen, bathroom, living room and any room with a floor area of less than 6.5 square metres. It is assumed that any other room (including a second reception/living room) can be used as a bedroom, as long as it is suitable to be used for that purpose.

In determining whether a bedroom is a double room (suitable for 2 people to share) or a single room (suitable for only one person) we will look at the floor area of the room:

- a single room has a minimum floor area of 6.5 square metres
- a double room has a minimum floor area of 10.2 square metres

Two children of the same sex would be expected to share a double room until they are eighteen years of age, unless there is an age gap of ten years or more between them. Two children of the opposite sex would be expected to share a double room until the oldest is seven years of age. A couple or single parent would not be expected to share their bedroom with a child.

If you need or receive support from carers on a full time residential basis or during the night, we will, wherever possible, take account of your need for an extra bedroom to accommodate their carer. We will look at any supporting medical information, and whether an extra bedroom is stated in a formal care package (where appropriate). All requests for an extra bedroom must be approved by the housing medical and welfare panel.

### 5.1.2 Condition of property

If you are a tenant of a private landlord, and you state on your housing application form that there are problems with the condition of your home, we will refer your case to the Council's Private Sector Housing team. An officer from the Private Sector Housing team will contact you to discuss the issues and if necessary arrange to visit the property to assess the problems and discuss the options available to get the landlord to carry out any appropriate work. You must co-operate with this and no priority will be awarded if you refuse to allow the Private Sector Housing team to contact your landlord, or prevent works to be carried out, for example, by refusing to let anybody into your home. If this happens, you will lose any priority you have been awarded.

The Private Sector Housing officer will inspect the property using the Housing Health and Safety Rating System (HHSRS), which is a risk assessment approach to assess hazards to health and safety in the home. The officer will identify if there are hazards and determine the appropriate category. For category 1 hazards the Council has a duty to take action, whereas for a category 2 hazard, we may take action. Your priority will be based on this assessment as follows:

**High Priority** : the Council's Private Sector Housing Officer has confirmed that category 1 hazards are present in your home. A move is essential as occupying

the property poses a serious and imminent risk to the health and safety of your household, and it would not be reasonable to live in the property whilst remedial works are undertaken.

**Medium Priority** : – the Council's Private Sector Housing Officer has confirmed that category 1 hazards are present in your home. A move would be beneficial as occupying the property poses a risk to the health and safety of your household, and the property will continue to remain unsuitable for your occupation following remedial works.

**Low Priority**: – the Council's Private Sector Housing Officer has confirmed that there are category 1 hazards but your home will be suitable for your occupation following the necessary remedial action.

**No Priority**: – the Council's Private Sector Housing Officer has confirmed that there are category 2 hazards but no further remedial action is required.

### **5.1.3 Medical/disability or social/welfare reasons for moving**

The level of priority awarded is decided by the Council's housing medical and welfare panel. Members of the panel include:

- officers and managers from the Council's housing needs team
- environmental health officers and managers from the Council's private sector housing team
- officers and managers from Russet Homes

The panel has been trained by NowMedical, an organisation that provides the Council's independent medical advice service. NowMedical also gives ongoing support to the panel.

The panel will consider the information you have written on the medical and welfare assessment form. If you have a health or care professional or support worker, they can also give information for the panel to consider.

We may award priority on the grounds of illness/disability or social/welfare if any member of your household has an illness/disability or welfare/support needs and the accommodation is unsuitable because of those factors. For example:

- the illness may worsen as a result of continuing to live in the property, or
- there may be difficulty with access to the property due to a medical condition or disability, or
- you may be at risk in your home but could continue to live independently if you were able to move nearer to friends or relatives who could help look after you; or
- you need to move in order to care for someone with a medical condition or welfare /support need.

We assess your priority by looking at your current accommodation. If it meets the medical and/or welfare and support needs of you and all members of your household, no priority will be awarded. Next, in medical cases we look at whether your current housing makes the illness or disability worse, and if so, whether a move to somewhere more suitable to your medical or disability needs would either:

- (a) improve your medical condition; or
- (b) substantially improve your quality of life.

In welfare/support cases we look at whether your needs are made worse by your current housing, and if so whether a move to accommodation more suitable to your needs would improve things for you. If there are welfare or support needs but a move would not improve the situation, no welfare/support priority will be awarded. If you want to move to look after someone with welfare or support needs, we will look at whether you can drive or use public transport as part of the assessment.

We assess your priority by looking at the information you give in the medical/welfare assessment form, together with any supporting information received from your GP or other health professional, social worker or support worker in medical cases. We may contact our independent medical advisers for advice. For welfare/support assessments we will ask for contact details for any carer, social services or other support worker you have. Where appropriate we may make a joint assessment with social services, or an appropriate support agency. This will ensure we identify any ongoing support needs. By working with other people involved in your care, we may also identify ways to help you to stay in your current home with appropriate support. If this resolves your support needs, you can stay on the register if you have other housing needs but will not receive any priority on welfare/support grounds.

The housing medical and welfare panel takes into account all the information received, and will recommend the priority that the application should receive purely on medical or welfare/support grounds as either:

**High Priority:** – a move is essential. Your medical condition is very serious or life threatening, or your care or support needs are very high, and your health or related quality of life could be substantially improved by a move to more suitable accommodation

**Medium Priority:** – a move would be beneficial. Your medical condition or your care or support needs are serious, and your health or related quality of life could be improved by a move to more suitable accommodation

**Low Priority:** – a move would be desirable but is not essential. Your medical condition or care or support needs are low and your related quality of life could be improved to a limited extent by a move to more suitable accommodation

**No priority:** Your need for rehousing on medical or welfare/support grounds is not demonstrated – you or a member of your household may have a medical condition, or have welfare/support needs but rehousing would not improve the situation.

In assessing priority the housing medical/welfare panel will take the whole household's relevant medical conditions and welfare/support needs into account. For example, a household may contain several members with a medical condition or welfare/support needs, which, if the members lived separately, would mean they each had low priority. But the household as a whole may be awarded medium priority to reflect the combination of the medical conditions and/or welfare needs.

#### **5.1.4 : Medical/disability and social/welfare assessment guidelines**

In this document we cannot show the level of priority that particular conditions may attract, as we assess each application on its merits and some medical



complaints affect different people in different ways. For example:

**Asthma:** This is a very common condition in adults and children, which can be affected by factors outside the home. It is often difficult to establish whether re-housing would help and many applications will not be awarded priority. If your current accommodation is damp, we would refer you to the Council's Private Sector Housing Service.

**Epilepsy:** The priority you are awarded will depend on the severity of your condition. If you suffer from frequent fits, you may need accommodation on the ground floor, or with a lift available. If you have not had any fits for some time, it is unlikely that you will be awarded any priority.

**Stress or depression:** These conditions can be affected by factors outside the accommodation or by other housing needs such as overcrowding for which priority is already given. Many applications will therefore not be awarded priority. We will assess how your current accommodation affects your condition.

**Mobility difficulties:** We will not award any priority if your current housing meets your household's mobility needs. Priority will be awarded according to the severity of your mobility difficulties and the unsuitability of the property. Factors such as the number of steps within and leading to a property will be relevant. If you are unable to get in or out of your home due to your mobility difficulties, and it is not possible for adaptations to be carried out, we will usually award high priority.

**Welfare/Support needs:** You may need settled accommodation urgently because you are at risk.

**High priority** may be awarded in situations where, for example:

- you have suffered severe emotional or physical trauma resulting from violence (including racial or homophobic attacks and domestic violence) or threats of violence, or physical, emotional or sexual abuse;
- your household includes a child who is assessed as a child in need under the Children Act 1989 and you require settled accommodation to meet that need, for example, because of a disability, illness or developmental problems;
- a household member gives or receives care, without which the person being cared for is at risk of harm or will have to move into institutional care;
- you have been approved by social services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child;
- a member of your household needs to be near a particular school because the school is named in their statement of special educational needs, there is no other way for the child to attend the school, and the local education authority has recommended that you move;
- you are a tenant of Russet Homes or another housing association or Council, and have been assessed as requiring a move to sheltered accommodation

**Medium priority** may be awarded in situations where you have care and support needs, and you need suitable accommodation so that these needs can be met, or you will face hardship if unable to give or receive support, for example:

- A household member needs a carer to live independently. The need for respite care, should the main carer be unavailable, will be taken into account

when we decide on priority.

**Low priority** may be awarded in situations where you would face hardship, for example:

- due to the distance to your place of work. We will look at your hours of work, the availability of public transport, whether you can use a car and your income.
- due to the distance from childcare facilities, in exceptional circumstances. Factors which would be taken into account would include how easily you could travel to the child-minder, nursery or playgroup - whether it involved several changes of public transport; whether you could use a car instead; your income; the type of childcare (for example, is it provided by a family member, and you would be unable to go on working without it?)
- due to the need to move to a particular area within the borough to be closer to relatives or friends who give or receive emotional or practical support

#### **5.1.5 : Move-on from supported housing schemes**

If you have support needs, these may be jointly assessed by a multi-agency panel to agree a suitable housing and support package. The Joint Assessment Referral Panel (JARP) is made up of representatives of relevant organisations including KCC Supporting People, KCC Adult Services, community mental health teams, probation services, housing providers and support providers. The JARP assessment is used to enable a household to remain in their own home with support, or to move into short or long term supported accommodation.

Applicants currently living in specialist accommodation with services funded by Supporting People, and who are deemed by the housing scheme manager to be both ready to move-on and capable of sustaining an independent tenancy will be awarded priority using the following guidelines:

**High priority** will usually be awarded where the applicant has successfully completed a support programme, and/or whose tenancy/licence to occupy has expired;

**Medium priority** will usually be awarded where the applicant is within 3 months of successfully completing a support programme and/or has been served with notice to leave the scheme.

#### **5.1.6 Local connection**

If you have a local connection to Tonbridge and Malling, you will be given additional preference by the award of 5 points. You have a local connection if at the date of your application:

- you are currently living within the borough, or were previously living here for either 6 out of the last 12 months, or 3 out of the last 5 years;
- you are employed in the borough on a permanent basis;
- you have close family members (parents, brothers, sisters or adult children) who have lived in the borough for the last 5 years or more. Other family members such as grandparents, aunts and uncles will only be considered if that relative played an important role in your upbringing or is able to offer you practical or emotional support; or
- you have other special reasons for living in the borough, for example you are

attending full time education here.

Within the borough there are some particular properties or new developments that have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under section 106 agreements. This means that there are restrictions on who can be nominated, and those without the relevant local connection would not be considered. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole.

Applicants will be required to provide evidence of their local connection as part of their application for housing.

#### **5.1.7 Local lettings policies**

Local letting policies have an important role to play in widening housing choices for local people and ensuring good housing contributes to regeneration and renewal.

The national and regional housing agendas are encouraging new housing schemes to be mixed tenure, catering for a range of needs and aspirations. Local lettings policies may sometimes be designed so that properties may be made available to households that would not otherwise have the opportunity to access affordable housing. This is to ensure the developments cater for a variety of residents as opposed to concentrations of households with particular support needs. There may be instances therefore, where the Council will seek to nominate working households or those with limited housing need. Through this process lettings can contribute toward balanced, sustainable communities, with a positive impact on education, by influencing school populations, on local businesses, because of more spending power and on health, by balancing the demand for services with local provision.

We will work with our housing association partners to develop local letting policies for new developments and disadvantaged areas where there is an identified need for such intervention. These policies will be carefully considered to ensure that in correcting an imbalance in one area they do not create another.

#### **5.1.8 Under occupation**

If you are currently a tenant of Russet Homes or another housing association or Council, and want to move to a smaller property, you will be awarded 10 points for each bedroom that you give up, for example if you currently live in a 3 bedroomed property and want to move to a 2 bedroomed property you will be awarded 10 points, but if you want to move to a 1 bedroomed property you will be awarded 20 points, provided that you will remain suitably housed and do not become overcrowded by moving to a smaller property. Your landlord may give you money if you move to a smaller property, and pay towards your removal costs. You should contact your landlord for further information about what may be available to you.

#### **5.2 : Exceptional priority / special applications**

Occasionally there are exceptional circumstances that require an applicant to move urgently. For example, cases where the applicant is a high risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements, or where the Council has a homeless duty to an applicant who has received a Discharge Order through the Mental Health Tribunal

Board. The Council's Director of Health and Housing will consider such cases for rehousing on an individual basis, and can award exceptional priority. Applicants with exceptional priority will usually be nominated to a housing association vacancy directly on a discretionary basis.

### **5.3: Banding Priorities**

All applicants will be placed into one of the following four priority bands. Within each band, individual applicants will also have points awarded for housing needs.

#### **Band A – Urgent**

- Overcrowding – applicants requiring an additional 3 or more bedrooms
- Under occupation - Housing Association or Council tenants needing a home with 2 or more bedrooms less than they currently occupy
- Displaced residential occupier where a CPO is to be executed
- Applicants who are wheelchair users, and require a wheelchair accessible/adapted home

#### **Band B – High**

- Overcrowding – applicants requiring an additional 2 bedrooms
- Applicants awarded a high priority (40 points) on medical grounds
- Applicants awarded a high priority (40 points) on welfare grounds
- Applicants awarded a high priority (40 points) on property condition grounds
- Applicants urgently requiring move on from supported accommodation who are capable of sustaining an independent tenancy, and have completed a support programme and/or whose licence has expired
- Homeless applicants where the Council has accepted a duty to secure accommodation under part VII Housing Act 1996
- Housing Association or Council tenants assessed as requiring sheltered accommodation
- Housing Association or Council tenants occupying a home with significant adaptations that are no longer required

#### **Band C – Medium**

- Overcrowding – applicants requiring an additional 1 bedroom
- Applicants awarded a medium priority (15 points) on medical grounds
- Applicants awarded a medium priority (15 points) on welfare grounds
- Applicants awarded a medium priority (15 points) on property condition grounds
- Homeless applicants where the Council does not owe a duty to secure accommodation
- Applicants who are of no fixed abode or residing in non secure accommodation eg sofa surfing/shed or garage/caravan/car/tent
- Under occupation - Housing Association or Council tenants needing a home with 1 bedroom less than they currently occupy
- Applicants assessed as requiring sheltered accommodation

#### **Band D – Low**

- Applicants awarded a low priority (5 points) on medical grounds
- Applicants awarded a low priority (5 points) on welfare grounds
- Applicants awarded a low priority (5 points) on property condition grounds
- Applicants who are not overcrowded but are sharing facilities with others who are not part of their household

- All other applicants who wish to be rehoused in the borough

### 5.3.1 Composite Needs

Where priority is determined solely by the award of points on the grounds of medical, welfare or property conditions, applicants will be placed in the following bands:

Priority on medical, welfare or property conditions	Resulting Band
High	Band B
Medium	Band C
Low	Band D

Applicants with at least one Band A factor will be placed into Band A. Applicants with at least one Band B factor will be placed into Band B. Applicants with at least one Band C factor will be placed into Band C.

### 5.3.2 Composite needs banding table

Band resulting from medical, welfare or property condition	1 or more additional Band A factors	1 or more additional Band B factors	1 Band C factor	2 or more Band C factors	3 or more Band C factors	1 or 2 Band D factors	3 or more Band D factors
Band B	Band A	Band A	Band B	Band A	Band A	Band B	Band B
Band C	Band A	Band B	Band C	Band B	Band B	Band C	Band C
Band D	Band A	Band B	Band C	Band C	Band B	Band D	Band C

Some applicants will be affected by a combination of different housing needs factors and may fall into more than one band, for example they may have a medium priority on overcrowding grounds (Band C), and a low priority on property condition grounds (Band D). The banding scheme recognises that some applicants will have a number of housing needs factors, and gives greater priority to such households as follows:

Where a high priority (Band B) on medical, welfare or property conditions is combined with 1 or more additional Band B factors, or 2 or more additional Band C factors the application will be placed into Band A.

Where a medium priority (Band C) on medical, welfare or property conditions is combined with 2 or more additional Band C factors the application will be placed into Band B.

Where a low priority (Band D) on medical, welfare or property conditions is combined with 3 or more additional Band D factors the application will be placed into Band C.

## 6 : PROPERTY SIZE GUIDELINES

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A Single person- Depending on his/her needs	Bedsit / studio flat , one bedroomed flat, house bungalow or sheltered accommodation
A Couple- Depending on their needs	One bedroomed flat, house, bungalow or sheltered accommodation
Two adults with special needs for separate bedrooms- Depending on their needs	Two bedroomed flat, house, bungalow or sheltered accommodation
A couple or single parent with one child, or expecting a first child*	Two bedroom flat or house
A couple or single parent with two children, or expecting a second child*	Two or three bedroomed flat or house (depending on sex of children)
A couple or single parent with three or more children, or expecting a third or subsequent child*	Three or four bedroomed house (depending on sex of children and also on availability)

\* Proof of pregnancy will be required where an extra bedroom is required for an expected child.

The term couple is deemed to be a heterosexual couple or a same sex couple, whether married, in a civil partnership or cohabiting.

The following are examples of some of the exceptions that may be made to this guide:

- a medical recommendation to increase the size of home to be offered (for example, to meet a medical need for an extra bedroom), or
- the home to be allocated includes special adaptations and there are no other applicants of the correct household size available that require those adaptations, or
- the allocation is the result of an emergency, or
- the home is being used as temporary accommodation, or
- the home is being let under the terms of a local lettings policy, or
- bungalows will generally be allocated to households where the applicant is over 55 years of age or where a member of the household is registered as disabled and needs level living accommodation.

Applicants who have shared access to children who are not normally resident with or dependent upon them will not automatically be eligible for consideration for an additional bedroom. In deciding where dependent children should be housed an assessment will be made of the housing circumstances of each parent to decide whether there is suitable alternative accommodation available for the child. An additional bedroom will only be available where no other suitable accommodation is available for the child to occupy.

## 7 : KENT HOMECHOICE

A key Government aim of the 2002 Homelessness Act was to facilitate a choice based lettings approach, which means that instead of waiting to be made an offer of accommodation, eligible applicants can view details of the homes available for letting, and can then apply for those they are interested in.

Kent Homechoice is a partnership of Kent District Councils and Housing Associations, set up to provide Choice Based Lettings allowing applicants to take a more active role in choosing where they want to live. Councils and Housing Associations advertise housing vacancies in the borough every two weeks, and applicants can then apply (bid) for any vacancies suitable for their needs. Successful bidders will be shortlisted in priority order according to their band and points level. The applicant with the highest priority under the allocation scheme will be offered the property, subject to their circumstances being verified by the Housing Association. Feedback is provided following each advertising round, giving the band and points levels of all successful bidders, and their registration date. This helps applicants to understand both the availability of suitable properties and the likelihood of success when bidding.

### **7.1 : Bidding for available properties**

When you are included on the register, you automatically become a member of Kent Homechoice. You will be sent a Kent Homechoice User Guide which gives detailed information on the CBL process. The User Guide includes a step by step guide to the various bidding processes and details of the symbols used in the property advertisements.

Every fortnight, Kent Homechoice advertises all empty council and housing association homes that are available to let. Properties are advertised on the internet and also on a published magazine called a freesheet. The advertisements include photographs and give basic details of the properties, including the area, number of bedrooms, floor level and mobility level, weekly rent and service charges, and the date it will be ready to occupy, together with any age or pet restrictions. Advertisements will also specify whether preference will be given to particular groups of applicants such as existing Housing Association or Council tenants. Some properties will be ring-fenced so that only certain applicants can bid for them eg sheltered housing schemes and properties adapted for wheelchair users.

In each fortnightly bidding cycle you may bid for up to three properties that are suitable for your needs, You can refuse any resulting offers of accommodation without losing any priority on the register.

You will be given a unique Kent Homechoice PIN number to be used when bidding for properties. You can bid for properties in one of the following ways:

- on the internet,
- by telephone,
- by text message,
- by coupon or
- in person at the Council's offices

Information on how to bid is available in the user guide, on the internet and at Council offices. There is a procedure where people (for example relatives and friends, staff or support workers) can register to bid on your behalf if you have difficulties in understanding the process or are unable to use the bidding methods.

At the end of each bidding cycle, all bids for the available homes are put into priority order according to individual bands and points, which produces a shortlist of eligible applicants for each property. Shortlisted applicants will be contacted by the landlord of the properties they have applied for, to check that the information they have given is correct. The highest priority applicant will usually be offered the property. In the event of two or more applicants sharing the top points score within the priority band, their registration date order will be used to determine priority (see paragraph 4.1).

If an offer is refused, the property will be offered to the applicant with the next highest band/points, and so on, until the property is successfully let.

Where an applicant is the highest priority bidder for more than one property, they will be asked to list the properties in their order of preference. They will be offered their first choice of property in the first instance, followed by any subsequent preferences if their first choice is not suitable.

The Council reserves the right to refuse to shortlist or to make an offer of accommodation on management grounds (for example where offering the property to the highest priority applicant would put others at risk) or where new information has been received which alters an applicant's priority. If an applicant at the top of the shortlist is not selected for a property, they will be notified by the relevant housing association, who will give written reasons why they have been rejected.

After the bidding cycle has closed, the relative position of bidders on a shortlist may change. This will only happen when an applicant's points or band changes after they have bid, but before the property is let. In such cases, it will be the applicant with the highest priority at the time the property is let, rather than at the time that the bidding cycle closes, that will be offered the property.

Housing associations may also refuse to make an offer of accommodation to applicants who have outstanding rent arrears with a current or former landlord, or where there is evidence of anti-social behaviour. Each case is judged on its merits. Where applicants owe rent for a previous tenancy, they will be actively encouraged to enter into an agreement to pay their arrears. If such agreements are kept for a reasonable period, the application will be considered. However, for existing housing association tenants seeking a transfer, a clear rent account is normally expected, except for rehousing emergencies.

## **7.2: Direct Offers**

Occasionally, certain properties are excluded from CBL, and instead are allocated by making direct offers to selected applicants. The circumstances in which a direct let may be made include (but are not limited to) the following:

- an applicant in Band A with high priority on health or welfare grounds, where a direct let is considered the best way of dealing with the urgency of their situation (for example in cases of terminal illness or where there is an immediate threat of violence)
- where an applicant does not have an advocate or support worker and is considered unable to participate in CBL, based on the outcome of their medical or welfare assessment
- applicants in Bands A or B where the Council have accepted the duty to



rehouse as homeless, but who have been unsuccessful in bidding. This will only apply if the duty has been accepted for a minimum of six months, and the applicant has either failed to bid for any suitable properties or has bid but not been shortlisted for any suitable properties. The Council will make one reasonable offer of suitable accommodation before this duty is discharged

- applicants subject to current multi agency public protection arrangements (MAPPA) who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted

The Council will ensure that, wherever possible, direct offers will be suitable for the applicant's assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as non-essential preferences regarding the location or type of rehousing requested by the applicant, or the location or type of their current accommodation will not normally be taken into consideration.

### **7.3 : Period for considering an offer**

After the shortlisting and checking processes, the successful bidder will be contacted directly by the landlord housing association, either through personal visit or by telephone, and offered an opportunity to view the property. The applicant will normally be expected to accept or refuse an offer of accommodation within 24 hours of the viewing. These arrangements may differ between registered social landlords. The housing association may allow some applicants a longer period than others for considering an offer depending on their circumstances, for example where:

- the applicant, particularly a vulnerable applicant, needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision ;
- the applicant lives outside the borough, is not familiar with the locality and needs to make arrangements to travel; or
- the applicant is in hospital or some form of temporary home such as a hostel or refuge.

### **7.4 : Refusals of offers**

With CBL, applicants can generally refuse offers of accommodation without penalties. However, where an applicant refuses a direct offer, in most cases their needs will be re-assessed to check whether their priority or urgency for a move should be reduced. For those applicants where the Council has accepted the duty to rehouse them as homeless, the refusal of a direct offer will usually result in the discharge of the rehousing duty.

The Council is under a legal duty to offer 'suitable' accommodation to such homeless applicants. A 'suitable' offer of housing is one that takes into account the following:

- whether the accommodation is affordable, having taken into account the financial resources available (including entitlement to housing benefit where applicable), the costs of the accommodation, and other reasonable living expenses;
- the size, floor level, space and arrangement of the home, where this is applicable to the housing needs of the household;
- any housing related medical or welfare grounds for rehousing; and
- any risk of domestic or other violence.

When a direct offer is made to a homeless applicant, the offer letter will explain that it is a final offer, and that if you refuse it, you will have the right to ask us to review whether it was suitable for your needs. Any review will be conducted by the Housing Needs and Strategy Manager. If you have refused the offer either verbally or in writing by notifying either the Council or the housing association, and have asked for a review, we will not hold the property for you during the review period and it will be immediately re-offered to another applicant.

Alternatively, you are entitled to both accept the offer and also seek a review as to its suitability, which means that if the decision that the property is suitable is upheld on review, then you can remain in the accommodation offered. If the decision on review is that the property is not suitable, then you will be entitled to a further offer. However, if you have not accepted the offer, and we decide on review that it was suitable, your refusal is likely to constitute a discharge of the Council's homelessness duty, no further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided.

## **8 : AMENDMENTS TO THE HOUSING ALLOCATIONS SCHEME**

### **8.1 : Procedure**

From time to time it may be necessary to make minor amendments to the published scheme, for example if we decide to allow an unlimited number of bids per fortnightly cycle, or a change to the frequency of reviewing applications from annually to six monthly or two yearly. The authority to introduce such minor amendments is delegated to the Director of Health and Housing, and would not be subject to a full consultation period. However, we will seek to inform all applicants of any changes by publicising details on the Council's website and in the Kent Homechoice user guide.

## **APPENDIX 1: HOUSING ALLOCATIONS SCHEME SUMMARY**

### **1 : INTRODUCTION**

Tonbridge & Malling Borough Council maintains a register of households who want to move to affordable housing managed by our housing association partners. We use a banding scheme with points to assess applicants' priority in terms of their housing needs, and to apply fairness and equality in matching applicants on the housing register to properties. This scheme explains how and why the Council matches the requirements of applicants for housing to vacancies in the housing stock of its housing association partners. This document sets out:

- The rules for determining an applicant's priority on the register, and
- The procedures to be followed when matching prospective tenants to properties available to rent from our housing association partners.

A full copy of the scheme is available for inspection at the Council's offices at:

Environmental Health & Housing Services  
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ

Tonbridge Castle, Castle Street, Tonbridge, Kent, TN9 1BG

Telephone enquiries: 01732-876067

e-mail enquiries: [housing.services@tmbc.gov.uk](mailto:housing.services@tmbc.gov.uk)

Internet: [www.tmbc.gov.uk](http://www.tmbc.gov.uk)

### **2 : MAKING AN APPLICATION TO BE INCLUDED ON THE REGISTER**

If you are 16 years of age or over then you can complete an assessment form to record your household's housing needs on the housing register. The Council will consider all applications for social housing in accordance with the procedures set out in this scheme. Any applicant wishing to be included on the register must:

- complete and sign an assessment form,
- complete any supplementary forms or answer further questions as we require,
- provide proof of their identity and current housing circumstances, together with any documents that we request to independently verify this information.

If you need assistance completing the form or require an assessment form in another format please contact us on 01732 876067.

It is an offence under the Housing Act 1996 to obtain accommodation on the basis of false or deliberately misleading information. When housing has been allocated on the basis of misleading information, legal action may be taken to obtain possession of the property.

#### **Ineligible households**

You may be ineligible to join the housing register because:

- (i) you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless the Secretary of State has stated that you should be eligible for housing); or
- (ii) you (or a member of your household) has been guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant.

### **3 : HOUSING REGISTER : GENERAL INFORMATION**

#### **Registration date**

The registration date is usually the date that your application is received. However if you do not provide all the necessary documentation within 28 days of our receipt of your application to enable us to make an assessment, your registration date will be the date on which we receive all of the necessary information.

If you are subsequently awarded high priority on the grounds of medical or welfare needs, or the condition of your current home, your registration date will be amended to the date that the high priority was awarded.

If you become homeless and you have been awarded priority points because we have accepted the duty to rehouse you, your registration date will be amended to the date that the duty was accepted, or the date that you were placed into temporary accommodation, if this was earlier.

#### **Financial considerations**

If you are an owner-occupier or have enough money to be able to rent or buy in the private sector, you will usually be placed in the band that is one band lower than your assessed band. If you are assessed as Band D, but have household income or savings above the threshold, you will remain in Band D.

Income and savings thresholds will be reviewed annually on 1 January each year. The levels set on 1 January 2009, based on existing good practice are;

- Households with a total gross income of £50,000
- Households with total savings of £30,000

Housing associations may refuse to offer you a tenancy:

- If you have outstanding rent arrears with your current landlord or a former landlord, or
- where there is evidence of your anti-social behaviour.

Each case is judged on its merits. Where you owe rent for a previous tenancy, you will be encouraged to enter into an agreement to pay their arrears. If you keep to such an agreement for a reasonable period, the application will be reconsidered. However, if you are an existing housing association tenant seeking a transfer, a clear rent account is normally expected, except in the case of a rehousing emergency.

#### **Annual review**

We will write to you, once a year on or around the anniversary of the date you were first registered. We will ask you whether you wish to remain on the register for another year, and to remind you to tell us about any changes in your circumstances. You must reply to this letter. If you fail to reply to the letter or provide any additional information we ask for within 28 days of the letter, we will assume that you no longer wish to be on the register. We will then cancel your application without further notification.

#### **Keeping applications up to date**

Your name will be removed from the register for any of the following reasons:

- not responding to the annual review;
- not responding to a correspondence from the Council that asked you to

- provide information;
- you are no longer eligible to be included on the register;
- you no longer wish to be rehoused; or
- you have left temporary accommodation which we arranged for you, and we do not have your forwarding address.

It is your responsibility to inform the Council of any material change that could affect the priority you have been awarded.

### **Advice and information**

You have the right to certain general information:

- information that will enable you to work out how your application is likely to be treated under the scheme, and, in particular, whether you are likely to fall within the reasonable preference categories; and
- information about whether a property appropriate to your needs is likely to become available, and, if so, how long it is likely to be before such a property becomes available based upon data on turnover rates.

In practice waiting times depend on your personal circumstances, the number of applications we receive, the number of properties available for letting, changes in legislation, and the number of bids made by applicants. Accordingly, only a very general indication can be given as to how long an applicant may have to wait to be the successful bidder. Such an indication offers no guarantee of housing by a certain date. People in low housing need are likely to wait for a considerable period of time before receiving an offer and many will never receive an offer of accommodation.

### **The right to request a review of a decision**

You have the right to request a review of the following decisions:

- to treat you as ineligible because of your immigration status or unacceptable behaviour serious enough to make you unsuitable to be a tenant of the Council;
- not to give you any preference under the scheme because of unacceptable behaviour serious enough to make you unsuitable to be a tenant of the Council; or
- about the facts of your case which have been, or are likely to be taken into account by the Council in considering whether to make an allocation.

If you do not agree with the decision about your acceptance on to or removal from the register, or the level of priority awarded to your application you may request a review. You must write to us within 28 days of receiving the notification, stating your reasons for requesting a review.

## **4 : BANDING AND POINTS SCHEME**

You will be placed into one of four bands, and within each band, relative priority is determined through the points scheme. We will not usually include you on the register if you do not receive any points under the scheme, because you have no realistic chance of being offered accommodation. Points are awarded for housing needs, depending on your circumstances, in accordance with the scheme below:

<b>Overcrowding</b>	<b>Points</b>
For each person lacking a bed space	10
<b>Lacking facilities</b>	<b>Points</b>
<i>(If you are not currently living in traditional housing)</i>	8
If you lack one or more of the following:	
<ul style="list-style-type: none"> <li>• Bath or shower</li> <li>• Electricity supply</li> <li>• Internal W.C.</li> <li>• Piped water supply</li> </ul>	
<b>Sharing facilities</b>	<b>Points</b>
<i>(Except with other members of the same household seeking rehousing)</i>	4
If you share one or more of the following:	
<ul style="list-style-type: none"> <li>• Bath or shower</li> <li>• W.C.</li> <li>• Somewhere to prepare and cook food</li> </ul>	
<b>Condition of current housing</b>	<b>Points</b>
<ul style="list-style-type: none"> <li>• High Priority - a move is essential</li> <li>• Medium Priority - a move would be beneficial</li> <li>• Low Priority – a move is not essential</li> </ul>	<p>40</p> <p>15</p> <p>5</p>
<b>Medical or disability reasons for moving</b>	<b>Points</b>
<ul style="list-style-type: none"> <li>• High Priority - a move is essential</li> <li>• Medium Priority - a move would be beneficial</li> <li>• Low Priority – a move would be desirable, but is not essential</li> </ul>	<p>40</p> <p>15</p> <p>5</p>
<b>Social or welfare reasons for moving</b>	<b>Points</b>
<ul style="list-style-type: none"> <li>• High Priority - a move is essential</li> <li>• Medium Priority - a move would be beneficial</li> <li>• Low Priority – a move would be desirable, but is not essential</li> </ul>	<p>40</p> <p>15</p> <p>5</p>
<b>Local connection</b>	<b>Points</b>
Applicants with a local connection to Tonbridge and Malling	5
<b>Council duties</b>	<b>Points</b>
Duties to displaced residential occupiers following compulsory purchase etc	40
<b>Homelessness</b>	<b>Points</b>
<ul style="list-style-type: none"> <li>• Where the Council accepts it has a duty to secure accommodation under Part VII Housing Act 1996</li> <li>• Where you are of no fixed abode or homeless, but the Council does not owe you a duty to secure accommodation</li> <li>• For each month spent in temporary accommodation, up to a maximum of 12 months</li> </ul>	<p>35</p> <p>10</p> <p>1</p>

**NB: Points awarded for homelessness cannot be combined with points from other need categories, except for medical, social or welfare priority and local connection.**

## **Under occupation**

Housing association tenants moving to a smaller home will receive 10 points for each bedroom given up.

For further information on the points scheme please refer to the full Housing Allocations Scheme document.

## **5 : BANDING PRIORITIES**

All applicants will be placed into one of the following four priority bands. Within each band, individual applicants will also have points awarded for housing needs.

### **Band A – Urgent**

- Overcrowding – applicants requiring an additional 3 or more bedrooms
- Under occupation - Housing Association or Council tenants needing a home with 2 or more bedrooms less than they currently occupy
- Displaced residential occupier where a CPO is to be executed
- Applicants who are wheelchair users, and require a wheelchair accessible/adapted home

### **Band B – High**

- Overcrowding – applicants requiring an additional 2 bedrooms
- Applicants awarded a high priority (40 points) on medical grounds
- Applicants awarded a high priority (40 points) on welfare grounds
- Applicants awarded a high priority (40 points) on property condition grounds
- Applicants urgently requiring move on from supported accommodation who are capable of sustaining an independent tenancy, and have completed a support programme and/or whose licence has expired
- Homeless applicants where the Council has accepted a duty to secure accommodation under part VII Housing Act 1996
- Housing Association or Council tenants assessed as requiring sheltered accommodation
- Housing Association or Council tenants occupying a home with significant adaptations that are no longer required

### **Band C – Medium**

- Overcrowding – applicants requiring an additional 1 bedroom
- Applicants awarded a medium priority (15 points) on medical grounds
- Applicants awarded a medium priority (15 points) on welfare grounds
- Applicants awarded a medium priority (15 points) on property condition grounds
- Homeless applicants where the Council does not owe a duty to secure accommodation
- Applicants who are of no fixed abode or residing in non secure accommodation eg sofa surfing/shed or garage/caravan/car/tent
- Under occupation - Housing Association or Council tenants needing a home with 1 bedroom less than they currently occupy
- Applicants assessed as requiring sheltered accommodation

### **Band D – Low**

- Applicants awarded a low priority (5 points) on medical grounds
- Applicants awarded a low priority (5 points) on welfare grounds

- Applicants awarded a low priority (5 points) on property condition grounds
- Applicants who are not overcrowded but are sharing facilities with others who are not part of their household
- All other applicants who wish to be rehoused in the borough

### Composite needs banding table

Band resulting from medical, welfare or property condition	1 or more additional Band A factors	1 or more additional Band B factors	1 Band C factor	2 or more Band C factors	3 or more Band C factors	1 or 2 Band D factors	3 or more Band D factors
Band B	Band A	Band A	Band B	Band A	Band A	Band B	Band B
Band C	Band A	Band B	Band C	Band B	Band B	Band C	Band C
Band D	Band A	Band B	Band C	Band C	Band B	Band D	Band C

Some applicants will be affected by a combination of different housing needs factors and may fall into more than one band, for example they may have a medium priority on overcrowding grounds (Band C), and a low priority on property condition grounds (Band D). The banding scheme recognises that some applicants will have a number of housing needs factors, and gives greater priority to such households as follows:

Where a high priority (Band B) on medical, welfare or property conditions is combined with 1 or more additional Band B factors, or 2 or more additional Band C factors the application will be placed into Band A.

Where a medium priority (Band C) on medical, welfare or property conditions is combined with 2 or more additional Band C factors the application will be placed into Band B.

Where a low priority (Band D) on medical, welfare or property conditions is combined with 3 or more additional Band D factors the application will be placed into Band C.

### Exceptional priority / special applications

Where there are exceptional circumstances that require an applicant to be rehoused urgently an application can be considered for a direct offer outside of the banding and points scheme on a discretionary basis, for example where an applicant is in Band A with high priority on health or welfare grounds, and a direct let will help with the urgency of their situation. The Council's Director of Health and Housing will consider such cases on an individual basis.

## 6 : KENT HOMECHOICE

Kent Homechoice is a partnership of Kent District Councils and Housing Associations, set up to provide Choice Based Lettings allowing you to take a more active role in choosing where you want to live. Councils and Housing Associations advertise housing vacancies in the borough every two weeks, and you can then apply (bid) for any vacancies suitable for your needs. Successful bidders will be shortlisted in priority order according to their band and points level.



The applicant with the highest priority under the allocation scheme will be offered the property, subject to their circumstances being verified by the Housing Association. Feedback is provided following each advertising round, giving the band and points levels of all successful bidders, and their registration date. This helps you to understand both the availability of suitable properties and the likelihood of success when bidding.

### **Bidding for available properties**

Every fortnight, Kent Homechoice advertises all empty council and housing association homes that are available to let. Properties are advertised on the internet and also in a published magazine. In each fortnightly bidding cycle, you may bid for up to three properties that are suitable for your needs, and may refuse any resulting offers of accommodation without losing your priority.

You will be given a unique Kent Homechoice PIN number to be used when bidding for properties. You can bid for properties in one of the following ways: on the internet, by telephone, by text message, by coupon, or in person at the Council's offices. Information on how to bid is available in your user guide, on the internet and at Council offices. There is a procedure where people (for example relatives and friends, staff or support workers) can register to bid on your behalf if you have difficulties in understanding the process or are unable to use the bidding methods.

At the end of each bidding cycle, all bids for the available homes are put into priority order according to individual bands and points, which produces a shortlist of eligible applicants for each property. Shortlisted applicants will be contacted by the landlord of the properties they have applied for, to check that the information they have given is correct. The highest priority applicant will usually be offered the property. In the event of two or more applicants sharing the top points score within the priority band, their registration date order will be used to determine priority. The successful bidder will be contacted directly by the landlord housing association and offered an opportunity to view the property. They will normally be expected to accept or refuse an offer of accommodation within 24 hours of the viewing

### **Refusals of offers**

With CBL, applicants can generally refuse offers of accommodation without penalties. However, where the Council has accepted the duty to rehouse an applicant as homeless, and has made a direct offer, a refusal will usually result in the discharge of the rehousing duty.

When a direct offer is made to a homeless applicant, the offer letter will explain that it is a final offer, and that if it is refused, you will have the right to ask us to review whether it was suitable for your needs. We will not hold the property for you during the review period and it will be immediately re-offered to another applicant. However, you are entitled to both accept the offer and also seek a review as to its suitability, which means that if the decision that the property is suitable is upheld on review, then you can remain in the accommodation offered. If the decision on review is that the property is not suitable, then you will be entitled to a further offer. However, if you have not accepted the offer, and we decide on review that it was suitable, your refusal is likely to constitute a discharge of the Council's homelessness duty, no further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided.

## **APPENDIX 2: PROPERTY SIZE GUIDELINES**

Generally, homes are offered in line with the following guide:

<b>Household size</b>	<b>Type and Size of Home</b>
A Single person- Depending on his/her needs	Bedsit /studio flat, one bedroomed flat, house bungalow or sheltered accommodation
A Couple- Depending on their needs	One bedroomed flat, house, bungalow or sheltered accommodation
Two adults with special needs for separate bedrooms- Depending on their needs	Two bedroomed flat, house, bungalow or sheltered accommodation
A couple or single parent with one child, or expecting a first child*	Two bedroom flat or house
A couple or single parent with two children, or expecting a second child*	Two or three bedroomed flat or house (depending on the sex of the children)
A couple or single parent with three or more children, or expecting a third or subsequent child*	Three or four bedroomed house (depending on the sex of the children and also on availability)

\* Proof of pregnancy will be required where an extra bedroom is required for an expected child.

The term couple is deemed to be a heterosexual couple or a same sex couple, whether married, in a civil partnership or cohabiting.

The following are examples of some of the exceptions that may be made to this guide:

- a medical recommendation to increase the size of home to be offered (for example, to meet a medical need for an extra bedroom), or
- the home to be allocated includes special adaptations and there are no other applicants of the correct household size available that require those adaptations, or
- the allocation is the result of an emergency, or
- the home is being used as temporary accommodation, or
- the home is being let under the terms of a local lettings policy, or
- bungalows will generally be allocated to households where the applicant is over 55 years of age or where a member of the household is registered as disabled and needs level living accommodation.

Applicants who have shared access to children who are not normally resident with or dependent upon them will not automatically be eligible for consideration for an additional bedroom. In deciding where dependent children should be housed an assessment will be made of the housing circumstances of each parent to decide whether there is suitable alternative accommodation available for the child. An additional bedroom will only be available where no other suitable accommodation is available for the child to occupy.

### APPENDIX 3 : LETTINGS AREAS

Applicants can select from the lettings areas as detailed on the borough map.



#### **APPENDIX 4 : Indicative homes provided by Russet Homes by area**

As Russet Homes is the largest housing association with properties in the borough, the following table provides an indicative guide. This table gives details of all homes, including those in sheltered schemes which are predominantly studio or one bed homes, managed by Russet Homes as at October 2008. The table is broken down by bedroom size, as a guide to selecting the most appropriate areas to meet applicant's housing needs.

Lettings area	No of bedrooms					Total number of homes
	0 (Studio)	1	2	3	4	
Addington		4		3		7
Aylesford		28	27	62	4	121
Birling		5		6		11
Borough Green		24	57	107	12	200
Burham	5	28	9	30	5	77
Ditton	17	63	13	99	2	194
Eccles		23	26	43	2	94
East Malling		114	146	412	9	681
East Peckham	21	35	43	57	6	162
Hadlow		63	87	108	1	259
Hildenborough		31	41	41	1	114
Ightham		5	2	14		21
Kings Hill	69		40	40	6	157
Larkfield		109	44	146	5	304
Leybourne		42	18	28		88
Mereworth		16	67	38	3	124
North Tonbridge	30	448	592	567	27	1664
Offham		10		15		25
Platt		4		8		12
Plaxtol		3	3	8		14
Ryarsh		16	1	25		42
Shipbourne		7		10		17
Snodland	39	180	81	273	18	591
Stansted		1		5		6
South Tonbridge	45	196	306	442	17	1006
Trottscliffe			2	2		4
Wateringbury		20	7	18		45
West Malling	22	46	39	60	11	178
Wouldham		11	7	2	1	21
West Peckham					2	2
Wrotham	17	70	26	102	2	217
<b>Total</b>	<b>265</b>	<b>1602</b>	<b>1684</b>	<b>2774</b>	<b>133</b>	<b>6458</b>

In addition there are a number of other housing associations who own and develop affordable housing within the borough.