

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

Consultation feedback/result	TMBC's interpretation	Outcomes (subject to approval by Cabinet)								
<p>Q1. The residence criterion for local connection states, "<i>you are currently living within our borough, or were previously living here for either 6 out of the last 12 months, or 3 out of the last 5 years</i>". Should this criterion be more demanding?</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">8</td> <td style="text-align: center;">0</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	2	8	0	10	<p>As the majority of respondents (8) have not suggested any change, we should not be applying a minimum period of residence to establish a local connection. In practice, most applicants have been living in the borough for a period of time before making an application. As applicants also need to have a housing need before being included on the register, an additional potential delay of up to 12 months could cause hardship.</p>	<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Total							
2	8	0	10							
<p>Q1a. If Yes, what should the scheme say to accommodate your more demanding criterion? Please enter the draft text as you would prefer to see it in the revised scheme.</p> <p>Both respondents agree that the residence criterion should include living in the borough for at least the past 12 months.</p>										

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<p>Q2. The full time education criterion is new. It states, "you or a member of your household is attending full time education here". Do you agree or disagree with this criterion?</p> <table border="1" data-bbox="199 459 741 555"> <thead> <tr> <th>Agree</th> <th>Disagree</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>1</td> <td>1</td> <td>10</td> </tr> </tbody> </table>	Agree	Disagree	Not sure	Total	8	1	1	10	<p>As the majority of respondents (8) agree, this additional criterion should be included. It should also be in line with HMRC's definition and apply to dependent children/young people under 19 years of age. This also takes some account of the comment made by the respondent who disagreed.</p> <hr/> <p>HMRC Definition: CCM18030 - Child Benefit and Tax Credits: Definition of Full Time Education:</p>	<p>Changes to revised housing allocations scheme, dated 27 February 2013, as used in the consultation:</p> <ul style="list-style-type: none"> • The definition of full time education for the purposes of conferring a local connection will be: <ul style="list-style-type: none"> ○ in line with the HMRC definition, and ○ applied to people age under 19 who are undertaking a course of non advanced education. • HMRC's definition will be included as a footnote.
Agree	Disagree	Not sure	Total							
8	1	1	10							
<p>Q2a. If you agree, how should we define full time education?</p> <p>Two respondents referred to HMRC's definition of full time education and five others suggest it should apply to dependent children/young people age under 19.</p>	<p>Full-time education is education undertaken in pursuit of a course, where an average of more than 12 hours per week is spent during term time</p> <ul style="list-style-type: none"> • receiving tuition • engaging in practical work • receiving supervised study • taking examinations. 									
<p>Q2b. If you disagree, please explain why you disagree.</p> <p>The respondent who disagreed said that consideration needs to be given to part time students who also work.</p> <p>The respondent who was not sure raised the question that presumably applicants would have already had to meet education catchment requirements, and said that good schools, particularly in Tonbridge, may disadvantage the local community who may be waiting for social housing.</p>	<p>This does not include time spent on meal breaks or unsupervised study.</p> <p>Non advanced education is considered to include courses such as</p> <ul style="list-style-type: none"> • an ordinary national diploma • a national diploma or national certificate of Edexcel • a general certificate of education (up to and including advanced level) • Scottish national qualifications (up to and including higher or advanced level). 									

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<p>Q3. We have already decided on the armed forces criterion. It states, "<i>you are a serving member of the Regular Forces or a former member within five years of discharge (or a bereaved spouse or civil partner of such a member), or a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.</i>" Apart from this, would you change or add to any of the other local connection criteria?</p> <table border="1" data-bbox="199 719 741 812"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>9</td> <td>0</td> <td>10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	1	9	0	10	<p>As the majority of respondents (9) would not change or add to any of the other local connection criteria, any changes should be limited.</p>	<p>The revised housing allocations scheme, dated 27 February 2013, as used in the consultation, will be amended to state that part or full time employment will give rise to a local connection. Any restrictions such as stating a minimum numbers of hours worked could act as a disincentive to taking up employment, so will not be included.</p>
Yes	No	Not sure	Total							
1	9	0	10							
<p>Q3a. If Yes, what changes or additional local connection criteria would you propose? Please enter the draft text as you would prefer to see it in the revised scheme.</p> <p>The respondent who would change or add to the other local connection criteria suggested the scheme should clarify that serving members of the armed forces who need to move here due to serious injury etc. are also included.</p> <p>One of the respondents who would not change or add to the other local connection criteria asked for:</p>	<p>All serving members (whether injured/disabled or not) will be considered as having a local connection, so no further amendment to the allocation scheme is necessary.</p> <p>Statutory guidance for the Housing Act (1996) states that:</p>									

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<ul style="list-style-type: none">• confirmation whether permanent employment applies to both full and part time.• clarification whether an applicant would qualify if their registered office may be outside the borough and their work area is within the borough.	<ul style="list-style-type: none">• Employment should not be of a casual nature, so both full and part time employment will give rise to a local connection.• Local connection arises where the actual work takes place, rather than the location of the registered office.	
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Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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<p>Q4. Do you agree or disagree with the allocation of the above housing needs criteria to the bands? Important - please note this question asks about the above criteria as stated - the questions below provide an opportunity to change or add to the criteria.</p>						<p>As a result of feedback to this question there is no change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p> <p>However, as a result of removing the room size criteria in line with the Housing Benefit regulations (see Q11), the following criterion will be removed from band D, "Households with children sharing a bedroom of inadequate size".</p>
Agree totally	Agree partly/ disagree partly	Disagree totally	Not sure	Total		
4	6	0	0	10		
<p>Q4a. If you disagree in any way, what changes would you propose?</p> <p>Of the respondents who disagreed:</p> <p>a) Two respondents suggested that homeless applicants should be allocated to a higher band than proposed in the revised scheme (band B rather than band C). One of these also suggested that applicants with no fixed abode should be placed in a higher band.</p>					<p>Reviewing the comments of the respondents who disagreed:</p> <p>a) Applicants who are homeless or threatened with homelessness are awarded equal priority and placed in band C. Those homeless cases where the Council has accepted a duty will usually have this duty discharged by way of an offer of a private sector tenancy. Accepted cases who are considered to be 'vulnerable' where an offer of private sector accommodation may not be appropriate will be assessed by the Housing Needs Panel, and may be</p>	

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

<p>b) One respondent suggested that private sector tenants should be lowered to band D as they should be able to access alternative private accommodation. It is further suggested that there may be a case for priority if they are unable to rent due to poor credit rating or extenuating circumstances.</p> <p>c) Two respondents referred to the priority awarded to under-occupiers. One suggested that all under-occupiers should be in band A to prevent hardship arising from the implementation of the 'bedroom tax'. The other respondent suggested that under-occupiers outside the borough should not be in band B, and that older tenants going into sheltered accommodation should be given a higher banding than band C if freeing up a larger home.</p>	<p>awarded a high priority on welfare grounds, which will place them in band B.</p> <p>b) This suggestion does not account of housing need, and a 'blanket' policy of placing all applicants in band D if they are private tenants would be unlawful.</p> <p>c) Social tenants downsizing will be placed in the Band appropriate to their needs:</p> <ul style="list-style-type: none"> • Band A (if they are giving up 2 bedrooms and currently live in the borough) • Band B (if they are giving up 1 bedroom and currently live in the borough; or giving up 2 bedrooms and not currently living in the borough) • Band C (if they are giving up 1 bedroom and not currently living in the borough). <p>To operate a 'blanket' policy of placing all under-occupiers in band A could be unlawful, as individual circumstances are not taken into account. The range of priorities ensures that those with the largest properties, and therefore potentially facing the greatest hardship due to welfare reform, are placed in a higher band. Under-occupiers living outside the borough will still need to have</p>	
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Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

<p>d) One respondent suggested that “applicants needing sheltered” are placed in band B rather than C, possibly because some sheltered properties can be hard to let.</p> <p>e) One respondent commented that tenants needing to decant are not included within the band reasons, so they assume they would be dealt with outside of CBL.</p> <p>f) One respondent suggested that people who need to move urgently, e.g. where there is a demolition order or they are a farm worker under the Rent (Agriculture) Act, should be included in band A.</p>	<p>a local connection in order to be included on the housing register and, although our residents may not benefit from the larger property released, it is important to reduce hardship. Older tenants moving to sheltered accommodation will be placed into band C unless they meet the criteria of bands A or B which include some categories of under-occupation.</p> <p>d) As stated above, some applicants wanting sheltered housing but who have additional needs could be placed in band A or B. In practice, only those applicants who meet the age/support need criteria for sheltered schemes will be considered.</p> <p>e) This is confirmed in the introduction to the allocation scheme at para 1.3.</p> <p>f) The allocation scheme awards a high priority on welfare grounds (band B) where the Council has a duty to re-house displaced occupiers due to compulsory purchase or workers under the Rent (Agriculture) Act. Where a property is due to be demolished, they will be dealt with outside of CBL as confirmed in the introduction to the allocation scheme at para 1.3.</p>	
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Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

<p>g) One respondent suggesting widening the criteria of band A to include emergency medical criteria which does not involve wheelchair use but where the applicant could be bed-blocking.</p>	<p>g) Band A is intended to be very small to ensure that applicants are housed promptly in appropriately adapted accommodation where necessary. The case described would be placed in Band B and is still likely to be re-housed fairly quickly. Where there is evidence of bed-blocking, the case could be referred to the Housing Needs Panel who could award exceptional priority (band A).</p>	
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Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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<p>Q5. We have already decided on the following two housing needs criteria:</p> <ul style="list-style-type: none"> - <i>“Private sector assured shorthold tenants who are threatened with homelessness because they have been served with a valid notice, usually at least 2 months, to quit their tenancy.</i> - <i>Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice, usually at least 3 months, to vacate their tenancy.”</i> <p>Apart from these, would you modify or delete any of the other housing needs criteria?</p> <table border="1" data-bbox="199 794 741 887"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>8</td> <td>0</td> <td>10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	2	8	0	10	<p>Comments from the two respondents who said they would modify or delete any of the housing needs criteria have already been considered under Q4 where they are a 'better fit'.</p>	<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Total							
2	8	0	10							
<p>Q5a. If Yes, what modifications or deletions would you propose? For any modification please enter the draft text as you would prefer to see it in the revised scheme and clarify whether/how this would impact on its allocation to the bands.</p> <p>There were two responses, both relating to allocation of criteria to the priority bands.</p>										

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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<p>Q6. Would you add to the housing needs criteria?</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">7</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	2	7	1	10		No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.
Yes	No	Not sure	Total							
2	7	1	10							
<p>Q6a If Yes, what additional criteria would you propose. Please enter the additional criteria as you would prefer to see them in the revised scheme and identify the appropriate band(s).</p> <p>Of the two respondents who would add to the housing needs criteria:</p> <p>a) One respondent asked if moving for employment or full time education as a local connection with no other need should be in band D.</p> <p>b) One respondent is unable to offer a management move outside Choice Based Lettings for their tenants as 100% of their lettings are 'nominated' by the Council, so is requesting consideration of welfare priority for their tenants needing an urgent move for decant or management reasons.</p>	<p>Reviewing the comments of the respondents who would add to the housing needs criteria:</p> <p>a) The allocation scheme provides for a band D assessment if the application is awarded a low priority on welfare grounds.</p> <p>b) These cases will be considered by the Housing needs Panel who can award a high priority on welfare grounds.</p>									

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

Consultation feedback/result	TMBC's interpretation	Outcomes (subject to approval by Cabinet)								
<p>Q7. We propose to allocate those households currently assessed on medical/disability grounds as medium priority under the current scheme to low priority under the revised scheme, with the offer of a review. Do you agree with this approach?</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">3</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	6	3	1	10	<p>The allocation scheme has been simplified to place applicants into one of four bands according to their highest level of needs, rather than the accumulation of needs as before. This means that those who have an urgent need to move because their current accommodation does not meet their medical/disability needs will be placed in band B (unless band A applies). Those with a lower level of medical/disability need will be placed in band D (unless there are any other housing needs such as overcrowding/under-occupation/homelessness etc which would place them in a higher band). The guidelines/procedure for assessing medical priority will clarify the circumstances that are likely to give rise to a high or low priority, and those currently assessed as medium (where there are no other housing needs) will be moved to band D with the option of a review of their circumstances.</p>	<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Total							
6	3	1	10							
<p>Q7a If No, what would you propose instead?</p> <p>Of the three respondents who do not agree, two advocate keeping the category of medium priority. One of these is concerned that otherwise the range of conditions and the ability to manage them will be too great - meaning those with a low need and on the waiting list longer will be housed sooner than those with a medium need who are having a more difficult time coping. They suggest low priority cases could go into band D.</p> <p>The respondent who is not sure said it is difficult to comment without examples of the difference between high, medium and low.</p> <p>One respondent who agreed with the approach said need to be clear about what criteria is needed to be considered high or low.</p>										

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Consultation feedback/result	TMBC's interpretation	Outcomes (subject to approval by Cabinet)								
<p>Q8. We propose to allocate those households currently assessed on social/welfare grounds as medium priority under the current scheme to low priority under the revised scheme, with the offer of a review. Do you agree with this approach?</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">7</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	7	1	2	10	<p>Generally, as Q7.</p>	<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Total							
7	1	2	10							
<p>Q8a If No, what would you propose instead?</p> <p>Similar comments were received as those for Q7.</p> <p>One respondent who previously commented on the use of welfare priority for dealing with urgent decant/management move cases felt it might be important to have medium band.</p>	<p>As these types of cases have an urgent need to move they will be awarded high priority.</p>									

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<p>Q9. Should the scheme also take account of affordability in the housing needs criteria?</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Yes</th> <th>No</th> <th>Not sure</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">4</td> <td style="text-align: center;">0</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Total	6	4	0	10	<p>Respondents appear to be particularly concerned about affordability at the point where an applicant is being considered for accommodation rather than at the point of assessing their priority on the register.</p> <p>None of the comments stated whether any priority should be given to applicants on the grounds of affordability, so this will not be included as a separate housing need factor when determining the appropriate banding for applicants.</p>	<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Total							
6	4	0	10							
<p>Q9a If Yes, how should the criteria be amended or supplemented to take account of affordability?</p> <p>Three of the respondents who said the criteria should be amended or supplemented, suggested an assessment of income against rent and essential household expenses, and whether the applicant will be able to pay any shortfall in housing benefit, should be considered to ensure that the applicant is able to sustain their tenancy financially.</p> <p>However, this question may have been misunderstood; despite the emphasis (via bold font) on the housing needs criteria, the comments suggest that some respondents' answers relate to the scheme in general.</p>										

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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Q10 Do you agree or disagree with the circumstances that would result in down-banding?						Changes to revised housing allocations scheme, dated 27 February 2013, as used in the consultation: <ul style="list-style-type: none"> • The time limit for transferring an owned property or disposing of capital assets has been increased from 5 years to 7 years. • The thresholds for those eligible for sheltered housing have been increased to £100,000 for savings and/or income and £250,000 for equity.
Agree totally	Agree partly/ disagree partly	Disagree totally	Not sure	Total		
8	2	0	0	10		
Q10a If you disagree in any way, how would you change the circumstances set out in the draft scheme? One of the respondents who disagreed: <ul style="list-style-type: none"> • Said down-banding should apply across the board including sheltered, supported and needing a property adapted for wheelchair access. • Asked whether the time period for considering transfer of property from homeowner to other family members – should be set at 7 rather than 5 years prior to the application, to coincide with Capital Gains/Inheritance tax. The other respondent who disagreed asked for a higher savings/asset limit for sheltered housing to meet long term housing need. They gave the example of a neighbouring council with a limit up to £350,000.					Reviewing the comments of the respondents who disagreed: <ul style="list-style-type: none"> • It is unrealistic to downband applicants who are in genuine need of adapted/sheltered properties, where their current property is unsuitable. • This should be brought into line. • There should be higher thresholds as older people often have greater care and support needs. 	

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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<p>Q11 Do you agree or disagree with our assessment of over-crowding in the draft scheme?</p> <table border="1" data-bbox="150 387 790 595"> <thead> <tr> <th data-bbox="150 387 241 547">Agree totally</th> <th data-bbox="241 387 371 547">Agree partly/ disagree partly</th> <th data-bbox="371 387 501 547">Disagree totally</th> <th data-bbox="501 387 593 547">Not sure</th> <th data-bbox="593 387 701 547">Did not answer</th> <th data-bbox="701 387 790 547">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="150 547 241 595">3</td> <td data-bbox="241 547 371 595">5</td> <td data-bbox="371 547 501 595">1</td> <td data-bbox="501 547 593 595">0</td> <td data-bbox="593 547 701 595">1</td> <td data-bbox="701 547 790 595">10</td> </tr> </tbody> </table>	Agree totally	Agree partly/ disagree partly	Disagree totally	Not sure	Did not answer	Total	3	5	1	0	1	10	<p>The allocation scheme should be amended to agree with Housing Benefit regulations.</p> <p>These views are conflicting, and to ensure clarity, under-occupancy and overcrowding assessments will be based solely on the number of bedrooms</p>	<p>Changes to revised housing allocations scheme, dated 27 February 2013, as used in the consultation:</p> <ul style="list-style-type: none"> • The age of two same sex children expected to share a bedroom will be reduced to age 16 rather than age 18. • Children of the same sex where there is an age gap of more than 10 years will no longer be considered for separate bedrooms. • The room size criteria will be removed in line with the Housing Benefit regulations when assessing both overcrowding and under-occupancy.
Agree totally	Agree partly/ disagree partly	Disagree totally	Not sure	Did not answer	Total									
3	5	1	0	1	10									
<p>Q11a If you disagree in any way, how would you change the assessment?</p> <p>All of the comments referred to the need to align our assessment of bedroom need with that used to determine entitlement to housing benefit. Three respondents specifically suggested that the age of two same sex children sharing a bedroom should be reduced to 16 rather than 18 (ignoring the age gap) to coincide with Housing Benefit regulations.</p> <p>One respondent suggested that although the size of the room should not count for under-occupancy, room sizes that do not meet the size criteria should be placed in Band C.</p>														

Draft Revised Allocations Scheme Consultation - Interpretation and Outcomes

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<p>Q12. Apart from the above changes that have already been agreed and included in the draft revised scheme, would you make any other changes to the revised draft scheme that have not already been covered in your answers to the previous questions?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Yes</th> <th style="text-align: center;">No</th> <th style="text-align: center;">Not sure</th> <th style="text-align: center;">Did not answer</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>	Yes	No	Not sure	Did not answer	Total	0	8	1	1	10		<p>No change to draft revised housing allocations scheme, dated 27 February 2013, as used in the consultation.</p>
Yes	No	Not sure	Did not answer	Total								
0	8	1	1	10								
<p>Q12a If Yes, what other changes would you make?</p> <p>The respondent who did not answer Q12 raised concerns about hard to let properties if the number of applicants on the list is reduced which could lead to the closure of some (sheltered) schemes. (This comment was made under Q1a but is a 'better fit' here.)</p> <p>The same respondent also sought clarification under Q12a about:</p> <ul style="list-style-type: none"> • who will be included on the Housing Needs Panel, and if extra bedrooms are agreed that this will be in line with the criteria for 'bedroom tax') • the circumstances that will give rise to an 	<p>Although some hard to let properties (typically single person studio bedsits within sheltered schemes) do not attract a high number of bidders, the introduction of qualifying criteria to join the housing register will not have a disproportionate impact on older applicants. Housing association landlords will still have the option to let these properties outside Choice Based Lettings if there are no suitable bidders as they do now.</p> <p>Details of the composition of the Housing Needs Panel are included in the allocation scheme in para 4.7. To ensure that the need for extra bedrooms are assessed in line with the social sector size criteria:</p> <ul style="list-style-type: none"> • decisions regarding an extra bedroom for 											

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award of exceptional priority.	a disabled child (and any other circumstances stated by DWP and set out in the scheme) will be made jointly with an assessor from the Housing Benefits team, and <ul style="list-style-type: none">• details of the procedure will be included in the internal guidance notes for Housing Needs Panel meetings. Examples of the circumstances that could give rise to exceptional priority are included at para 4.10.	
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