

DARTFORD

BOROUGH COUNCIL

DRAFT HOUSING ALLOCATIONS' POLICY

Update July 2019

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1. CONTEXT AND POLICY AIMS

- 1.1. This Allocations' Policy sets out the criteria and procedures that Dartford Borough Council uses to prioritise applicants for housing owned by the Council and a proportion of homes owned by our housing association partners in the borough. It details how applicants can apply for, and access, social housing and sets out how applicants are prioritised on the Council's housing register. It also sets out other assistance that is provided to housing applicants, including advice and access to housing in the private rented sector.
- 1.2. In Dartford, the demand for affordable housing is far greater than the number of homes available. This Policy therefore aims to ensure that those in greatest housing need and those that make a contribution to the community, are given appropriate priority to access available housing.
- 1.3. The Policy sets out in detail who does and does not qualify and how this is decided. The Policy is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives such as promoting mixed communities and making efficient use of the housing stock.
- 1.4. The key objectives of this Policy are to:
 - Provide a fair and transparent system by which people are prioritised for housing.
 - Help those most in need of housing.
 - Promote the development of sustainable mixed communities.
 - Make the best use of affordable housing in the Dartford borough.
 - Make efficient use of our resources and those of our partner housing associations.
- 1.5. Affordable housing in Dartford is allocated through Kent Homechoice which allows applicants to view available council and housing association homes. The system is supported by a housing solutions approach giving applicants realistic advice and promoting other housing options, such as low cost home ownership and private sector renting.

2. LEGAL CONTEXT

- 2.1. This Policy sits within a legal framework which is summarised in this section.
- 2.2. The 1996 Housing Act (as amended) requires local authorities to make all allocations and nominations in accordance with an Allocations' Policy. A summary of the Allocations' Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the

Council's web site at www.dartford.gov.uk/housing and paper/email copies can be provided on request.

2.3. The Housing Act 1996, (as amended) requires local authorities to give **Reasonable Preference (see Annex 2)** in their Allocations' Policies to people with high levels of assessed housing need; defined as:

- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Dartford Council).
- People who are owed a duty under s.189B, s.190 (2), 193 (2) or 195 of the Housing Act 1996 (or under s.65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under s.192 (3)
- People occupying insanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds (including grounds relating to a disability).
- People who need to move to Dartford to avoid hardship to themselves or others.
- People serving in the armed forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- People who have formerly served in the armed forces, where the application is made within ten years of discharge.
- People who have recently ceased, or will cease, to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the armed forces and whose death was attributable (wholly or partly) to that service, or
- People serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

2.4. The Housing Act 1996 also requires local authorities to state within their Allocations' Policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 5 (Kent Homechoice).

2.5. This Policy complies with the requirements of:

- Housing Act 1996 (as amended)
- Choice Based Lettings Code of Guidance for Housing Authorities 2008
- Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009
- Localism Act 2011
- Allocation of Accommodation Code of Guidance 2012
- The Homelessness Reduction Act 2017

- Immigration Act 2016

2.6 The Policy also complies with the following statutory regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Homelessness (Suitability of Accommodation) Order 2012 (as amended by the Homelessness Reduction Act 2017)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Homeless (Review Procedure etc.) Regulations 2018
- In formulating the Council's Allocations' Policy, we have also had regard to the Council's Homelessness and Rough Sleeper Strategy 2019, Tenancy Strategy and Tenancy Policy. These can be found at: <https://www.dartford.gov.uk/by-category/housing2/housing-strategy-and-policy-documents>.

2.7 The Policy is subject to the provisions of the Equality Act 2010 and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353); and specifically, s.149 which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council has undertaken an Equality Impact Assessment and has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

2.8 This Policy has considered:

- The Council's statutory obligation (strengthened by the Homelessness Reduction Act 2017) to provide homelessness services to all eligible housing applicants affected by homelessness, not just those who have a "priority need", these include:
 - (a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage ("the prevention duty"); and
 - (b) A duty for those who are already homeless so that the housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation ("the relief duty").

- The Council’s statutory obligation to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness and following this assessment the duty to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the authority and the applicant to try and prevent or relieve homelessness;
- The Council’s statutory obligations and discretion as to who is eligible for housing allocation;
- The Council’s statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law;
- The Council’s statutory discretion to grant “additional preference” and/or to determine priority between applicants with Reasonable Preference;
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs.

2.9 Tenancies for council homes are managed according to the Council’s Tenancy Policy as required under the Localism Act 2011. Other housing providers have to take account of the Council’s Tenancy Policy when setting their own policies.

3. GENERAL RULES AND CONDITIONS

3.1. Decisions

All decisions taken under this Policy will be made by a member of the Housing Solutions & Private Sector Team within the Council’s Housing Service or the Head of Housing where appropriate.

3.2. Persons Eligible for Assistance

Persons entitled for assistance must be a partner or a member of the applicant’s immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub-letting from the applicant.

3.3. In cases where parents share the residency of children, and wish to include those children as part of their housing application, the housing arrangements of both parents will be considered. If one parent has adequate accommodation for the children, the children will not be taken into account on the other parent’s application. Where a formal residence agreement is not in place, the council will consider:

- Who the children usually live with; and
- Who has financial responsibility for the children; and
- The length of time any arrangement has been in place; and
- Where the children go to school; and
- Any other relevant information, for example, from social services or health care professionals.

3.4. Only one application per person or household will be considered.

3.5. **Evidence of Identity and Housing Circumstances**

Qualifying applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members and proof of income (see 3.6). The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances, including a home visit if necessary. If an applicant fails to provide documentary evidence or other information reasonably required by the Council in order to validate the application within 56 days, this may affect the priority date awarded to the application. An offer of accommodation can only be made once **ALL** documentary evidence has been provided and validated.

3.6. **Income and Savings**

All prospective new tenants will be required to supply evidence of their financial income and resources upon application and to declare any significant changes in financial or household circumstance where applicable. Where applicants are not able to show current entitlement to Income Support or Universal Credit, verification of income and savings will be required prior to applicants being offered accommodation. Household income criteria is set out in the Council's Tenancy Policy according to household earnings and size of property required. Any household with an income level exceeding the thresholds set out in the Tenancy Policy, will not be considered eligible for social housing. Similarly where applicants have other resources above the level set by the Council in the Tenancy Policy they will also not be classed as eligible for social housing. Households with incomes or assets below these limits will be banded according to the criteria set out in this Policy.

3.7. **Homeowners**

Homeowners (This includes any member of the household on the housing register application) will not be eligible for social housing if they own a residential property in the UK or abroad, or part own a property under a shared ownership or other subsidised scheme. This includes applicants who own a property but have chosen to rent it out.

3.8. Applicants who own a residential caravan, mobile home or houseboat are also considered homeowners. In exceptional circumstances and, at the Council's discretion, homeowners may qualify for social housing if it can be shown:

- That occupying the home could lead to abuse or endanger the health of the occupant
- That the applicant has a serious medical condition and is no longer able to remain in their property as they have a need for adapted or specialised housing and they do not have sufficient funds or access to a grant to make it suitable, and/or are unable to afford suitable alternative accommodation.

Such cases will be assessed by the Council on a case by case basis.

Former owner occupiers may be asked to provide proof that they no longer own a property and that they do not exceed the savings threshold set out in the Council's Tenancy Policy.

3.9. **Changes of Circumstances**

Once placed in a priority band, applicants should notify the Council, of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application;
- any additions to the family or any other person joining the application;
- any member of the family or any other person on the application who has left the accommodation;
- any significant change in income or savings;
- a change in employment or volunteering status or any change which may affect the community contribution criteria.

3.10. The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant.

3.11. **Investigation of Fraud**

The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud as set out in the Council's Tenancy Fraud Policy. Applications will be immediately suspended if there is evidence of misrepresentation or fraud until enquiries are completed.

3.12. Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances, is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted as a consequence of a fraudulent application for housing.

3.13. **Members of the Council, Staff Members and their Relations**

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from Members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way but any allocation of housing will require approval by the Head of Housing.

4. ELIGIBILITY AND ASSESSMENT

- 4.1. The Council operates a housing banding system to determine who will be prioritised for housing in the borough and who will not be eligible. The housing bands are set out in Annex 1.
- 4.2. Applicants must be over the age of eighteen to join the housing register.
- 4.3. Anyone can approach the Council for housing advice and assistance, however, as social housing in Dartford is very limited, the Council can only assist qualifying households.
- 4.4. People subject to immigration control and certain other people from abroad, excluded by law or regulation, are not eligible for social housing.
- 4.5. The exception to this being those transferred under section 67 of the Immigration Act 2016 who qualify for refugee status or humanitarian protection.
- 4.6. These persons will be eligible for social housing and homelessness assistance under regulations 3 and 5 of the Eligibility Regulations. Under Section 67 of the Immigration Act 2016 leave will be granted to those transferred under section 67 who, following an assessment of their asylum claim, do not qualify for international protection.
- 4.7. The Council will disregard as members of the household those who are restricted such as:
 - Those not resident in the UK
 - those who are subject to immigration control
 - those with no leave to enter or remain in the UK
 - those with leave but subject to a condition of no recourse to public funds.
 - Any other restrictions that may apply as set out by Government
- 4.8. The following classes of person will **not** normally qualify to join the housing register and will be placed into Band E. There is discretion to waive these classes in exceptional circumstances, as approved by an appropriate manager:
 - a) Applicants who have not resided in the borough continually for the last two years at the point of application;
 - b) Applicants who have been convicted of housing or welfare benefits related; fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974 (any person may re-apply once this conviction is spent);
 - c) Applicants whose income or assets exceed the limits set by the Council, as set out in the Council's Tenancy Policy;
 - d) Applicants who owe arrears of rent or other accommodation charges to the Council, or other social landlord, in respect of the current tenancy or former accommodation. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need;

- e) Applicants who owe money to the Council in any other capacity;
- f) Applicants in serious breach of their Tenancy Agreement as defined in the Council's Tenancy Policy;
- g) Applicants who are regarded as homeowners, with some exceptions (please refer to 3.10).

4.9. In all other cases, the Council will have regard to the Government's Code of Guidance on the Allocation of Accommodation 2012.

4.10. Local Connection

Local connection within the terms of this Policy will normally mean that an applicant has lived continuously in this borough for a minimum of 2 years up to and including the date of their application, unless local connection is determined by current homeless legislation or they fall within the category of armed service personnel as defined in Annex 4.

4.11. Local connection may also be awarded to people who need to move to Dartford, where failure to meet that need would cause hardship to themselves or to others; subject to submission of satisfactory evidence to support this.

4.12. In exceptional circumstances such as under occupation or serious medical needs, local connection may also be awarded to council tenants living in the Dartford Borough if this is less than two years.

4.13. Households placed in the borough of Dartford in temporary accommodation by another local authority will not normally be considered to have a local connection.

4.14. Applicants who have been placed in long term temporary accommodation (Dartford Private Leasing Scheme) will be placed in **Band D** until such time as their needs change. In such cases, the applicant's banding will be reviewed.

4.15. In those cases where an applicant has spent time away from Dartford in an institution, e.g. prison, mental health, drug and alcohol treatment centres, the Council will give regard to local connection prior to time spent away.

4.16. Medical and Welfare Needs Assessment

A medical and welfare needs assessment will only be carried out if an applicant has been accepted onto the housing register and provided a medical and welfare needs assessment form with supporting evidence. In some instances, an independent assessment will be carried out by the Council's approved medical practitioner.

4.17. Any medical and/or Welfare needs assessment will be carried out in line with the Council's current welfare and medical assessment procedures.

4.18. Band D applicants from outside the borough will not progress to a higher band under a medical and welfare needs assessment but identified medical needs will be taken into account upon any allocation of a property, for example wheelchair accessibility.

4.19. **Housing Scheme Accommodation for those aged 55 and over**

Applicants who apply for Housing Scheme Accommodation, will be subject to a Needs & Risk Assessment. Whereby consideration will be given to the following;

- Whether the applicant has a need for this specific type of accommodation with enhanced housing management;
- Whether the applicant's needs can be met by the accommodation
- That the applicant has an understanding of the support provided and will engage with the service;
- That they will not present a risk to the vulnerable group of individuals who are already living there.

5. HOW THE COUNCIL ALLOCATES PROPERTIES

5.1. **Kent Homechoice**

Dartford Borough Council is a member of Kent Homechoice, a Kent-wide choice based lettings scheme. This means that the Council will advertise properties that are available to let to applicants who fall into one of the housing bands described in Annex 1. This will include council and housing association properties.

5.2. As permitted under current legislation, the Council will exercise its right to suspend choice based lettings where business needs dictate this is necessary.

5.3. Priority for council and housing association properties will be determined by housing band, with those applicants in Band A having a greater priority than those in bands B and those in Band B having greater priority than those in Band C and so on.

5.4. Within bands, priority will be determined by date order; that is the date of application. However, if a household's circumstances change and they are placed in a higher banding, the date will be reset to when they entered that band. An applicant moving down within the banding system, will always retain the date from their original band. This is to ensure that other applicant's waiting times are not unfairly compromised.

5.5. In considering priority for re-housing between applicants with a similar priority, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property and they have equal waiting time, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.

5.6. If an applicant has multiple needs this will NOT increase their priority. In each case, the most urgent housing need will apply and the applicant will be placed in the banding most suitable for their needs.

- 5.7. The circumstances of Band A applicants will be regularly reviewed to ensure the household still meets the banding criteria. Failure to bid will be taken into consideration when reviewing an applicant's circumstances.
- 5.8. For some client groups only one offer of accommodation is made. These include all band A applicants, homeless households, those needing adapted properties, those moving on management grounds, reciprocal clients and those who are moving on from supported accommodation. For homeless households, this is where an offer is made which represents a final offer under the Housing Act 1996, Part 6 and is made in order to discharge the Council's duty under the Housing Act 1996, Part 7.
- 5.9. Adverts may state if a property is targeted at certain applicants, e.g. over a certain age or at households with a specific medical need (for example, ground floor accommodation). They may also be targeted towards specific groups such as those that are downsizing.

5.10. Auto bidding

Auto bidding allows bids to be placed automatically for applicants based on their predetermined preferences and needs. This includes choices of areas, property type and floor, pets, lift access, garden and rent levels. The Council sets the parameters based on the applicant's needs and wishes and the computer system places the bid. The bids are placed at the end of the advertising and there is still a 3 open bid limit. Auto bidding is implemented for a variety of customers including homeless applicants, tenants wishing to downsize and those have told us they are unable to bid for themselves and have no family or friends to assist.

5.11. Suspension from the Housing Register

Applicants may be suspended from the housing register for reasons including, but not limited to:

- Owing debt to the Council or social housing provider that has accumulated whilst on the Register
- A change of circumstances affecting eligibility
- A request for a review of the suitability of accommodation has been made
- Other discretionary reasons as agreed by the Head of Housing

Applicants will be suspended for a maximum of two years before they are removed from the register.

5.12. Allocations outside of Kent Homechoice

The Council reserves the right to restrict the operation of Kent Homechoice to certain groups of applicants or to make direct offers of accommodation to

households waiting for re-housing in order to fulfil its housing management duties and responsibilities. Decisions to allocate properties outside of Kent Homechoice will be authorised by the Head of Housing.

5.13. A statutory homelessness criterion applies to applicants who are owed a homelessness duty to secure accommodation under S.193 Housing Act 1996. In some cases, a direct and final suitable offer may be made to households owed a homeless duty.

5.14. The Council considers a property to be suitable if it is the correct bedroom size for the household and meets any medical needs that have already been predetermined.

5.15. Where an applicant wishes to appeal the suitability of an offer of Council owned accommodation, the property will be held available whilst the appeal is considered.

5.16. Applicants are still able to bid for a property under Kent Homechoice up until the point a direct offer is made. If an applicant successfully bids for a property, this will count as a final offer of accommodation made under homeless legislation.

5.17. Suitability of accommodation

Where accommodation is offered outside of Kent Homechoice, an applicant will normally be expected to accept an offer of a suitable property that meets their needs (housing and medical).

5.18. The Council will seek to take into account an applicant's particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of council accommodation and the demands placed upon it by all priority groups.

5.19. As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:

- It is in an area that the Council considers to be reasonable for the applicant to reside in. This will include;
- If it is in an area that is safe for them to reside in.
- It is sized in accordance with the criteria in Annex 3.
- It complies with any recommendation made by a Medical or other relevant advisor and agreed by the Council.

5.20. An offer of accommodation which is arranged by way of a nomination to a housing association or private sector property will be considered to be as reasonable as an offer of a council tenancy and will discharge the Council's homelessness duty (as prescribed in the Localism Act 2011).

5.21. Applicants may be offered on line tenancy training to support them if required. This could include information and advice on paying rent, paying bills, decorating and general budgeting etc.

5.22. **Move on from supported accommodation**

Priority may be given to applicants that are moving on from supported accommodation which has been agreed by the Council in one of the following ways;

- Move on from supported accommodation where the Council has discharged its functions under the HRA 2017 and where this has been identified and confirmed in the applicant's Personalised Housing Plan (this can be for accommodation that falls outside of the borough);
- Move on from supported accommodation provided as part of the duties under Part VII of the Housing Act 1996 prior to April 3rd 2018 and as determined by the Council;
- Where a priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure (Joint Stock referrals);
- Move on from any other supported accommodation as agreed by the Council.

5.23. In some circumstances a direct offer will be made to applicants where a move on has been agreed.

5.24. Only one offer of accommodation (including through successful bidding on Kent Homechoice) will be made. This is to ensure that a household's urgent housing needs are met as quickly as possible. A refusal of a direct offer or a refusal following a successful bid will be considered by an appropriate senior manager.

5.25. In some circumstances, move on cases may be escalated to Band A. This would be at the discretion of the Council and would be agreed by the Head of Housing.

6. HOMELESS APPLICANTS

6.1. **Bandings**

Applicants who are owed a homelessness duty under s.193 (2) or s.195 (2) of the Housing Act (as amended) will be given reasonable preference, but with reduced priority, and placed into Band D. Additional priority will only be given in the following circumstances:

- Move on from a range of accommodation where the Council has discharged its functions under the HRA 2017 and where this has been identified and confirmed in the applicant's Personalised Housing Plan or;
- Where discretion has been given to applicants under the HRA 2017 where it has been determined that access to affordable housing is the only/most appropriate solution and where applicants are likely to be in priority need.

6.2. Offers

Homeless applicants will only receive **one** suitable offer of accommodation and this will be the **final** offer (see 5.16 for suitability)

6.3. The offer can be anywhere in the borough of Dartford unless there are unsafe areas that have been predetermined.

6.4. Auto bidding on Kent Home Choice is automatically enabled for homeless applicants. Any successful bids by this method will count as the final offer of accommodation.

6.5. An offer of suitable accommodation, which is arranged by way of a nomination to a housing association or private sector property, will be considered to be as reasonable as an offer of a council tenancy and will discharge the Council's homelessness duty (as prescribed in the Localism Act 2011).

6.6. Refusal of an offer of suitable accommodation

If a review of the offer of suitable accommodation is requested, the property will only be made available for a very short period of time. Properties **must** be viewed on the date stated in the offer letter from the Housing Management Team or housing association. Reasons for refusing the offer must then be made immediately in writing (see 9.3). The offer of accommodation cannot be held open if the Council does not receive these reasons in writing within 24 hours. If reasons in writing are not received within this timescale, the Council will assume that this offer has been refused. The reasons for refusing an offer will be considered by a senior manager not related to the case.

6.7. If the Council does not agree with the applicant's reasons for refusing the offer, the applicant will be given the opportunity to accept the offer again. If this offer is still not accepted, no further offers will be made.

6.8. It should be noted, that applicants who are homeless and who are offered suitable accommodation under s193 (2) of the Housing Act 1996 also have a right to accept an offer, move in to the property and still seek a review regarding its suitability. If the Council agrees that the property is not suitable, after a review, another suitable offer will be made in due course and applicants can continue to bid for a property up until the point another direct offer is made.

7. TRANSFERS AND TENANCY SUCCESSIONS

7.1. Applications for a transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.

7.2. On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its

discretion to prioritise a move to a suitable alternative home by placing the tenant in Band A at an appropriate time.

- 7.3. Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed in accordance with the Council's Decant Policy 2018.
- 7.4. Tenants with Introductory Tenancies will not be eligible to apply for a transfer, unless exceptional circumstances apply.
- 7.5. There may be other reasons tenants need to transfer from their current accommodation that is not covered in this Policy. In such cases, the Head of Housing will make the decision.
- 7.6. Housing association tenants living in the borough of Dartford are eligible to apply to join the Council's transfer list with the agreement of their current landlord.
- 7.7. **Mutual Exchanges**
Lifetime Secure and flexible tenants have certain rights in relation to exchanging their tenancies with other tenants. These do not fall within the scope of this Policy, and full details of how these schemes operate can be found in the Council's Mutual Exchange Policy which is available on the Council's website at: <https://www.dartford.gov.uk/by-category/housing2/housing-strategy-and-policy-documents>
- 7.8. In some cases, a local lettings policy may be in place which may restrict a mutual exchange if the tenant has not held a secure tenancy for at least 12 months.
- 7.9. **Discretionary Succession**
Housing law means that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs, but beyond this, the Council will use its discretion to allow additional successions to take place in the following circumstances:
 - The person applying for succession has lived continuously in the property as their principle home for twelve months before the death of the tenant and:
 - They are the spouse or civil partner of the tenant
 - The property is suitable for their needs.
- 7.10. Where a property is not suitable for the person applying to succeed, for example because it is too large, the Council will provide assistance to find alternative accommodation. This could include an offer of accommodation in the private rented sector. Where a discretionary succession is agreed, the tenancy will be treated as a new tenancy which means that in most cases a flexible tenancy will be granted, unless the applicant falls within a category of people who will still be granted a lifetime tenancy (full details can be found in

the Council's current Tenancy Policy at <https://www.dartford.gov.uk/by-category/housing2/housing-strategy-and-policy-documents>).

8. CONDITION AND SIZE OF ACCOMMODATION

- 8.1. All council accommodation offered will be habitable and in reasonable repair, in accordance with the Council's Void Policy and in accordance with the Fitness for Human Habitation Act 2018. Housing Associations will have their own policy on lettable standards but still in accordance with the above Act.
- 8.2. The size of accommodation offered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out in Annex 3.
- 8.3. Larger accommodation than specified in Annex 3 may be considered in exceptional circumstances in accordance with current Housing Benefit/Universal Credit regulations or any such regulations that may be introduced.
- 8.4. In calculating the number of bedrooms available within properties, the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.
- 8.5. Management transfers which have been agreed due to extreme circumstances such as violent assault, harassment etc. will be able to move to alternative accommodation if it is the only viable resolution to their current difficulties. Moves will only be agreed where the alternative accommodation is the same size and type as they currently occupy unless there are exceptional circumstances or they need smaller accommodation. This decision will be made by the Head of Housing according to the management transfer process and procedure.
- 8.6. **Types of Property**
Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
 - Properties in blocks of flats for people aged over 40, or aged over 50
 - Properties in housing schemes for people over 55
 - Properties in housing schemes offering special services
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair

Kent Homechoice will specify what type of property is being offered in the advert.

9. PROCEDURE FOR APPEALS AND REVIEWS

9.1. Bandings

All applicants have the right to request general information about their application. Applicants will be notified of this in writing where requested.

9.2. If an applicant wishes to request a review of the banding decision, they must make this within 21 days. Any request for a review must be made in writing and clearly set out the reasons why an applicant does not agree with the Council's decision. The Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review, including the reasons for their decision, within 56 days from the date of the review request.

9.3. Offers of Accommodation

Some applicants, for example those that will be made only one offer of accommodation, can request a review of the suitability of accommodation. This can be requested at viewing. Any request for a review must be made in writing and clearly set out the reasons why an applicant does not agree with the Council's decision. The Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review, including the reasons for their decision (see also 6.2 - 6.9).

10. EQUAL OPPORTUNITIES AND MONITORING

10.1. The Council is committed to the principle of equal opportunities in the delivery of all its services. An Equality Impact Assessment of this Policy can be viewed at www.dartford.gov.uk

10.2. Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability. Confidential interview facilities are provided at the Council offices and there is full access for people who use a wheelchair.

10.3. This Policy is being operated in a manner that is fair to all sections of the community. The information provided will be kept confidential and treated with respect in accordance with the Data Protection Act 2018.

10.4. All applicants for housing or rehousing will be asked to provide details such as ethnic origin and disability. This is not however, a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly and in line with The Equality Act 2010 and data protection provisions.

10.5. The Allocations' Policy will be reviewed regularly to ensure it does not operate in ways that discriminate against or disadvantage any particular group

11. CONFIDENTIALITY

The disclosure of information about any housing application to a third party is prohibited unless the applicant has agreed to the disclosure or if the information is required on a “need to know” basis in the following circumstances:

- to plan and provide assistance jointly with health and social services agencies in appropriate cases;
- for the purpose of fraud detection, the prevention of crime, and the promotion of community safety;
- to enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc. where disclosure is a legal requirement.

12. ACCESS TO PERSONAL DATA

12.1. The Data Protection Act 2018 (applying the General Data Protection Regulation) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” (SAR) and applies to personal data in housing files.

12.2. Subject access requests should be made in writing to the Council and must describe the information sought. Applications must state their name and provide proof of their identity, such as a copy of a passport, driving licence, or recent utility bill.

12.3. Any applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.

12.4. Once the Council has received the information it must begin processing the request and respond within 30 days. There is a limited range of exemptions from the right of subject access.

12.5. Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.

12.6. Under the DPA, applicants also have inter alia, the right to challenge the accuracy of information held on them and may request the correction of records which they believe to be inaccurate. Data subject rights are explained in the Council’s Corporate Privacy Notice www.dartford.gov.uk and service specific privacy notices. The exercise of these rights by data subjects is in accordance with the Council’s data protection policies and procedures.

13. ACCESS TO OTHER INFORMATION

- 13.1. Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs).
- 13.2. Requests under the FOIA must be made in writing, must include the applicant's name and a correspondence address and must specifically describe the information requested. Requests under the EIRs must also comply with these regulations except that they can be made verbally. Please address requests under the FOIA or EIRs to the "FOI Officer" at the Council's postal address or to foi@Dartford.gov.uk.
- 13.3. Once a valid request has been received the Council must respond within 20 working days unless an extension of time has been agreed.
- 13.4. Requests made by individuals under FOIA for their own personal data will be treated as "subject access requests" under the DPA.

ANNEX 1 – DARTFORD HOUSING BANDS

Band A – High Housing Needs

Applications from persons who meet the following criteria:

- a. High medical or welfare needs in accordance with the Council's Medical Assessment process.
- b. Where a high priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure (Joint Stock referrals).
- c. Management transfers or reciprocal arrangements where the social landlord requires the tenant to move or the tenant needs to move due to violence, harassment, intimidation or threats of violence likely to be carried out.
- d. Major works to the Council's property have to be carried out in accordance with the Council's Decant Policy 2018.
- e. Households, living in the Dartford Borough, who are under-occupying their council property.
- f. Other urgent management reason agreed by the Head of Housing.
- g. Escalation of move-on from supported or specialist housing cases; as agreed by the Head of Housing

Band B – Medium Housing Needs

Applications from persons where none of the above in Band A applies but who meet the following criteria:

- a. Eligible households who have reasonable preference (band C) and who qualify under the Community Contribution category as defined in Annex 4.
- b. Armed forces personnel who fulfill the criteria set out in Annex 4.
- c. Medium medical or welfare needs in accordance with the Council's Medical Assessment process.
- d. Where a medium priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure (Joint Stock referrals).
- e. Households occupying a majorly adapted property where that property is no longer required (to be agreed by Dartford Borough Council).
- f. Where a household is suffering from the following:
 - Major overcrowding, that is lacking two or more bedrooms. See Annex Three.
 - Living in a housing scheme with support and needs to move as support is no longer required.
 - Property is in disrepair, as agreed by the Council.

Band C – Reasonable Preference

Applications from persons where none of the above in band A or band B applies but who meet the following criteria:

- a. Low medical or welfare needs in accordance with the Council's Medical Assessment process.
- b. Move on from accommodation where Dartford Borough Council has discharged the functions under the HRA 2017 and where this has been identified and confirmed in the Personalised Housing Plan (This includes supported housing, the private rented sector and living with family etc.) or;
- c. Discretion has been given to applicants under the HRA 2017 where it has been assessed that social housing is the only/most appropriate solution and where applicants are likely to be in priority need.
- d. Applicants with no fixed abode where proof of local connection can be established through for example doctors, dentist, Job Centre or council held records or any other records that may be available.
- e. Applicants leaving prison where a local connection, under the terms of this policy, prior to incarceration, can be established.
- f. Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. This would apply, for example, if a person was lacking basic facilities, or was overcrowded.
- g. Applicants who need to move to Dartford, where failure to meet that need would cause hardship to themselves or to others. For example, to give or receive care that is substantial and ongoing.

The full criterion for assessing Reasonable Preference can be found in Annex Two.

Band D – Reduced Priority

Applications from persons where none of the above in Band A, band B or band C applies, or:

- a) Applicants who are intentionally homeless where a decision has been made by the local authority under Part VII of the Housing Act 1996 (as amended) or, where a person has deliberately worsened their housing circumstances (such as deliberate overcrowding) and would have been found to be intentionally homeless if an application under Part VII had been made.
- b) Applicants owed Reasonable Preference but who have been given reduced priority but are owed, or are likely to be owed, a duty under s.193 (2) or 195 (2) of the Housing Act 1996 (or unders.65(2) or 68(2) of the Housing Act 1985). Those households owed a full homeless duty in suitable long term temporary accommodation will be allocated Band D
- c) Applicants who are homeless by another local authority. This applies where a duty is owed by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3)
- d) Applicants who have been placed in long term temporary accommodation by the Council (see 3.9.) including Dartford Private Leasing Scheme properties.

- e) Applicants who have no local connection with the Borough but are aged over 55 and who qualify for housing in a scheme for older persons, following a completed needs and risk assessment.
- f) Applicants who have deliberately worsened their housing circumstances (see Annex 5)

Band E – general without priority

- a) Applications from persons where none of the above in band A, band B, C or D applies, and;
- b) They have no local connection with the district as defined by this Policy, and/or;
- c) They meet or exceed the financial threshold set out in the Council’s Tenancy Policy and/or;
- d) They do not have an urgent medical or welfare need.

ANNEX 2 - People who need to move on medical or welfare grounds (criteria may apply to any member of the household)

Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Below are examples of where priority would be awarded (not applicable to Band D applicants).

Band A –High medical or welfare needs

- a. Any life threatening illness being made worse by housing conditions
- b. A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property)
- c. Any person who requires specifically adapted accommodation which they are lacking.
- d. Any person who cannot be released from hospital until alternative accommodation is secured.
- e. Severe and enduring mental health issues significantly affected by current accommodation.

Band B - Medium medical or welfare needs

Applicants with a reasonable preference for whom a band C medical award applies but where the medical issues are more serious in nature but not as high as band A. Band B medical cases will also apply where multiple Band C medical conditions combine to create an overall greater need.

Band C – Low medical and welfare needs

- a. Mental health issues affected by current accommodation.
- b. Elderly persons with moderate to severe arthritis which significantly affects mobility living in accommodation that is unsuitable for their needs (e.g. living upstairs or on a steep hill).
- c. Conditions requiring on going medical treatment, being very being moderately exacerbated by living conditions’

- d. Conditions causing a reduction in mobility when combined with stairs or poor location.

ANNEX 3 – SIZES OF HOMES

When considering whether a household is suffering from overcrowding, a local authority will take into account both the number of bedrooms and number of bed spaces available to the household.

Kitchens and living rooms are not bedrooms for the purpose of the assessment. The intended function of the room will be considered rather than its current use. Although for example in the case of a dwelling that has two separate reasonable sized living/dining rooms, it may be that one of these rooms will be considered as bedroom accommodation, as long as there remains sufficient living space for the household.

For the purposes of this assessment the Council considers that the following is sufficient living space:

- a) a single person of working age would be entitled to one bed space in one bedroom. This could include a bedsit or shared accommodation
- b) a person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex) would be entitled to two bed spaces in one bedroom.
- c) a person aged 21 years or more would be entitled to one bed space in one bedroom within the family home.
- d) two persons of the same sex aged 0 years to 20 years would be entitled to two bed spaces in one bedroom.
- e) two persons (whether of the same sex or not) aged less than 10 years would be entitled to two bed spaces in one bedroom.
- f) two persons of opposite sexes where one person is aged 10 or over would be entitled to one bedroom each with one bed space in each.

Bed spaces refer to the number of beds that can reasonably be accommodated in each room.

ANNEX 4 - COMMUNITY CONTRIBUTION

If a household or person in housing need qualifies for 'reasonable preference' under a community contribution award they will be placed in Band B. This includes the following groups:

1. Working Households

This Policy aims to support the economic growth of Dartford. The Council wants to encourage people who can, to work and to raise their levels of aspiration and ambition. The Council will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright home ownership, low cost home ownership or private rented accommodation.

Definition of Working Households

Households where at least one adult household member is in employment. For the purposes of this Allocations Policy employment is described as having a permanent contract, working as a temporary member of staff or being self-employed (self employment must be verified by documents from HMRC).

Applicants will only qualify if the worker has been employed for 6 out of the last 12 months. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

2. Volunteering

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a minimum of 10 hours per month.

Evidence required for voluntary work.

A letter on the organisations' headed paper from the manager responsible for volunteers confirming the applicant volunteers for a minimum of 10 hours per month for at least 6 months. This person must not be related to the applicant in any way. Contact may be made with the organisation to confirm eligibility.

3. Service and ex service personnel

The following applicants will qualify for a community contribution if they fall within a statutory reasonable preference category.

- a) Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) Former members of the regular forces who have been discharged within the past 10 years, who have a housing need and can demonstrate a local link¹
- c) Bereaved or divorced/separated spouses or civil partners of those serving in the regular forces where:
 - (i) the bereaved or divorced/separated spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death, divorce or separation of their service spouse or civil partner, and, where deceased,
 - (ii) the death was wholly or partly attributable to their service
- d) Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability, including mental health issues, which is wholly or partly attributable to their service

Service with the armed forces may be confirmed with the Royal British Legion.

¹ This will not be the local connection as set out in section 4.7. However, applicant must have a demonstrable link to the borough such as previous residence, family or employment

4. Prospective Foster Carers or Adopters

The Council recognises the contribution that Dartford foster carers and adopters make towards ensuring that children in care receive a good service in the Dartford area. In order to qualify for a community contribution award under this policy, applicants will require a letter from Kent County Council Children's Service confirming that they have been approved as a Dartford foster carer or adopter and that they are in a position to take one or more placements.

5. Carers

Carers qualify for the community contribution award under this Policy and are identified as the following;

- Applicants who undertake formal care of dependents and are in receipt of carers allowance or care element of a current disability benefit. Or;
- A carer who provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care, and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

In all cases above, full contact details must be provided which will be verified by the Council.

ANNEX 5 – DELIBERATE WORSENING OF CIRCUMSTANCES

Where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

Examples of this are:

- a) Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.

- b) Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.
- c) Homeowners who have transferred their property to another family member within the last 5 years from the date they made their application to the Register.
- d) Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- e) Applicants where it is proven that they have colluded with a landlord or family member to issue them with a Notice to Quit

These are examples only. There will be other circumstances to consider when deciding whether an applicant has deliberately worsened their circumstances.