

# London Borough of Barking and Dagenham Housing Allocation Policy

Revised November 2015 and December 2019

## **Introduction**

Previously almost anyone could apply to live in social housing, whether they needed it or not. As social housing is now in great demand, priority is rightly given to those most in need. Many applicants have no realistic prospect of ever receiving a social home.

Local authorities are obliged to ensure that social homes go to the most vulnerable in society and those who need it most.

This document sets out The London Borough of Barking and Dagenham's ('The Council') Allocations Policy ('the policy') for allocating Council homes, and nominations to Housing Associations. It also sets out how we allocate homes owned by our Local Housing Company, Reside.

This Policy sets out the way housing is allocated via Choice Based Lettings and Direct Offers.

This document updates and where necessary amends the previous housing allocations policy, which was implemented in November 2015.

## **Review and Consultation**

Prior to adopting any major changes to the Allocation Policy, a local authority must consult with Private Registered Providers (social landlords), residents and stakeholders.

In 2018, the current housing allocations policy was reviewed. It had last been reviewed in 2014, leading to the 2015 policy. This review produced recommendations for amendments, which would be taken forward in an amended policy.

A report detailing recommend changes following the review was taken to the Barking and Dagenham Council Cabinet in January 2019. Recommendations included:

- That the process of working with partners to meet the needs of vulnerable groups is better planned and more transparent;
- That more working households on modest incomes in Barking & Dagenham can access homes managed by the Council's Local Housing Company, Reside;
- Provide a clearer process for managing the allocation of homes to older people that takes account of the full range of options available to older people and considers vulnerability as well as age as part of the assessment criteria;
- That there is clearer guidance on which members of the household may be registered with the applicant;
- Give greater priority to those households under-occupying their home, to release more larger family homes for waiting families on the Housing Register.

Cabinet approved these changes for consultation, which took place for 12 weeks between 04/02/19 and 29/04/19. It received 251 responses. The consultation was hosted online, consisting of quantitative questions with the option of entering qualitative text in addition. The suggested changes to the policy were all approved by consultation. The full results can be found in the final policy [cabinet report](#).

The final policy and consultation results were taken to Cabinet in December 2019 and adopted as policy. The policy came into force in May 2020.

## **Aims**

While all partners are conscious of the need to provide homes for Barking and Dagenham residents, social housing is still in great demand and barring any major change in central government policy will be so for the foreseeable future. Local authorities are obliged to ensure social homes go to the most vulnerable in society, meaning that many on the register have no realistic prospect of being granted a Council home. In this context, the aims of the policy are as follows:

- To meet our statutory obligations to help those in housing need;
- To make the best use of the scarce resources available;
- To ensure that the Council uses its housing stock to assist in meeting the support needs of the community, including those supported by Children's Services and Adult Social Care;
- To ensure that the housing stock is used effectively to reduce costs;
- To encourage local people to engage in finding their own solutions to problems and to become independent and resilient.

## **Legal Framework**

The Council has specific statutory duties which are relevant to this policy, and the policy has been drafted to be compliant. Relevant legislation includes, but is not limited to, the following:

- **Housing Act 1996 (as amended):**
  - **Part 6 of this Act covers:**
    - Allocations of local authority housing to new tenants;
    - Transfer requests by local authority tenants;
    - Allocations of local authority housing to current tenants of Registered Providers;

- Nominations that the Council makes to Registered Providers;
- Sets out circumstances of applicants to whom reasonable preference must be given with deciding who will be offered a property.
- This Act also Governs local authority duties around homelessness assessment, including priority need.
- **Care Act 2014**
  - Governs local authority adult social care duties. Where a local authority becomes aware that an adult may have Care and Support needs, it must carry out a needs assessment. If a person is found to be eligible under the Care Act, the authority must make provision to meet their needs. This often includes accommodation, though the act does not specify.
- **Localism Act 2011**
  - Provided Councils with enhanced flexibility around housing allocations, including the ability to prevent people without housing need from joining the register.
- **Central Government Guidance**
  - Allocation of Accommodation Guidance for Local Housing Authorities in England 2012.
- **London Borough of Barking and Dagenham Homelessness strategy 2019**

## **Equalities**

Barking and Dagenham Council is committed to ensuring our Housing Allocations Policy is designed and applied in a manner that actively promotes equality and complies with our statutory obligations relating to equal opportunities and diversity.

An Equalities Impact Assessment was completed for Barking and Dagenham Council Cabinet when the previous policy was reviewed and changes recommended. This can be found [here](#).

Implementation of this policy involves careful equalities monitoring. The data collected on the registration form is used to ensure that the scheme is being operated in a fair and non-discriminatory manner, as well as for the purpose of undertaking equality impact assessments and subsequent improvements to services. All applicants to the Housing Register are asked to provide details of their ethnic origin, age, and

gender, disability, religion/faith and sexual orientation to enable monitoring to take place. There is no compulsory requirement to provide the relevant information and failure to do so does not affect an applicant's chances of housing. However, applicants are encouraged to comply and will be informed of the important purpose of that this information serves.

The Council recognises that it is important that everyone who applies for housing understands the allocations policy. The Council will produce translations, and large print and Braille versions on request.

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# London Borough of Barking and Dagenham Social Housing Register

## 1.0 Who can apply?

- 1.1 The Council will provide housing advice and assistance to anyone aged 18 or over who approaches Community Solutions, the Council's single front door for people services. Staff will provide support to enable them to access housing solutions which best meet their needs.
- 1.2 An applicant will only be allowed to join the Housing Register if they meet both the eligibility criteria (2.0) and the qualifying persons criteria (3.0), unless they fall into one of the exception categories which are listed at 4.0 of this policy.

## 2.0 Eligibility

- 2.1 The eligibility criteria are set by the Secretary of State, which focuses on the immigration status of the applicant.
- 2.2 Eligibility is determined with regard to the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.
- 2.3 As the United Kingdom has left the European Union, new regulations regarding the allocation of housing and homelessness assistance under the Housing Act 1996 (as amended) have come into force. The Government's policy intent is that those granted pre-settled status under the European Union settlement Scheme will be subject to existing eligibility rules following the end of the transition period on 31 December 2020. Updated criteria is reflected below and further information can be found [here](#).
- 2.4 EEA nationals, and their family members, including those with a derivative right to reside, will need to apply to the Home Office under the EU Settlement Scheme to secure their long-term immigration status in the UK. Those with less than 5 years' residence in the UK will be granted limited leave to enter or remain (also referred to as "pre-settled status"), those with 5 or more years' residence will be granted indefinite leave to enter or remain (also referred to as "settled status").
- 2.5 Having acquired leave under the EU Settlement Scheme, an EEA national, or a person with a derivative right to reside such as a Zambrano carer, will have both a right to reside in accordance with domestic immigration rules (under the EU Settlement Scheme) and a right to reside in accordance with their existing rights under EU law (as expressed in the EEA Regulations 2016).

- 2.6** The most recent amendments to the regulation amend regulations 4 and 6 which prescribe the classes of persons who are not subject to immigration control but who are ineligible for an allocations of housing accommodation or for homelessness assistance (2.8). The amendments made ensure that the current restrictions in relation to persons from abroad not subject to immigration control will continue to apply, regardless of whether such persons also have limited leave to enter or remain in the UK by virtue of [Appendix EU of the Immigration Rules](#).
- 2.7** The following classes of people subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act -;
- Class A: Those granted Refugee status
  - Class B: Those granted exceptional leave to remain which is not subject to restrictions or recourse to public funds
  - Class C & G: Those who are habitually resident in the UK, Channel Islands, Isle of Man or the Republic of Ireland and who are not subject to any limitation
  - Class D: A person who has humanitarian protection granted under the immigration rules.
  - Class E: A person who is habitually resident in the UK, Channel Islands, Isle of Man or the Republic of Ireland and who has limited leave to remain as an Afghan citizen and who is not subject to limitations
  - Class F: a person who has limited leave to enter or remain in the UK on the ground of the right to a family or private life under the Human Rights Convention and is not limited by a requirement to accommodate and maintain themselves;
  - Class H: a person who is habitually resident and has Calais leave to remain under the Immigration Rules

These regulations are subject to updates within the gift of the Secretary of State, and as such the above list is subject to change, particularly as the United Kingdom leaves the European Union. Latest iterations can be found at the following link: <https://www.legislation.gov.uk/ukxi/2006/1294/contents/made>

- 2.8** (1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing

accommodation under Part 6 of the 1996 Act if—

(a) subject to paragraph (2), they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;

(b) their only right to reside in the United Kingdom—

(i) is derived from his status as a jobseeker or the family member of a jobseeker; or

(ii) is an initial right to reside for a period not exceeding three months

(iii) a derivative right to reside on the basis of being a non-EEA national who is the primary carer of a British citizen child or dependant adult, where such child or dependent adult would be unable to live in the UK or another EEA state if their carer left the UK (a ‘Zambrano carer’).

**2.9** (2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—

(a) a worker;

(b) a self-employed person;

(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to . . .

(ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);

(d) a person who is the family member of a person specified in sub-paragraphs (a)–(c);

(e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; and

(f) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

### **3.0 Qualifying Persons Criteria**

**3.1** To qualify to join the Housing Register applicants **must**:

- Be 18 years old or over;
- Have been resident in the Borough continuously for the last 3 years;
- Continue to reside in the Borough; and
- Fall into one of the reasonable preference categories.

### **4.0 Exceptions to the Qualifying Persons Criteria**

**4.1** The following groups will qualify to join the Housing Register but do not need to meet the three year residential qualification and / or fall into one of the reasonable preference categories:

**4.2** Existing London Borough of Barking and Dagenham (LBBD) tenants and Private Registered Provider (PRP) tenants living within the Borough who under-occupy their accommodation.

**4.3** LBBD tenants whose accommodation is subject to the Council's ongoing regeneration and estate renewal programmes (decants).

**4.4** Applicants who we are satisfied are subjected to serious domestic violence or hate crime and as a consequence are unable to remain in their home and have sought respite with either family, friends or in a refuge.

**4.5** Applicants referred by Care and Support services under Special Scheme criteria.

**4.6** Applicants who we are satisfied under reasonable preference categories would be assessed as Additional Preference.

**4.7** Applicants where London Borough of Barking and Dagenham (LBBD) have accepted a main homelessness duty and that duty is ongoing in accordance with the Housing Act 1996, Part 7, as amended.

**4.8** Police referrals received from and accepted in accordance with the Multi Agency Public Protection Panel and National Witness Mobility Scheme.

**4.9** Members of the Armed Forces or reserve forces who are required to leave the Armed Forces within the next six months or have left within the last five years at the point of application.

**4.10** Bereaved spouses of the Armed Forces leaving services accommodation following the death of their spouse or partner.

**4.11** Civil partners of members of the Armed Forces leaving services accommodation following the death of their partner.

**4.12** Tenants or Assured Tenants of another local authority in England who fall within The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

## **5.0 Exceptions explained**

**5.1** Existing London Borough of Barking and Dagenham (LBBD) tenants and Private Registered Provider (PRP) tenants living within the Borough who are under-occupying their accommodation as it is in the Council's interest and PRP interest to free up larger properties for re-allocation.

**5.2** LBBD tenants do not need to meet the residential qualification to join the scheme nor do they need to fall into one of the reasonable preference categories if their accommodation is included in the Council's ongoing regeneration and estate renewal programme. This is to ensure the successful delivery of the regeneration programme.

### **5.3 Applicants who are subjected to serious domestic violence or hate crime**

**5.4** These applicants do not need to meet the residential qualification or fall into one of the reasonable preference categories if the Council is satisfied that domestic violence or hate crime is of a serious nature and this would include cases where there have been representations from the police, Multi Agency Risk Assessment Conference and other agencies that indicate that it is unsafe for the person to remain in their home.

### **5.5 Applicants referred under Special Scheme criteria**

**5.6** The Council works in partnership with a number of internal and external partners which work in Adults and Children's social services (referred to as Care and Support in LBBD). The Special Scheme applications that are referred by Care and Support services for move on from supported/ residential accommodation do not need to meet the residential qualification or to fall within the reasonable preference categories. These referrals will be considered at a number of Joint Assessment Panels, as detailed in section 36.5 of this policy, When the Social Housing Register Team are satisfied that an applicant referred under the special scheme arrangement is ready for independent living, the application will be awarded Additional Preference and the applicant will be considered for a direct offer of accommodation.

### **5.7 Applicants living in the borough whose applications would be assessed as Additional Preference**

**5.8** Applicants who do not meet the residential qualification but their housing application is assessed with an award of 'additional preference' will be able to bid

their interest in the scheme, or be considered for a direct offer of accommodation.

**5.9 Applicants where the London Borough of Barking and Dagenham (LBBB) have accepted a main homelessness duty and the duty is ongoing in accordance with the Housing Act 1996 Part 7, as amended.**

**5.10** Applicants where LBBB have accepted a main homelessness duty do not have to meet the residential qualification but will fall into at least one of the reasonable preference categories and will be able to bid their interest in the scheme with the appropriate level of priority. The Council can also make a direct offer of accommodation should they choose to do so. An example of when a direct offer may be made is when it is in the authority's interest to do so.

**5.11 Police referrals received from and accepted in accordance with the Multi Agency Public Protection Panel (MAPPA) or National Witness Mobility Scheme (NWMS)**

**5.12** **MAPPA** is a multi disciplinary Panel which can recommend re-housing for individuals whereby it is in the public's interest. These cases do not need to meet the residential qualification or fall into one of the reasonable preference categories. These applicants will be awarded Additional Preference and the applicant will be considered for a direct offer of accommodation.

**5.13** **NWMS** is a scheme whereby the Police can make referrals to the Local Authority and recommend re housing of an applicant. If the referral is accepted the applicant will be awarded Additional Preference and will be considered for a direct offer of accommodation

**5.14 Members of the Armed Forces or Reserve Forces**

**5.15** The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012/1869 require that a person can be a qualifying person irrespective of the fact that they may not have a local connection if they are a person who:

(a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the Housing Act 1996 Act, as amended;

(b) has 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 where—

(i) the spouse or civil partner has served in the regular forces; and

(ii) their death was attributable (wholly or partly) to that service; or

- (iii) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

The London Borough of Barking and Dagenham is a signatory to the Armed Forces Covenant, a voluntary statement of mutual support between a civilian community and the local Armed Forces Community. In relation to Housing, this means:

- As stated in points 4.9 – 4.11, we will not require members of the Armed Forces or Reserve Forces who are leaving the Armed Forces within the next six months, or have left within the last five years, to fulfil the residence requirement of this policy. This includes members of the Armed Forces, their spouses or their civil partners.
- Members of the Armed Forces or Reserve Forces who are leaving the Armed Forces within the next six months, or have left within the last five years, will be awarded Additional Preference and considered for a direct offer of accommodation.

#### **5.16 Qualification criteria for Right to Move**

**5.17** Local authorities must not disqualify social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166 (3) ( e) because of a need to move to the local authority's district to avoid hardship, **and**
- needs to move because the tenant works in the district, or
- needs to move to take up an offer of work

**5.18** Local authorities must be satisfied that the tenant needs, rather than wishes, to move for work related reasons.

**5.19** Factors that may be taken into consideration when determining whether a tenant needs to move to be closer to work or to take up a job offer will include:

- the distance and / or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move

- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

**5.20** The above list of factors is not exhaustive.

## **6.0 Non-qualifying Persons Criteria**

**6.1** Where there is a housing application from an eligible and qualifying person, who resides with a person who is ineligible, the ineligible person will not be included on the application, nor will their circumstances be taken into account for the purposes of satisfying the qualification criteria.

**6.2** People who own a property will not qualify to join the scheme unless there are exceptional circumstances. There will be an assessment on a case by case basis which will look at (not exhaustive), any medical factors, financial resources and personal circumstances.

## **7.0 Unacceptable behaviour – suitability to be a tenant**

**7.1** The Council can exclude applicants from joining the scheme or reduce the priority if their behaviour or that of a member of their household is, or has been considered unacceptable within the last three years at the point of application. The Council considers that unacceptable behaviour within the last three years is sufficiently recent to demonstrate a risk of such behaviour recurring. The following are examples (not exhaustive) that the Council may consider to be unacceptable:

**7.2** Where an applicant or a member of their household has demonstrated serious antisocial behaviour within our community

**7.3** Where an applicant or a member of their household has been convicted of serious anti social behaviour outside our community

**7.4** Where an applicant persistently fails to pay rent or associated charges

**7.5** Where an applicant fraudulently obtains a tenancy

**7.6** Where an applicant has been found to have sublet their property without authorisation

**7.7** Where an applicant has contrived to worsen their housing circumstances in an attempt to increase levels of priority to their application

**7.8** Where an applicant has been evicted for causing damage to their previous

accommodation or used the property for a purpose incompatible with the terms and conditions of the tenancy.

## **8.0 If we decide that an applicant cannot join the scheme**

**8.1** If, following our assessment of an application, we determine that the applicant is not entitled to join the scheme we will write to the applicant to inform them that they cannot join the scheme and give the reasons why. We will advise the applicant of their right to request a review of this decision and the review process.

## **9.0 Annual Allocations and Lettings Plan**

**9.1** Each year we look ahead to the number of lettings that we are likely to be able to do each year. This supply of housing may come from new build homes built either by the Council, or our Local Housing Company Reside, or Housing Association partners. It may also come from vacancies arising as people move or leave their home in order to buy a home, or join new partners, or when tenants die. We forecast the number and type of homes likely to arise each year, and decide ideally, how many of each size of home will we need to allocate to different kinds of housing need. These needs include:

- People who are homeless;
- People whose homes are likely to be demolished;
- People who are ready and need to move on from supported housing (referrals);
- People who are under-occupying their home;
- Sheltered homes;
- Adapted homes;
- People on the General Housing Register.

**9.2** This is called the Annual Allocations and Lettings Plan. Community Solutions are responsible for drawing up this each year and reviewing how we performed against it at the end of the year. We cannot absolutely predict the supply and may not be able to stick absolutely to the plan, but it is a tool that enables us to plan better to meet all the different kinds of housing need that arise in the Borough.

**9.3** This plan ensures a more planned pathway for moving vulnerable groups from institutions or supported housing into independent accommodation (while

ensuring that decisions about the overall allocation of a this very scarce resource are taken in a planned and contextualised way).

## **10.0 How to apply for the Social Housing Register**

- 10.1** You can apply online, following this link: <https://www.lbbd.gov.uk/applying-for-council-housing>
- 10.2** There is a limited amount of social housing in Barking and Dagenham. We strongly advise you to look for other options, such as the Private Rented Sector, and advice can be found at the above link.
- 10.3** If an applicant has any difficulty the Social Housing Register Team can be contacted on: [housingadvice@lbbd.gov.uk](mailto:housingadvice@lbbd.gov.uk)
- 10.4** In line with the General Data Protection Regulations (2017), it is necessary as part of the London Borough of Barking & Dagenham's performance of a key public task under Article 6(1)(e) to process personal data in support of an application for social housing. In doing so the Borough must ensure, in accordance with standard data retention periods specific in its policies, that it does not keep such data for longer than is necessary. The Council has a *Housing Registration: Retention of Personal Information Following Auto-Disqualification (& in the Case of Incomplete Applications)* policy, which can be found in full at the above link.

## **11.0 Who can be included on the application?**

- 11.1** An applicant can only include in their application people who normally live with them (or might reasonably expected to reside with them) as a member of their household. Usually this will mean members of the applicant's family as follows:
- You, and your spouse or civil partner
  - Your children who are normally resident with you
  - Your parents if they are normally resident with you
- 11.2** Applicants for larger homes (four bedrooms or more) should be aware that the Council has very few larger family homes and applications for such property may result in a very long wait, or the possibility that the Council will be unable to assist.
- 11.3** Adult extended family members (siblings or in laws) can only be included where there is a need to provide care to them or receive care from them, or where these family members would be unable to live independently without the other people included on the application. Otherwise, they will have to make their own application.

- 11.4** Children can only be included if they are normally resident with the applicant household. If required, proof of the Child's residence can be shown if an applicant receives Child Benefit for them, has a Residence Order from a court to showing that they live over 50% of their time with the applicant's household, or if the applicant has a long term foster placement for the child. Should these not be held, the Council will seek any other information considered relevant to enable a decision to be made.
- 11.5** This also applies if a dependent child stays with more than one parent at different addresses (due to separation or divorce). They can only be included as part of the application if the Council is satisfied the child primarily lives with the applicant and that this can be substantiated by the means included above.
- 11.6** Other carers who are not family members who provide overnight care may be considered for inclusion where this will avoid the applicant having to be provided with significant daily living support by the Council or other agencies or prevent the applicant from having to enter institutional care. Care and Support commissioning and operational colleagues in social services will be consulted when considering cases of this kind. Considerations will be based on there being evidence that care is required 24 hours per day every day and is provided by either one person, a team of people (family and friends) or by paid staff.
- 11.7** Each application will be assessed on its own merits. It is a decision for the local housing authority to determine who is included on an application as part of a household.

## **12.0 Duty of applicants to be truthful**

- 12.1** On submission of a housing application it becomes legally binding that the applicant has provided information that is true to his/her knowledge. If the Council is satisfied that the application and the associated documents provided by the applicant contains false or misleading information the Council reserves the right to refuse the application or reduce the priority of that application. The Council may also take legal action which could lead to a large fine.

## **13.0 How your application will be assessed if you are eligible and qualify to apply**

### **13.1 Size of accommodation**

- 13.2** We will determine which size of accommodation you require. This assessment is based on the Bedroom Standard as detailed below and will be assessed on a case-by-case basis by checking the household composition against the Bedroom Standard. The Bedroom Standard specifies the number of bedrooms required by

pairing up members of the household. In addition to the applicant/s a separate bedroom will be required for each of the following:

- Adult aged 21 or over
- Married or Cohabiting Couple
- Child or pair of children under 10 regardless of sex
- Child or pair of children of same sex aged under 21
- Any unpaired child; for example, if there are three children in the household, one of the children would be considered as an unpaired child

**13.3** Whilst the above criteria will be used when determining assessed bedroom size the Council recognises that there may be extenuating circumstances that require the consideration of an additional bedroom. In such circumstances the Council will consult with relevant agencies to consider whether it is appropriate to allocate a separate bedroom based on medical or welfare grounds. An example would be two children of the same sex where one child has a diagnosed medical condition that requires them to have their own bedroom.

**13.4** Larger families will be assessed in accordance with their housing need. However, there is a limited supply of four bedroom and larger properties.

**13.5** Pregnancies: If an applicant or member of the household is pregnant, the pregnancy will not influence the assessment in relation to the size of the accommodation. Only when the child is born will there be a need for a re-assessment of the housing application to determine if there is a change in the assessed housing need.

**13.6** Siblings: A single applicant who wishes to include a younger sibling where we are satisfied that it is reasonable to reside together, will be expected to share a bedroom until one of them reaches the age of 21, unless they are of opposite sex or there is a proven medical need for a second room.

**13.7** Access to children: If applicants have access to children the access will not influence the assessment in relation to the size of the accommodation.

## **14.0 How priority is assessed**

### **14.1 Reasonable Preference Categories - Statutory**

**14.2** Having assessed the applicant's bedroom size requirements we will then consider the level of housing need that the application should be awarded based upon the current accommodation available and the applicant's personal

circumstances. Authorities are legally required to give reasonable preference to the following categories of people who are considered to be in housing need;

- People who are homeless (within the meaning of Housing Act 1996, Part 7, as amended).
- People who are owed a housing duty in accordance with homelessness legislation by any local authority, until such time as those duties are discharged;
- People who are living in insanitary or overcrowded housing or living in unsatisfactory housing conditions; (\*\* see footnote below)
- People who need to move on medical or welfare grounds (including any grounds relating to a disability).
- People who need to move to a particular area in the district of the Authority to avoid hardship.

**14.3** \*\* this reasonable preference will be awarded to applicant/s that lack a bedroom/s in line with the bedroom standard and also to applicant/s who are sharing facilities with unassociated persons where by the assessment concludes that the living arrangements are not through personal choice.

## **15.0 Reasonable Preferences – Non-Statutory**

**15.1** The Authority is allowed to provide for additional factors to meet local priorities when determining which applicants are to be given a reasonable preference under a Scheme. In addition to the statutory reasonable preference categories, the London Borough of Barking and Dagenham's allocation scheme will also award a non-statutory reasonable preference (local priority) to:

### **15.2 Persons in Employment**

**15.3** An applicant who falls into one of the statutory reasonable preference categories and is working.

**15.4** To qualify for the non-statutory employment reasonable preference, it has to be accepted by the Council that the main applicant and /or partner;

- Are in temporary or permanent employment (contracted), and / or
- In full time employment, and / or
- Working 16 hours or more per week, and / or
- Are self-employed 16 hours or more per week.

- 15.5** The Council has to be satisfied that the employment is permanent or temporary, genuine and ongoing. Wage slips / accountancy details will need to be provided and any other documentation as appropriate such as employment contract.
- 15.6** If an applicant is awarded an employment non statutory reasonable preference and their employment status changes, as long as there is a realistic prospect of re-employment, the non-statutory reasonable preference will remain however this status will be reviewed periodically to ensure that the genuine prospect remains. If unemployment continues longer than 6 months, this will be removed, as the Council deems that there is no imminent prospect of employment.
- 15.7** If an applicant moves from Job Seekers Allowance to Employment and Support Allowance or Personal Independence Payment the Council will remove the employment preference, but will assess as to whether medical issues warrant an award of Reasonable Preference on medical/welfare grounds.
- 15.8** The Council has an agreement with Trade Unions that staff who have been living in tied accommodation and have more than 5 years continuous service will be eligible for consideration when leaving due to age or medical retirement or redundancy. An offer of accommodation may will be made in line with that agreement.
- 15.9** If an application is awarded a reasonable preference (statutory) and a non-statutory reasonable preference, this will mean that the applicant has more priority than an applicant who qualifies for one reasonable preference.
- 15.10** If an applicant does not fall into one of the reasonable preference (statutory) categories but is working they will not qualify to join the scheme and will be directed to the relevant Council section to be considered for affordable housing products.

#### **15.11 Members of Armed Forces or Reserve Forces**

- 15.12** Those who are about to leave as a serving member of the Armed or Reserve Forces or have been a serving member within the last five years will be awarded Additional Preference and considered for a direct offer of accommodation.

#### **16.0 Cumulative Reasonable Preference**

- 16.1** If an application is awarded two reasonable preferences or more (statutory or non-statutory), this will mean that the applicant has more priority than an applicant who qualifies for one reasonable preference.

#### **17.0 Additional Preference**

**17.1** The Council may give an applicant additional preference if their circumstances fall within the reasonable preference categories and there is an urgent housing need which makes it virtually impossible for the applicant to remain in their present home, for example for the following reasons (not exhaustive):

- Victims of domestic violence
- Victims of hate crime
- Victims of racial or sexual harassment
- Witnesses of crimes or victims of crime who would be at risk of intimidation
- Violence or threats of violence that are likely to be carried out if they stayed in their current home
- Those who have an urgent medical or social reason

**17.2** If an applicant is awarded Additional Preference, this will mean that they have more priority than someone who qualifies for one Reasonable Preference or Cumulative Reasonable Preference.

## **18.0 Decants and Under Occupiers**

**18.1** The Council is undergoing a programme of regeneration in which some Council housing is being demolished. If a tenant is in an area where the housing is due to be demolished, the tenant will be placed on the Housing Register and given top priority for rehousing (decant status). Applicants with decant status will be eligible to bid for properties on the Choice Based Lettings system.

**18.2** If an applicant is not successful in bidding for a property, or is not bidding for a property, and the demolition of the block is due to start within six months, the Council reserves the right to make a direct offer of accommodation in order to ensure the success of the regeneration programme.

**18.3** Priority bidding for Decant tenants is part of our new approach to estate renewal and offer to residents – which includes the commitment that decanted tenants have the Right to Return to new homes on an Assured Tenancy, at Council target rent. Further details can be found here:  
<https://modgov.lbbd.gov.uk/Internet/documents/s131918/Estate%20Renewal%20Report.pdf>

**18.4** If an applicant is under occupying their home, as assessed by the Bedroom standard (see section 13.1) then they will be placed in the top band alongside

Decant status applicants. This is because the Council believes it is in the interest of all applicants that larger family housing is released, and then made available for other applicants on the Housing Register.

- 18.5** Applicants with decants and / or under occupiers are the highest band and will have a higher priority than applicants with Additional Preference, Cumulative Preference and Reasonable Preference.

## **19.0 Discharge of homelessness duty into the private rented sector**

- 19.1** The Localism Act 2011 allows local authorities to discharge their main homelessness duty into the private rented sector. The tenancy offered is a fixed term tenancy within the meaning of Part 1 of the Housing Act 1988 (assured shorthold tenancy) for a period of at least 12 months.

## **20.0 Restricted persons**

**20.1** Applicants should not be given reasonable preference if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Housing Act 1996 Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition.

## **21.0 Band Date (waiting time)**

**21.1** The band date is determined at the time the housing application is registered. If however the applicant experiences a material change in circumstance that would increase the bedroom requirement or increase the level of priority awarded to the application, the band date will change to the date when the Council is notified of the material change or when the new housing need arose.

**21.2** Therefore, when the Council is selecting an applicant for a newly vacant property, the successful applicant will be the applicant in the highest band with the earliest band date (who has therefore been waiting the longest). If that person has not bid for the property, or does not want it, it will be allocated to the next person in priority order. If no one in the top band bids for the property, then it will be awarded to the person in the next band down, with the earliest band date, and so on until the property is let.

**21.3** If an application is rejected and is subsequently subject to a successful review, the band date will be backdated to the time of the original application. A decision on any other award not made originally but then agreed on review is backdated to the date when the information relevant to the decision was received by the Council.

## **22.0 Changes in circumstances**

**22.1** Once the application for housing has been accepted, it is the applicant's responsibility to keep the Council informed of all changes in their circumstances which relate to the household and the housing application. Offers of accommodation are based on the suitability of a property for the household and it is important that this information is kept up to date.

**22.2** Changes in circumstances which must be reported include;

- Change of address, including e-mail address and phone number
- Any change in the household composition, e.g. births, deaths, person (s)

wishing to join / withdraw from the housing application

- Any change in household living arrangements
- Change in medical conditions aggravated by current accommodation
- Change in income and or employment status
- Change in financial resources sufficient to consider alternative housing solutions to that of a social tenancy, i.e. shared ownership, affordable housing products
- Any change in your immigration status in the United Kingdom
- Change of name

**22.3** If as a result of your change in circumstances it is determined that the applicant no longer falls into one of the 'statutory' reasonable preference categories, the application will be closed (unless the application falls into one of the exception categories).

**22.4** If as a result of your change in circumstances it is determined that the applicant no longer resides in LBBD, the application will be closed (unless the application falls into one of the exception categories).

**22.5** Applications are made online, and there is a facility to update an existing application. Applicants are required to update their circumstances online.

## **23.0 Reduction of priority awarded to a housing application**

**23.1** There are occasions when the Council may reduce the level of priority awarded to an application.

**23.2** Examples of when this may occur are detailed below;

- If the applicant had made a successful bid of interest and is in rent arrears or has rent arrears outstanding from a former property.
- If the applicant had made a successful bid of interest and the applicant or a member of their household is/was a perpetrator of unacceptable behaviour.
- If the applicant had made a successful bid of interest however the Council has issued a notice of seeking possession (which is still valid) or is in the process of recovering their property through litigation.

## 24.0 Preference bands

24.1 When all the preference categories have been considered, the applicant will be placed in one of the following bands

Bottom Band – Reasonable Preference	The lowest band of cases are those who have one characteristic from the “Reasonable Preference” categories listed in the <u>Housing Act 1996</u> .
Second Band – Cumulative Preference	The second band up, includes everyone who has two or more of these characteristics together
Third Band – Additional Preference	The third band is those who have a reasonable preference characteristic, but who also have an urgent reason to move, such as the fact that they have a serious urgent medical condition, or if they are in fear of violence.
Top Band – Decant cases and Under Occupiers	These are people who must be moved from their home permanently, because their home is going to be demolished. It also includes anyone who has spare bedrooms and are under occupying their homes. They are the highest priority.

24.2 The Band date is determined at the time the housing application is registered. If an application is rejected and is subsequently subject to a successful review, the band date will be backdated to the time of the original application.

24.3 If there is a material change of circumstances which results in an increase in the level of priority awarded (and a change of band) then the effective date will be the

date when the Council was notified of the change in circumstances or when the new need arose.

- 24.4** Therefore, when the Council is selecting an applicant for a newly vacant property, the successful applicant will be the applicant in the highest band with the earliest band date (who has therefore been waiting the longest). If that person has not bid for the property, or does not want it, it will be allocated to the next person in priority order. If no one in the top band bids for the property, then it will be awarded to the person in the next band down, with the earliest band date, and so on until the property is let.

## **25.0 Casework**

- 25.1** In order to establish whether an applicant is eligible and qualifies to join the scheme (Housing Register) and to determine the level of priority to be awarded to the application it may be necessary to conduct a home visit. In addition it may be necessary to discuss an applicant's circumstances with other professionals and it will be necessary for the applicant to provide relevant documentation in support of their application.
- 25.2** If an applicant fails to provide the requested documentation which is necessary to establish their eligibility and qualification to join the scheme, and / or relevant documentation reasonably requested to assess an applicant's level of priority, the Council will be unable to progress with the assessment of the application and this may subsequently lead to the application being closed.
- 25.3** Further home visits and verification checks may be needed if there are changes to an applicant's circumstances or if the Council has not conducted a home visit within the last 6 months of a successful bid.

## **26.0 Registration Letter**

- 26.1** When the Council is satisfied that an applicant is eligible and qualifies to join the scheme (Housing Register) a registration letter will be issued. The letter will outline the number of bedrooms that the applicant is entitled to, the level of priority that the application has been awarded and the band date.

## **27.0 Advertising**

- 27.1** The Council will advertise available properties on the Choice Homes website.

The advertising cycle runs each week from midnight Thursday until midnight Monday. Any variation to this will be advertised in advance. In some cases the council will make direct offers and these properties will not be advertised.

## **28.0 How to bid – choice based lettings**

**28.1** Applicants can bid their interest for properties that are of the appropriate size in accordance with their assessed housing need. There are several ways to bid:

- Telephoning the bidding hotline on **0845 650 4125**
- Website: [www.ellcchoicehomes.org.uk](http://www.ellcchoicehomes.org.uk) Text: **07781 486 526**
- Mobile site: [ellcchoicehomes.org.uk](http://ellcchoicehomes.org.uk)
- If an applicant has any difficulty in bidding the Social Housing Register Team can be contacted on: **020 8724 8325 or [housingadvice@lbbd.gov.uk](mailto:housingadvice@lbbd.gov.uk)**

**28.2** Applicants will be allowed to bid for one property, per cycle, that is advertised. Bids of interest must be submitted before midnight on the Monday. When a bid is placed on a property the system will inform the applicant what their position in the queue is at that time.

**28.3** Throughout the bidding cycle the queue position may fluctuate subject to the other bids that are being placed. Applicants are able to withdraw a bid of interest and bid for a different property.

**28.4** The Council will regularly check whether applicants are making regular bids or not. If no bids are being recorded over an extended period of time it will be deemed that re-housing is not being actively pursued and action may be taken to close the application. Allowance will be made for the availability of property to bid for (particularly 4 and 5 bedroom accommodation) when considering closure.

**28.5** Where we are satisfied that an applicant is unable due to vulnerability or lack of support to be able to bid regularly. We will, with their agreement, set up auto-bidding in order that they can receive consideration for any property of the appropriate size and type that meets their assessed needs. This decision is made on a case by cases, in collaboration with colleagues from Care and Support.

## **29.0 Short Listing Criteria**

- 29.1** The short-listing of applicants for properties which have been advertised commences a day after the bidding cycle has closed. Lettings Officers are responsible for the process. The bidding system produces a computer generated shortlist for each property. All applicants who have placed a bid for a property will appear on this shortlist in order of their priority. Where applicants have the same level of priority their band date (waiting time) is the factor which determines their place in the queue for that property. If the level of priority and the band date (waiting time) is the same, the determining factor will default to which application was registered first.
- 29.2** The Lettings Officer will go through the list for each property starting with the applicant who has finished in first position. They will;
- 29.3** Check the computer records to confirm that the property is suitable for the needs of the applicants; with emphasis on any special needs.
- 29.4** Check that there has been no change in circumstances since the application was submitted. If there is a change in circumstance that affects the assessment of the application and would render the property in which the bid was placed 'unsuitable', the bid of interest will be skipped and the applicant will be notified as to the reasons why, in writing.
- 29.5** Check that a home visit has been done in the last 6 months, and if not, use desktop searches of Housing Benefit / council tax records / Call Credit records to ascertain occupancy.
- 29.6** A home visit will be conducted if there are specific issues with the applicants circumstances, for example if they are residing with friends or family and therefore do not have records which can be accessed by officers.
- 29.7** If this visit determines a material change in circumstance which affects the assessment of the application the bid of interest will be skipped and the applicant will be notified of the reasons why, in writing.
- 29.8** If the applicant is not available within 2 days, the Lettings Officer will consider the next person in the queue in order to ensure efficiency and fairness to the other applicants.
- 29.9** Check that applicants from abroad are still eligible for an allocation of social housing at the point of the successful bid. If no longer eligible the bid of interest will be skipped and the applicant will be notified as to the reasons why, in writing.

- 29.10** Check rent accounts and tenancy records where possible. If there are issues relating to current or former rent arrears or anti-social behaviour this may result in the applicant's level of priority being reduced, bid of interest being skipped and the applicant will be notified of the reasons why, in writing.
- 29.11** Consider exercising discretion should the applicant in rent arrears be a social rent under occupier and may allow the bid of interest to proceed.
- 29.12** Carry out a composite assessment of needs and financial assessment should the applicant who has placed a bid of interest be an owner occupier. Should it be decided that the applicant is deemed to have sufficient financial resources to obtain a suitable housing solution using their own resources, the bid of interest will be skipped and the applicant will be notified of the reasons why, in writing.
- 29.13** Check the financial circumstances of an applicant and if it is considered that the applicant is deemed to have sufficient financial resources to obtain a suitable housing solution the bid of interest will be skipped and the applicant will be notified of the reasons why, in writing.

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### **30.0 Shortlist to determine queue position for a property**

**30.1** If an applicant within the decant or under-occupier group bids for a property they will always finish above those applicants within the additional preference group, the cumulative preference group and the reasonable preference group.

**30.2** Within this highest priority group (decants and under-occupiers), applicants will be ranked on the basis of the following:

- Their preference band (additional preference, cumulative preference, reasonable preference);
- Band date:
  - Date this level of housing need arose: phase date (Decants), date under-occupying status established (under-occupiers);
  - Date level of preference band established, if earlier than date level of housing need (decant or under-occupier) established;
- Tenancy start date.

**30.3** If no decant or under-occupying tenants bid for the property, applicants that are within the additional preference group that have expressed an interest in the property will then be ranked in date order (band date) of when they were awarded the additional preference. The applicant with the earliest band date will be in the highest queue position.

**30.4** If no applicants with an award of additional preference bid an interest in the property, applicants with cumulative preference will then be ranked in accordance with the number of preferences and in date order (band date) of when they were awarded cumulative preference. The applicant with the earliest band date will be in the highest queue position.

**30.5** If no applicants with an award of cumulative preference bid an interest in the property, applicants with reasonable preference will then be ranked in date order (band date) of when they were awarded the reasonable preference. The applicant with the earliest band date will be in the highest queue position.

**30.6** The table below demonstrates the above explanation on how a queue position for a property is determined;

<b>Priority</b>	<b>Groups of applicant/s</b>	<b>Factor to determine waiting time</b>
1st	Decants and Under Occupiers	Their level of priority (additional preference, cumulative preference, reasonable preference);

		<p>Date this level of housing need arose (band date)</p> <p>Date level of priority need established, if earlier than date of housing need (decant or under-occupier) established;</p> <p>Tenancy start date</p>
2nd	Additional Preference	Date this level of housing need arose (band date)
3rd	Cumulative Preference	Date this level of housing need arose (band date)
4th	Reasonable Preference	Date this level of housing need arose (band date)

## **31.0 Suspensions**

**31.1** Applications will be suspended in the following circumstances;

- If there has been a material change in an applicant's circumstances which needs to be verified
- When an applicant has successfully bid for a property and is awaiting a viewing
- If a Mutual Exchange is pending
- If there is a Right to Buy application in process
- If there is outstanding documentation that has been requested
- If placed in temporary accommodation pending a decision

**31.2** Refusal of 3 reasonable offers of accommodation (excluding applicants where a homeless duty is owed)

- When an applicant has refused 3 reasonable offers of accommodation, the Council will exercise the right to suspend the application for a period of six months.

## **32.0 Multiple viewings**

**32.1** In order to minimise the length of time that a Council home is empty multiple viewings are arranged to facilitate a letting at the earliest opportunity.

**32.2** Depending on the type of property advertised 2 or 3 applicants will be invited to view. There may be occasions when more applicants will be invited to view. If the property is managed by a Private Registered Provider (Housing Association) they, as the Landlord, will determine the number of applicants that view the property and will also contact the applicants directly to arrange the viewing.

## **33.0 Viewing Procedures for LBB**

**33.1** All successful applicants will be notified before the viewing date of the location of the property and the time of the viewing. They will be advised that they must take proof of identification to the viewing. All applicants that have been short-listed for a property will have their application suspended temporarily until we know the result of the viewing. This will mean that they may not be able to bid in the next cycle.

- 33.2** Viewings are normally carried out on the Monday following the closing of the bidding cycle. There may be occasions when the viewing is not able to be carried out on the scheduled day and an alternative date will be arranged. The applicant will be notified if there are any changes to the viewing arrangements.
- 33.3** An officer of the Council will attend the viewing and although all invited applicants may get an opportunity to view the property, the opportunity to accept the offer of the property will be made 'strictly' in shortlisted order. The officer will explain the implications of refusal of accommodation.
- 33.4** If LBBB owes a main homelessness duty to an applicant that is refusing a property the applicant will be encouraged to accept the offer and move into the property. The applicant can then request a review of the suitability of the accommodation. If the applicant refuses the property (without reasonable grounds) they will be advised that the Council will cease/discharge its homelessness duty and they will be required to vacate any temporary accommodation that has been provided.

#### **34.0 Direct Offers**

- 34.1** The Council lets a lot of its property through the Choice Based Lettings system, where applicants are able to look at the available vacant properties online, and place a bid for a property that they wish to live in. However, there are occasions where the Council will make an offer of one particular property to one particular candidate and ask them to decide whether they wish to accept it, or not.
- 34.2** The Council does this for some specific properties such as sheltered housing, for older people, or adapted properties.
- 34.3** The Council also uses direct offers for particular groups of applicants, such as those more vulnerable groups, who may find it more difficult to use the bidding system, such as Children Leaving Care, and People with a Learning Disability.
- 34.4** Under-occupiers: it is in the Council's interest to free up larger properties. Therefore, under-occupiers are in the top priority band when bidding for general needs properties, as per this policy. If an under-occupying household is more suited to an adapted or sheltered home, this may be allocated by direct offer.
- 34.5** The Council reserves the right to make direct offers in other cases, either where people are not bidding, or when it is in the Council's interest that someone should move. This may happen, for example where a household is in temporary accommodation leased from a private landlord, and the landlord has notified us that they want the property back, or where a tenant needs to move because their

property requires repairs which cannot be undertaken whilst the tenant is in occupation.

### **34.5 Referrals**

**34.6** Referrals are individuals or households who receive assistance or support from the Council, or its partner agencies as they have additional needs as well as housing needs. The categories of groups that fall within these categories are:

- Children Leaving Care
- People with an Enduring Mental Health condition
- People with Learning Difficulties
- People with Physical Disabilities
- People who need to move on from the Women's Refuge
- People ready and needing to move on from the Mother and Baby home

**34.7** There are four Joint Assessment Panels at which the Community Solutions Team meet with colleagues providing care:

- Children's Social Care (this includes Care Leavers)
- Adult Mental Health (known as RAMP)
- Disabilities (crosses over Adults and Children's)
- Extra Care and sheltered housing (mainly for elderly people)

**34.8** These Panels will meet and agree assessments for each of these need groups and decide which cases need to move on to independent accommodation and when. Independent accommodation may include Council or Housing Association property, or other solutions such as Supported Housing or Private Rented Accommodation. The Panels will refer applicants for consideration for offers of accommodation those properties which have been set aside in the Allocations Plan (see Section 9) for these groups.

**34.9** Referrals to accommodation for an individuals from these vulnerable cohorts will be made with considering not only to the housing need of the individual, but their specific circumstances and vulnerabilities and which kind of housing environment will be most conducive to their well-being.

**34.10** Further panels may be established for other groups or types of properties depending on need, and these will follow the same principles as above.

## **35.0 Adapted properties**

- 35.1** The Council has a number of adapted homes which have been either purpose built or adapted for a previous occupant. It is important that the Council makes best use of these adapted homes, as there is a high demand for these properties, which it is difficult to meet. As a result, households in which there is a person who needs an adaptation are waiting a very long time for an adapted property.
- 35.2** When a property becomes vacant, or when the Council is notified that there is an adapted property about to become available, officers will review the Housing Register and referrals from the disabilities Joint Assessment Panel, to identify everyone with the relevant level of adaptation need. The lettings officer will then allocate the adapted property on the basis of:
- Highest band of reasonable preference categories
  - Longest time waiting
  - Medical need best suited to the property
  - Cases with a medical emergency may be placed in the highest band and override other priorities
- 35.3** It is possible that the Council may adopt an Accessible Housing Register to enable disabled applicants to bid for properties.

## **36.0 Sheltered Housing and Extra Care**

- 36.1** Sheltered Housing is designed to provide a supportive environment to older people (aged over 55). The scheme is made up of individual self-contained flats and most of the schemes have some communal facilities, such as a lounge, laundry and garden. There is also a 24-hour alarm call system. All Sheltered residents receive regular calls from dedicated staff. Sheltered housing is allocated by direct offer, with priorities in line with the main allocations policy.
- 36.2** Extra Care housing is a set of flats or apartments which are rented or owned by individuals. There is communal space, including a lounge, dining room and meals service; a hairdressing area and sometimes a fitness room; and medical services such as a consulting room and space for other health services to be delivered on site. Extra Care schemes offer a greater degree of support than Sheltered Housing, in order to enable individuals to remain independent for as long as possible
- 36.3** Extra Care assessments and decisions on allocations by direct offer will be considered by a Joint Assessment Panel of staff from Community Solutions and Adult Social Care, who will assess each case based on the housing need

(as in this Allocations Policy) but also the support needs of the applicant such as their:

- Frailty
- Physical or mental health need
- Multiple health problems
- Sensory impairment
- Loneliness and isolation
- Safety and security issues
- Age

**36.4** The panel will decide, in consultation with the applicant, which is the best housing solution for each applicant. When a vacant property becomes available, either in Council or Housing Association ownership, a direct offer of housing will be made to the next priority suitable applicant.

### **37.0 Sensitive Lets**

**37.1** A sensitive letting may be used if the Council knows that an applicant has committed serious offences that restrict where they can live. This may include Registered Sex Offenders or those identified as posing a serious risk to a specific community. In such cases, the Council will consult fully with the Police, the Probation Service and other agencies.

### **38.0 Local Lettings Policy**

**38.1** In exceptional circumstances, the Council and its partners may decide to allocate properties on a slightly different basis from normal, in the interests of building strong and sustainable communities or to deal with particular local issues. This is done through a Local Lettings Policy.

**38.2** The decision to apply a Local Lettings Policy will be made jointly by the Council and the landlord of the property. Such policies should not directly or indirectly discriminate against any particular person.

**38.3** Agreed for a specific period of time, a Local Lettings Policy will only be approved if it forms part of a strategy to tackle identified problems or contribute to sustainable communities.

**38.4** Local lettings may be dealt with by restrictive labelling of vacancies advertised

through the choice based lettings scheme.

**38.5** All Local Lettings Policies will be subject to consultation with affected parties and will be supported by an Equalities Impact Assessment.

**38.6** The Director of Inclusive Growth has delegated authority to approve Local Lettings Policies, working in consultation with the Cabinet Member for Regeneration and Social Housing.

## **39.0 Mutual Exchange**

**39.1** Secure tenants of a council have the right to exchange their home with another secure tenant, or with an assured tenant of a housing association. Exchanges can involve more than two households. Tenants do not need to be registered on the Housing Register to participate in this scheme.

**39.2** Tenants must get written permission from their landlord before they exchange, and the other tenant must also get written permission from their landlord. Both tenants must sign a “deed of assignment” before they exchange properties.

**39.3** Most council and housing association tenants advertise their properties through Homeswapper ([www.homeswapper.co.uk](http://www.homeswapper.co.uk)). Homeswapper is the national mutual exchange scheme. Barking & Dagenham tenants can register for free. Some Housing Association tenants may have to pay a small fee to register if their landlord is not part of the scheme. Applicants must be a council or Housing Association tenant; they do not have to be on the Council’s Housing Register. Applicants can swap into a home that is either one bedroom too small or one bedroom too large for their family’s needs with the permission of the landlord. Applicants can also view the website at their local library. Homeswapper will carry out searches for possible matches daily. When an applicant has found the person, they want to exchange with, they must complete the mutual exchange form and return it to their landlord. They must contact the person who is living in the property they want to move into to make viewing arrangements.

**39.4** Housing Moves: Housing Moves is a Mayor of London Scheme which enables Council and housing association tenants to move to a home in another London borough. Nearly all Councils and many housing associations in the capital contribute homes to the scheme. They are advertised on the housing moves website: [www.housingmoves.org/](http://www.housingmoves.org/)

**39.5** Applicants must be a Council or Housing Association tenant. Applicants must have a secure, fixed term or assured tenancy. Applicants must be up to date with rent and have no ongoing anti-social behaviour issues. Applications can be made on [www.housingmoves.org/](http://www.housingmoves.org/) or [www.london.gov.uk/what-we-do/housing-and-land/rent/housing-moves](http://www.london.gov.uk/what-we-do/housing-and-land/rent/housing-moves).

- 39.6** This is a web-based scheme, applications and searching for properties must be done online. Once a Housing Moves application is made, this will be verified by a landlord and then an applicant can search for properties online.
- 39.7** Seaside and Country Homes: This is a housing mobility scheme that offers council or housing association tenants the option of moving out of London, Social housing tenants approaching the age of 60 years who can live independently.
- 39.8** The scheme's landlords manage approximately 3,500 bungalows and flats along the coast from Cornwall in the south west, to Norfolk and Lincolnshire in the east and across the countryside from Dorset to Cambridgeshire. The scheme does not guarantee a move and priority is given to tenants who are giving up larger sized properties.
- 39.9** Homefinder – the national mobility scheme: Homefinder UK advertises social housing general needs properties across the UK. Homefinder UK aims to help homeless households and social housing tenants find a home anywhere across social housing. Anyone can apply, but if you are interested in finding social housing you should be aware that the main homes that are advertised are in areas where there is less demand for housing, such as northern areas like Liverpool, and Newcastle on Tyne. You can apply on the website [www.homefinderuk.org](http://www.homefinderuk.org) Properties are advertised on the website. Once you have applied, you will be given log in details that will enable you to search for properties relevant to your bed need and bid for any that interest you. If you do not have access to the internet someone can do this for you.
- 39.10** If you are being considered for a property, the Homefinder UK Team will give you a call to discuss your bid and to answer any questions you may have. If you are still interested, your details will be put forward to the receiving landlord who will give you a call within a week and provide further information on the property. They will need to check that the details on your application are accurate and will invite you to visit the property. When you visit the property, you will be expected to decide on whether you wish to move so it makes sense to be prepared before undertaking a visit.

## **40.0 Notification and Reviews**

### **40.1 Notification**

- 40.2** If the Local Authority decides that an applicant is ineligible to join the scheme due to their immigration status, the applicant must be notified in writing and be given clear grounds for the decision.
- 40.3** If the Local Authority decides that an applicant does not qualify to join the scheme because they do not satisfy the residence and / or qualification criteria

the applicant must be notified in writing and be given clear grounds for the decision.

#### **40.4 Reviews**

**40.5** An applicant has the right to request a review of a decision in relation to the assessment of their application and any such decision when considering whether to allocate housing.

**40.6** An applicant will be notified of receipt of their request for a review in writing.

**40.7** The applicant must request a review within 21 days of being notified of the decision.

**40.8** The request for review should be directed by email to [housingadvicereviews@lbbd.gov.uk](mailto:housingadvicereviews@lbbd.gov.uk)

**40.9** The review will be completed within 56 days of the request unless there is an agreement between both parties to extend this period. The applicant will be notified in writing of the outcome of the review and the basis of how the decision was made.

#### **41.0 Flexible Tenancies**

**41.1** Social Landlords are now able to grant tenancies for a fixed length of time, known as flexible tenancies. Utilising flexible tenancies allows local authorities to manage social homes more effectively and fairly, and deliver better results for local communities. Flexible tenancies must be for a minimum of 2 years.

**41.2** The London Borough of Barking and Dagenham do not intend to move away from non flexible tenancies. However there will be instances when a flexible tenancy will be allocated;

**41.3** For example;

- To applicants who meet the eligibility and qualifying criteria but have limited leave to remain in the U.K.
- To applicants who are seeking family sized accommodation to foster children. In the event the tenant ceases to foster children, the flexible tenancy would not be renewed, and the council would offer alternative accommodation that would meet the revised assessed housing need of the household.

## **42.0 Succession and Management Transfers**

**42.1** In March 2016, Barking & Dagenham Cabinet adopted a number of new tenancy management policies. This included Succession and Management Transfer policies. Full detail can be found [here](#), and the key points in relation to allocation are detailed below.

### **42.2 Succession**

**42.3** If a tenant dies, and the tenancy began before 1 April 2012, the spouse who was living with the tenant at the time of death may succeed to the tenancy. If there is no spouse, a close member of the family who was living with the tenant at least 12 months before the death may succeed to the tenancy, but if they are under occupying the property, they may be required to move and be made an offer of a tenancy of a property in line with their housing needs.

**42.4** If a tenant dies and the tenancy started after 1 April 2012, only the tenant's spouse or civil partner who was living with the tenant at the time of death, can succeed to the tenancy.

**42.5** The Housing Act 1985 only allows for one succession. Barking and Dagenham will however permit a second succession in cases where the first succession was between spouses who were joint tenants. This would be by way of a concessionary offer.

**42.6** Where person or family is in occupation of a property upon the tenant's death and they do not possess a right to succeed nor do they meet the criteria for a second succession, a concessionary offer (or the tenancy of alternative property through the allocation process if the current property would be under occupied or not be suitable to meet the current need) may still be considered in circumstances where it is in the council's best interests to do so. This decision would only be made in exceptional circumstances and in line with meeting the council's duties in respect of crime and disorder, promoting health and wellbeing, making the best use of stock and/or where a homelessness duty may otherwise arise. The reason(s) for reaching this decision must be clearly stated. The decisions will be made by the Director of Community Solutions and Director of My Place through delegated authority.

**42.7** The decision to grant a succession in these circumstances will be recommended by a Council panel of officers from My Place and Community solutions. The panel take into account the needs of the household and the local housing demand. Consideration will also be given to the criteria for homelessness assistance as set out in Housing Act 1996, Part 7 and the Code of Guidance on the Allocation of Accommodation for Local Authorities 2002.

**42.8** If a concessionary 'succession' is granted, this is done by way of a new tenancy, not by legal succession of the existing tenancy. A 'successor' will be granted a new Introductory Tenancy in the first instance.

### **43.0 Management Transfers**

**43.1** It is not possible to predict every kind of housing situation which may need assistance. Discretion is therefore given to two senior officers, the Director of Community Solutions and the Director of My Place (or nominated Heads of Service), to approve a case for rehousing on the basis of exceptional circumstances or a case demanding exceptional sympathy.

**43.2** These cases will be exceptional, and it is expected that there will be very few of them, otherwise the ability to assist cases in an emergency will be undermined. Such cases once approved will be reviewed every six months to ensure that the case still deserves priority.

**43.3** These Management Transfers will be made one offer in line with their housing needs, and if this is refused, the Management Transfer status will be removed. This is in line with the Council's Management Transfers Policy, approved by Cabinet in 2016.

### **44.0 Reside – our Local Housing Company**

**44.1** Reside manage homes which are let either at 50% (London Affordable rent), 65% or 80% (intermediate rent) of market rents; and these different rents are let to different groups of people. The properties at 50% Market rents are let in accordance with our main Allocations Policy (this document) and the priorities will be the same as those set out in this document.

**44.2** Properties with rents of 65% and 80% of market rents (intermediate rents) are intended for working households and will be let in accordance with the priorities set out below. They are not relevant to the wider policy outlined in the rest of this document (prior to point 44.0). Notwithstanding this, Reside will operate its local allocations in the spirit of the principles of the Council's wider allocation policy, within the parameters of the below provisions.

**44.3 Intermediate rented property – the financial qualifications:** Properties at intermediate market rents (65% and 80% of market rents) are designed for working households on moderate incomes. There is a maximum gross income you should be earning, and if you earn more than this, you will not be eligible:

- Up to £66,000 per year, if applying for a 1 or 2 bed property.
- Up to £80,000 per year, if applying for a 3 or 4 bed property.

There is also a minimum level of income needed in order to qualify:

- Applicants should not be paying more than 40% of gross household income on rent.
- However, if your income is such that you would be paying more than 40% of gross household income on rent, you may still qualify if you have been paying more than 40% of household income on rent for the last 12 months and have not fallen into rent arrears.
- Applicant household should be working a minimum of 16 hours a week, at minimum wage.

Household income can include any of the following (provided it is income as part of a working household as per above):

- Income from earnings or pension;
- In-work benefits including Child Benefit, Child or Working Tax Credit;
- Personal Independence Payments;
- Housing Benefit up to the relevant Local Housing Allowance;
- Universal Credit, where one or more of the above benefits have been subsumed into this.

**44.4 Reside – bedroom standard**

**44.5** An applicant can apply for a home offering one more bedroom than he/she needs according to the bedroom standard, as long as they can afford it.

**44.6 Reside – priorities**

**44.7** The priorities for our properties let at 65% and 80% Market rents are let in accordance with the following priorities

1 <sup>st</sup> priority	Working tenants of the Council or a local Housing Associations	If there are more than one applicant in these categories, then the
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2 <sup>nd</sup> priority	Working housing Register applicants	date they registered will decide priority, earliest registered first priority.
3 <sup>rd</sup> priority	Working residents of the Borough	
4 <sup>th</sup> priority	People in employment in the borough, but not resident	
5 <sup>th</sup> priority	Working applicants in London	
6 <sup>th</sup> priority	Working resident from elsewhere	