

HOUSING ALLOCATION SCHEME OCTOBER 2014



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Amendments to 2014 Allocation Scheme

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Basildon Council Allocation Policy and Scheme

1 INTRODUCTION

This is the Allocations Scheme (the policy) for Basildon Council. An Executive Summary and a Guide for applicants are also available on the Council's website. Applicants and their advisors/support workers are encouraged to use the website to find out more about the scheme, and consider which housing options will suit them best.

This scheme commenced on 17 October 2014 and was revised in April 2017, where amendments made following this revision commenced on 16 January 2018. It replaces the Council's Allocations Policy 2005 revised March 2009.

Under the Housing Act 1996, the Council is responsible for allocation schemes and must use it to allocate social and affordable housing, including housing owned by the Council and properties made available to the Council by other housing providers under a variety of legal agreements and shared practice.

This scheme includes provision for nominations to other housing registered providers (commonly known as housing associations). The aim is to maximise social and housing opportunities for applicants. Applicants joining the Homeseeker register will be considered for properties owned both by the Council and by other partners and are unable to exclude either one as their future landlord.

The demand for social housing in the Borough far outstrips the supply that Basildon Council has available and therefore we must prioritise those with the greatest need. This means that for most households, the chances of being offered a property by the council are extremely low and other housing options will need to be identified and considered.

In order to maximise opportunities and reflecting the fact that demand for housing is much greater than supply, Basildon Council is supporting the development of new homes locally, and operates a number of schemes outside the housing allocation scheme, which are designed to increase the options available to those seeking homes in the borough. These include access to low cost home ownership, and support from some groups in finding privately rented housing.

Basildon Council has a statutory duty to prioritise certain groups of people, but the Council may also use its discretionary powers to meet the needs of other priority groups and local priorities.

In formulating this scheme, the Council has paid regard to its 'Housing Strategy 2017–2022', its 'Homelessness Prevention Strategy 2014–2018' being its current homelessness prevention strategy under s.1 of the Homelessness Act 2002, and its 'Housing Tenancy Strategy 2013' being its current tenancy strategy under S.150 of the Localism Act 2011 and its public sector equality duties.

The Council will monitor the operation of the allocations scheme by regularly reviewing the scheme to ensure that it meets its stated aims and objectives and complies with

legislative changes. Feedback from applicants or other interested parties would be welcomed and taken into account upon such review.

1.1 TRANSITIONAL PROVISIONS

See Appendix 2

1.2 AIMS AND OBJECTIVES OF THE ALLOCATION SCHEME

1.2.1 There is substantial demand for rented housing across Basildon from local communities and from people working. The allocations scheme is part of our wider strategic approach to maximising housing choice, whilst balancing the aspirations of those in need, with our responsibilities to meet the needs of the most vulnerable people.

1.2.2 Through new measures to support working people and those who make a contribution to their local community, the allocation scheme will contribute towards Basildon Council's drive to improve employment and skills

1.3 THE ALLOCATIONS SCHEME AIMS TO PROVIDE:

- A simple and straightforward process for applicant to use.
- Fairness in allocation, ensuring that no group or individual is discriminated against as a result of this scheme and to promote equal opportunities.
- An accountable and transparent allocation of properties, so that applicants can have realistic information about their chances of being rehoused.
- Choice to applicants balanced against the shortfall of social housing
- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011)
- To make best use of housing stock
- To support vulnerable applicants
- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the Choice Based Lettings scheme.

1.4 LOCAL PRIORITIES FOR BASILDON

1.4.1 Basildon Council has chosen to limit who may join the Homeseeker Register. The qualification criteria are designed to ensure that priority for social and affordable housing is given to those who

- Are local people
- Have lived in Basildon continuously for at least seven years
- Are in housing need as defined by our assessments. We cannot offer housing to those who want to move, but have no need to do so.
- Cannot reasonably afford to resolve their housing difficulties themselves. We set financial limits and assess each application carefully

- Have not previously committed acts that make them unsuitable to be a tenant, such as failure to pay rent, antisocial behaviour or other breaches of tenancy.

1.5 HOUSING CHOICE IN BASILDON

1.5.1 There is limited supply of social and affordable housing in Basildon. For many people, housing in the private sector is a more realistic option.

1.5.2 The application form has a qualification assessment which will look at

- Current Housing Circumstances
- Income and Capital
- Housing Needs

Applicants will not qualify for social housing if they do not pass this test and will be directed to other sources of information and online applications for a variety of housing options including:

- Home ownership: buying a home of the open market; to home ownership for first time buyers with limited access to a deposit, including Homebuy and Social HomeBuy.
- Renting private accommodation: finding a home, using local lettings agents and sources of help and advice for those who do not have a deposit or reference
- Staying where you are: advice about adaptations for disabled people, debt advice for those struggling to pay the rent, as well as advice for overcrowded families
- Social and affordable rented homes: applying through the allocation scheme, or for existing tenants, options to swap your home (locally or further afield) using a mutual exchange

2 THE LEGAL FRAMEWORK

2.1 LEGISLATION AND CODE OF GUIDANCE

This scheme complies with the requirements of:

- The Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011
- Section 149 of the Equality Act 2010 and other relevant provisions of the Act
- Section 11 of the Children Act 2004
- Takes into account the Code of Guidance issued by the Department for Communities and Local Government on 29 June 2012 – Allocation of Accommodation: guidance for local housing authorities in England
- The allocation of housing qualification criteria for Right to Move (England) 2015
- Guidance provided through applicable case law

2.1.2 Under the legislation and codes the Council is required to publish a full copy of the Allocations Scheme and provide a copy to any member of the public who requests it.

We will do this by

- a) Making available the full copy of the scheme online for a free download at www.basildon.gov.uk
- b) Making available hard copies for those with no access to the internet or computers, but a charge maybe made
- c) Publish a shorter summary version, which will also be available online
- d) Making available a printed copy of the summary, free of charge upon request

2.1.3 The Council is required to provide advice, assistance and information about how a person can apply for an allocation of social housing

2.1.4 The Council encourages people to use the website to obtain information and solutions to their own housing needs wherever possible

2.1.5 Applicants will be directed towards the website for information how to apply for an allocation, and also towards sources of information and online applications for a variety of other housing options

2.1.6 When further advice is needed, including people who are homeless or at risk of homelessness, more detailed advice on applying for an allocation and housing options can be obtained through the customer service centre.

2.1.7 In accordance with s.159 (4A, B) of the Act, the allocation scheme includes voluntary tenant transfers where the applicant is owed a reasonable preference.

2.1.8 The scheme gives reasonable preference to classes of people as provided for within s.166A of the Act. The Council has also chosen to give priority to support tenants who are under occupying a property, and need to move to avoid hardship, or their move will release a much needed family home for allocation to an applicant with a registered need for this type of property. The scheme also supports independence and gives choice to tenants currently living in sheltered housing schemes wishing to transfer to an alternative suitable scheme.

2.2 ALLOCATIONS COVERED BY THIS SCHEME

2.2.1 In law, a local housing authority allocates housing accommodation when it;

- a) Selects a person to be a secure, assured, flexible or introductory tenant of its own housing accommodation
- b) Nominates a person to be a secure, assured, flexible or introductory tenant of housing accommodation held by another agency or landlord.

2.3 REASONABLE PREFERENCE

2.3.1 All applicants will be placed in the appropriate Housing Needs band based on an assessment of their needs. This will ensure that social housing is let to those in the highest assessed need and ensure that they meet their legal obligations.

2.3.2 The law states that there are five groups of applicants where reasonable preference must be considered:

- People who are homeless (within the meaning of part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192 (3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

2.4 EQUAL OPPORTUNITIES AND DIVERSITY

2.4.1 The Council aims to operate a fair, non-discriminatory policy in letting properties, whilst complying with the requirements of the Equality Act 2010

3 THE HOUSING REGISTER – (HOMESEAKER REGISTER)

The council operates a housing register (known as The Homeseaker Register) to enable us to prioritise people for social housing.

To apply for either a council or a social registered provider property (also known as a housing association), applicants must be accepted onto the council's register, however, not everyone will be accepted. Evidence of eligibility and qualification will be required to complete registrations.

3.1 VULNERABLE OR POTENTIALLY EXCLUDED APPLICANTS

3.1.1 The Council will only accept as valid applications from persons whose mental capacity is considered by the Council to be sufficient to enable them to understand the nature of any offer of accommodation made to them, and of the consequences for them if they unreasonably refuse an offer, unless the Council is satisfied that in relation to any person who lacks such capacity another person is willing and able to make such decisions on her/his behalf and, in the Council's view, that other person is a suitable person who does not have any relevant interest adverse to that of the person lacking capacity.

The Council would reasonably expect the person making decisions and signing a tenancy agreement on an applicant's behalf to hold a power of attorney,

provided the power is sufficiently wide enough and/or has been appointed as deputy by the Court of Protection to do so.

3.1.2 In line with the Mental Capacity Act 2004, the Council recognises the importance of advocacy and where appropriate will allow an applicant to appoint someone to express an interest (bid) on available homes on their behalf, acting as a proxy. For example, Social Services, Support Agency, family members etc. Where there is a formal advocacy role a form will need to be signed by the applicant or carer to ensure compliance with the Data Protection act.

3.1.3 To further assist potentially vulnerable or excluded residents, the following methods will be used:

- Potentially vulnerable residents will be identified thorough the assessment process. These applicants will be contacted by the Council staff to establish what support is required and to identify ways to ensure they can access the Basildon Choice System
- Where applicants agree support, support agencies will be permitted access on behalf of the applicant to review properties and make bids.
- Automatic bids can be made for the most vulnerable residents to ensure that they are able to consider all suitable available properties
- Direct mailing of adverts will be made available to all vulnerable applicants who are unable to access the scheme in any other way

3.2 WHO CAN BE INCLUDED AS PART OF AN APPLICANT'S HOUSEHOLD

3.2.1 The applicant and their partner if they have one. (This includes married, cohabiting and civil partners)

- In most cases, the Council considers it reasonable to expect applicants applying together to already be residing in the same property unless there are exceptional circumstances preventing them from doing so e.g. the property is currently not suitable for one of them due to ill health or disability
- If the Council is satisfied there is sufficient evidence provide to support applicants are living as a split family due to lack of suitable accommodation on medical grounds or other exceptional circumstances, applicants will have their particular circumstances assessed by the Council to determine the best way of addressing the housing need
- Details of all properties currently occupied/rented should be stated on the application form and the decision to determine the best way of addressing the housing need rests with the Council.

3.2.2 The applicant or partner's resident children under 18, or still in full time education or any other children for who they have legal guardianship

(In cases where a minor is to be included in, or added to an application, buy no parental responsibility exists within the household (e.g. grandchildren, nieces,

nephews); proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent).

3.2.3 The applicant or partner's children over 18 who have lived as part of the household (for a minimum of 12 months immediately prior to the application and continue to do so), can be included if they do not wish to have their own application. Their income, savings and assets will be included in the financial assessment and if they own or part own a property (this includes adult children at university if their intention is to return as their main and only home on completion of their course, or adult children who would normally reside with the household when they are not deployed on operations for the British Armed Forces)

3.2.4 Children in care – (Compulsory or Voluntary)

Children will only be treated as though at home in receipt of written confirmation from Social Services that the children will return immediately to live with the parents on a permanent basis should they be allocated a property. Failing such confirmation, children will not be included on the application.

3.2.5 ADDING NEW HOUSEHOLD MEMBERS

Adults (an adult is considered as 18 years old and over), will not be permitted to be added to an existing application where this results in the need for accommodation larger than that for which the applicants household was originally eligible, unless an overriding need such as ill health or disability can be shown, for example, where an applicant needs to look after an elderly parent)

Such cases may be referred to the Councils Independent Medical Advisor for advice as to whether or not the relative needs to live with their family for care and support. The desire to be part of the household is not sufficient reason for inclusion on the application.

(The income, savings and any ownership of a property will be taken into account for any additional adult member added to an allocation, in exceptional circumstances such applicants who fail the financial limits test may have their income/savings disregarded at the discretion of a manager within the Housing Choice department)

3.2.6 Applicants, assessed as requiring a full time residential carer (24 hour live in) may include a carer on their application provided this requirement can be confirmed by Social Services including a copy of the care assessment confirming this need. (An extra bedroom will not be considered if the carer does not/will not reside permanently with the applicant)

Single applicant who require 24 hours care but where a carer does not reside with them on a permanent basis, will be offered a one bed property in preference to a studio flat as this will provide a separate sleeping area for the tenant.

3.2.7 If an applicant has been accepted as statutorily homeless by Basildon Council, the household will include all members who were on the original Homelessness

application only, (*unless it is considered reasonable by the homeless team for an additional family member to now reside with them*). An exception to this is in regards to children of the applicant born since the homelessness duty was accepted or if the applicant's children have been returned to their care on a permanent basis as they will be considered as part of the household.

At time of assessment and verification stage, the Council must be satisfied that the applicant accepted as statutorily homeless by Basildon Council continue to be eligible and qualify for an offer of accommodation under the allocation scheme. The income, savings and assets will be taken into account for all adult members accepted as part of the household in addition to the applicant and their partner. See S11.2

- 3.2.8 An applicant or household member can only be included on one application on the Homeseeker Register at any one time. Applicants or household members must not already hold a social housing tenancy in Basildon unless applying for a transfer. In cases where there is a joint tenancy but the relationship has broken down, the tenants should speak to their landlord for possible options available. (See section 22) – Relationship Breakdown if you currently have an interest in a joint tenancy with Basildon Council)
- 3.2.9 An applicant who holds a social tenancy outside Basildon and whose landlord does not reasonably consider such accommodation to be insanitary, overcrowded or otherwise unsatisfactory shall not be admitted for those reasons to the Homeseeker Register.

3.3 ACCESS TO CHILDREN

- 3.3.1 Where an applicant has staying contact with children for less than 50% of the week, the children will not be included as part of the applicant's household when assessing bedroom requirements
- 3.3.2 Applicants with a shared residence order or equal staying contact with children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one suitable home and that the council does not accept responsibility for proving a second home. Where there is equal shared care the Council will consider each case individually which will include:-
- Suitability of accommodation available to each parent
 - Who receives child benefit/child tax credit

Evidence such as a formal Court Order, proof of child benefit etc., may be requested in order to verify the situation.

- 3.3.3 Applicants with access arrangements whose children may have a proven medical need for ground floor will be registered for ground floor accommodation however a medical award will not apply in these cases.

3.4 JOINT TENANCIES

- 3.4.1 A joint tenancy will be offered if the applicant is married, living in a civil partnership or is co-habiting with another person as if they were married or living in a civil partnership, provided both meet the eligibility and qualification criteria. Joint tenancies will not normally be granted to other persons.
- 3.4.2 If only one of the applicants applying for a joint application meets the qualification criteria then they will be known as the lead applicant and their partner will be considered as a household member.
- 3.4.3 We must not grant a joint tenancy to two people if either one of them is a person from abroad who is ineligible. Whilst ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.
- 3.4.4 In all other circumstances, single tenancies will be offered to the lead applicant.

4 HOW THE HOMESEAKER REGISTER WORKS

4.1 HOW TO APPLY FOR HOUSING

- 4.1.1 To apply to go onto the register, applicants will be required to complete an online application form which includes a pre-assessment process. If the applicant appears to meet the qualification criterion, they will be able to continue to complete the more detailed Homeseekers application form. An applicant who cannot apply online may ask a family member, friend, support agency, or the Customer Service Team to assist with his/her application.
- 4.1.2 Applicants will be advised during the online pre-assessment process if they appear not to meet the qualification criteria based on the information they have stated and will be able to see the reasons why i.e., do not have residency, do not have a housing need etc. No application will be registered and applicants have the right to review this decision if they believe it is incorrect.
- 4.1.3 When an applicant has passed the pre-assessment stage and completed the online Homeseeker application, s/he will need to provide some documentation in support of the application. Details of the initial document/s required will be available online. Any documentation required must be presented to the Council within the requested timescale or the application will be cancelled. We will not begin to process the application until all the required documentation has been submitted.
- 4.1.4 On receipt of the application and the initial documentation required, the Council will undertake the assessment. If additional information is then required, the applicant will be notified and the application will be suspended for a specified timescale to allow the applicant time to provide the information. If it is not provided within the stated timescale, the application will be cancelled. Whilst the application is suspended the applicant will not be able to express an interest in properties and will not be considered for accommodation.

- 4.1.5 After assessment, the applicant will be notified to whether they have been accepted onto the Homeseeker Register, or will be given the reasons if they have not.

Where accepted, they will be informed of:

1. Their unique reference number, which allows them to bid for homes through the Choice Based Lettings Scheme known as 'Basildon Choice'
2. The Housing Needs Band in which the application has been placed
3. The effective date that the application was entitled to be in that band
4. The size of property for which the applicant is able to bid for.

4.2 NOTIFICATION OF CHANGES OF CIRCUMSTANCES

- 4.2.1 Applicants **must** inform the Council of any change of circumstances that may affect their Homeseeker register application by updating their application form online

- 4.2.2 The application will be suspended until a reassessment based on the new circumstances has been undertaken. If additional information or documentary evidence is needed the application will remain suspended until this has been provided and the assessment has been completed. If documentation is not provided within the requested timescale, the application will be cancelled.

- 4.2.3 Examples of changes of circumstances are detailed below, although this list is not exhaustive.

- Change of address
- People joining or leaving the household
- Birth of a child
- Relationship breakdown
- Change of medical circumstances of any household member
- Death of a joint applicant or household member
- Change of income and/or capital
- Change of employment status
- Any other circumstances that may materially affect their Homeseeker application

4.3 CANCELLATIONS OF HOMESEEKER APPLICATIONS

- 4.3.1 An application will be cancelled from the Homeseeker register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible for housing
- If the applicant no longer falls within a qualifying class
- When the applicant has been housed through the Allocation Scheme
- When a tenant completes a mutual exchange
- Where an applicant does not provide a contact address

- Where an applicant does not provide requested information or documentary evidence requested within the required timescale
- Where the applicant has died
- Where the applicant has been considered to have made a false statement on their Homeseeker application
- Where the applicant has refused the offers of social housing they are entitled to under this scheme
- Where the Council's duty towards a homeless applicant has come to an end

4.3.2 When an application is cancelled, the notification letter will normally be sent to the applicant via their online account and their email address (if one has been provided).

Where an applicant has been highlighted as vulnerable, the council will try to contact the applicant, if applicable, to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision.

4.3.3 Where an applicant wishes to re-join the Homeseekers Register at a later date, their new effective date will be assessed from the date that they reapply.

4.4 SUSPENDED APPLICATIONS

4.4.1 There are some circumstances where an application maybe suspended for a specified period of time. The applicant will be unable to express an interest in any properties advertised whilst their application has been suspended.

4.4.2 An application is likely to be suspended for the following reasons, although this is not an exhaustive list:

- Awaiting documentation to support application
- Reassessment of applicant due to change of circumstances
- Currently detained in a HM prison
- In tied accommodation and waiting for formal notification that they are required to leave
- In Parent and Child supported accommodation in Basildon and not yet ready to move on to independent living
- To allow an investigation where there is a credible report that the applicant has been guilty of antisocial behaviour or other housing related conduct which, if true, would render her/him an unsuitable tenant
- To allow an investigation where we believe that fraudulent or deliberately misleading information may have been provided.
- Applicant has failed a transfer inspection
- The applicant or member of household to be rehoused with them has housing related debt
- In supported accommodation subject to a 'move on agreement' with Basildon Council, including Child in Care nominations or women's refuge but not ready to move on into independent living accommodation

- 4.4.3 New applications will be suspended until the necessary information/documentation requested have been received. Other applications may be suspended for any of the above reasons although this is not an exhaustive list and there may be other exceptional circumstances where the application will be suspended.
- 4.4.4 Where an application has been suspended because of a credible report of antisocial behaviour, and the matter has been taken to court and the applicant has given an undertaking to the court to desist from further such conduct, the Council will decide whether the evidence of anti-social conduct would have resulted, in the absence of an undertaking, in an injunction or order being made and, if so, the Council may in its discretion continue the suspension for such period or periods as it thinks appropriate.
- 4.4.5 In the event that a complaint of antisocial behaviour, fraud or other conduct turns out, on investigation, to be without foundation the effective date will be fully restored.
- 4.4.6 Where an application is suspended in order for the applicant to provide additional documentation or the council to request further information, the applicant will not be able to bid or be offered properties until all necessary information has been provided and the reassessment is complete. If the applicant does not supply the information within the required timescale, the application will be cancelled.

4.5 APPLICATION REVIEW

- 4.5.1 When an applicant has not expressed an interest in any available properties for one year, we will contact them to establish if they still wish to remain on the register and to explain that their application will be cancelled within 28 days unless we are advised otherwise.
- 4.5.2 If an applicant contacts the Council **within the** 28 day period and indicates that they still want to be considered for housing, the application will not be cancelled but the applicant maybe requested to attend an interview to discuss their housing needs further.
- 4.5.3 If the applicant contacts **after** the 28 day period and indicates that they still want to be considered for housing, they will need to reapply to the Homeseekers Register and their new effective date will be from the date they reapply.

4.6 FRESH APPLICATIONS

- 4.6.1 Except in cases of disqualification for unacceptable behaviour, applicants who are refused qualification to join the Homeseeker register may reapply via a fresh application when their circumstances have materially changed.
- 4.6.2 It is the responsibility of the applicant to provide evidence of the material change of circumstances.

4.7 CONFIDENTIALITY AND ACCESS TO INFORMATION

4.7.1 A Homeseeker application is confidential between the applicant and the Council. We will not discuss the application with any third party, including family members, advisors or advocates unless written consent has been given to us to do so. The only exceptions to this are:

- Where we are required by law to make such disclosures, or in accordance with an information sharing protocol (e.g. to the police in connection with the prevention and detection of crime or if a court has ordered it)
- As part of the processes to verify data supplied by the applicant
- Where the applicant has particular support needs without which they would not be able to maintain a tenancy to the landlord of housing to which they are nominated.

4.7.2 The information provided by the applicant will be held and processed by Basildon Council in accordance with the Data Protection Act 1998. It will be used for this intended purpose, but may also be used for internal statistical analysis as well as being processed and disclosed for the prevention or detection crime, or where we have a legal obligation to do so.

4.7.3 We may also need to share information with a third party such as a contractor in order for them to provide a service that the applicant has requested. However, the Council requires any third parties to abide by the Data Protections Act 1998.

4.8 APPLICATIONS FROM MEMBERS OR OFFICERS OF THE COUNCIL AND PARTNERS

4.8.1 In order to ensure that the Council is seen to treat all applicants fairly, the application form will ask the applicant to identify any applicant or member of the applicant's household or wider family who is an elected member of Basildon Council; Employee of the Council or any partner registered provider; engaged in delivering services for the council or its partners but employed by another body such as an agency or contracting organisation.

4.8.2 Applicants are encouraged to declare any possible connections, and the Council will determine whether they are relevant to the application.

4.8.3 These applications will be assessed in the normal way, but registration, eligibility, and the assessment of housing need will require the approval of a senior officer.

4.8.4 Any allocation of accommodation will require the approval of the Rehousing Manager/Housing Choice Manager or Head of Housing.

4.9 DELIBERATELY ALTERING CIRCUMSTANCES

4.9.1 Applicants must not deliberately alter their circumstances to gain greater priority under the scheme. If, in the reasonable opinion of the Council, applicants have

deliberately worsened their housing circumstances or brought about any situation to gain access or priority onto the register, the Council reserves the right to disregard the new circumstances when reassessing their housing application.

4.9.2 After 12 months, the application will be reassessed and placed in the band that reflects the circumstances at that time. The effective date will be the date in accordance with s17.2 of this scheme.

4.10 APPLICANTS CONSENT AND DECLARATION

4.10.1 When an applicant applies for social housing they will be required to acknowledge a consent and declaration statement on the application form to confirm that:

- The information they have provided is true and accurate
- They will inform the Council of any change in circumstances that affects their housing
- They understand that information may be shared with other relevant parties
- They consent to the Council making enquiries of any relevant persons to confirm that the information on the application form is correct
- They consent to the release of any relevant information
- The information may be used to help in the detection and prevention of fraud.

4.11 FALSE STATEMENTS AND WITHHOLDING INFORMATION

4.11.1 Applicants are expected to provide Basildon council with accurate information both at the time of the initial application and during any subsequent dealings with officers, this includes changes to circumstances.

4.11.2 Any persons who have knowingly or recklessly made a statement which is false in material, or knowingly withhold information that the Council has reasonably required them to give in connection with the exercise of the scheme will have their Homeseeker application cancelled.

4.11.3 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 and take criminal proceedings if a tenant has induced the council to grant a tenancy by knowingly or recklessly making a false statement when they applied for the accommodation.

4.12 TENANCY FRAUD

4.12.1 Tenancy fraud is unlawful and in some cases is a criminal offence. In partnership with local registered housing providers, the Council is committed to identifying and dealing with tenancy fraud and may prosecute offenders under the Prevention of Social Housing Fraud Act 2013. Fraud may include giving false information or withholding information to obtain housing as well as subletting properties. If applicants have information about social housing within the Council's area that they believe is unlawfully occupied they should notify

Basildon Council or their own social landlord.

5 ACCEPTANCE ONTO THE HOMESEAKER REGISTER

5.1 Housing authorities must consider all applications made in accordance with the procedural requirement of the authority's allocation scheme (s.166 (3)). In considering applications, authorities must ascertain:

- If an applicant is eligible for an allocation of accommodation, and
- If he or she qualifies for an allocation of accommodation

Applications to the Homeseaker Register will therefore be assessed in two stages.

- 1 Eligibility** – if the criterion for this stage is met, then the following stage is assessed
- 2 Qualification**

5.2 Eligibility and Qualification criteria will still apply even where an applicant meets the criteria for a reasonable preference (s2.3.2)

6 ELIGIBILITY – National Rules on who may join the Register

6.1 Some categories of people are not eligible to join the Homeseaker Register because they are specifically excluded from doing so by rules set by the UK government. Generally, people who are excluded are those who

- Do not have indefinite leave to remain in the UK, or
- Who are staying in the UK as EEA workers, who have 'no recourse to public funds'
- Who are British or EEA Nationals but do not have 'habitual residence' in the UK

6.2 Existing tenants, who hold a secure tenancy of the Council or hold an assured tenancy allocated to them by the Council, are eligible for rehousing, even if they fall into the categories listed above. However, this may not apply in some cases where a tenant has a fixed term tenancy.

6.3 Where the applicant, has been granted refugee status, or as an asylum-seeker has been granted exceptional leave to enter or remain (ELR) with no limits on access to public funds, or has been granted indefinite leave to remain and has habitual residence (has been living in the UK), then an application for housing will be taken

6.4 The government updates the regulations on immigration status at regular intervals: Basildon Council will comply with the latest regulations, and will exclude any category of persons specifically excluded by the Secretary of State.

If there is any doubt about an applicant's legal eligibility to hold a tenancy, then advice will be sought from the Home Officer and/or UK Borders Agency.

- 6.5 The Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility.
- 6.6 Anyone excluded from the register on the grounds of eligibility may request a review of the decision.

See Appendix 1 for further guidance on Eligibility.

7 QUALIFICATION CRITERIA: Joining the Housing Register

- 7.1 Basildon Council has set its own criteria for who may join the Homeseeker Register. The term for people who may join the register is 'qualifying persons'. To qualify to Bands A-D the applicant must:
- Meet the age criteria **and**
 - Be able to prove that they meet one of the local residence criteria (or exceptions) **and**
 - Have a housing need as defined in this Scheme **and**
 - Be suitable to become a tenant, and not excluded as a result of unacceptable behaviour including rent arrears
- 7.2 Applicants who do not meet the qualification criteria as defined in S7.1 but have a housing need due to a reasonable preference as defined in Section 2.3, will qualify to join the register and will be awarded Band E only (this means no other banding reasons will apply).
- 7.3 Anyone excluded from the register on the grounds that they do not qualify may request a review of the decision.
- 7.3 If a non-qualifying applicant considers that he/she should be treated as qualifying person in the future, they may make a fresh application at that time (with the exception of cases of disqualification for unacceptable behaviour). It is the responsibility of the applicant to provide evidence of the change in circumstances.

8 DETAILED DEFINITIONS OF TERMS ARE SET OUT BELOW

8.1 AGE

- The applicant/s are 18 years of age or over or
- The applicant is aged 16 or 17 years, accepted as statutory homeless by Basildon Borough Council under s193 (2) Part VII of the Housing Act (1996), as amended by the Homelessness Act 2002.
- The applicant is aged over 16 and referred through Section 27 of the Children's Act 1989 or

- The applicant is over 16 and currently residing in one of the supported housing schemes within the borough (Nacro, Basildon Foyer, Dundee Court or Basildon MIND)

8.2 The Council will accept applications from young persons aged 16 to 18 as detailed above. Such applicants will need a guarantor for the rent and, where successful, accommodation will be provided to them on terms which reflect their inability to hold a legal tenancy. The guarantor must be a responsible person such as a parent or other close family member, or a representative from a support agency. Checks will be made to confirm that the guarantor understands what their tenant responsibilities are, and would have the means to take financial responsibility for the tenancy.

8.3 Once an applicant reaches 18, a guarantor is no longer required. (Guarantors are not required for 16/17 year olds when they are moving into one of the supported housing schemes in the borough who work in partnership within Basildon Council).

8.4 Applicants aged 55 years and over (any partners must be at least 50), may be accepted for 'sheltered only' accommodation in some circumstances. For more information see financial limits (section 11.6)

9 LOCAL RESIDENCE CONNECTION

9.1 Applicants must be able to prove they meet at least one of the following residence criteria below and that residence was by 'choice'

- Applicants are resident in Basildon Borough at the time of application and were resident for the past 7 years continuously
*(The Council may disregard any period or periods **not** exceeding 6 months in total **at time of application**, if in the reasonable opinion of the Council, the applicant through no choice or fault of her/his own, found it necessary to temporarily reside outside of the Borough anytime during the past 7 years)*
- Applicants accepted as statutory homeless by Basildon Council under s193 (2) Part VII of the Housing Act (1996), as amended by the Homelessness Act (2002) and Localism Act (2011).
- Current tenants with an assured, secure or flexible tenancy transferring from Basildon Council or Partner Registered Provider property in the Borough.

The partner registered provider will be expected to make the resulting void available to the Council in addition to the formal nomination agreement in place. The registered provider will also be expected to actively be addressing the housing need of their tenant from their own stock and/or assist them in assessing alternative housing options e.g. mutual exchange, shared ownership etc.)

- Applicant can demonstrate that they need to move to the Borough in order to receive special care or support, and the nearest or most appropriate care or support that is available is in the Basildon Borough.
- Applicants currently placed outside of Basildon Borough (e.g. special residential education, hospital or prison) but would have passed the local residence test at the time they were placed outside the Borough
- Applicants currently residing in one of the supported schemes within the Borough (NACRO, Foyer, Dundee Court, Mind & Family Mosaic property scheme) and can provide documentation to show residency within the Borough continuously for one year at time of moving into the scheme

9.2 If at any point the qualifying criterion no longer applies the application will be reassessed. e.g., if the applicant moves outside of the Borough **after** the date of their application to the housing register, the local residence connection will cease to apply, 'absent rare and exceptional circumstances' in the opinion of the Council

9.3 The Council may request proof of the full period of local residence at the point of application and proof of continuous residency in the Borough from that date prior to an offer of a property. The onus is on the applicant to prove that they meet the residence qualification and the Council may use its own records, and those of other public bodies to assess applications.

9.4 Applicants placed in Basildon by another organisation e.g. into supported housing, probation approved premises, in care (see exception below) or placed in the private sector by another local authority discharging its homelessness duty are not considered to be 'by choice' and will not qualify for local residence. However when the duty has expired, residence connection will begin to accrue from that date.

10 LOCAL RESIDENCE EXCEPTION

10.1 The following do **not** have to prove a resident connection to the Borough, but must still meet **all** other qualifying criteria to be accepted onto the Homeseeker Register.

- The applicant is currently serving in the *regular forces, or has served in the regular forces within the last 5 years and was honourably discharged.
- Applicant has recently ceased (within last 6 months) or will cease (within the next 6 months) to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner where:

The spouse or civil partner has served in the regular forces and their death was attributable (wholly or partly) to that service

- Applicant is serving or has served in the ** reserve forces within the last 5 years and is suffering serious injury, illness or disability which is attributable (wholly or partly) to that service.
 - * means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force
 - ** means the Royal Fleet Reserve, the Royal naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.
- Applicants aged 55 or over (any partners must be at least 50) who want to move into sheltered housing (including extra care schemes). Such applicants, who fail the local residence connection, will be placed in Band E regardless of their housing needs and will only be registered for sheltered accommodation.
- Care leavers placed in Basildon by another authority that do not qualify for local residence, will be considered as having a local residence if they are resident in Basildon at time of application and were resident in care within the Borough for the last 7 years continuously. This is to recognise the applicant will already have built up a good support network through friends, schools etc.
- Care Leavers currently in local authority provided care and either residing in the Borough or outside at the time of nomination, must have resided in Basildon continuously for one year prior to going into care or continuously since birth if placed in care before their first birthday.
- Persons owed a 'reasonable preference' as defined in Section 2.3 of this Scheme.

*Persons that are owed a 'reasonable preference' that **do not** meet all qualifying criteria including local connection will be awarded Band E only, regardless of their housing needs*
- Applicants who meet the Right to Move Criteria – See Appendix 3
- Any other person who, in the Council's view, would suffer unlawful and unjustified discrimination if required to prove a resident connection for e.g., refugees and travellers.

11 FINANCIAL LIMITS

Applicants who are interested in Shared Ownership and need to be assessed to establish if they would qualify to the Homeseeker register would apply in the normal way and will be awarded the relevant band. The applicant would need to notify the council of any change of circumstance if they became a home owner as their application would then be cancelled as they would no longer be considered to have a housing need.

If confirmation is needed by the Homebuy agents for applicants that do not qualify to the Housing Register, e.g. fail financial limits test, but require

confirmation of their housing needs, then a manual assessment would be undertaken on request for this purpose.

- 11.1 Applicants who, in the opinion of the council, are deemed to be able to meet their own housing need through other housing options including the private rented sector will not qualify for inclusion on the Housing Register on the ground that the reasonable preference groups (Section 2.3), are all predicated on there being an unmet housing need which does not apply where someone has the means or opportunity to secure suitable accommodation in some other way.

The Council will always consider an applicant's personal circumstances to ensure that it is reasonable to expect them to make self-provision for accommodation.

- 11.2 For '**general needs**' housing applicants (all property types except sheltered and extra care schemes), an applicant will not qualify to join the register if they and/or their partner:

- Own or part-own a residential property, in Basildon or elsewhere, which they could reasonably occupy, or which they could dispose of to meet their housing needs (see Owner Occupiers)
- Have savings over £16,000
(E.g. Bank accounts, premium bonds, National savings certificates, ISA's, stocks, shares, unit trusts etc.)
- Have an annual income sufficient to be able to purchase a suitable property (including low cost home ownership) or afford private rented housing in the Borough. We currently define this as a total gross income of the applicant and partner of £50,000 per annum.
- If an adult child is included as part of the household (section 3.2), the Council will take into account any property they own or part own, their income and/or savings when undertaking the assessment.
- The income, savings and if a property is owned or part owned, will be taken into account for any adult or adult child in addition to the applicant who have been accepted as part of the homelessness household (section 3.2.7)
- Existing social tenants with flexible (fixed term) tenancies who have been accepted by the Council as transferring tenants will be admitted to the register if their income and savings permit it however if they or any member of their household are owner occupiers then this will also be taken into account.
- Income and Savings will not be taken into account for existing social tenants with secure/assured tenancies who have been accepted by the Council as transferring tenants however if they or any member of their household are owner occupiers then this will be taken into account.

- 11.3 Any future changes to the income and savings thresholds outlined above will be published on the Councils website.
- 11.4 If, in the reasonable opinion of the Council, it is considered an applicant has purposely disposed of property and/or savings in order to become eligible for an allocation of housing, their application will be cancelled and a new application will not be accepted for 12 months. At this time they are able to make a fresh application.
- 11.5 Any lump sums received as compensation for an injury or disability sustained on active service by either member of the Armed Forces, former service personnel, bereaved spouses and civil partners of members of the Armed Forces, or serving or former members of the Reserve Forces, will be disregarded (will not be considered as income or savings)
- 11.6 For applicants aged 55 and over (any partners must be at least 50) who want to move into sheltered housing (including extra care scheme), Basildon Council will apply a less rigorous test, recognising the value of sheltered housing to many older people. Such applicants who fail the 'financial limits' test for general need housing, will qualify to join the register if any property they own (part own) and/or savings, are worth £250,000 or less. Such applicants will only be registered for sheltered accommodation and placed in Band E regardless of their housing needs.
- 11.7 The Council retains the discretion to exempt applicants applying for extra care schemes (Poplar House) from the financial limits criteria. Their housing need for this type of accommodation is assessed by an allocation panel and is based on an assessment of the level of support and care they require. The decision to exercise discretion in these circumstances will be made by the Rehousing Manager.

12 OWNER OCCUPIERS (Residential Property)

- 12.1 In recognition of the level of housing need in the Borough, and the shortage of available properties, applicants who already own a residential property or have an interest in a property in the UK or abroad; or part-owns a property under the Shared Ownership Scheme, will not normally qualify for entry onto the Homeseekers Register. This includes applicants who own a property but have chosen to rent it out.

Applicants who own a residential caravan, mobile home or houseboat are also considered a residential property owner for the purpose of this allocation scheme.

- 12.2 Residential property owners will be expected to pursue all options available to them to address their need before applying to the Homeseeker Register.
- 12.3 In exceptional circumstances and at the Council's discretion, homeowners may be granted access to the Homeseekers Register where it can be shown that:

- The applicant has a serious medical condition and is no longer able to remain in the 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 in the Private Rented Sector.

12.4 The following supporting evidence will be required

- A copy of the assessment determining the adaptations required (undertaken by an Occupational Therapist from Social Services)
- The reasons why the applicant's current home cannot be adapted and/or supporting evidence to advise why the applicant is unable to access a grant.

12.5 The Council's medical advisor will consider the information provided together with any additional supporting information supplied.

12.6 Applicants with sufficient savings to cover the cost of the adaptations will be expected to use their own financial resources providing the adaptations can be carried out in their current home. (The only exception to this are older people (aged 55 plus) who are seeking sheltered accommodation and meet the requirement of section 11.6)

13 HOUSING NEED

13.1 Due to the very large number of people seeking to move in Basildon, applicants will not qualify to join the Homeseeker Register if they do not have a housing need which is defined in our 'Assessing Housing Need: Priority for Rehousing' (section 16)

13.2 Applicants currently occupying private rented accommodation, and hold an assured shorthold tenancy in their name for the current property, who would be considered adequately housed as defined in this scheme but are facing eviction due to a notice having been served, who, through no fault of their own, are facing eviction. (E.g. notice has **not** been served due to rent arrears, antisocial behaviour) will be considered to have a housing need and be awarded Band D.

Confirmation of the validity of the Notice to Quit will be assessed by the Council's Housing Solutions Team

13.3 Assessments of housing needs are based on an applicant's current housing circumstances and applicants must provide full details of these on the application form.

13.4 Assessments and decisions taken under this scheme will be made by fully trained Housing Officers within the Rehousing team of Basildon Council, unless otherwise specified. The Housing Officers are supported by team leaders and senior managers who also undertake assessments and decisions when the need arises.

14 UNACCEPTABLE BEHAVIOUR

- 14.1 Applicants will not qualify to Bands A-D if they (or a member of their household who wishes to be re-housed with them) have been guilty of serious unacceptable behaviour within the previous 3 years, enough to make them unsuitable as a tenant of the Council. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured, and Flexible/Fixed term Tenant and includes (but is not limited to):
1. Owing significant rent arrears to a Council, Registered Landlord or Private Landlord.
 - **significant rent arrears is considered**
current and former rent arrears/use and occupation charges (*equivalent to 8 weeks and above of chargeable rent/monies for the property where the debt accrued*)
 2. conviction for illegal or immoral use of their home
 3. Proven social housing fraud
 4. Causing nuisance and annoyance to neighbours or visitors
 5. Subject to an Anti-Social Behaviour Order, an Anti-social Behaviour Contract, or any similar penalty introduced under future anti-social behaviour legislation.
 6. Allowing the condition of the property to deteriorate beyond reasonable wear and tear
 7. Being a perpetrator of domestic abuse as this is a ground for possession.
- 14.2 Applicants (or members of their household who wish to be rehoused with them) most likely not to qualify to Bands A-D are those who have been evicted from a Council, Registered Provider landlord or private rented tenancy.
- 14.3 When considering levels of unacceptable behaviour, the Council will take into account when this behaviour took place, the length of time that has elapsed since, any exceptional circumstances and whether there has been any change which would show that the applicant (or a member of their household) had amended their behaviour so that they are considered suitable to become a tenant.
- 14.4 Where an applicant (or a member of their household who wishes to be rehoused with them) do not qualify to Bands A-D on the grounds of unacceptable behaviour, but have a reasonable preference, will be awarded Band E, the application will be suspended and will not normally be reassessed again within 3 years of the offence. This may be varied where behaviour has clearly changed, or where the person who committed the offence is no longer a member of the household,

The council will inform the applicant of how and when their application may be reconsidered. In order to be reassessed, such an applicant must request reconsideration and provide sufficient evidence to enable the Council to be reasonably satisfied that this behaviour is no longer continuing. Evidence may be provided by third parties including probation officers, support providers, landlords etc. (The local authority must ignore any conviction that has been spent)

- 14.5 The decision to vary the time period above will be made by a team leader/ Manager of the Rehousing team.
- 14.6 If an applicant (or a member of their household) already on the register is found to have committed unacceptable behaviour, their application will be suspended and awarded Band E as 14.4.
- 14.7 Applicants may request a review of a decision to suspend their application.

15 UNACCEPTABLE BEHAVIOUR Housing Related Debt owed to a Current / Former Landlord

Housing Related debt is considered

- a) current and former rent arrears/use and occupation charges
- b) housing benefit overpayments
- c) court costs
- d) rechargeable repairs
- e) repayable rent deposits to the council

New Registration

- 15.1 Where an applicant (or a member of their household) owes a housing related debt on a
- Current Council, Registered Provider or Private rented property *and/or*
 - A former Council, Registered Provider or Private rented property

The applicant will be suspended in the appropriate band until the debt is cleared or an arrangement has been made (which must be maintained) with the landlord, however should the level of debt still exceed the levels stated below in S15.2 , they will remain suspended until the debt/s are below the level.

Existing Registration

- 15.2 Where applicants (or a member of their household) have already been accepted onto the Homeseeker register and accrue a housing related debt, their application will be suspended in the appropriate band until the debt is cleared or an arrangement with the landlord has been agreed and reduced to the following levels
- Band A £500 or under
 - Band B £300 or under
 - Band C to E must have been cleared

- 15.3 In both types of applications above (15.1&15.2), if the account is cleared or an arrangement is maintained and the outstanding debt/s are below the limits defined above, the application will be reviewed and placed in the relevant band according to the applicants housing need assessment at that time, and the relevant effective date.

- 15.4 Where a Basildon Council or Registered Provider tenant has previously had a good rent account prior to April 2013 (and had no other housing related debt) but is now adversely affected by welfare benefit changes (spare room subsidy charge), then their priority banding may not be affected even if they have arrears, providing they are adhering to a payment plan following an assessment with Basildon Council Housing Advice Officers. (The payment plan will be based on what is affordable to repay and may not cover the full weekly shortfall)
- 15.5 In rare and exceptional circumstances (for cases with a high priority (Band A & B), an offer may be made where tenants do have housing related debts that exceed the levels above, but these will be assessed on a case by case basis by the Rehousing Manager, Housing Choice Manager or Head of Housing, and the applicant will be expected to make a commitment to clear the arrears as soon as possible.

16 ASSESSING HOUSING NEEDS: Priority for Rehousing

This Scheme is a banding scheme. Qualifying applicants are placed in one of five bands ranging from A (high) to E (low) which reflects their housing need and the Council's priorities for housing allocation.

Band A-D – if the applicant's circumstances meet more than one award criterion the application will be placed in the highest band applicable to their housing need.

Band E – Applicants who only qualify to Band E will not be awarded any higher banding criteria regardless of their circumstances.

Detailed definitions for each category are defined below:

BANDING TABLE

Band A	
All Applicants	<ul style="list-style-type: none"> • Exceptional circumstances • National Witness Protection Scheme • MAPPA • Approved management transfers from outside the borough (Reciprocal Agreements – S16.4.8)
Transfer Tenants (Basildon Council/Registered Provider)	<ul style="list-style-type: none"> • Management Transfers • Decants – in a home due for demolition or major repairs
Basildon Council Tenants	<ul style="list-style-type: none"> • Eligible under the Transfer Plus Scheme • Standard Allocation Exceptions • Successions – required to move to a smaller property

	<ul style="list-style-type: none"> Tenants in upper sheltered accommodation (no lift) with a medical need for ground floor and wish to remain in the same sheltered scheme
Band B	
All Applicants	<ul style="list-style-type: none"> Medical Level 1 award Lacking two or more bedrooms Homeless applicants in temporary accommodation provided by Basildon Council (12 months) Homeless applicants accepted by Basildon council, in supported accommodation ready to move on Living in housing which is insanitary or in serious disrepair presenting an immediate or imminent threat to life or serious bodily injury
Transfer Tenants (Basildon Council/Registered Provider)	<ul style="list-style-type: none"> Under-occupancy – tenants downsizing to non-family size accommodation Statutory overcrowding In a home with specialist adaptations no longer needed Held a secure/assured tenancy in Brooke House for more than 12 months – subject to criteria - See Appendix 6
Basildon Council Tenants	<ul style="list-style-type: none"> Non statutory Successions – subject to approval Eligible for Transfer Plus Scheme (Refusal of first offer)
Band C	
All Applicants	<ul style="list-style-type: none"> Medical Level 2 award In supported accommodation for single persons ready to move on Approved Child leaving care nominations Lacking one bedroom Homeless applicants in temporary accommodation (6 months) Living in housing which is insanitary or in serious disrepair not addressed within a reasonable timescale
Transfer Tenants (Basildon Council/Registered Provider)	<ul style="list-style-type: none"> Underoccupancy – Tenants downsizing to family sized accommodation

Band D	
All Applicants	<ul style="list-style-type: none"> • Hardship/Welfare applicants accepted needing to receive care in Borough. • Homeless applicants in temporary accommodation less than 6 months • Homeless applicants in supported accommodation not ready to move on • Sharing kitchen or bathroom facilities with persons not considered as part of the housing application • Qualifying applicants moving to sheltered (including moving to another sheltered scheme) • Non priority homeless/other homelessness/under notice • Applicants who meet the armed forces criteria and will cease (within a 6 month period) to reside in Ministry of Defence accommodation • Approved under the Right to Move – appendix 3
Band E	
All Applicants	<ul style="list-style-type: none"> • Sheltered housing with 7 years local residence but fail the financial limits test • Sheltered housing who fail the 7 years local residence • Extra care housing in Basildon • In supported housing, including Child in Care nominations not ready to move on into independent living accommodation • Applicants owed a reasonable preference who do not otherwise fall within the qualification criteria (Bands A-D)

BANDING DEFINITIONS

16.1 Exceptional Circumstances

The Council recognises that there may be exceptional circumstances where the only way a housing need can be resolved is through the use of discretion. In the interests of fairness to all applicants these circumstances are kept to a minimum.

Examples of exceptional circumstances include, but are not limited to:

- Threat to life
- Households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or who's continuing occupation would pose a threat to the community.
(The above does not apply to existing social housing tenants in Basildon as this is covered under Management Moves)

- 16.1.2 Substantial evidence must exist to enable exceptional housing status to be considered and the decision to award the priority will be made by the Head of Housing, Housing Choice Manager or Rehousing Manager, usually in conjunction with a recommendation from a senior police officer in cases of serious threat etc.
- 16.1.3 If the applicant does not meet the eligibility and qualification criteria of the allocation scheme, the applicant will be referred to the housing solutions team to discuss their housing options
- 16.1.4 Due to the urgency of the need to provide alternative accommodation, a direct offer of suitable accommodation will be made in line with the applicant's assessed bedroom need, and if applicable, outside of the area of danger.
- 16.1.5 Only one offer of suitable accommodation will be made and the council will not accept any restrictions on the type of accommodation to be offered unless there is a medical need for a certain type of property (confirmed by the independent medical officer.) The application will be cancelled if the offer is refused.

16.2 NATIONAL WITNESS MOBILITY SCHEME

The council and its partner RSL's support the national witness mobility scheme and may consider at its discretion referrals made to house witnesses.

- 16.2.1 Up to two properties per financial year will be made available if a referral is accepted.
- 16.2.2 On receipt of a referral, the Council will take into account the level of risk the applicant is facing, and the demand and supply issues at the time in Basildon.
- 16.2.3 In order to protect the identity of the witness, the applicants will only be required to complete a Homeseeker application on acceptance of the referral, it will be necessary for the applicants to meet the eligibility criteria for entry onto the register in accordance with section 6 of this policy, and the proof of identity requirements must be provided. The local residence criteria will not be applicable but all other qualification criteria will be taken into account.
- 16.2.4 The council will identify a suitable property and an offer of accommodation will be made directly and outside of the Basildon Choice scheme. Only one offer of suitable accommodation will be made and no restriction on type of property to be offered will be accepted. The application will be cancelled if the offer is refused.

16.3 MAPP (Multi Agency Public Protections Arrangements)

All local authorities have a duty to co-operate with MAPP. Basildon Council appreciates the importance of accommodation in the resettlement of offenders and hence in the assessment and management of risk.

- 16.3.1 Where an applicant is subject to MAPP restrictions and in need of housing, they will not automatically be awarded a priority for Council accommodation and

other options will be considered by the group and the Council to meet the needs of the applicant and the community as a whole.

16.3.2 Consideration of a referral for council accommodation through the Homeseeker Register will be made by the Rehousing Manager. On acceptance of the referral, the applicant will be required to complete a Homeseeker application and it will be necessary for the applicant to meet the eligibility criteria for entry onto the register in accordance with Section 6 of this scheme. Proof of identity will be required.

16.3.3 The Council will identify a suitable property and an offer of accommodation will be made directly and outside of the Basildon choice scheme. Only one offer of suitable accommodation will be made and no restriction on type of property to be offered will be accepted. The application will be cancelled if the offer is refused.

16.4 MANAGEMENT TRANSFERS

If a Basildon Council secure/flexible/introductory tenant has an urgent need for rehousing due to a confirmed risk to the personal safety of themselves or a member of their household, or other exceptional factors, the council may agree a management transfer. They will only be agreed if other options are not available or not feasible.

16.4.1 Registered Providers will be expected to deal with their own management moves wherever possible for their tenants who have an assured/fixed term/introductory tenancy, however where they do not have sufficient resources to meet the housing needs of their tenant, the Council may assist with a management move. If the request is approved by the Council; the Registered Provider, will be expected to offer the resulting void property back for nomination to the Council

16.4.2 Requests for management moves are approved / refused by a manager within the Housing Choice department on receipt of supporting information.

16.4.3 Because the circumstances are exceptional and rehousing considered urgent, the Management Transfer Scheme operates with the following restrictions:

- Only one offer of suitable permanent rehousing will be made
- The offer will be on a 'like for like' basis. This is based on property type and bedroom numbers. No account can be taken of room sizes or facilities such as gardens.
- Approval maybe given for the applicant to move to smaller accommodation subject to their assessed bedroom need
- Areas of choice for rehousing cannot be considered, but a Management Transfer will only be offered away from the applicant's current home.
- Area restrictions will only be considered if there are proven factors that pose a risk to personal safety relevant to the reason for transfer.

- 16.4.4 Other medical and social factors which would normally qualify the applicant for a Homeseeker transfer **will not** be taken into account when a property is being identified.
- 16.4.5 A direct offer of alternative accommodation will be made to the tenant(s) and the management move application will be cancelled if the offer is refused.
- 16.4.6 Where a management move or temporary decant is agreed, the usual rules regarding rent arrears may be bypassed, having considered all the circumstances of the case.
- 16.4.7 In cases where the tenant is already registered on the Homeseeker register for a transfer, on completion of the management move (whether the offer of accommodation was accepted or refused), the applicant will need to reapply within 28 working days should they still wish to remain on the transfer list. The Council will contact the applicant regarding this before expiry of the 28 day period.

On receipt of the new application, an assessment will be undertaken and the applicant will retain their previous effective band date if the outcome of the assessment remains in the same band prior to the management move.

If the applicant **does not** reapply within 28 working days then any application received after this timescale will be treated as a new application and therefore no previous effective date will be given.

Like for Like Properties

The following combinations are considered the same '*like for like*' for allocation purposes

- Ground floor flat or studio/flat or studio accessed by lift/bungalow
- House / ground floor maisonette
- Upper flat or studio / upper maisonette without lift
- Sheltered accommodation upper
- Sheltered accommodation ground floor/sheltered accommodation accessed by lift/bungalow

- 16.4.8 Requests for management moves from other local authorities and registered providers outside of the Borough, will be given consideration. Approvals will be made by the Rehousing Manager and in accordance with the reciprocal agreement in place with the relevant local authority/registered provider at that time.

The aim of the reciprocal arrangement is to increase the options for tenants in social housing who have a secure/assured or fixed term/flexible tenancy, to move to another borough to avoid homelessness and increase safe options for households at risk due to a confirmed risk to the personal safety of themselves or a member of their household

16.5 MEDICAL PRIORITY

Medical priority is awarded where a move would significantly improve the health or quality of life of an applicant or member of their family. It is **NOT** awarded on the basis of what medical conditions someone has.

16.5.1 There are many other circumstances in which people have a medical condition or long term illness but their quality of life is not affected by their current housing circumstances, therefore the Council would not award medical priority to these applicants.

16.5.2 Applicants who feel that they or someone in their household have a medical need to move are required to complete a medical form that forms part of the online homeseeker application and provide proof of any medication applicable. The Council's medical advisor will consider the information provided, together with any supporting information supplied. In some circumstances, at the Council's discretion, the Council's Occupational Therapist may visit the property and award medical priority.

16.5.3 If an applicant accepted as statutorily homeless by Basildon council, or a member of their household, has a medical condition that is affected by their temporary accommodation or their accommodation in the private rented sector that the council have discharged their homeless duty into (within 2 year period), a medical priority form may be processed to determine the suitability of the property. A medical priority award will not be given. This is because the relevant homeless legislation requires both temporary accommodation and accommodation used in the private sector by the Council to discharge their homeless duty, to be suitable for the applicant and their household's needs. Alternative temporary accommodation or accommodation in the private rented sector may be offered if the property is considered unsuitable.

16.5.4 The medical assessor may award priority as follows:

a) MEDICAL LEVEL 1 AWARD (*previously known as Medical A*)

Band B will only be awarded in exceptional circumstances where the medical assessor finds that an applicant's home is so unsuitable for their needs related to their medical condition or disability that they are wholly unable to remain there (for example, entirely housebound or unable to access essential facilities) and that a move to an alternative home would improve their health or quality of life.

This includes

- Where essential care cannot be provided because the home is unsuitable (e.g., if there is not enough space to store specialist equipment),
Or
- Other medical grounds for requiring an emergency move

b) MEDICAL LEVEL 2 AWARD (*previously known as Medical B*)

Band C will be awarded where the medical assessor finds that an applicant has a medical condition or disability where their home is unsuitable for their needs, for example, their access to essential facilities is limited, and where

a move to a more suitable property would improve their health or their ability to cope with their medical condition or disability.

- 16.5.5 Following the medical assessment, the applicant will be informed of outcome and any change to their banding if applicable.
- 16.5.6 If the applicant disagrees with an assessment, they may request an appeal for their medical form to be reconsidered. However, the review will only be undertaken where **further** medical evidence is supplied by the applicant to substantiate their request and only one internal appeal will be permitted.
- 16.5.7 Medical priority may apply for any permanent member of the household included on the application. Priority may not be awarded if the current home can be readily improved or adapted to meet the needs of the applicant and their household or if the condition is temporary.
- 16.5.8 Applicants who have a proven need for ground floor type accommodation and/or certain bathing facilities i.e., level access shower, and recommended by the Council's medical advisor will be registered for this type of accommodation only.
- 16.5.9 Applicants in temporary accommodation and applicants in Band E will not be entitled to a medical grade but a medical form, if applicable, will be assessed to determine the floor level and bathing facilities required.

Upper flats lifted are considered ground floor for allocation purposes (excluding Brooke House)

RE-ASSESSMENT OF MEDICAL PRIORITY

Should any applicant move from their existing accommodation and remain on the Homeseekers Register, they will be required to complete a fresh medical assessment at the time they update their application with their change of circumstances as the medical assessment will need to be reassessed.

16.6 DECANTS

Decanting is a term used to explain the process where residents are required to move from their home. This can be an individual or groups of residents. Decants are usually necessary when a property is in need of major repair works, when a property needs to be rebuilt or an authority with compulsory purchase powers has redevelopment plans for their home.

Permanent Decant

A permanent decant is where a secure/assured or fixed term/flexible tenant is required to move to alternative secure accommodation if their property is due to be demolished or where major works are likely to take in excess of 12 months and the tenant does not wish to return.

Such tenants will be offered alternative housing suitable for their housing needs in accordance with the councils allocation scheme. (Tenants who are unable to return due to their property being demolished and who are currently

underoccupying, maybe offered alternative accommodation one bed above their assessed housing need)

- 16.6.1 Help with costs of moving, and/or compensation for the loss of their home may be available for tenants who are unable to return due to the property being demolished. This will be determined by their landlord, and notified to them in writing.

Temporary Decant

Temporary Decant is where a tenant is moved to alternative accommodation on a temporary basis with the intention to return to their main home when available, e.g.:

- Major repairs (e.g. due to flood or fire) needed to the property cannot be carried out with the tenant in occupation because of significant disruption to the tenant and as a result of the scale of the building works.
- If the Council's Medical Advisor states that the tenant or a member of his/her household is unable to remain in the property whilst works are being carried out

In some circumstances, a temporary decant maybe available whilst a request for a permanent management move is being considered.

Hotel or furnished temporary accommodation in one of our hostels may be offered if a temporary decant is unlikely to be for more than 12 weeks

16.7 TRANSFER PLUS

- 16.7.1 The aim of this scheme is to provide an alternative to installing major disabled adaptations in family sized accommodation. The incentives for applicants who qualify for the scheme are as follows:

- High priority for a property within the choice based letting system.
- Assistance with removals
- Decoration of the new property as needed to make it fresh and clean
- Assistance with the cost of the connection of any domestic appliances (E.g. washing machine, cooker) to the new property as necessary.
- Undertake any major adaptation needed in the new property (e.g. Wet room, ramp etc.). In addition, minor alterations to the property will be carried out to ensure it suits the needs of the new tenant (e.g. steps, rails etc.)
- Some Council tenants vacating larger accommodation may be entitled to a financial incentive payment (section 16.8)

16.7.2 Eligibility

To be eligible for the Transfer Plus scheme the applicant must either be:-

- a) under occupying family sized accommodation as defined in the property guidelines, and be prepared to accept non family sized accommodation, generally a one bed or studio flat, bungalow or sheltered accommodation.

The householder or a member of the household must be in need of a major adaptation to their current home and this adaptation must not have been carried out.

Or

- b) The household includes a child who has not reached 16 years old or an older descendant that is registered disabled or has special needs and a member of the household requires major adaptations and is prepared to move to a smaller family home.

16.7.3 Criteria

The applicant must meet all of the following criteria:-

- An Occupational Therapist recommendation must be available advising the need for a major adaptation *and*
- They are a secure tenant of Basildon Council and are moving to another Basildon Council property *and*
- The adaptation is for a permanent member of the household *and*
- The applicant must agree to the conditions of the scheme.

If the applicant does not meet the criteria they do not qualify for Transfer Plus. However, they may still qualify for a transfer or mutual exchange.

16.7.4 The Transfer Plus scheme will identify suitable alternative accommodation that either:-

1. Excludes the need for an adaptation e.g. – moving from a house to a bungalow removes the need for a stair lift.
2. It is more appropriate to install the adaptation in a particular property type, e.g. level access shower is more appropriate in a ground floor flat than a house

16.8 UNDEROCCUPANCY

We offer priority to Council or partner tenants who are living in a home which is larger than they need, as defined by our bedroom standard criteria.

- Tenants under occupying a family sized home, applying to move to a non-family sized home, will be awarded Band B
- Tenants under occupying a family sized home, applying to move to a smaller family sized home, will be awarded Band C.

Some Council tenants vacating larger accommodation may be entitled to a financial incentive payment under the Downsizing Scheme.

If at the time the current property was allocated to the tenant as 'one bedroom in excess of their housing need' no under-occupancy grounds will be awarded in relation to this bedroom when assessing any future housing transfer application, unless the property is considered unaffordable.

16.9 DOWNSIZING SCHEME

The Council recognises that there is a chronic under supply of family homes within the Borough. To increase the number of larger properties that become available each year, the Council will use a 'downsizing incentive scheme' to

support Basildon council tenants seeking to downsize from family sized council homes to one bedroom homes that better meet their personal needs.

16.9.1 The key objectives of the scheme are

- To encourage and assist tenants underoccupying family accommodation to downsize into older person's accommodation or one bedroom general needs accommodation.
- to release family accommodation to maximise occupancy to give tenants a financial incentive and support when moving home through this scheme

Full details including eligibility of the scheme can be found on the Council's website (Downsizing Scheme)

16.10 RELEASE OF AN ADAPTED PROPERTY

We offer priority to Council or partner tenants who are living in a property that has been adapted and the adaptations are no longer required, for example if the person requiring the adaptations has moved or died and may be required for other applicants.

Tenants vacating an adapted property of any size, for which the Council has demand registered, will be awarded Band B.

16.11 OVERCROWDING

A household is living in overcrowded housing if their current accommodation is too small for the size of their housing need as **assessed by the Council**.

The Council will look at how the sleeping arrangements within the premises could be organised rather than how they are actually organised to determine if the number of bedrooms there are is compared to the number of bedrooms they are assessed as requiring.

The size of property required by an applicant and their household is calculated as set out in Section 19 (bedroom entitlement)

16.11.1 **The Best use Principle** - best use should be made of the bedrooms available so that, for example, if 2 children of the same or opposite sex are considered young enough to share a bedroom, it will be assumed that they do for assessment purposes.

16.11.2 **The Control Principle** - there may be sufficient bedrooms in a property but the applicant cannot control how the bedrooms are actually used. They may, for instance, be a lodger or living with family/friends that control how bedrooms are used.

16.11.3 Clarification maybe confirmed with the householder. If additional occupants move into the property after the applicant has submitted their application, the council reserves the right not to take them into account in the assessment if they are not considered as part of the applicants household that will be moving with them but would result in the applicant gaining priority on the register e.g.,

at time of application the applicant had use of a bedroom but this was no longer the case when the additional occupant moved in.

16.11.4 If the applicant's current home is considered too small, then overcrowding priority will be awarded. Some households may feel overcrowded due to allowing other people, e.g. friends and lodgers, to stay, or as a result of poor use of space. If the household feels overcrowded due to adult non-dependants living at home, the Council can provide advice on their housing options

- a) Applicants assessed as lacking 2 or more bedrooms will be awarded Band B
- b) Applicants assessed as lacking 1 bedroom will be awarded Band C

16.11.5 Households should think very carefully before taking any action that would overcrowd their household or make their current overcrowding situation worse, as this may be considered as deliberate, to gain priority on the homeseeker register (Section 4.9)

16.12 STATUTORY OVERCROWDING

16.12.1 The Government's minimum standard of space which it considers that family requires to live in is defined by part 10 of the Housing Act 1985. Basildon Council's Environmental Health department will make the necessary assessments to advise on statutory overcrowding.

- All bedrooms and living rooms in the accommodation are taken into account in the calculation, whether or not the household uses or wishes to use them for sleeping.
- Open plan kitchen/living rooms are included as sleeping accommodation.
- Bathrooms and kitchens are not included as sleeping accommodation.
- Rooms with a floor area of less than 50 sq. foot are not included as sleeping accommodation.

16.12.2 Statutory overcrowding award will only be awarded to tenants of Basildon Council and their partner RP's in Basildon. All other applicants will be assessed under Section 16.11 – overcrowding, if the applicant/s meet the qualifying criterion under Bands A-D.

In cases where the applicant/s do not qualify under Bands A-D, but have a 'reasonable preference' then Band E will be awarded (No other higher banding criteria will apply regardless of the applicants circumstances)

Applicants will also be directed towards the council's website for sources of information and online applications for a variety of other housing options.

16.13 SUPPORTED ACCOMMODATION – MOVE ON (single applicants/parents expecting or with children)
(NACRO/Foyer/Dundee Court/Mind, floating support properties/Dove Cott)

16.13.1 A homeseeker application will need to be made online by the applicant and the request for a 'move on' into social housing in order to live independently will need to be supported by the Housing Manager of the scheme.

Any priority will be subject to:

- The applicant meeting the eligibility and qualification criteria to join the Homeseeker Register at time of acceptance into the scheme and continuing to meet the criteria throughout the application.
- The agreed protocol between the Housing Department and the supported housing schemes
- Confirmation that the applicant has lived in semi-supported accommodation for a minimum of one year, and has shown that he/she can live independently
- The applicant must be willing to accept floating support and/or any recommended care package
- Applicants in Family Mosaic Floating Support properties must have complied with their tenancy for a period of 2 years, by which time the tenancy will revert back to Basildon Council and the tenant will remain at the property as a Basildon Council tenant.

The application will be suspended until notification from the Housing Manager of the relevant scheme has been received, outlining the training and confirming that the applicant is ready to move and if the request is approved, Band C will be awarded.

16.13.2 The application will be assessed by the Council's Tenant Support Officer/Housing Officer and the decision to award Band C will be made by the manager of the Rehousing team.

16.13.3 The priority is awarded for a maximum period of 4 weeks during which time it is anticipated that the applicant may be successful in their bid for a property. After 4 weeks, if the applicant has not bid or has not been successful, the application will be included into the auto bidding system.

16.13.4 If the applicant has placed a bid during the auto bidding period, the Council reserves the right to remove such bids and bid on the applicants behalf if the applicants bid is unlikely to be successful. The Council also reserves the right to make a direct offer of the next available property to the applicant if they were Not successful within the initial 4 week period through the bidding scheme.

16.14 SUPPORTED ACCOMMODATION – HOMELESS HOUSEHOLDS

Homeless applicants owed a main homelessness duty by Basildon Council who are residing in one of the following supported housing schemes,

- Women's refuge
- Dove Cott
- Family Mosaic property scheme
- NACRO/Basildon Foyer
- Dundee Court
- MIND

and who qualify for the Homeseeker Register will be awarded Band D until notification is received from the relevant scheme confirming the applicant is ready to move on into independent living. Their Homeseeker application will be suspended until this time.

16.14.1 It is expected requests will not be made for move on within the first 12 months from the date of the tenancy commencing in the schemes (with the exception of a women's refuge). Requests from a women's refuge will be considered for a move on after 6 months from the date the homeless household moved into the scheme. At time of notification from the relevant scheme manager, the applications will be assessed and the decision to award Band B will be made by the manager of the Rehousing Team.

16.14.2 Temporary accommodation maybe provided if requests for a permanent 'move on' are received earlier but not approved. The Homeseeker application would then be reassessed due to the change of circumstances and the relevant banding for homeless households in temporary accommodation will apply (the time spent in the supported schemes including Dove Cott and the refuge, will count towards the total time in temporary accommodation)

16.14.3 This priority will be awarded for a maximum period of 4 weeks, during which time it is anticipated that the applicant will successfully bid for a property. After 4 weeks, if the applicant has not bid or has not been successful, the application will be included into the auto bidding system.

If the applicant has placed a bid during the auto bidding period, the council reserves the right to remove such bids and bid on the applicant's behalf if the applicants bid is unlikely to be successful. The council also reserves the right to make a direct offer of the next available property to the applicant if they were not successful within the initial 4 week period through the bidding scheme.

16.15 CHILDREN LEAVING CARE

Up to 12 nominations per financial year will be accepted from Social Services for children (singles) leaving care (including those children leaving Tate House).

16.15.1 Applications for this nomination will need to be made online by the applicant and the request must be supported by the young person's social worker and the manager of Basildon Children's Leaving and After Care team

Any priority will be subject to

- the applicant meeting the eligibility and qualification criteria to join the Homeseeker Register and continuing to meet the criteria throughout the application
- the agreed protocol between the Housing Department and the Children's Leaving and After Care team
- confirmation that the applicant has lived in semi-supported accommodation and has shown that he/she can live independently
- the applicant must be willing to accept floating support and/or any recommended care package
- a risk assessment and pathway plan must be provided by the social worker

- 16.15.2 The application will be suspended until notification from the social worker has been received, confirming the applicant is now ready to move into accommodation in order to live independently. At this time Band C will be awarded.
- 16.15.3 The application will be assessed by the Council's Tenant Support Officer/Housing Officer and the decision to award Band C will be made by the manager of the Rehousing team.
- 16.15.4 The priority is awarded for a maximum period of 4 weeks during which time it is anticipated that the applicant will successfully bid for a property. After 4 weeks, if the applicant has not bid or has not been successful, the application will be included into the auto bidding system.
- 16.15.5 If the applicant has placed a bid during the auto bidding period, the Council reserves the right to remove such bids and bid on the applicants behalf if the applicants bid is unlikely to be successful. The council also reserves the right to make a direct offer of the next available property to the applicant if they were not successful within the initial 4 week period through the bidding scheme.

If the applicant is likely to become homeless during the bidding time, a direct offer will be made earlier to prevent homelessness.

16.16 HOMELESS HOUSEHOLDS

- 16.16.1 Applicants who are already on the Homeseeker Register will remain in their existing housing needs band whilst homelessness prevention measures are pursued or whilst a homeless assessment is carried out.

If homelessness has not been prevented and interim accommodation has been provided by the Council, then the application will be awarded Band E as the original banding assessment will not apply due to the change in circumstances. No other higher banding criteria regardless of the applicant's circumstances will be awarded whilst in Interim accommodation. The applicant will be able to bid for properties whilst in this band if the application is ready and assessed to be activated.

- 16.16.2 Basildon Council is committed to the prevention of homelessness, as set out in our homelessness strategy. Wherever possible, we work with households at risk of homelessness to resolve issues and prevent crises. This can include mediating with landlords, providing practical assistance, and arranging planned moves to privately rented housing.

Where we cannot prevent homelessness and an applicant remains threatened with homelessness within the next 28 days (or 56 days when the Homelessness Reduction Act 2017 comes into force) or an applicant is already homeless before seeking our advice, they may choose to make a homeless application which will be assessed by the Council, under part VII of the Housing Act 1996 as amended by the Homelessness Act 2002. We will seek to provide privately rented accommodation to homeless households wherever possible.

Households accommodated in the private sector will be provided with suitable accommodation (as defined by the *Suitability of Accommodation Order 2012*).

16.16.3 Homeless applicants owed a main homelessness duty who is currently not on the Homeseekers Register will be required to complete an application. An assessment will be undertaken and applicants who **are** qualifying persons under the Housing Allocations Scheme will be awarded Band D priority and will be provided with temporary accommodation while the Council actively continue to seek accommodation in the private sector

16.16.4 Homeless applicants assessed as not qualifying persons (Bands A –D) under the Housing Allocations Scheme, will be placed in Band E unless in the reasonable opinion of the Council, section 11.1 and/or section 12.1 apply, in which case applicants will not be considered to have an unmet housing need and will not be admitted to the housing register. Temporary accommodation will be provided whilst the Council actively continue to identify suitable accommodation in the private sector.

16.16.5 When an offer of private rented accommodation has been made and is pending, applicants accepted onto the Homeseeker Register will not be able to bid for properties and their application will be suspended.

- If an applicant refuses a suitable offer of accommodation in the private rented sector, the Council's duty will be discharged and the applicant's homeseeker application will be cancelled

16.16.6 If, **after 6 months** from the date of the homelessness application, the qualifying applicant is in temporary accommodation and has not been made an offer of accommodation in the private sector, and accommodation through the allocation scheme; their priority will be increased to Band C.

16.16.7 If, **after 12 months** from the date of the homelessness application, the qualifying applicant is in temporary accommodation and has not been made an offer of accommodation in the private sector, and has not obtained accommodation through the allocation scheme; their priority will be increased to Band B. After 4 weeks, if the applicant has not successfully bid for a property the application will be included into the auto bidding system.

If the applicant has placed a bid during the auto bidding period, the Council reserves the right to remove such bids and bid on the applicants behalf if the applicants bid is unlikely to be successful. The council also reserves the right to make a direct offer of the next available property to the applicant if they were not successful within the initial 4 week period through the bidding scheme.

16.16.8 If a homeless applicant in temporary accommodation has not been provided with settled accommodation in the private sector and has not obtained accommodation through the allocation scheme within **9 months** from the date of the homelessness application, a direct offer of the temporary property they currently occupy may be made to the applicant.

In these circumstances the property may not comply with the standard bedroom entitlement in the allocation scheme but will be considered suitable if the property meets the immediate needs of the household. If the offer is refused, the council's duty towards the person as a homeless applicant will come to an end, they will have to leave the temporary accommodation being provided and their homeseeker application will be cancelled.

- 16.16.9 Temporary accommodation provided to homeless applicants must be suitable accommodation; therefore where a main homelessness duty has been accepted by Basildon Council, applicants will not be eligible for a higher award outside the timescales/bands detailed above. Should the applicant's circumstances change and the property is no longer considered suitable, alternative temporary accommodation will be provided.

The Council reserves the right to move homeless households to alternative temporary accommodation in appropriate circumstances.

16.17 NON-PRIORITY HOMELESS/OTHER HOMELESSNESS:

An applicant who this authority have accepted as statutorily homeless or threatened with homelessness (including those who have no fixed address) but deemed not to have a priority need as defined by Part VII of the Housing Act 1996, (as amended by the Homelessness Act 2002,) are still entitled to 'reasonable preference'.

This also covers people who are in priority need but intentionally homeless however it does not cover those found to be ineligible for assistance.

The applicant will need to complete a homeseeker application following the decision within 28 days and must meet all qualification criteria of the allocation scheme in order to be awarded Band D. If the applicant does not meet the qualification criteria but is assessed as having a reasonable preference then they will be awarded Band E and no other banding criteria will apply.

- 16.17.1 Applicants currently occupying private rented accommodation who are facing eviction due to a notice having been served who through no fault of their own are facing eviction. See Housing Need 13.2, will be awarded Band D if they meet all qualification criteria of the allocation scheme.

If the applicant does not meet the qualification criteria but is assessed as having a 'reasonable preference' then they will be awarded Band E and no other banding criteria will apply

16.18 Households living in insanitary and unsatisfactory housing conditions

A household is living in insanitary housing if their current accommodation does not have

- A bathroom or a kitchen
- An inside toilet
- A running water supply

A household is living in unsatisfactory housing if their current property

- Does not have electricity or gas supply
- Is unfit for human habitation
- Has a category 1 hazard under the Housing Health and Safety Rating system that is an immediate threat to health and cannot be rectified within a reasonable time.

Wherever possible, issues of disrepair should be remedied by the landlord taking action. If the applicant faces immediate risks to their health and safety, they may be provided with assistance under homelessness legislation.

16.18.1 The Environmental Health Team will determine the severity of the disrepair and the impact on the household and determine the degree of risk to the occupier from the housing hazards. They will if necessary take formal action to ensure compliance within a reasonable timescale in accordance to the Housing Acts.

The Council's aim is to ensure that repairs are carried out and that residents can remain in their home.

The following bands will be awarded based on advice / recommendations from the Council's Environmental Health Team:

- Band B – living in housing which is insanitary or in serious disrepair and where, in the Council's view, such conditions are presenting an immediate or immanent threat to life or serious bodily injury.
- Band C - living in housing which is insanitary or in serious disrepair and repairs have not been carried out within the timescale given by Environmental Health

Applicants may wish to discuss alternative housing options with the Assessment Team in the Customer Service Centre, which can support the household to move more quickly to an alternative property within the private rented sector.

16.19 **HARDSHIP/WELFARE**

- Applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to receive essential support or care within the Basildon Borough where this is not available in their current area and it is unreasonable for them to travel to receive this care or support.
- Existing Local Authority or RP's social tenants with a good tenancy record who need to move to take up a job or live closer to employment or training (including apprenticeships) – Right to Move Criteria must be met.

The Council will use its discretion when considering each application on its own merits. Applicants seeking this status will be expected to demonstrate that it is both reasonable and proportionate for the Council to approve the request

In some circumstances, the Council may choose to seek advice from the Council's Medical advisor, where applicable, when making an assessment.

16.20 SHARING FACILITIES:

Applicants who have to share kitchen and/or bathroom facilities with persons who are **not** considered as part of their household as defined in Section 3.2

16.21 HOUSING FOR OLDER PERSONS

Sheltered Housing

Sheltered housing provides older residents with a comfortable, manageable and secure home of their own, preserving their privacy, dignity and maximising their independence. For Vulnerable residents with support needs, services of a Scheme Coordinator are offered to provide a support planning service to help tenants increase and maximise their independence. The Scheme Coordinator also manages the communal areas and monitors the housing management services that the council provides, like cleaning and grounds maintenance.

16.21.1 Sheltered Housing for applicants age 60 years and over

These schemes are available to tenants aged 60 plus (and any partner aged 55 plus). These schemes have built in hard wired emergency alarm systems so that applicants can access this service 24 hours a day from various pull cords within their property. Tenants will have access to a daily call round 7 days a week if they wish plus access to the services of a Sheltered Scheme Coordinator.

16.21.2 Sheltered housing for applicant's age 55 years and over

These schemes are designed for tenants aged 55 plus (and any partner aged 50 plus) who are more independent, as the properties do not have a built in emergency alarm system. Tenants can buy into the alarm service if they wish, and have a dispersed emergency alarm so that they can access the service. Tenants ideally need a landline telephone for this; however other packages are available that can work from mobile telephones if this suits the tenant better.

Tenants will have access to a visiting SSC who will manage, inspect and check the communal areas. A support service is offered for all residents with housing related support needs.

Our sheltered schemes do not have staff resident on site, and the Scheme Coordinators cannot provide the following in any of our schemes:-

- Personal care
- Help with medication
- Deal with finances
- Attend to shopping, collect prescriptions, etc.
- Pick tenants up from the floor if they fall (family or a paramedic can be contacted)
- Storage for mobility scooters

16.21.3 Storage for Mobility Scooters availability

Not all schemes have storage facilities for mobility scooters and there is limited provision on some. Applicants are advised to discuss possible storage facilities on schemes **prior** to accepting a tenancy with the sheltered housing department, however no guarantee can be made that provision will be available when applicants first move in

16.21.3 Some of our schemes benefit from a Concessionary Television License however this is controlled by the Television Licensing Authority. Applicants over 60 but working over 16 hours per week are not eligible for the schemes aged 60 and over if the scheme is subject to a concessionary television license.

16.21.4 There is no upper age limit in any of our sheltered schemes.

16.21.5 Tenants currently residing in upper accommodation within a sheltered housing scheme, but require ground floor on medical grounds (as assessed by the Council's Medical Officer,) will be awarded Band A if they wish to remain living in the current scheme only. One direct offer of accommodation will be made that is considered suitable in line with the medical officers recommendations.

Should the one offer above be refused, then the application will be reassessed in line with the allocation scheme and awarded the appropriate band. Only one further offer will be made and should a property become available within their current scheme, they will not be given any additional priority over other applicants.

16.21.6 In cases where the tenant is in upper accommodation and requires ground floor on medical grounds but does not wish to restrict an offer of accommodation for their current scheme only, will have their application assessed in line with the allocation scheme and awarded the appropriate band. Should a property become available within their current scheme, they will not be given any additional priority over other applicants.

16.21.7 Tenants already residing in sheltered accommodation in the borough and their only housing need is their desire to move to an alternative scheme within the borough will be awarded Band D if they meet the qualification criteria or Band E if they fail the financial limits criteria.

16.22 Extra Care Housing

16.22.1 Extra care housing is predominantly for older people, but in some circumstances, younger people with mental health, learning or physical disabilities maybe considered where additional support and care services are required.

16.22.2 A Homeseeker Application will need to be completed online by the applicant and the eligibility and qualification criteria must be met before an applicant can be nominated to the scheme by the Council.

16.22.3 Allocation to extra care housing will not be advertised through Basildon Choice but will be made via a direct let as decided by an allocation panel. Representatives on the panel will be from the housing provider, Basildon Council and Essex County Council. Allocations through this panel will be based on an assessment of the level of support, care required by the applicant and level of care needs already in the scheme.

16.22.4 The application will be suspended in Band E until the Council has received confirmation from the allocations panel if the applicant has been accepted. The application will then remain suspended until such time an offer is ready to be made.

16.22.5 If the applicant wishes to be considered for both sheltered housing and extra care housing, they will be awarded the band applicable to their circumstances for sheltered housing and can remain active to bid for this type of housing.

This band will not be applicable in regards to Extra Care as nominations are made via a direct let and based on level of support and care required, therefore the length of time on the Extra Care waiting list may not always be applicable. If an applicant is to be made a direct offer to Extra Care then their application will be moved to Band E at time of nomination.

Applicants are entitled to two offers which maybe a combination of sheltered housing and Extra Care, however will not be entitled to two offers of each.

16.23 ARMED FORCES

This section applies only to applicants who meet one of the armed forces criteria of the Local Residence Exceptions.

16.23.1 Applicants do **not** have to prove a resident connection to the Borough, but must still meet all other qualifying criteria to be accepted onto the Register.

16.23.2 These applicants will be awarded Band D priority on the Homeseeker Register unless any other circumstances apply which would place them in a higher housing needs band.

16.23.3 This section will not apply if the applicant is no longer considered to have a housing need in accordance with the Allocation Scheme e.g. secured alternative accommodation in the private sector etc.

17 EFFECTIVE DATE IN BAND

Effective Date and Additional Priority

All applicants accepted onto the Homeseeker register will be notified of their effective date they have been awarded. The date used will be dependent on the type of application they have and if they meet the criteria for additional priority.

The effective date is used for determining an applicant's priority within bands

17.1 General Needs and Sheltered Application

Date the housing application was received for assessment unless backdated priority applies (section 17.3)

17.1.1 Homeless applicants accepted under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002

The date the formal homeless application was made to Basildon Council

17.1.2 **Applicants in short term supported housing (s16.12)**

The date the applicant moved into the scheme. Proof of this will be provided by the accommodation provider and will require verification by a Housing Officer within the Councils housing department.

17.1.3 **Homeless applicants placed in short term supported housing**

The date the formal homelessness application was made to Basildon Council

17.1.4 **Child leaving care nominations**

The effective date will be the date the housing application was received. When the applicant is accepted as ready to move-on, the effective date will change to the date of their 18th birthday

17.1.5 **Permanent Decants (see section 16.6)**

The date the current tenancy commenced will be used as the effective date for tenants who are required to move due to their current home being demolished.

17.2 **BAND CHANGE DUE TO CHANGE IN CIRCUMSTANCES**

- Moving up into a higher band – the effective date will be the date the application is eligible for the higher band
- Moving down to a lower band – the effective date will be the original application date.

Where residents are rehoused through the Homeseeker Register and then reapply, this will be treated as a new application and the effective date will be the date of the new application.

17.3 **EFFECTIVE DATE PRIORITY**

Armed Forces/Sheltered/Working Household/Born in Basildon

Additional priority in bands will be awarded to the following classes:

If the applicant's circumstances meet more than one additional priority criterion, only the highest backdate award will apply (with the exception of the Armed Forces, who will also be awarded the 'born in Basildon' band backdate if applicable)

The additional effective band date priority does not apply to applicants who are residing in temporary accommodation provided by Basildon Council or applicants residing in supported accommodation entitled to a move on nomination

17.3.1 **Armed Forces**

The application will be awarded the appropriate priority band, as set out in this allocation scheme. The effective date in band will be backdated by the total cumulative period of their length of military service. This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service. (Appropriate evidence of length of military service will be required)

- a) Former members of the British regular forces (former is considered within 5 years of discharge)
- b) Serving or former members of the British regular forces or the British reserve forces, who need to move because of serious injury, medical condition or disability sustained as result of their service
- c) Bereaved spouses and civil partners of members of the British regular forces leaving services family accommodation following the death of their spouse or partner

No additional preference will be awarded to a person who has been dishonourably discharged from the British regular or reserve forces.

17.3.2 **Sheltered**

This is only applicable for applicants registered for sheltered accommodation that are **only** eligible for Band E due to one of the following (they will have their effective date backdated 12 months)

- a) Applicants in Band E who fail the financial limits residence test but reside in the Borough and have done so continuously for the last 7 years – *this is to recognise their residency in the borough*
- b) Applicants in Band E who fail the residence criteria but have a son, daughter, brother, sister or parent who reside in the Borough and have done so continuously for the last 7 years – *this is to recognise their desire to live in the borough to be near family.*

This priority award will be withdrawn should the applicant no longer meet the criteria (e.g. family member moves out of the Borough).

This award does not apply to all other applicants registered for sheltered accommodation in Band E that do not meet sections a or b above

17.3.3 **Working Households** – applicants that meet the workers criteria (section 17.4) will have their effective date in band backdated 12 months. This priority award will be withdrawn if they no longer meet the criteria.

17.3.4 **Born in Basildon** – applicants who were born in the Basildon Borough and have lived here continuously will have their effective date backdated 12 months. This priority award will be withdrawn if they move out of the borough

17.4 **Working Households – Criteria**

It is a priority of Basildon Council to support employment and to encourage the development of skills. The council has therefore decided to award additional priority by backdating an applicant's effective band date 12 months for rehousing who are working or making a contribution to the local community, as set out in the definitions' below.

17.4.1 **Employment** - where an applicant or their partner is working and can evidence that they

- a) Are employed for at least 24 hours per week (12 hours per week for single parents with dependent children) **and**

- b) Have been continuously employed for the past 12 months **and**
- c) Expect to remain employed in future.

Evidence of working status must be provided when requesting priority and again when the application is verified prior to an offer. Evidence may include: contract of employment, pay slips, tax and benefit notifications.

Self-employment is valid for these purposes, but proofs of income, National Insurance, tax documents showing your UTR number e.g., will be required (Employment is not restricted to just working within the Basildon Borough)

17.4.2 **Making a community contribution criteria:**

Where an applicant or their partner is making a significant contribution to the local community.

Community contribution must be evidenced as at least 12 hours per week, for at least twelve months, in one of:

- Working for a recognised charity or voluntary organisation in the Borough
- Working as an unpaid carer in the Borough for someone with assessed care and support needs.

Evidence may include: written confirmation from the charity/voluntary organisation, a copy of the social services care plan assessment etc.

18 BASILDON CHOICE – OUR CHOICE BASED LETTINGS SCHEME

Advertising

Basildon Council operates a choice based lettings scheme which provides the majority of applicants the choice of areas and types of properties they can bid for. This helps lead to more sustainable communities.

Direct Offers

The council will endeavour to ensure that at least 90% of all available properties will be allocated through the choice based lettings system. However the Council reserves the right to use a number of available properties as direct offers – (section 18.15)

Right to Move – appendix 3

The secretary of State recommends local authorities set a quota for the proportion of properties that they expect to allocate each year to transferring tenants who need to move into the borough for work related reasons (Right to Move) and considers that an appropriate quota would be at least 1%. Basildon Council has chosen to adopt the recommended quota and it will be based on the letting total of the previous financial year.

Transfer Tenants

A quota of up to 20% of all family sized accommodation available to let through the Homeseeker register will be prioritised for transferring Basildon Borough

Council/Housing Association tenants so as to redress an imbalance found to exist in such properties between other groups on the register. The **up to 20%** quota will be based on the letting total of the previous financial year and will be subject to availability of properties and demand.

18.1 ADVERTISING PROPERTIES

Properties will be advertised on a weekly basis and will be advertised in the following ways:

Basildon Choice Website - www.basildonchoice.org.uk

The website will allow anyone to view all available properties across the Basildon Borough (both council stock and nominations provided by partner RSL). Registered applicants will be able to 'bid' on line for properties of their choice.

The Basildon Centre - Access to Basildon Choice site will be available in the Basildon Centre for registered applicants only, to view and bid for available properties if they do not have access to the internet.

Direct Mailing – The council will send details by post and email to vulnerable tenants (and/or their advocates) where identified and agreed

18.2 ADVERTISEMENT TIMESCALES

All advertisements will carry a deadline, by which time bids for particular properties must be received. The advertising will be carried out on a weekly basis, opening at 12.01 am on every Friday morning and closing at 11.59pm on every Monday evening. This is known as the advertising cycle

18.3 LATE BIDS

Any bids received after the closing time has been reached will not be considered for the property.

18.4 LABELLING/RESTRICTIONS OF PROPERTIES FOR ADVERTISING

The advert will contain details of the property to help applicants decide which properties are right for them. The advert will state if there are any special requirements that the applicant must meet such as age requirements, if the property is adapted or if a lettings plan applies to the property. Applicants who do not meet the requirements stated may, in some instances, i.e. ground floor properties but do not have an assessed need for ground floor, still apply for the property provided it is suitable for their household size. Preference will be given to those households who do meet the criteria, even if they are in a lower band or have a later band date.

18.5 TYPES OF RESTRICTED PROPERTY (includes examples below although this is not an exhaustive list):

- Sheltered housing – age restriction
- Adapted properties including level access showers

- Ground floor flats, (or upper lifted flats) – priority will be given to applicants in bands A–D requiring ground floor as assessed by the Council’s medical advisor
- Houses/ground floor maisonettes – families with children aged 15 or under will be given preference for this type of property over other applicants within the same band. (Applicants living in temporary accommodation will not be given preference for this type of property).
- Flats with lifts are considered ground floor with the exception of Brooke House, which is considered upper accommodation

18.6 ADAPTED PROPERTIES

In cases where a property has been fitted with adaptations, the Council will seek to match suitable applicants to the property. This may mean that a higher priority applicant will be bypassed in order to make best use of the adaptations, e.g., where a property has been fitted with a stair lift, priority will be given to applicants who have been assessed by the Council as requiring this facility

18.6.1 Households who apply to join the Homeseeker Register and are currently residing in a property owned by the Council, which has been adapted to meet the needs of a disabled member of the household who no longer requires the adaptations or no longer resides with them, will be placed in Band B however properties where a level access shower is the **only** adaptation in the property, will **not** be considered ‘adapted’ in this case and the band awarded will be based on the housing need of the circumstances of the applicant.

18.7 PROPERTY DESCRIPTIONS FOR ADVERTISING

Where available a general photograph of the road, block or scheme is provided along with information about the local area and facilities (where possible) Examples of what may normally be included in the property description are:

- Size and type of property
- The landlord
- Location of property
- Any adaptations (e.g. disabled facilities etc.)
- Services provided (e.g. support, communal cleaning etc.)
- Type of heating
- Rent charge including any other charges
- whether tenants are permitted to keep pets at the property
- Parking facilities and if any garage is within the cartilage of the property
- The date the property is likely to be ready for occupation (if known)
- If there is a garden, whether it is communal or for the properties sole use
-

18.8 BIDDING FOR A PROPERTY

18.8.1 Applicants accepted onto the Homeseeker Register can express an interest, also called placing a ‘bid’ for a property during the advertising cycle. Bids will not be accepted once the advertising cycle has closed. Applicants should only bid for properties that match their needs and/or banding criteria given on the advert.

See section 3. - Vulnerable or Potentially Excluded Applicants for information on how vulnerable applicants can be assisted with bidding if required

18.8.2 Applicants may bid on a maximum of 3 properties each week and may amend their bidding at any time before close of bidding.

18.8.3 Applicants are responsible for ensuring the Rehousing Team are informed of any changes in circumstances which may affect eligibility, qualification for inclusion on the Homeseeker Register, banding assessment or size/type of property required. Bids and offers of properties will be withdrawn if changes of circumstance come to light that the Rehousing Team has not been made aware of.

18.8.4 The expression of a bid does not guarantee the offer of a tenancy. Likewise, applicants who bid first will not receive any priority over other bidders.

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

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

18.9 SELECTION PROCESS

18.9.1 After close of advertising, a shortlist of applicants who are registered for the property type and have expressed an interest will be taken from the Basildon Choice system.

18.9.2 In normal circumstances, the shortlist will identify the order of applicants based on who is in the highest band with the earliest effective date. Adverts will specify any additional criteria; applicants who do not meet these additional advertised criteria will not be shortlisted.

18.9.3 In circumstances where there is more than one applicant in the same band, priority will be given to the applicant with the earliest effective date in that band. In the unlikely circumstance where there is more than one applicant with exactly the same band and effective date, the homeseeker application date will be considered and should this still result in more than one applicant, a senior housing officer will make an allocation decision based on the best use of the housing stock and needs of the applicants.

18.9.4 When a shortlist of applicants is completed, the application of the top applicant will be assessed to determine whether they meet the criteria for the property based on the information currently held on file, e.g. in terms of bedroom size, adaptations, type of property, etc.

18.10 MAKING AN OFFER OF ACCOMMODATION

The top bidder will be notified of a provisional offer and will be required to revalidate their application. (Section 18.11 – Verification and Offer)

18.10.1 If the applicant has not contacted the Allocations department within the requested timescale of the provisional offer being made, or has contacted but failed to provide the documentation for validation and/or attend the viewing of the property, the offer will be treated as a refusal and the property will be offered to the next person on the shortlist.

18.10.2 While the offer is under consideration, no further bids/offers will be made and applicants will not be shortlisted for other available properties. If an applicant's top for more than one property they have bid for, the council will endeavour to contact them to confirm their preference, however the council retains the right to make an offer on any of the properties the applicant has expressed an interest in if they have been unable to contact the tenant at the time of shortlisting.

18.11 VERIFICATION AND OFFER

When an applicant receives a provisional offer, (usually via email,) they will need to re-validate their application within the required timescale. This is to prove that they are entitled to the property.

18.11.1 The allocations team will contact the applicant by both email and user message directly to the applicant's online account at the earliest opportunity so they can provide the requested documentation as soon as possible. The onus is on the applicant to ensure they have notified the council of their current contact details by updating their homeseeker application which they can do online by logging into their account.

Requests and reminders for verification documents will not normally be made via telephone however in some cases, (if the offer was a direct offer or an automated bid) the allocations team may telephone the applicant if documentation has not been submitted by the verification date.

Documents will be required to prove:

- Identity
- Residence connection
- Immigration status, if relevant
- Number of resident children (e.g. proof of child benefit)
- Employment status
- Income/savings

This is not an exhaustive list, and other documentation may reasonably be required. For example, for someone who has previously been excluded for rent arrears, verification of a clear rent account from the current landlord may be required

18.11.2 If verification shows that the applicant/s are not eligible or do not qualify for the

property, the offer will be withdrawn. The application will be reassessed so that the applicant can be awarded the correct priority and considered for the appropriate property type in future letting cycles. However, if the Council believes that the applicant was trying to obtain a property by deception, then the application will be suspended while we investigate whether an act of housing fraud has been committed.

18.11.3 If the verification shows that the applicant still qualifies, they will be invited to an accompanied internal viewing of the property usually within 1-2 days, although longer may be allowed if a visit from an Occupational Therapist or other professional is required, or the property is not ready to let.

18.12 ACCEPTING AN OFFER OF ACCOMMODATION

At the accompanied viewing, the applicant will be shown around the property and will need to decide whether or not to accept it.

18.12.1 Applicants will be encouraged to make a decision regarding whether to accept or refuse the offer at the time of viewing. In order to minimise void periods for properties, a maximum period of 24 hours will be allowed for an applicant to make the decision, although in exceptional circumstances a longer period will be given.

18.12.2 If the applicant accepts the offer, a tenancy agreement will need to be signed with an agreed tenancy start date - usually the Monday following the viewing.

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

18.12.4 Registered Providers may also require applicants to complete their own particular application form prior to viewing the property if this is the case, the Registered Provider will contact the applicant to advise them.

18.13 WITHDRAWING AN OFFER OF ACCOMMODATION

There are some circumstances that the council may withdraw an offer of a property, the following are examples although it is not an exhaustive list:-

- Where there has been a change in the applicants circumstances
- Following verification the applicant is not eligible for the property
- Where an error has been made in the advertising criteria
- Where an error has been made in the assessment of the applicants housing priority
- The applicant has made a false declaration or failed to provide documents for the verification process.

18.14 NUMBER OF ENTITLED OFFERS

Basildon Council and its partners are committed to offering applicants accepted onto the Homeseeker Register as much choice as possible, and refusals of offers should be few and far between.

18.14.1 **Entitled to One Offer only**

- Band A applicants (with the exception of Transfer Plus who will have their band moved to Band B for 12 months if they refuse their first offer)
- Applicants in supported accommodation
- Child in Care Nominations
- Applicants accepted as statutorily homeless and qualifying for the Homeseeker Register.

18.14.2 **Entitled to Two Offers Only**

- Transfer applicants
- General needs home seeker register applicants including transferring tenants.

18.15 PROPERTIES NOT OFFERED THROUGH CHOICE BASED LETTINGS

- Applicants accepted as statutorily homeless offered their temporary accommodation permanently after 9 months, if the property is considered suitable
- Properties leased to other agencies or organisations for specific housing or tenant purposes
- Properties selected for 'direct offers'

18.16 DIRECT OFFERS

18.16.1 The council is committed to advertising as many vacant properties as possible through the Basildon Choice system, however it may be necessary to make a direct offer of a property outside the scheme, i.e. a property may be identified for a specific applicant and offered to them without being advertised through the bidding process.

18.16.2 Basildon Council wishes to remain transparent and fair in all its lettings, but there are occasions when properties need to be let outside of the usual procedures. It is envisaged that the number of such moves will be a minority of the total available properties, however this will be dependent on the number of cases being identified, and may vary from year to year

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

Direct lets will be used in, but not limited to the following circumstances:-

- Agreed management moves (permanent and Temporary)
- Allocations made to temporary accommodation through homeless legislation
- A homeless household has not found suitable accommodation during a period of choice through the bidding scheme

- Applicants accepted as moving on from supported housing schemes who have not found suitable accommodation during a period of choice through the bidding scheme
- Extra Care Vacancies
- National Witness Protection Scheme
- Multi Agency Public Protection Panel arrangements
- Where an existing social housing tenant is required to move to make the best use of stock, and they have not been successful in getting a suitable property through the bidding scheme (including moves for redevelopment schemes).
- Persons requiring specially adapted properties
- Succession (under occupation)

18.16.4 Where a property becomes available that is suitable for more than one applicant with a direct let status, the date applicants were awarded a direct let status will be used as a deciding factor in determining to whom the property will be allocated.

18.17 CHOICE OF AREAS

The council will take into account any applicant's preferred areas of choice when making a direct offer, however this cannot be guaranteed due to availability of suitable accommodation and therefore will not be bound by it when considering whether an applicant has been reasonable in refusing a property, unless we consider that the reason for expressing a particular preference is essential

18.17.1 The six main areas of choice for general needs and sheltered housing are detailed below. (Sub areas cannot be individually selected – subject to above)

Central:	Fryerns & Craylands	Ghyllgrove	Lee Chapel North	Lee Chapel South
Laindon:	Laindon West	Noak Bridge	Laindon & Five Links	Langdon Hills
Pitsea:	Felmores	Chalvedon	Pitsea	Northlands/Trenham
Vange:	Barstable	Kingswood	Vange Nth & Central	Vange South
Wickford:	No sub areas			
Billericay:	No sub areas			

18.18 TRANSFER INSPECTIONS

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

- 18.18.2 The inspection will be carried out by an officer from the Council who will check that the property has been maintained in a reasonable condition and that no unauthorised alterations have been made to the property. This includes internal decoration, any damage to fixtures or fittings and external features such as fencing, sheds, gardens, trees, etc.
- 18.18.3 Where a tenant fails the inspection, any offer will be withdrawn. The tenant will be given a reasonable period of time to rectify the fault (usually 3-6 months) during which the application will be suspended and no further offers will be made.
- 18.18.4 Failure to rectify the fault within a reasonable period of time will result in the homeseeker application being cancelled, with the loss of any accumulated waiting time. The tenant would only be able to reapply again once the works have been completed and approved by an officer from the council.
- 18.18.5 In exceptional circumstances, the Council may use its discretion to allow a tenant to transfer to alternative accommodation without passing the transfer Inspection – this will be approved by the Housing Choice Manager or Rehousing Manager.
- 18.18.6 Where a decision has been made that a tenant cannot join the Homeseeker Register on these grounds there will be a right of appeal, which will be considered by a more senior officer than the officer who made the original decision.
- 18.18.7 Where a tenant does move to alternative accommodation and it is subsequently found during the void inspection that works, including redecoration, are required to repair their old property, a recharge will be applied.

18.19 REFUSAL OF OFFERS

Applicants who fail without reasonable excuse to bid for properties, undertake the verification stage and/or who fail or refuse without good cause to view properties when arranged, and in the Council's view, unreasonably refuse any final offer of accommodation, will be deemed to be no longer in housing need and their application will be cancelled.

- 18.19.1 The Council will not accept a further application from such a person for twelve months, unless it is satisfied that exceptional reasons require it to reduce that period or waive it altogether
- 18.19.2 Applicants accepted as statutory homeless will be required to vacate their temporary accommodation. The Council will instigate court action to recover the temporary accommodation.

18.20 FEEDBACK

An important part of the choice based letting scheme is giving applicants feedback on who has recently been allocation properties. This information will enable applicants to make informed decisions about their likely chances of being housed in light of patterns of varying level of supply and demand.

18.20.1 Feedback on recent lets will be available on Basildon Choice website in 'recent lets' section and include:

- Property size and type
- Property location
- Number of applicants who applied for each property
- Band of successful applicant
- Registration Date of successful applicant

18.21 TENANCY AGREEMENT AND DATE OF TENANCY

Basildon Council's allocation team will be responsible for the allocation and offer process for both advertised and direct offers of accommodation. They will also update the applicants offer history on the relevant IT system and close the application once the offer has been accepted and the sign up process completed by the relevant landlord.

18.21.1 The sign up team of the relevant landlord will undertake the sign up of the tenancy and the applicant will be asked to sign a tenancy agreement which is a legally binding contract setting out the terms of when the tenancy starts, rent payable etc.

18.21.2 The tenancy start date will have been advised in the offer letter and in most cases will usually be the Monday following the viewing however the start date will be delayed if the property is not ready to let immediately.

18.21.3 The council reserves the right to withdraw any offer of accommodation either prior to the tenancy agreement being signed or prior to any occupation of the property by the applicant.

18.21.4 Information on the tenancy type offered by Basildon Council is defined in the Councils Tenancy Policy available on the council's website. Information on the tenancy type offered by the registered social landlords may be included in the advert details and/or can be found on their websites which are available on the Basildon Choice site. The type of tenancy agreement being offered will also be explained during the sign up process.

18.21.5 The tenancy agreement is legally binding therefore, if after signing the document, the applicant decides not to move into the property or refuse the offer, they may be required to pay the rent on the property from the date they signed.

They may also/or be required to give an additional four weeks' notice and be liable for the rent in that time. The decision to whether this will be applied in respect of a council tenancy rests with the Rehousing Manager/Housing Choice Manager or Head of Housing and in respect of a registered social landlord, the decision rests with them.

19 TYPE AND SIZE OF PROPERTY OFFERED

- There is no distinction between double and single size bedrooms.
- Studio flats (combined living/sleeping area) are for single persons only.
- Homeless applicants may be made an offer of the temporary property they reside in if it is considered suitable to meet the immediate needs of the household. In these circumstances it may not comply with the standard bedroom entitlement.
- A 2 bedroom house (Council) with an extra room downstairs which is suitable for use as a bedroom may be offered as a 3 bed property
- A 3 bedroom house (Council) with an extra room downstairs which is suitable for use as a bedroom may be offered as a 4 bed property
- A 4 bedroom house (Council) with an extra room downstairs which is suitable for use as a bedroom may be offered as a 5 bed property
- Applicants with children will be considered adequately housed if they are in upper flat/maisonette accommodation that is considered suitable for their housing need and has a sufficient number of bedrooms in accordance with the bedroom standard in this scheme.

If the family would like to move to a house or ground floor maisonette they may wish to consider mutual exchange or find alternative housing in the private rented sector/owner occupied.

- Properties belonging to a Registered Provider may attract some restrictions that Council properties do not, and will be subject to the individual Registered Providers' own allocations policy e.g. no pets. Any restrictions will be made clear on the advertisement.
- The Council is unable to guarantee that gardens will be available for any household.

19.1 BEDROOM ENTITLEMENT

19.1.1 These guidelines only apply to permanent rehousing

19.1.2 In order to avoid the possibility that allocated housing will become unaffordable; Basildon Borough Council will allocate properties in line with the welfare benefit reform and the bedroom size criteria.

19.1.3 The number of bedrooms needed is based on the number, age and gender of people who form their household. The bedroom requirement is calculated in line with the Table below.

19.1.4 Couples living in studio flats will be considered as lacking one bedroom.

19.1.5 Parents with dependent children living in studio flats will be considered as lacking one bedroom in addition to the children.

19.2 BEDROOM ENTITLEMENT TABLE

HOUSEHOLD MEMBER	BEDROOM ENTITLEMENT
Any adult couple	1 bedroom
Person aged over 16 years	1 bedroom
Any two children under 16 years – same sex	1 bedroom
Any two children under 10 years – regardless of sex	1 bedroom
Any other child	1 bedroom
Provisions for additional bedroom	
Accepted by Council’s Medical Advisor as needing their own bedroom	1 additional bedroom
A carer who provides permanent 24 hour ‘live in’ care – confirmation is required from social services (see section 3.2.6)	1 additional bedroom
Specific provision as detailed in the downsizing scheme	1 additional bedroom (approval by head of housing)
Specific provisions for permanent decant tenants due to demolition of their home	1 additional bedroom

19.3 BEDROOM ENTITLEMENT EXCEPTIONS

There may be occasional exceptions to the above guidelines for example:

- 19.3.1 Certain 2 bedroom properties designated for older people may be allocated to a couple or single older person if there are no applicants on the register who meet one of the provisions above for an additional bedroom.
- 19.3.2 Under occupation may be permitted in certain properties if it would be in the interests of achieving a sustainable community under local lettings plans and property criteria.
- 19.3.3 Where a property has two living rooms and one can reasonably be used as a bedroom, it will be allocated on that basis.
- 19.3.4 Secure/Assured tenants undertaking a mutual exchange into a Basildon Council tenancy may be allowed to exchange to a property with one bedroom in excess of needs if it is considered suitable and affordable.
- It would not be considered affordable if the proposed incoming tenant is in receipt of full housing benefit due to being subject to the spare room subsidy.
 - Tenants in receipt of part housing benefit will be subject to an affordability check.)

19.3.5 Households registered for family sized accommodation (2 bedroom housing need plus), will be able to bid for properties up to one bedroom in excess of their registered housing needs. The property will **not** be offered if in the reasonable opinion of the council, the property is considered not to be affordable.

Priority for the property will be given to those applicants whose bedroom entitlement meets the bedroom criteria of the property.

(This section does not apply for properties restricted to transfer tenants under the transfer quota (S18) or any properties made available by our partner RP's who do not allow under-occupation)

20 DECISIONS AND RIGHT TO REVIEW

20.1 The Council must inform applicants that they have the right to information about certain decisions which are taken in respect of their application and the right to review those decisions (s.166A (9)).

20.2 By virtue of s.160ZA (9) and (10) housing authorities must notify an applicant in writing of any decision that he or she:

- Is ineligible for an allocation of accommodation under s.160ZA(2) or (4),
Or
- Is not a qualifying person under s.160ZA (7).

20.3 The notification must give clear grounds for the decision based on the relevant facts of the case. The notification letters will be sent to the applicant's online account, and to the email address on file if the applicant has provided one. Where an applicant is considered vulnerable, then the notification letter **may** also be sent via the post at the last given address.

20.4 Where a notification is sent to an applicant as stated in section 20.3, but the applicant advises they did not receive it, it can be treated as having been given to him or her, if it was also available, if requested, at the housing authority's office for a reasonable period.

20.5 Applicants also have the right, on request, for information from the Council about any decision on the facts of their case that are likely to be or have been taken into account in considering whether to make an allocation. Applicants have a right to request a review of that decision. A charge will be made for a full file copy if requested, which is payable in advance.

20.6 Any review request, along with any supporting information, must be made in writing to the Review Officer, Housing choice department, within 21 days of the decision. The applicant may enlist the support of an advocate or advice agency to assist with a review.

20.7 The reviewing officer will not have had any previous involvement in the original decision and will be more senior to the decision maker and will carry out the review and notify the applicant of the outcome within 56 days of receipt of the

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

- 20.8 The notification of the outcome of the appeal will be in writing and will give clear grounds for the decision.
- 20.9 There is no right to request a further review
- 20.10 If the applicant remains dissatisfied with the outcome of the review then they can make a complaint under the council's complaint procedure. Full details regarding this will be advised in the notification letter
- 20.11 When a review/appeal has been received the application will be suspended pending the final decision of the reviewing officer
- 20.12 Reviews of decisions made under Part VII of the Housing Act 1996 (Homelessness) are outside the scope of this scheme

21 LOCAL LETTINGS SCHEMES/POLICIES

- 21.1 The Council may from time to time agree local lettings policies with other housing providers which vary the priority given to different grounds under this policy, for allocations to a specific area only. Local lettings policies are usually used for new housing, but are always designed to ensure a mixed and balanced community.
- 22.2 Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need for the Council's scheme overall to meet the allocation needs of those owed a reasonable preference and will therefore not be permitted to dominate the scheme. Local lettings schemes will be subject to review at least every 2 years, or as and when changes to an estate, area or block necessitate such a review.

Local lettings schemes currently in force will be published as an Appendix to the main policy (Appendix 6)

22 RELATIONSHIP BREAKDOWN – Standard Allocation Exceptions

End of joint tenancy

- 22.1 If a Local Authority receives a valid Notice to Quit (NTQ) signed by a tenant or a signed letter confirming the tenant wishes to terminate/surrender their interest in the joint tenancy, this will end the tenancy when the four-week notice period expires. In the case of a joint tenancy this will end the tenancy for both parties.

(The Notice to Quit must state that the tenant is aware that this will terminate for both parties and that the remaining occupant may not be rehoused)

- 22.2 Where a joint tenancy is due to be terminated, but the partner of the outgoing tenant wishes to remain in the property, Basildon Council will consider whether to grant a new sole tenancy to the remaining occupier. A new tenancy will not be granted unless the following conditions are met:

- a) The joint tenancy was conducted in a satisfactory manner and the joint tenants complied with the terms and conditions of their tenancy agreement
 - b) All outstanding housing related debts are cleared i.e. rent and recharges
 - c) The accommodation is of a suitable size for the remaining household in line with the bedroom standard entitlement under the allocation scheme for housing
(The accommodation for the remaining household (if accepted for rehousing) will be considered in line with the bedroom standard entitlement under the current allocation scheme for housing. If there is under occupation the applicant may be offered a tenancy of a smaller property. If overcrowded, the applicant may be offered the sole tenancy of the current property and can then apply to transfer via the Homeseeker register.
 - d) The tenant giving notice has not left because of Domestic Abuse carried out by the remaining joint tenant
 - e) The outgoing tenant must confirm that they have consented/been notified of the remaining tenant's termination of the tenancy (exceptions may apply in cases involving domestic violence).
- 22.3 If all the conditions are satisfied, the remaining party will be offered a sole tenancy to run consecutively to the joint tenancy and will not be required to complete a homeseeker application but will be required to provide the relevant documentation as requested e.g. proof of child benefit.
- 22.4 Where the accommodation does not meet the housing need of the remaining party, as this would result in overcrowding or underoccupancy, the council will give consideration for the remaining party to be offered alternative accommodation in line with their assessed bedroom need.
- 22.5 The remaining party will be asked to complete a Homeseeker application and Band A (standard allocation exception) will be awarded if the application is approved. 'Use and Occupation' charges will be set up for the period between the termination of the tenancy (i.e. four weeks from the date of the NTQ) and a new tenancy at the alternative accommodation.
- 22.6 Should the remaining party not meet the conditions at paragraph 22..2 above and the council do not approve to offer alternative accommodation as they are considered not to be a 'qualifying' applicant in line with this authority's allocation policy, they will not be awarded the tenancy or a priority on the Homeseeker Register and may need to seek assistance through the homeless route, since the Council is likely to issue possession proceedings.
- 22.7 Basildon Council will aim to treat all such cases involving relationship breakdown in a reasonable way with due regard to the proportionality of action that might be taken.
- 22.8 The decision whether or not to grant a new tenancy will be made by the Rehousing Manager.

23 JOINT TENANTS REQUIRING TWO PROPERTIES

- 23.1 Where a relationship breakdown involves joint tenants who wish to move to separate one-bedroom properties and a larger property (2 or more bedrooms) would be vacated, Band A (standard allocation exceptions) may be awarded to both parties.
- 23.2 Both tenants must qualify to join the Homeseeker Register and at such time an alternative property is offered. When the first tenant is offered via a direct offer, and accepts a tenancy he/she will have to give notice on the current tenancy. This will end the tenancy on behalf of both parties.
- 23.3 The second tenant will be allowed to remain in the property until an offer of accommodation is made to him/her via a direct offer, but this will be on the basis of use and occupation only – there will be no further tenancy.
- 23.4 Should the first applicant refuse a suitable offer, no further offers will be made and the homeseeker application for both will be cancelled. And Basildon Council will commence legal action against the remaining applicant to regain possession of the property.

APPENDIX 1 – ELIGIBILITY

National eligibility criteria – Appendix 1 is to be read subject to the legislative changes to the national eligibility criteria

Annex 2 - Rights to reside in the UK derived from EU Law

1. EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control. This means that they will be eligible for an allocation of accommodation under Part 6 unless they fall within one of the categories of persons to be treated as a person from abroad who is ineligible for an allocation of accommodation by virtue of regulation 4 of the Eligibility Regulations.

General Nationals of EU countries

2. Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular *Directive 2004/38*), and the case law of the European Court of Justice.
3. Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self-employed, seeking work, a student, or economically inactive etc.).

Nationals of Bulgaria and Romania - the A2 accession states

4. A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states.

The Immigration (European Economic Area) Regulations 2006

5. The *Immigration (European Economic Area) Regulations 2006* ('the EEA Regulations' – SI 2006/1003) implement into UK domestic law *Directive 2004/38*. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK without the requirement for leave to remain under the Immigration Act 1971 for the first 3 months of their residence, and for longer, if they are a 'qualified person' or they have acquired a permanent right of residence.

Nationals of Iceland, Liechtenstein and Norway, and Switzerland

6. The EEA Regulations extend the same rights to reside in the UK to nationals of Iceland, Liechtenstein and Norway as those afforded to EU nationals. (The EU countries plus Iceland, Liechtenstein and Norway together comprise the EEA.) The EEA Regulations also extend the same rights to reside in the UK to nationals of Switzerland. For the purposes of this guidance, 'EEA nationals' means nationals of any of the EU member states (excluding the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

Initial 3 months residence

7. Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore,

during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

8. However, regulations 4(1)(b)(ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:
 - I. his or her **only** right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations,
Or
 - II. his or her **only** right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

Rights of residence for 'qualified persons'

9. Regulation 14 of the EEA Regulations provides that 'qualified persons' have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, 'qualified person' means:
 - a) A jobseeker
 - b) A worker
 - c) A self-employed person
 - d) A self-sufficient person
 - e) A student

Jobseekers

10. For the purposes of regulation 6(1)(a) of the EEA Regulations, 'jobseeker' means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.
11. Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.
12. Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:
 - i. his or her **only** right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or
 - ii. his or her **only** right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

Workers

13. In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another

person in return for monetary reward and is subject to the control of that other person as regards the way in which the work is to be done.

14. Activity as an employed person may include part time work, seasonal work and cross-border work (i.e. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.
15. Provided the employment is effective and genuine economic activity, the fact that a person's level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a 'worker'
16. A person who is a worker is not subject to immigration control, and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Retention of worker status

17. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:
 - a) is temporarily unable to work as the result of an illness or accident;
Or
 - b) is recorded as involuntarily unemployed after having being employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:
 - (i) Was employed for one year or more before becoming unemployed, or
 - (ii) Has been unemployed for no more than 6 months, or
 - (iii) Can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
 - c) is involuntarily unemployed and has embarked on vocational training;
or
 - d) Has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

A2 state workers requiring authorisation who are treated as workers

18. By virtue of the Accession (Immigration and Worker Authorisation) Regulations 2006 ('the Accession Regulations'), nationals of the A2 states (with certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.
19. An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:
 - (i) Holds an accession worker authorisation document, and

(ii) Is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

20. Authorities may need to contact the employer named in the authorisation document, to confirm that the applicant continues to be employed.

Self-employed persons

21. 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union.

22. A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to the business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1) (c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident.

23. A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

24. A person who is a self-employed is not subject to immigration control and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Self-sufficient persons

25. Regulation 4(1)(c) of the EEA regulations defines 'self-sufficient person' as a person who has:

- (i) Sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence, and
- (ii) Comprehensive sickness insurance cover in the UK

26. By regulation 4(4) of the EEA Regulations, the resources of a person who is a self-sufficient person (or a student – see below) and, where applicable, any family members, are to be regarded as sufficient if (a) they exceed the maximum level of resources which a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system or, if (a) does not apply, (b) taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the decision maker that the resources of the person or persons concerned should be regarded as sufficient.

27. Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1) (c) of the EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK.

28. Where the applicant does not meet the conditions of regulation 4(1) (c) but has previously done so during his or her residence in the UK, the case should be referred to the Home Office for clarification of their status.

29. A person who is a self-sufficient person is not subject to immigration control, but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

Students

30. Regulation 4(1) (d) of the EEA regulations defines 'student' as a person who:

- a) is enrolled at a private or public establishment included on the Register of Education and Training Providers, or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and
- b) has comprehensive sickness insurance cover in the UK, and
- c) assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

31. A person who is a student is not subject to immigration control but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

Permanent right of residence

32. Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently:

- a) An EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years
- b) A non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years
- c) A worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity)
- d) The family member of a worker or self-employed person who has ceased activity
- e) A person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease)

A person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence). Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

33. A person with a right to reside permanently in the UK arising from (c), (d) or (e) above is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area. Persons with a permanent right to reside by virtue of (a), (b), or (f) must be habitually resident to be eligible.

Rights of residence for certain family members

The right to reside

34. Regulation 14 of the EEA Regulations provides that the following family members are entitled to reside in the UK:

- (i) A family member of a qualified person residing in the UK
- (ii) A family member of an EEA national with a permanent right of residence under regulation 15
- (iii) A family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition)

35. A person who has a right to reside in the UK as the family member of an EEA national under the EEA Regulations will not be subject to immigration control. The eligibility of such a person for an allocation of accommodation should therefore be considered in accordance with regulation 4 of the Eligibility Regulations.

36. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside under regulation 15 of the EEA Regulations.

Who is a 'family member'?

37. Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below):

- (a) The spouse of the person
- (b) The civil partner of the person
- (c) A direct descendant of the person, or of the person's spouse or civil partner, who is under the age of 21
- (d) a direct descendant of the person, or of the person's spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner
- (e) An ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner
- (f) A person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

Family members of students

38. Regulation 7(2) of the EEA regulations provides that a person who falls within (c), (d) or (e) above shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:

- (i) In the case of paragraph 37(c) and (d) above, the person is the dependent child of the student, or of the spouse or civil partner, or
- (ii) The student is also a qualified person (for the purposes of regulation 6(1) of the EEA regulations) other than as a student

Extended family members

39. Broadly, extended family members will be persons who: (a) do not fall within any of the categories (a) to (e) in paragraph 37 above, and (b) are either a relative of an EEA national (or of the EEA national's spouse or civil partner) or the partner of an EEA national, and (c) have been issued with an EEA family permit, a registration certificate or a residence card which is valid and has not been revoked

Family members' eligibility for an allocation of accommodation

Relationship with other rights to reside

40. This section concerns the eligibility of an applicant for an allocation of accommodation who's right to reside is derived from his or her status as the family member of an EEA national with a right to reside. In some cases, a family member will have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence under regulation 15 of the EEA Regulations, as outlined in paragraph 32 (a) – (f) above. The eligibility for an allocation of accommodation of those with a permanent right of residence is discussed at paragraphs 32 and 33.

Family members who must be habitually resident

41. For family members with a right to reside under regulation 14 of the EE Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:
- (a) A person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1) (d) of the EEA regulations
 - (b) a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations
 - (c) a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside
 - (d) a person whose right to reside is dependent on their status as a family member who has retained the right of residence

Family members who are exempt from the habitual residence requirement

42. A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2) (d) of the Eligibility Regulations. However,

authorities should note that an extended family member (see above) is not counted as a family member for the purposes of regulation 4(2) (d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

Family members of UK nationals exercising rights under the EU Treaty

43. There are some limited cases in which the non-EEA family member of a UK national may have a right to reside under EU law. Under regulation 9 of the EEA Regulations, the family member of a UK national should be treated as an EEA family member where the following conditions are met:

- (i) the UK national is residing in an EEA State as a worker or self-employed person, or was so residing before returning to the UK, and
- (ii) If the family member of the UK national is his spouse or civil partner, the parties are living together in the EEA State, or had entered into a marriage or civil partnership and were living together in that State before the UK national returned to the UK

44. Where the family member of a UK national is to be treated as an EEA family member by virtue of regulation 9 of the EEA Regulations, that person is not subject to immigration control, and his or her eligibility for an allocation of accommodation should therefore be determined in accordance with regulation 4 of the Eligibility Regulations.

ANNEX 3 Worker authorisation scheme

1. Bulgaria and Romania ('the A2') acceded to the European Union on 1 January 2007. A2 nationals have the right to move freely among all EU Member States. However, under the EU Accession Treaty for Bulgaria and Romania existing Member States can impose limitations on the rights of A2 nationals to access their labour markets (and the associated rights of residence) for a transitional period.

The Accession (Immigration and Worker Authorisation) Regulations 2006

2. Under the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317) ('the Accession Regulations'), nationals of the A2 States (with certain exceptions set out in paragraph 9 below) are required to be authorised to work by the Home Office if they work in the UK during the transitional period. While looking for work (or between jobs) their right to reside will be conditional on them being self-sufficient and not imposing an unreasonable burden on the UK social assistance system. These conditions cease to apply once they have worked in the UK continuously and legally for 12 months.

3. The Accession Regulations also give workers from the A2 states the right to reside in the UK. This means that workers from the A2 states have the same right to equal treatment as other EEA workers while they are working in accordance with work authorisation requirements or are exempt from those requirements.

The worker authorisation scheme

4. Nationals of A2 states who wish to work in the UK (except those who are exempt from the requirement) must have an accession worker authorisation

document and must be working in accordance with the conditions set out in that document.

5. Nationals of the A2 states who are self-employed are not required to be authorised if they are working that capacity.

6. The following constitute worker authorisation documents:

- (i) a passport or other travel document endorsed to show that the person was given leave to enter or remain in the UK before 1 January 2007, subject to a condition restricting his or her employment in the UK to a particular employer or category of employment

If the leave to enter or remain expires before the person qualifies to be exempt from the work authorisation requirements, or they wish to engage in employment other than the job for which the leave was granted, they will need to obtain an accession worker card

- (ii) A seasonal agricultural work card issued by the Home Office under the Seasonal Agricultural Workers Scheme. The card is valid for 6 months from the date the person starts work for the agricultural employer specified in the card

- (iii) An accession worker card issued by the Home Office

7. The accession worker card is valid for as long as the person continues to work for the employer specified in the card. If the person changes employer, he or she must apply for a new accession worker card.

8. The worker authorisation scheme is a transitional measure. The Accession Regulations provide for the scheme to operate for up to five years from 1 January 2007 (i.e. until 31 December 2011). However, there is provision for the scheme to be extended for a further two years in the event of a serious disturbance to the labour market. The decision was taken on 23 November 2011 to maintain transitional controls on Romanian and Bulgarian workers until the end of 2013.

A2 nationals exempt from worker authorisation

9. The following are the categories of A2 nationals who are not required to obtain authorisation to work:

- those who are classified as highly skilled persons and hold a registration certificate allowing them unconditional access to the UK labour market
- those working legally, and without interruption, in the UK for a period of 12 months or more ending on 31 December 2006 (for example, they may have been already present in the UK as a work permit holder before accession)
- those who had leave to enter the UK under the Immigration Act 1971 on 31 December 2006 and that leave does not place any restrictions on taking employment in the United Kingdom (for example, a person may have been given leave to remain as the spouse of a British citizen or as the dependant of a work permit holder)

- those who are providing services in the UK on behalf of an employer established elsewhere in the EEA
 - those who are also a national of the UK or another EEA state (other than an A2 state)
 - those who are a spouse or civil partner of a national of the UK or a person settled in the UK
 - those who are the spouse, civil partner or child under 18 of a person who has limited leave to enter or remain in the UK and that leave allows that person to work in the UK
 - those who are a family member (spouse, civil partner or dependent child) of an EEA national who has a right to reside in the UK under the EEA Regulations, including those who are the family member (spouse, civil partner or descendant (under 21 or dependant)) of an A2 national who is working in accordance with worker authorisation requirements
 - those who have a permanent right to reside in the UK under regulation 15 of the EEA Regulations those who are in the UK as a student and are permitted to work for 20 hours a week, provided they are in possession of a registration certificate confirming that they are exercising a Treaty right as a student
10. In addition, where a person has worked legally in the UK without interruption for a 12 month period falling wholly or partly after 31 December 2006, they will be free from the requirement to seek authorisation. At that stage, they will be able to apply to the Home Office for an EEA residence permit to confirm their right to equal treatment on the same basis as other EEA nationals

12 months' uninterrupted work

11. In order to establish '12 months' uninterrupted work' an A2 worker must have been working legally in the UK at the beginning and end of the 12 month period. The 12 month period does not have to run continuously. However, any intervening period in which an A2 national is not legally working must not exceed 30 days in total. If more than 30 days between periods of employment occur before a 12- month period of uninterrupted employment is established, a fresh period of 12 months' uninterrupted employment would need to commence from that point.
12. There is no restriction on the number of different authorised jobs (or employers) that a worker can have during a 12-month period of continuous employment.

Highly skilled workers

13. A national of an A2 state is not required to be authorised under the worker authorisation scheme, if he is a highly skilled worker who has been given a registration certificate by the Home Office which includes a statement that he or she has unconditional access to the UK labour market.

ANNEX 4 Habitual Residence

1. In practice, when considering housing applications from persons subject to the habitual residence test, it is only necessary to investigate habitual residence if

the applicant has arrived or returned to live in the UK during the two year period prior to making the application.

Definition of habitual residence

2. The term 'habitual residence' is not defined in legislation. Housing authorities should always consider the overall circumstances of a case to determine whether someone is habitually resident in the Common Travel Area.

General principles

3. When deciding whether a person is habitually resident, consideration must be given to all the facts of each case in a common sense way. It should be remembered that:
 - The test focuses on the fact and nature of residence A person who is not resident somewhere cannot be habitually resident there
 - Residence is a more settled state than mere physical presence in a country. To be resident a person must be seen to be making a home. It need not be the only home or a permanent home but it must be a genuine home for the time being. For example, a short stay visitor or person receiving short term medical treatment is not resident
 - The most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention
 - The practicality of a person's arrangements for residence is a necessary part of determining whether it can be described as settled and habitual
 - Established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences

Action on receipt of an application

Applicant came to live in the UK during the previous two years

4. If it appears that the applicant came to live in the UK during the previous two years, authorities should make further enquiries to decide if the applicant is habitually resident, or can be treated as such.

Factors to consider

5. The applicant's stated reasons and intentions for coming to the UK will be relevant to the question of whether he or she is habitually resident. If the applicant's stated intention is to live in the UK, and not return to the country from which they came, that intention must be consistent with their actions.
6. To decide whether an applicant is habitually resident in the UK, authorities should consider the factors set out below. However, these do not provide an exhaustive check list of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

Why has the applicant come to the UK?

7. If the applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and

is returning to resume his or her former period of habitual residence, he or she will be immediately habitually resident.

8. In determining whether an applicant is returning to resume a former period of habitual residence authorities should consider:
- when the applicant left the UK
 - how long the applicant lived in the UK before leaving
 - why the applicant left the UK
 - how long the applicant intended to remain abroad
 - why the applicant returned
 - whether the applicant's partner and children, if any, also left the UK
 - whether the applicant kept accommodation in the UK
 - if the applicant owned property, whether it was let, and whether the lease was timed to coincide with the applicant's return to the UK
 - what links the applicant kept with the UK
 - whether there have been other brief absences
 - why the applicant has come back to the UK
9. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his or her reasons for coming to the UK, and in particular to the factors set out below.

Applicant is joining family or friends

10. If the applicant has come to the UK to join or re-join family or friends, authorities should consider:
- whether the applicant has sold or given up any property abroad
 - whether the applicant has bought or rented accommodation or is staying with friends
 - whether the move to the UK is intended to be permanent

Applicant's plans

11. Authorities should consider the applicant's plans, e.g.:
- if the applicant plans to remain in the UK, whether their stated plan is consistent with their actions
 - whether any arrangements were made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK
 - whether the applicant bought a one-way ticket
 - whether the applicant brought all their belongings
 - whether there is evidence of links with the UK, e.g. membership of clubs
12. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the disposal of property abroad, may indicate that the applicant is habitually resident in the UK.

13. An applicant who intends to reside in the UK for only a short period, for example for a holiday or to visit friends is unlikely to be habitually resident in the UK.

Length of residence in another country

14. Authorities should consider the length and continuity of an applicant's residence in another country:

- whether the applicant has any remaining ties with his or her former country of residence
- whether the applicant stayed in different countries outside the UK 15.

15 It is possible that a person may own a property abroad but still be habitually resident in the UK. A person who has a home or close family in another country would normally retain habitual residence in that country. A person who has previously lived in several different countries but has now moved permanently to the UK may be habitually resident here.

Centre of interest

16 An applicant is likely to be habitually resident in the Common Travel Area despite spending time abroad, if his or her centre of interest is located in one of these places.

17 People who maintain their centre of interest in the Common Travel Area for example a home, a job, friends, membership of clubs, are likely to be habitually resident there. People who have retained their centre of interest in another country and have no particular ties with the Common Travel Area are unlikely to be habitually resident.

18 Authorities should take the following into account when deciding the centre of interest:

- Home
- family ties
- club memberships
- finance accounts

19 If the centre of interest appears to be in the Common Travel Area but the applicant has a home somewhere else, authorities should consider the applicant's intentions regarding the property.

20 It is not uncommon for a person to live in one country but have property abroad that they do not intend to sell. Where such a person has lived in the Common Travel Area for many years, the fact that they have property elsewhere does not necessarily mean that they intend to leave, or that the applicant's centre of interest is elsewhere

APPENDIX 2 - TRANSITIONAL PROVISIONS

Applies to applicants registered under the previous allocation scheme, (Councils Allocations Policy 2005 revised March 2009) prior and up to October 2014.

Current Housing Register Applicants

Applicant's already on the current Housing Register (Councils Allocations Policy 2005 revised March 2009) will need to reapply under the new scheme and will be notified regarding this. Applicants will have up to 90 days from 21 July 2014 to reapply and if they are accepted under the new allocation scheme, will be awarded the application date on which they previously applied for housing as their new band date.

If an existing applicant has not reapplied within the timescale and/or has been assessed as not qualifying under the new scheme, their previous application will "absent special circumstances" be cancelled.

Applicants in Supported Housing

Applicants who are currently residing in one of the supported housing schemes within the Borough when this allocation scheme is implemented – October 2014, and who, at time of moving into the scheme, were accepted by Basildon Council as meeting the residency criteria in place at that time, will not be subject to the local residence and exceptions criteria in the new allocation scheme when it is introduced.

This is to recognise the knowledge and skills the applicant has been gaining whilst in the supported scheme to help them gain independent living skills to help them sustain a tenancy in the future. All other qualifying criteria will need to be met for them to continue to be eligible for a move on nomination. If there is sufficient evidence to suggest the applicant cannot manage a tenancy satisfactorily, is a perpetrator of anti-social behaviour, domestic violence or have incurred housing related debt they will not qualify for the homeseeker register and their application will be cancelled.

Homelessness Households in Temporary Accommodation

Homelessness households that Basildon Council accepted a full homelessness duty to prior to 9 November 2012 and currently still owed that duty, will be accepted onto the homeseeker register, but their application will be suspended if they are a perpetrator of anti-social behaviour, domestic violence or have incurred housing related debts.

The application will remain suspended until such time they

- a) Are no longer considered a perpetrator of anti-social behaviour or domestic violence
- b) Continue to have a housing need in accordance with this scheme
- c) No longer have a housing related debt or have maintained an arrangement and reduced the level of arrears in accordance with this scheme.

APPENDIX 3 - RIGHT TO MOVE CRITERIA

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local connection with the area if the applicant is a tenant of social housing who needs to move to take up a job or live closer to employment or training (including apprenticeships)

A local connection requirement must **not** be applied to existing local authority or RPs social tenants with a good tenancy record who are seeking to transfer from another local authority district in England who:

- Have a reasonable preference under S166(3) because of a need to move to the local authority's borough to avoid hardship, and
- Need to move because the tenant works in the Borough, or
- Have a genuine intention of taking up an offer of work in the Borough.

The applicant must demonstrate that they need, **rather than wish**, to move, for work related reasons and are experiencing hardship. In this regard the following factors will be taken into account:

- They live in excess of 40 miles from their current or intended place of work and/or they have a return journey time on public transport which is generally in excess of 3 hours based upon internet journey planners
- 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 promotions, or an apprenticeship

This is not an exhaustive list, other local circumstances may be taken into consideration. The other qualifying criteria for the Housing Waiting list will still apply i.e. Financial and unacceptable behaviour criteria.

The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

Short term

In determining whether work is short-term the following factors will be taken into consideration

- Whether the work is regular or intermittent (This is likely to be particularly relevant in the case of the self-employed)

- The period of employment and whether or not work was intended to be short term or long term at the outset
- A contract of employment that was interceded to last for less than 12 months could be considered to be short-term

Marginal

In determining whether work is marginal the following factors will be taken into consideration

- The number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- The level of earnings

The local authority will take into account all the relevant factors when reaching a decision. The fact that a tenant only works 15 hours a week, for example, may not be determinative if the tenant is able to demonstrate that the work is regular and the remuneration is substantial.

Ancillary

If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations.

If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer.

A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's areas – is also excluded from these regulations.

Voluntary Work

Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Apprenticeship

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract.

Genuine intention to take up an offer of work

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

Verification and evidence

Basildon council will require proof that the work or job-offer is genuine and will need to see appropriate documentary evidence which could include:

- A contract of employment

- Wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- Tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)
- A formal offer letter
- Additional, the employer may be contacted to verify the position and the applicant will be required to sign an authority to enable the employer to provide information regarding the employment

The applicant must qualify for an allocation under the qualifications regulations 2015 both at the time of the initial application and at time an allocation of housing is made.

The Secretary of State recommends local authorities set a quota for the proportion of properties that they expect to allocate each year to transferring tenants who need to move into the borough for work related reasons and strongly encourages all local authorities to adopt this approach and considers that an appropriate quota would be at least 1%. Basildon Council has chosen to adopt the recommendation made by the Secretary of State and the quota will be based on the letting total of the previous financial year.

APPENDIX 4 - MUTUAL EXCHANGES

Tenants who wish to move either around the borough or out of the area are able to consider 'exchanging' with other tenants.

Basildon Council is registered with Homeswapper (www.HomeSwapper.co.uk); a scheme which allows social housing tenants to search for exchanges nationwide and sends them regularly updated information on potential matches.

Basildon Council tenants can register free of charge online. It is the tenant's responsibility to locate another tenant who wants to exchange.

Secure/Assured tenants mutually exchanging into a Basildon council tenancy may be allowed to exchange to a property with one additional bedroom in excess of needs if it is considered suitable and affordable (see section 19)

Basildon Council tenants are required to pass the necessary inspections and have a satisfactory rent account. Temporary tenants, introductory tenants and demoted tenants are unable to mutual exchange.

APPENDIX 5 - SUCCESSIONS

Succession to a secure tenancy is governed by Section 87 of the Housing Act 1985 (as amended by s86A of the Localism Act 2011) and the rights of the remaining residents will depend on a number of facts.

Joint Tenancy

Where there is a joint tenancy and one of the tenants dies, Basildon council will grant the remaining joint tenant the sole tenancy of the property. This will count as a succession so there can be no further right of succession to the tenancy.

Sole Tenancy

Where the tenant who dies was a sole tenant, any further succession will depend on whether or not that sole tenant was himself a successor.

• *Previous Succession*

Where there has been a previous succession there can be no further right to a succession

• *No Previous Succession*

Where there has been no previous succession, the tenancy may be passed on to a 'qualified' successor. The rules regarding people qualified to succeed to the tenancy will depend on when the tenancy was granted

Further information regarding successions is in the council's tenancy policy

Family member/s left in occupation where there are no further succession rights

Occasions will arise where a Council tenant dies and there is no further right of succession (the deceased tenant took the tenancy over from a previous tenant) but the property continues to be occupied by people who were living with the deceased tenant and the rules of succession would otherwise be met.

In these circumstances, an application to the homeseeker register can be made and authorisation will be given for them to remain in the property on a 'use and occupation' basis whilst the Council review the household's circumstances in accordance with the housing allocation scheme, If they are eligible and qualify for housing in accordance with the allocation scheme they will be awarded Band B to enable an offer to the current property (if suitable) or a move to an alternative suitable property

One direct offer will be made and area of choice will be taken into account however it cannot be guaranteed due to the limited availability of accommodation.

If the first offer of accommodation is refused, they will be required to vacate the property and make their own arrangement for housing while they wait for their final offer of accommodation. Their housing application will be reassessed based on their new housing circumstances which may result in their Band changing.

People left in occupation, who does not meet the criteria above

Family members and others, living at the property following the tenants death who do not qualify for any of the above, will not be awarded priority on the homeseeker register and will be required to vacate the property and make their own arrangements for housing.

Decisions regarding successions, any subsequent priority and the requirement to move to another property are made by the Rehousing Manager.

APPENDIX 5.1

Tenancy granted prior to Localism Act 2011 - Pre 1 April 2012

If the tenancy was granted before 1st April 2012, then the people who would be qualified to succeed are either:

- the tenant's spouse or registered civil partner who was occupying the property as his/her only or principal home at the time of the tenant's death;
- Or
- a member of the tenant's family (including partners) who has lived with the tenant during the twelve months up to the tenant's death, whether or not in the property to which succession is sought.

By 'member of the tenant's family' we mean:

- the tenant's partner, i.e., a person with whom the tenant lived as if they were husband and wife or civil partners; and
- the tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

Where there is more than one qualified successor, the spouse takes precedence over other relatives. If there is no spouse, the eligible relatives decide who should have the tenancy and if they cannot agree, the Council will decide.

The Council will require proof of a twelve month residency period prior to the date of death at the home for a member of the tenant's family.

For the purpose of succession:

- a relationship of marriage is treated as a relationship by blood
- a relationship of the half blood is treated as a relationship of the whole blood
- the stepchild of a person is treated as his or her child
- An illegitimate child is treated as the legitimate child of his mother and reputed father.

If a family member other than a spouse or registered civil partner succeeds to the tenancy and the accommodation is larger than is reasonably required by a successor, the Council can seek possession of the property under Ground 15 of Schedule 2 of the Housing Act 1985.

Possession proceedings must be commenced between six and twelve months following the death of the tenant. Although there is an intention to move the successor

to another property more suitable to his/her needs, the tenancy that s/he has succeeded to is, nevertheless, secure.

In such cases the successor will be required to join the homeseeker register and will be awarded Band A to enable a move to an alternative suitable property. As successions are not considered an allocation under Part VI, the eligibility and qualification criteria of the allocation scheme do not apply. The applicant may bid for up to 6 months after which time, if they have been unsuccessful, the council reserves the right to move the application into auto bidding or make a direct offer.

By 'larger than reasonably required' we mean a property type that is of a type more suitable to a different household group as defined in the Council's Allocation Scheme and/or where the property contains one or more bedrooms more than the applicant would be eligible for as defined in the Council's Allocation Scheme.

The Council will not exercise this ground for possession when the successor is:

- aged 60 years or over and has been resident for at least 10 years; or
- where there are substantive health reasons to suggest that the successor should not be rehoused.

(The Council's medical advisor will consider the information provided, together with any supporting information supplied. In some circumstances, at the Council's discretion, the Council's Occupational Therapist may visit the property).

If there has already been a previous succession (i.e. if the deceased tenant took over from a previous tenant), the Council does not allow another succession.

APPENDIX 5.2

Tenancy granted after the Localism Act 2011 - post 1 April 2012

Statutory succession

Where the tenancy has been granted after 1st April 2012 a person is qualified to succeed to the secure/flexible tenancy if:

- the person is the tenant's spouse or civil partner (including people who were living with the tenant as if they were their spouse or civil partner); AND
- that person occupies the dwelling house as their only or principal home at the time of the tenant's death.

Where there is a succession to a flexible tenancy, the tenancy will last until the end of the fixed term, the offer of a new flexible tenancy to the successor will then be considered in line with the council's tenancy policy

There is no right for a family member to succeed to the tenancy.

Discretionary succession

The Council can, at its discretion, contractually provide for more extensive succession rights to other classes of people not defined by the Localism Act by inserting a clause into the tenancy agreement.

Where the statutory one succession has **not** already taken place and there is no spouse or civil partner (including people who were living with the tenant as if they were their spouse or civil partner), the Council will allow one discretionary succession for family members (tenants parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece) who have lived with the deceased tenant continuously as their only or principal home for a minimum period of **three** years prior to the tenant's death and who do not own another property.

If there has already been a previous succession (i.e. if the deceased tenant took over from a previous tenant), the Council does not allow another succession.

The Council will require proof of the three year residency period prior to the date of death at the home for a member of the tenant's family

Where there is more than one person living in the household who is eligible for a discretionary succession, the Council expects the household to decide who should take over the tenancy. Provided that person meets the criteria, the Council will generally respect this choice. However, the final decision regarding which household member should succeed rests with the Council.

Discretionary successors will only be able to remain in the original home if it is of the size needed. This will be assessed under the Council's bedroom standard in the Allocation Scheme. If it is not of the size needed, the successor will be required to a move to an alternative suitable property.

The successor will be required to join the homeseeker register and will be awarded Band A to enable a move to an alternative suitable property. As successions are not considered an allocation under Part VI, the eligibility and qualification criteria of the allocation scheme do not apply. The applicant may bid for up to 6 months after which time, if they have been unsuccessful, the council reserves the right to the council reserves the right to move the application into auto bidding or make a direct offer

Where there is a discretionary succession to a flexible tenancy, the tenancy will last until the end of the fixed term, the offer of a new flexible tenancy will then be considered in line with the council's tenancy policy.

APPENDIX 6

BROOKE HOUSE – LOCAL LETTINGS POLICY

In May 2011, Brooke House was re-classified from 'Lower Floor, Lifted' to Upper Floor. The reason for this was to prevent people who require lower floor accommodation from being offered accommodation in this building as although lifted, stairs need to be accessed to the main entrance.

Since the re-classification, it has resulted in applicants with mobility problems requiring ground floor accommodation, being offered more suitable accommodation

The Council are considering the options for the future use of Brooke House however, following the changes in Basildon Councils Allocation scheme (2014), tenants with children under 16 in upper accommodation will no longer qualify for a transfer if they are considered adequately housed in relation to the size of the property. This meant families adequately housed in Brooke House with children under 16 would not have the option to transfer to alternative accommodation unless they mutual exchanged.

The council is committed in providing opportunities for families with children under 16 to have the option of transferring from the Borough's only social housing high rise tower block to a lower level property, even if they are assessed as adequately housed, therefore to ensure this opportunity remains possible following the implementation of the new allocations scheme, recommendation was sought for additional interim provisions to be added to the current local lettings policy that is in force which was in relation to reclassification of 'lower Floor, Lifted' to Upper Floor

The following decision was agreed in November 2014 and will be monitored and reviewed where applicable.

Decision Record attached

CABINET MEMBER DECISION RECORD – SECTION 2

Record of Decision of the Cabinet Member for Housing

BROOKE HOUSE – LOCAL LETTINGS POLICY

Decision:

The following applies to social housing tenants with dependent children aged 15 and under:-

- Held a secure/assured tenancy in Brooke House for **less** than 12 months and assessed as overcrowded will be awarded the relevant band in accordance with the allocation scheme.
- Held a secure/assured tenancy in Brooke House for **more** than 12 months will be awarded Band B (including those considered adequately housed)
- Void properties in Brooke House will continue to be used for temporary and secure accommodation however, the council will not discharge its homelessness duty into the same property if the property does not meet the assessed housing need of the homeless applicant in accordance with the allocation scheme **or** if the household has children aged 15 and under. In these circumstances, the relevant priority bands for homeless households will be awarded.
- The council may discharge its homelessness duty into the same property if the household has children 16 years old and over, the property is considered suitable for their housing needs and will not result in overcrowding.
- Families with children aged 15 and under can bid for properties in Brooke House advertised on Basildon Choice providing the property meets their assessed housing need.

Reasons for Decision:

To enable tenants with children under 16 in Brooke House to have the option to transfer to alternative accommodation that is not in a high rise tower block subject to all other qualification criteria of the allocation scheme being met.