HOUSING ALLOCATION SCHEME

AUGUST 2025



Basildon Borough Council

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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 Councils 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 replaced the Councils Allocations Policy 2005 revised March 2009. The 17 October 2014 scheme was revised in April 2017, where amendments made following this revision commenced on 16 February 2018. It was further revised in December 2021, where amendments made following this revision commenced on 27 September 22. A third revision took place in 2024, where amendments approved commenced on 7 August 2025.

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) and to Sempra Homes (A commercial arm of Basildon Borough Council). 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. 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 2018 - 2023, its ‘Homelessness and Rough Sleeper Prevention Strategy 2019-2024, being its current homelessness prevention strategy under s.1 of the Homelessness Act 2002, and its ‘Housing Tenancy Strategy 2014 - 2017’ being its current tenancy strategy under S.150 of the Localism Act 2011 and its public sector equality duties.

The Council monitors the operation of the allocations scheme and regularly reviews it to ensure that it meets its stated aims and objectives; continues to be in line with the Council’s broader policies and strategies and reflects changes in relevant legislation, case law and statutory guidance. Review timescales vary according to a range of factors some of which, such as the implementation of new legislation, are outside of the Council’s control. Making changes to the allocations scheme can also require Councillors’ approval and, in some cases, formal consultation and these factors can also influence the time it takes to effect the relevant changes. Even where there is no formal consultation,

the Council welcomes feedback from applicants or other interested parties as to the operation of the allocations scheme.

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

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 on the Basildon Choice website Housing Allocation Scheme August 2025
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 is also available online on the Basildon Choice website Housing Allocations Scheme Summary August 2025
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 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 – (HOMESEEKER REGISTER)

The council operates a housing register (known as The Homeseeker 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 Councils 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)

- Cohabiting partners must be declared on the application form; it is not an applicant's choice to omit a partner who resides with them unless the applicant believes that there are exceptional reasons for not doing so. The applicant must disclose the reasons to the Council who will consider these applications on a case-by-case basis. (If an applicant has been accepted as statutorily homeless by Basildon Council, then 3.2.6 will apply).

- 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 provided 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 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, but 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)

Other persons are not permitted to be included, 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 Medical Advisor for advice and the Council will consider all evidence provided when making the decision 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.

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 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 as their main and principal home)

Single applicants 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.

3.2.6 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 Housing Solutions team for an additional family member to now reside with them*). An exception to this is in regard 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 onto account for all adult members accepted as part of the household in addition to the applicant and their partner. See S8.19

3.2.7 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 18) – Relationship Breakdown if you currently have an interest in a joint tenancy with Basildon Council)

3.2.8 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.

3.2.9 **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 applicant's 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 and the Council will take into account all evidence provided when making the decision 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 application, in exceptional circumstances such applicants who fail the financial limits test, may have their income/savings disregarded at the discretion of Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

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 providing 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 to help verify the situation.

3.3.3 Applicants with access arrangements whose children may have a proven medial 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 considered 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 HOMESEEKER 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 compete 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
- Accrued 7-year residency.
- Any other circumstances that may materially affect their Homeseeker application

4.3 CANCELLATION 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 may be 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 application 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.
- The applicant has not bid for one year and we are awaiting a response from the applicant (S4.5.1)

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 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 suspend the application and 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. The application will be suspended during this time waiting for the applicant to reply

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 may be 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 by the applicant to do so. Where consent to discuss has been given, we will share information relating to the application with the third party, but they will not be able to make any decisions on the applicant's behalf unless the conditions stated in Section 3.1 apply. If any correspondence is sent to a third party by email, a hard copy will also be sent to the applicant at the address provided by them.

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 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 General Data Protection Regulation 2018. 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 General Data Protection Regulation 2018.

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 Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

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 s13 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.

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.

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 thy 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 HOMESEEKER 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 Homeseeker 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 Homeseeker 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

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 or Introductory 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, the applicant must:

- Meet the age criteria **and**
- Have a housing need as defined in this Scheme **and**
- Pass the Financial limits qualification

7.2 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 a qualifying person in the future, they may make a fresh application at that time. It is the responsibility of the applicant to provide evidence of the change in circumstances.

8 DETAILED DEFINITIONS OF QUALIFICATION CRITERIA

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 (Essex Nest (Nacro), Basildon Foyer, Dovecott House Dundee Court or Basildon MIND)

8.2 The Council will accept applications from young persons aged 16 to18 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 (i.e., A trustee would be required to ensure the Terms and Conditions of the tenancy are complied with).

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 with 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 8.17)

8.5 HOUSING NEED

8.6 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 12)

8.7 Applicants currently occupying private rented accommodation and hold an assured shorthold 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

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

8.8 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.

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8.9 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.

8.10 (RESIDENTIAL PROPERTY OWNERS)

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.

8.11 Residential property owners will be expected to pursue all options available to them to address their need before applying to the Homeseeker Register.

8.13 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.

8.14 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.

8.15 The Council's medical advisor will be consulted to consider the information provided together with any additional supporting information supplied and provide advice on how the applicant's medical issues may impact their current situation and housing need to aid the Council in making an informed decision.

8.16 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 is older people (aged 55 plus) who are seeking sheltered accommodation and meet the requirement of Section 8.22)

8.17 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 homeowner 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 Homeseeker 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.

8.18 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 Homeseeker 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.

8.19 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 by the applicants assessed housing need as below: -

Property Size Need	Household Gross Income Level
Studio/1 Bed	£37,000
2 Bed	£50,000
3 Bed	£60,000
4 Bed	£75,000

- 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 3.2.6)

- Existing social tenants (or members of their household) with introductory/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 property owners then this will also be taken into account. This also applies to Sempra Homes assured shorthold tenants who were nominated into their current home by Basildon Council via the Homeseeker Register.

- Income and Savings will not be taken into account for existing social tenants (or members of their household) with secure/assured tenancies who have been accepted by the Council as transferring tenants however if they or any member of their household are property owners then this will be taken into account.

  If, in the Councils opinion, the owned property could reasonably be disposed of and the equity would be sufficient to purchase a property to meet the family's housing need, or the property would provide suitable accommodation for the household according to their housing needs assessment as detailed in this Scheme, and, in the Councils opinion it is reasonable for the household to reside in the owned property, then the household will not be permitted to join the register.

  If the transferring tenants' household is permitted to the register, the property owner will not be considered as a joint tenant whilst they retain an interest in the owned property.

8.20 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.

8.21 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)

8.22 For applicants aged 55 and over (any partners must be at least 50) who want to move into sheltered housing (including extra care schemes), Basildon council will apply a less

rigorous test, recognising the value of sheltered hosing 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, worth £286,000 or less. Such applicants will only be registered for sheltered accommodation and placed in Band E regardless of their housing needs,

Ownership will be assessed as below: -

- Sole: the owner legally owns the property outright so the available equity will be assessed on the property value less any registered charge

- Joint tenants: Both owners legally own the whole property, the Council consider them to be entitled to an equal equity share with other owner/s, less any registered charge

- Tenants in common: Each owner has a defined share of the property, less any registered charge. Applicants who do not provide proof of their entitled share will be assessed on the total value of the property less any registered charge.

8.23 Any future changes to the income, savings and property thresholds outlined above will be published on the Councils website.

8.24 Applicants applying for extra care schemes (Poplar House) are exempt 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, which is considered the priority.

9 LOCAL RESIDENCE CONNECTION

9.1 The demand for social housing in Basildon Borough far exceeds the supply of suitable properties. The Council believes that priority should be given to those applicants who have a real and enduring commitment to the Borough and that this will also help build a stronger local community. The Council believes that having a local residence connection will help achieve those aims.

9.2 Subject to paragraphs 9.3 and 9.4, all applicants must be able to prove that they are ordinarily resident in Basildon Borough and have been so resident for a continuous period of at least 7 years immediately preceding the date of their application, and that such residence is of their own choice. In calculating 7 years, the Council may disregard any period or periods together not exceeding 6 months in total at the date of application if it has reasonable grounds for believing that such period or periods of absence were forced upon the applicant through no fault or choice of their own.

The onus is on the applicant to notify us if they have accrued 7-year local residence whilst they have an open Homeseeker application and would like their application reassessed on this basis. If additional priority is awarded due to local connection, the effective date will be from the date the 7 years was accrued.

9.3 **This paragraph applies to any of the following applicants who do not meet the requirements of paragraph 9.2:**

9.3.1 Certain members of the Armed Forces community are exempt from any local connection requirements, by virtue of regulations made under section 160ZA(8)(b) which prevent local authorities from applying a local connection test to disqualify such applicants. These are:

- Those who are currently serving or who have served in the Regular Armed Forces*.
- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- Serving or former members of the Reserve Armed Forces** who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

These provisions recognise the special position of members of the Armed Forces whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements. The provisions extend to bereaved spouses and civil partners of Service personnel recognising that they are likely to experience similar issues. Reservists are included, recognising, for example, that those who have been seriously injured as a result of their service may need to move to another local authority district in order to access treatment, care or support.

** 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.*

9.3.2 The applicant is an eligible child, or a former relevant child.

In this regulation:

"Eligible child" has the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989 (3)

"Relevant child" has the meaning given by section 23A (2) of the Act (4)

"Former relevant child" means a person aged under 25 who falls within the meaning given by section 23C (1) of the Act5 (5)

9.3.3 Victims of domestic abuse who have not been accepted as statutorily homeless by another Local Authority. If the applicant is aged between 16 to 18, the application will be referred to the Housing Solutions Team.

In this regulation "domestic abuse" has the meaning given by section 1 of the Domestic Abuse Act 2021 (2)

9.3.4 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.

9.3.5 Applicants currently residing in one of the supported schemes within the Borough (Essex NEST (Nacro), Foyer, Dundee Court, MIND, Dovecott (Parent & Child), Nevendon Place,

Peabody property scheme & Barleylands Rough Sleeper initiative scheme) and can provide documentation to show residency within the Borough continuously for one year **at time** of moving into the scheme.

9.3.6 Current tenants with an assured, secure, introductory, fixed term 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)

9.3.7 Applicants who meet the Right to Move criteria – See Appendix 3

9.3.8 Applicants in respect of who the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate) has* awarded a discretionary uplift, under paragraph 9.5

9.3.9 Applicants falling within the paragraph 9.3, are to be treated, for banding purposes, as though they meet the local connection requirements in paragraph 9.2

Reasonable Preference

9.4 This paragraph (9.4) applies to applicants owed a reasonable preference, (S2.3) including statutorily homeless applicants, who do not meet the local connection requirements of either paragraphs 9.2 or 9.3.

9.4.1 Subject to paragraph 9.5, applicants falling within this paragraph are to be assigned to a band being one band lower than the band they would have been placed in had they satisfied the requirements of paragraph 9.2 & 9.3.

9.5 The Housing Applications & Allocations Manager *or above (i.e., Heads of Service & Assistant Director within the Housing Directorate) has* the power, to be exercised on a case-by case basis, to award a discretionary uplift by which an applicant falling within paragraph 9.4 is to be treated, for banding purposes, as though she or he falls within paragraph 9.3. this power may only be exercised:

a) Where the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate) is* satisfied that it is in the Councils financial or other strategic interests to award a discretionary uplift or
b) Otherwise in exceptional circumstances.

Exceptionality is to judge for these purposes by comparison with the circumstances of others applying to the Council for rehousing, but may also include consideration of the length of time the applicant has in fact lived in Basildon Borough (though falling short of 7 years); any particular reason why they have not been able to build up a qualifying local connection and/or any particular contribution they have made to the local community in that time, such as voluntary or charitable work or other activity beneficial to local people.

The maximum uplift available under this power is one band.

9.6 If at any point after successful application to the Homeseeker Register, the applicant loses their local residence connection, for example because they move outside of the Borough, their application will be reassessed and any accrued local residence will cease to apply unless the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)* is satisfied that there are exceptional

circumstances for continuing to apply it, exceptionality for these purposes to be judged on the same criteria as under paragraph 9.5

9.7 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.

9.8 Applicants placed in Basildon by another organisation into supported housing, probation approved premises 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.

9.9 Eligible applicants aged 55 or over (any partners must be at least 50), who want to move into sheltered housing (including extra care schemes,) who do not have a local residence connection, and who do not have a reasonable preference as defined in Section 2.3, will be allowed to join the Homeseeker Register where they will be placed in Band E and registered for sheltered accommodation only

10 UNACCEPTABLE BEHAVIOUR

10.1 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. Conviction for illegal or immoral use of their home
2. Proven social housing fraud
3. Causing nuisance and annoyance to neighbours or visitors
4. Subject to an Anti-Social Behaviour Order, an Anti-social Behaviour Contract, or any similar penalty introduced under future anti-social behaviour legislation.
5. Allowing the condition of the property to deteriorate beyond reasonable wear and tear
6. Being a perpetrator of domestic abuse as this is a ground for possession.

10.2 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 or partner Registered Provider landlord or private rented tenancy.

10.3 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.

10.4 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)

10.5 The decision to vary the time period above will be made by the Housing Applications & Allocations Manager or in their absence, the Housing Applications & Allocations Senior Officer.

10.6 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 10.4.

10.7 Applicants may request a review of a decision to suspend their application.

11 UNACCEPTABLE BEHAVIOUR – HOUSING RELATED DEBT

Housing Related Debt owed to a Current / Former Basildon Council or partner Registered Provider landlord.

Housing Related debt is considered as follows:

a) current and former rent arrears/use and occupation charges/temporary accommodation contribution costs.
b) court costs
c) rechargeable repairs
d) repayable rent deposits to the council
e) housing benefit overpayments (applications will not be suspended if a repayment plan is in place. The repayments will be checked at time of an offer and if found to not have been maintained, then the offer may be withdrawn)

New Registration

11.1 Where an applicant (or a member of their household) owes a housing related debt on a

- Current Basildon Council or partner Registered Provider property
  and/or
- A former Basildon Council or partner Registered Provider 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 S11.2, they will remain suspended until the debt/s are below the level.

Existing Registration

11.2 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.

11.3 In both types of applications above (11.1 & 11.2), 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.

11.4 Where a Basildon Council or partner Registered Provider tenant has previously had a good rent account prior to April 2013 (and had (and still have) 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 Solutions Officers. (The payment plan will be based on what is affordable to repay and may not cover the full weekly shortfall)

11.5 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 Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)* The applicant will be expected to make a commitment to clear the arrears as soon as possible.

12 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. If the applicants' circumstances meet more than one award criterion, the application will be placed in the highest band applicable
For the purposes of banding "non-family size" accommodation means one bed or studio accommodation, and "family size" accommodation means accommodation consisting of two or more bedrooms.

BANDING TABLE - Detailed definitions for each category are defined below:

Band A	
All Applicants	• Exceptional circumstances • National Witness Protection Scheme • MAPPA • Approved management transfers from outside the borough (Reciprocal Agreements – S12.4.9)
Transfer Tenants (Basildon Council/Registered Provider /Sempra Homes)	• Management Transfers • Decants – in a home due for demolition or major repairs • Underoccupancy (Downsizing) – tenants downsizing to non-family accommodation.
Basildon Council Tenants	• Eligible under the Transfer Plus Scheme • Standard Allocation Exceptions • Successions – required to move to a smaller property. • 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	
Applicants **with** a Local Residence Connection	• Medical/Welfare Level 1 award • Lacking two or more bedrooms • Living in housing which is insanitary or in serious disrepair presenting an immediate or imminent threat to life or serious bodily injury. • Homeless applicants in temporary accommodation provided by Basildon Council after 6 months. • Homeless applicants accepted by Basildon Council, in supported accommodation ready to move on • Homeless at Home applicants (a full homelessness duty accepted by Basildon Council) • Approved Child leaving care nominations. • Applicants in partner provided supported accommodation ready to move on • Applicants who meet the armed forces residence criteria with urgent housing needs
Transfer Tenants (Basildon Council/Registered Provider)	• Held a secure/assured/fixed term/introductory tenancy in Brooke House for **more** than 12 months – subject to criteria – see Appendix 6
Transfer Tenants (Basildon Council/Registered Provider/Sempra Homes)	• Statutory overcrowding • In a home with specialist adaptations no longer needed • Downsizing from a 4-bed property or above to a 2-bed property • Band A Downsizer (refusal of first offer)
Basildon Council Tenants	• Non statutory Successions – subject to approval • Band A Transfer Plus scheme (refusal of first offer)
Band C	
Applicants **with** a Local Residence connection	• Medical/Welfare Level 2 award • Lacking one bedroom • Living in housing which is insanitary or in serious disrepair not addressed within a reasonable timescale • Hardship applicants • Homeless applicants in temporary accommodation (less than 6 months)

	• Homeless applicants in supported accommodation not ready to move on
Applicants **without** a Local Residence Connection	• Medical/Welfare Level 1 award • Lacking two or more bedrooms • Living in housing which is insanitary or in serious disrepair presenting an immediate or imminent threat to life or serious bodily injury • Homeless applicants in temporary accommodation provided by Basildon Council after 6 months. • Homeless applicants accepted by Basildon Council, in supported accommodation ready to move on • Homeless at Home applicants (a full homelessness duty accepted by Basildon Council)
Transfer Tenants (Basildon Council/Registered Provider / Sempra Homes)	• Underoccupancy (Downsizing) – Tenants downsizing to family sized accommodation
Band D	
Applicants **with** a Local Residence Connection	• 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 **without** a Local Residence Connection	• Hardship applicants • Medical/Welfare Level 2 award • Lacking one bedroom • Homeless applicants in temporary accommodation provided by Basildon Council less than 6 months • Living in housing which is insanitary or in serious disrepair not addressed within a reasonable timescale. • Homeless applicants in supported accommodation not ready to move on • Approved under the Right to Move – appendix 3
Band E	

Applicants **with** a Local Residence Connection	• Sheltered housing with local residence connection but fail the financial limits test • In Basildon Council partner provided supported housing, including Child in Care nominations not ready to move on into independent living accommodation. • Homeless applicants placed in interim accommodation by Basildon Council
Applicants **without** a Local Residence Connection	• Non-priority homeless/other homelessness/under notice • Sheltered housing who fail the local residence connection and/or financial limits test
All applicants	• Extra care scheme only • Unacceptable Behaviour

BANDING DEFINITIONS

12.1 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)

12.1.2 Substantial evidence must exist to enable exceptional housing status to be considered and the decision to award the priority will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate) usually* in conjunction with a recommendation from a senior police officer in cases of serious threat etc.

12.1.3 If the applicant does not meet the normal qualification criteria of the allocation scheme, the decision must be made by the Service Director.

12.1.4 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. The applicant will need to meet the eligibility criteria for social housing for an offer to be made.

12.1.5 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 Basildon Council assess that there is a proven medical need for a certain type of property. The application will be cancelled if the offer is refused.

12.2 NATIONAL WITNESS MOBILITY SCHEME

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

12.2.1 Up to two properties per financial year will be made available if a referral is accepted.

12.2.2 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.

12.2.3 Full details of the case should be provided but to protect the identity of the witness, the names of the applicants will only be required when they 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 considered.

12.2.4 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.

12.3 MAPPA (Multi Agency Public Protections Arrangements)

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

12.3.1 Where an applicant is subject to MAPPA 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.

12.3.2 Consideration of a referral for council accommodation through the Homeseeker Register will be made by the Housing Applications & Allocations Manager *or above (i.e., Heads of Service & Assistant Director within the Housing Directorate).* 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. The local residence criteria will not be applicable but all other qualification criteria will be considered.

12.3.3 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.

12.4 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.

12.4.1 Registered Providers, (including Sempra Homes assured shorthold tenants who were nominated into their current home by Basildon Council via the Homeseeker Register,) 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

12.4.2 Requests for management moves are approved / refused by the Housing Applications & Allocations Manager *or above (i.e., Heads of Service & Assistant Director within the Housing Directorate) on* receipt of supporting information.

12.4.3 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 may be 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.

Tenant must agree to the above criteria for the management move to be considered

12.4.4 Other medical social factor which would normally qualify for a Homeseeker transfer will **not be** taken into account when a property is being identified.

12.4.5 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.

12.4.6 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.

12.4.7 Management move applications will not affect the status of any existing transfer application that the tenant may have, however the applicant will be required to update their original application (including the new address) if they are rehoused via a management move. This must be actioned within 28 days if the tenant still wishes to remain on the Homeseeker transfer register.

12.4.8 ***Like for Like Properties***

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

Group A	• Ground floor flat or studio • Flat or studio accessed by lift • Bungalow
Group B	• House

	• Ground floor maisonette • Maisonette accessed by lift
Group C	• Upper flat or studio • Upper maisonette without lift
Group D	• Sheltered accommodation upper
Group E	• Sheltered accommodation ground floor • Sheltered accommodation accessed by lift • Sheltered accommodation bungalow
Group F	• One bed house (due to the limited numbers of this type of property, tenants may be offered a one bed flat (ground or upper) or bungalow

12.4.9 Reciprocal Agreements

Requests for management moves from other local authorities and registered providers outside of the Borough, will be given consideration if there is an agreed reciprocal agreement **already** in place with the relevant local authority/registered provider, at the time of the request. The decision will be made in accordance with the agreement and approvals will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

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

12.5 MEDICAL & WELFARE PRIORITY

Medical Grounds

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 based on what medical conditions someone has.

12.5.1 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.

12.5.2 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 will consider all medical evidence provided and may seek advice from the Councils Medical Advisor when making a decision to award medical priority where necessary.

In some circumstances, at the Council's discretion, the Council's Occupational Therapist may also visit the property and provide a report.

When making a decision to award an extra bedroom on medical and welfare grounds, (Bedroom Entitlement Table S15.2), the Council will consider all information provided by the applicant and take advice from the Council's Medical Advisor. If the assessment officer does not concur with the Medical Advisors advice, the final decision will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

12.5.3 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 homelessness 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.

Welfare grounds

Welfare grounds can encompass a wide range of care and support or social needs, for example:

- Where a person needs to move to make a fresh start to recover from the effects of violence
- Those who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to live independently in the community
- To help provide a secure base from which a vulnerable person such as a care leaver, or a person who is moving on from residential drug or alcohol recovery programme can build a stable life
- Provide or receive support – this would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in or der to accommodate a child who was previously looked after by a local authority.

For applicants being assessed or approved to foster or adopt to be considered for a welfare award, the applicant must be under assessment or approved by Essex County Council who must confirm why the current home is unsuitable for their needs.

12.5.4 Basildon Council may award priority as follows:

a) Medical/Welfare Level 1 Award

Medical/Welfare level 1 award will only be awarded in exceptional circumstances where Basildon Council finds that an applicant's home is so unsuitable for their needs related to their medical condition, disability or welfare need 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/welfare grounds for requiring an emergency move

b) Medical/Welfare level 2 Award

Medical/Welfare level 2 award will be awarded where Basildon Council finds that an applicant has a medical condition, disability or welfare need where their home is unsuitable for their requirements, for example,

- Where 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
- Where a more suitable property would meet their welfare need

.

Basildon Council recognises that victims of domestic violence and abuse often suffer physical and/or mental health issues as a result of their experiences, and the medical/welfare assessment will take these fully into account. For a definition of domestic violence and abuse see section 12.24

12.5.5 Following the assessment, the applicant will be informed of the outcome and any change to their banding if applicable.

12.5.6 If the applicant disagrees with a medical assessment, they may request an appeal for their medical form to be reconsidered. However, the review will only be undertaken where **further** medical/welfare evidence is supplied by the applicant to substantiate their request and only one internal appeal will be permitted.

12.5.7 Medical/welfare 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/situation is temporary.

12.5.8 Applicants whom Basildon Council has assessed as having a proven need for ground floor type accommodation and/or certain bathing facilities i.e., level access shower, will be registered for this type of accommodation only.
Upper flats lifted are considered ground floor for allocation purposes (excluding Brooke House)

12.5.9 Applicants in temporary accommodation will not be entitled to a medical / welfare grade but a medical form, if applicable, will be assessed to determine the floor level and bathing facilities required.

12.5.10 **Re-assessment of Medical/Welfare Priority**

Should any applicant receiving a Medical/Welfare award 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. Welfare awards will also be reassessed in accordance with the new circumstances.

12.6 HARDSHIP

Basildon Council will use its discretion when considering each application on its own merits and 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 Basildon Council may choose to seek advice from the Councils Medical advisor, where applicable, when making an assessment

Hardship issues may include:

- Applicants who can demonstrate the need to move in order to give or receive essential, substantial, and ongoing support or care within the Basildon Borough, including those with severe medical, mental health or welfare issues who need to access specialist

medical treatment or support which is not available in their current area and there are exceptional reasons why access cannot be made available through either the Homeseekers own transport or by using public transport.

- 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

Qualifying applicants who have a local residence connection as defined in Section 9 will be awarded Band C Priority

Qualifying applicants without a local residence connection as defined in Section 9 will be awarded Band D Priority

12.7 DECANTS

This banding priority applies to Basildon Council and partner Registered Provider secure/ assured/fixed term/flexible tenants only.

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 needs 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 more than 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 Basildon Councils' allocation scheme. (Tenants who are unable to return due to their property being demolished and who are currently under-occupying, may be offered alternative accommodation one bed above their assessed housing need)

12.7.1 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 because of the scale of the building works.
- In circumstances where it is considered that the tenant or a member of his/her household may not be able to remain in the property whilst works are being carried out due to medical reasons, the Council will seek guidance from an Independent medical advisor regarding this. The advisor will be furnished with all information provided together with any additional supporting information supplied. The guidance obtained will be used to aid the Council in making an informed decision if the tenant & household are to be moved whilst work is undertaken in the home.

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

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

12.8 TRANSFER PLUS SCHEME

This priority applies to secure Basildon Council tenants who qualify to the Transfer Plus Scheme

12.8.1 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 Basildon Council tenants vacating larger accommodation may be entitled to a financial incentive payment (section 12.10)

12.8.2 **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.

12.8.3 **Criteria**

The applicant must meet all the following criteria: -

- An Occupational Therapist recommendation must be available advising the need for a major adaptation ***and***
- The tenant is 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.

12.8.4 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

12.9 UNDEROCCUPANCY

The priority below will apply to the following who are living in the borough and occupying a home that is larger than they need, as defined by our bedroom standard criteria.

- Basildon Council Secure tenants
- Registered Provider assured tenants.
- Sempra Homes assured shorthold tenants (providing they were nominated into their current home by Basildon Council via the Homeseeker Register)

The below only applies if the registered provider/Sempra Homes agree to give the resulting void property to Basildon Council in addition to the normal nomination agreement.

- Under occupying a family sized home in the borough, applying to move to a non-family sized home (one bed or studio) will be awarded Band A
- Under occupying a 4-bed property and above, with an assessed housing need for a one bed, will be allowed to have one additional bedroom above their assessed housing need, subject to affordability. *The applicants will be asked at time of assessment if they wish to be considered for a one bed or two bed property and will be awarded the relevant banding priority, in line with their decision.*

  Band A for one bed
  Band B for two beds

- Under occupying a family sized home, applying to move to a smaller family sized home, will be awarded Band C

Some Basildon Council tenants vacating larger accommodation, may be entitled to a financial incentive payment under the downsizing scheme S12.10

12.10 DOWNSIZING SCHEME

Basildon 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, Basildon Council will use a 'downsizing incentive scheme' to support Basildon Council tenants seeking to downsize to homes that better meet their personal needs.

12.10.1 The key objectives of the scheme are

- To release under occupied family sized properties in order to relet them to their optimal occupancy, predominantly into non-family sized accommodation.
- To encourage and assist tenants under occupying family accommodation to downsize by giving them a financial incentive and support when moving home through this scheme
- In some instances, as detailed in the Downsizing scheme, applicants in 4 bedrooms + accommodation, may be eligible to downsize to a property with 2 bedrooms

Full details including eligibility of the scheme can be found on the Basildon Choice website page Downsizing Incentive Scheme

12.11 RELEASE OF AN ADAPTED PROPERTY

We offer priority to Basildon Council or partner Registered Provider tenants including Sempra Homes assured shorthold tenants (who were nominated into their current home by Basildon Council,) 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 Basildon Council has demand registered, will be awarded Band B.

12.11.1 RELEASE OF A GROUND FLOOR PROPERTY WITH ENCLOSED GARDEN

To assist in releasing suitable properties for downsizers and other tenants who have a medical need for ground floor accommodation, current tenants occupying general needs/sheltered bungalows, which they do not medically need, (the property must have an enclosed garden for sole use), will qualify to the Homeseeker Register with Band B priority.

- The property must have at least one double sized bedroom
- Registered demand for their size property on the Homeseeker Register

The tenant will only be considered for houses/maisonettes and upper floor flats. Bids on alternative ground floor properties will not be considered.

In all instances, 12.11 and 12.11.1 only apply to tenants of registered Provider/Sempra Homes, if the landlord agrees to give the resulting void property to Basildon Council in addition to the normal nomination agreements.

12.12 OVERCROWDING

A household is living in overcrowded housing if their current accommodation is too small for the size of their housing need as assessed in accordance with Basildon Council housing allocation scheme.

Basildon Council will look at how the sleeping arrangements within the premises could be organised rather than how they are actually organised, to determine the number of bedrooms there are 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 15 - Type and size of property offered.

12.12.1 **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.

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

12.12.3 Clarification may be confirmed with the householder. If additional occupants move into the property after the applicant has submitted their application, Basildon 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.

12.12.4 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 because 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.

- Qualifying applicants lacking 2 or more bedrooms with a local residence* connection will be awarded Band B priority.

- Qualifying applicants lacking 2 or more bedrooms without a local residence connection* will be awarded Band C priority.

- Qualifying applicants lacking 1 bedroom with a local residence connection* will be awarded Band C priority.
- Qualifying applicants lacking 1 bedroom without a local residence connection* will be awarded Band D priority.

**Local residence connection as defined in Section 9*

12.12.5 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)

12.13 STATUTORY OVERCROWDING

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 considered 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.

12.3.1 Statutory overcrowding award will only be awarded to tenants of Basildon Council and Partner Register Providers, living in the Basildon Borough, including Sempra Homes assured shorthold tenants who were nominated via the Homeseeker register into their current home by Basildon Council

All other applicants will be assessed under Section 12.12 – overcrowding if the applicant/s meet the qualifying criterion.

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

12.14 SUPPORTED ACCOMMODATION – MOVE ON (single applicants/parents expecting or with children)

(Essex NEST (Nacro) /Foyer/Dundee Court / MIND, floating support properties /Dovecott House (parent and child scheme) /Barleylands scheme/women's refuge)

12.14.1 A Homeseeker application will need to be made online by the applicant and the request for a 'move on' into social housing 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 Basildon Councils Rehousing service and the supported housing schemes.
- 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.
- 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, (except for a women's refuge). Requests from a women's refuge will be considered for a move on after **3 months** from the date the applicant moved into the scheme.
- The applicant must be willing to accept floating support and/or any recommended care package.
- Applicants in Peabody Property Scheme properties must have complied with their tenancy for a period of 2 years, by which time the tenancy will revert to Basildon Council and the tenant will remain at the property as a Basildon Council tenant.

12.14.2 The application will be suspended in Band E 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.

The application will then be assessed by an Officer within the Rehousing Team. The decision to approve the move on request is made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*. If approved, Band B will be awarded:

The application will immediately be placed on the auto-bid system. This means that if the applicant does not place bids on 3 suitable properties each week (if properties are available), Basildon Council will place a maximum of 3 bids on their behalf on other properties that they are eligible to bid on.

The Council may also remove bids that the applicant has placed which are unlikely to be successful, and place bids on properties where the application has a higher-ranking order.

The Council also reserves the right to make a direct offer of the next available property to the applicant.

This will ensure that Basildon Council can provide a move on to settled accommodation at the earliest opportunity.

12.15 SUPPORTED ACCOMMODATION – HOMELESS HOUSEHOLDS

Homeless applicants owed a main homelessness duty by Basildon Council (with the exception of Nevendon Place where residents will be under a main or relief duty) who are residing in one of the following supported housing schemes, and who qualify for the Homeseeker Register:

- Women's Refuge
- Dovecott (parent and child)
- Peabody property scheme
- NEST/Basildon Foyer
- Dundee Court
- MIND
- Barleylands scheme
- Nevendon Place

Local Residence as defined in Section 9 - Qualifying applicants will be awarded Band C and their application suspended until notification is received from the relevant scheme confirming the applicant is ready to move on into independent living at which time, they will be awarded band B priority.

Without Local Residence as defined in Section 9 - Qualifying applicants will be awarded Band D and their application suspended until notification is received from the relevant scheme confirming the applicant is ready to move on into independent living at which time, they will be awarded band C priority.

12.15.1 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 (except for a women's refuge). Requests from a women's refuge will be considered for a move on after **3 months** from the date the homeless household moved into the scheme.

At time of notification from the relevant scheme manager, the application will be re-assessed and the decision to award the move on priority will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

12.15.2 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 Dovecott and the refuge, will count towards the total time in temporary accommodation)

12.15.3 The application will immediately be placed on the auto bid system. This means that if the Applicant does not place bids on 3 suitable properties each week (subject to properties being available), the Council will place a maximum of 3 bids on their behalf on other properties that they are eligible to bid on.

The Council may also remove bids that the applicant has placed which are unlikely to be successful, and place bids on properties where the application has a higher-ranking order.

The council also reserves the right to make a direct offer of the next available property to the applicant.

This will ensure that the Council can provide the utmost assistance to relieve their homelessness and provide a move on to settled accommodation at the earliest opportunity.

12.16 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).

12.16.1 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 agreement between Basildon Councils Rehousing service and Basildon Children's Leaving and After Care team
- the applicant is a care leaver resident in Basildon at the time of application and either (a) or (b) applies:

    a) The applicant resided in Basildon whilst in care for a continuous period of at least 7 years ending with their leaving care
    b) The applicant resided in Basildon before going into care for a continuous period of at least 12 months, or continuously since birth if placed in care before their first birthday.

- 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

12.16.2 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 B will be awarded

12.16.3 The application will be assessed by an officer from the Rehousing team, and the decision to award Band B will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

The application will immediately be placed on the autohid system. This means that if the applicant does not place bids on 3 suitable properties each week (subject to availability of properties), the Council will place a maximum of 3 bids on their behalf on other properties that they are eligible to bid on.

The Council may also remove bids that the applicant has placed which are unlikely to be successful, and place bids on properties where the application has a higher-ranking order.

The Council also reserves the right to make a direct offer of the next available property to the applicant.

This will ensure that the Council can provide a move on to settled accommodation at the earliest opportunity.

12.17 HOMELESS HOUSEHOLDS

12.17.1 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. If the applicant is not within the Basildon Borough, then Basildon Council may provide limited advice.

Where we cannot prevent homelessness and an applicant remains threatened with homelessness within 56 days or an applicant is already homeless before seeking our advice, they may choose to make a homelessness application which will be assessed by Basildon 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*).

12.17.2 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 homelessness assessment is carried out if they remain within the Borough.

12.17.3 If homelessness has not been prevented and interim accommodation has been provided by Basildon 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 applicants' circumstances, will be awarded whilst in interim accommodation

12.17.4 Homeless applicants owed a main homelessness duty by Basildon Council who are currently not on the Homeseeker 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 continue to be provided with temporary accommodation whilst the Council actively continue to seek accommodation in the private sector.

Qualifying Applicants who have **a local residence connection** as defined in Section 9 will be awarded Band C priority at this time.

Qualifying Applicants **without a local residence connection** as defined in Section 9 will be awarded Band D priority at this time.

The application will immediately be placed on the auto bid system. This means that if the applicant does not place bids on 3 suitable properties each week (subject to available properties), the Council will place a maximum of 3 bids on their behalf on other properties that they are eligible to bid on.

The Council may also remove bids that the applicant has placed which are unlikely to be successful, and place bids on properties where the application has a higher-ranking order.

The Council also reserves the right to make a direct offer of the next available property to the applicant.

This will ensure that the Council can relieve their homelessness and provide a move on to settled accommodation at the earliest opportunity

12.17.5 After 6 months from the date of the homelessness application, if the qualifying applicant is in Basildon Council provided temporary accommodation and has not been made an offer of accommodation in the private sector, or through the Allocation Scheme, their band will change to below:

Qualifying applicants who have a **local residence connection** as defined in Section 9 will be awarded Band B priority.

Qualifying applicants **without a local residence connection** as defined in Section 9 will be awarded Band C priority.

The application will remain on the autohid system. This means that if the applicant does not place bids on 3 suitable properties each week (subject to available properties), the Council will place a maximum of 3 bids on their behalf on other properties that they are eligible to bid on.

The Council may also remove bids that the applicant has placed which are unlikely to be successful, and place bids on properties where the application has a higher-ranking order.

The Council also reserves the right to make a direct offer of the next available property to the applicant.

This will ensure that the Council can relieve their homelessness and provide a move on to settled accommodation at the earliest opportunity.

12.17.6 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 applicants' circumstances change, and the property is no longer considered suitable, alternative temporary accommodation will be provided.

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

12.17.8 Basildon Council may also use their discretion to make a direct offer of the temporary property that the applicant occupies at any time.

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, Basildon 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.

12.17.9 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, Basildon Council's duty will be discharged, and the applicant's Homeseeker application will be cancelled

12.17.10 Homeless applicants to whom Basildon Council have accepted a main homeless a duty but have been assessed as not qualifying persons under the Housing Allocations Scheme, (including those whom in the reasonable opinion of the Council, section 8.18 and/or section 8.10 apply) will not be considered to have an unmet housing need and will not be admitted to the Homeseeker register. Temporary accommodation will be provided whilst the Council actively continue to identify suitable accommodation in the private sector.

12.17.11 **Homeless at Home**

The following applies to homeless applicants who have had a full homelessness duty accepted by Basildon Council, and qualify to the Homeseeker register, and are sourcing their own temporary accommodation with friends and family whilst waiting for an offer via the Allocation Scheme.

- Band B will be awarded if have a local residence connection.

- Band C will be awarded with no local residence connection.

(No other banding will apply, and the effective band date will be the date the formal homelessness application was made, however the applicants maybe entitled to additional effective band date priority under Section 13.3)

Applicants will automatically be placed on the auto-bid system, this means if the applicant does not place three suitable bids on properties each week, (subject to available properties), the council will place a maximum of three bids on their behalf on other properties that they are eligible to bid on.

If this arrangement breaks down before the applicant has been housed, Basildon Council may also use their discretion to make a direct offer of accommodation, that 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, Basildon Councils duty towards the person as a homeless applicant will come to an end, they will need to find their own alternative housing and their Homeseeker application will be cancelled.

Should the homeless at home arrangement breakdown before the council can make the applicant an offer from the Homeseeker register, and the Council need to provide temporary accommodation, the applicant would be rebanded based on their circumstances at that time, in accordance with the allocation scheme, and would lose their homeless at home banding and any awarded backdates.

12.18 NON-PRIORITY HOMELESS /OTHER HOMELESSNESS/ UNDER NOTICE

The following will be awarded Band D priority:

Applicants the Council is satisfied are homeless within the meaning of Part 7 of the Housing Act 1996 but who have not yet applied to the Council for assistance under that Part; (2) applicants who have applied to Basildon Council as homeless and have been found to be owed either a limited duty to accommodate under section 190(2) or a duty under s.195(2) to take reasonable steps to prevent loss of accommodation, or a duty under s.189b to relieve homelessness, and (3) applicants to whom Section 8.7 of this Policy applies. In each case, the applicant must be eligible for an allocation and meet all the Council's qualifying criteria including local connection.

The following will be awarded Band E Priority:

(1) Applicants who fall within one of the three categories mentioned in the previous paragraph who are otherwise eligible for an allocation and who meet all the Council's qualifying criteria with the exception of local connection.

(2) Applicants owed any duty under Part 7 of the Housing Act 1996 by a local housing authority other than Basildon Council whether or not they have been placed in Basildon by that other authority.

For the avoidance of doubt, applicants in Band E will be elevated to Band D upon achieving a relevant local connection, all other requirements remaining satisfied.

12.19 HOUSEHOLDS LIVING IN INSANITARY & UNSATISFACTORY HOUSING CONDITONS

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.

12.19.1 Qualifying applicants living within the Basildon borough:

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

Basildon Councils 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 with the Housing Acts.

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

12.19.2 Qualifying applicants living outside of the Basildon borough:

As Basildon Council has no jurisdiction to enforce action on landlords outside of its own Borough boundaries, qualifying applicants who are not resident within the Basildon borough, will be expected to provide all necessary information to Basildon Council to prove that their own local authority has taken appropriate action to attempt to comply with the current Housing Acts within a reasonable timescale. Basildon Councils assessment will be based on the outcome of this action.

12.19.3 The following priority will be awarded based on advice/recommendations from Basildon Council's Environmental Health Team:

a) Qualifying applicants with a local residence will be awarded Band B who are:
   - living in housing which is insanitary or in serious disrepair **and**
   - where in Basildon Councils view, such conditions are presenting an immediate or imminent threat to life or serious bodily injury **and**
   - necessary repairs have not been carried out within the timescale given by the relevant local authority's Environmental Health team

   Qualifying applicants **without** a local residence connection that meet the above criteria will be awarded Band C

b) Qualifying applicants with a local residence connection will be awarded Band C who are:
   - living in housing which is insanitary or in serious disrepair **and**

- repairs have not been carried out within the timescale given by the relevant local authority's Environmental Health team

Qualifying applicants **without** a local residence that meet the above criteria will be awarded Band D

12.20 SHARING FACILITIES

This section applies only to qualifying applicants **with** a local residence connection as defined in Section 9 within the Basildon borough:

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

12.21 HOUSING FOR OLDER PEOPLE – SHELTERED HOUSING

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 Sheltered Housing Officer offered to provide a support planning service to help tenants increase and maximise their independence. The Sheltered Housing Officer also manages the communal areas and monitors the housing management services that the council provides, like cleaning and grounds maintenance.

12.21.1 **Sheltered Housing for applicants aged 60 years and over**
These schemes are available to tenants aged 60 plus (and any household member as defined in Section 3.2 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 Housing Officer.

12.21.2 **Sheltered housing for applicant's aged 55 years and over**
These schemes are designed for tenants aged 55 plus (and any household member as defined in Section 3.2 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 Sheltered Housing Officer who will manage, inspect, and check the communal areas. A support service is offered for all residents with housing related support needs.

Sheltered Housing Schemes do not permit residents to move any additional persons into their property, on either a temporary or permanent basis, who do not meet the age criteria of the Scheme. Residents are also not permitted to move persons in on a temporary or permanent basis, who do meet the age criteria, where it will result in the property being overcrowded.

Our sheltered schemes do not have staff resident on site, and the Sheltered Housing Officers 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

12.21.3 **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

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

12.21.5 Tenants currently residing in upper accommodation within a sheltered housing scheme but require ground floor on medical grounds (as assessed by Basildon Council) will be awarded Band A if they wish to remain living in the current scheme only. One direct offer of suitable accommodation will be made.

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.

12.21.6 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.

12.21.7 Basildon Council or partner Registered Provider 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

A tenant whose current property has been adapted to meet their needs will only be considered for alternative properties that already have all necessary adaptations in situ to fully meet their housing need.

12.22 EXTRA CARE HOUSING

12.22.1 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.

12.22.2 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.

12.22.3 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.

12.22.4 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.

12.22.5 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 regarding Extra Care as nominations are made via a direct offer 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 may be a combination of sheltered housing and Extra Care, however, will not be entitled to two offers of each.

12.23 ARMED FORCES

This section applies only to applicants who meet one of the armed forces Local Residence criteria and have urgent housing needs, including but not limited to:

- applicants who cease to be entitled to live in MOD accommodation
- applicants under notice to leave their current accommodation
- applicants fleeing domestic abuse

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

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

12.23.3 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

12.24 DEFINITION OF DOMESTIC ABUSE

For the purposes of this Scheme, domestic violence and abuse includes any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial, and emotional abuse.

13 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
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13.1 **General Needs and Sheltered Applications**

Date the housing application was received for assessment unless backdated priority applies (section 13.3)

13.1.1 **Homeless applicants, including applicants attracting Homeless at Home priority on the Homeseeker register, 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 unless backdated priority applies (section 13.3)

13.1.2 **Applicants in short term supported housing (s12.14)**
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.

13.1.3 **Homeless applicants placed in short term supported housing, including Women's Refuge**

The earliest date of either:

- The date the applicant moved into the scheme
- The date the formal homelessness application was made to Basildon Council

Proof of this will be provided by the accommodation provider and will require verification by a Housing Officer within the Councils housing department.

13.1.4 **Child leaving care nominations**
The effective date will be the date the housing application was received or the date of their 18th birthday, whichever is the earliest

13.1.5 **Permanent Decants (see section 12.7)**
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.

13.2 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.

13.3 EFFECTIVE DATE IN BAND– ADDITIONAL PRIORITY Armed Forces/ / Born in Basildon/ Working Household

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 (except for 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.

13.3.1 **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, at the date of application. 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. Current and former members of the Regular Armed Forces
b. Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
c. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
d. Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

These provisions are intended to ensure that those who have given the most for their country get the priority for social housing that they deserve. They apply to serving members of the Regular Armed Forces, as well as veterans.

13.3.2 **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. the applicant and/or 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.

13.3.3 **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. Any period that has been disregarded by the Council under section 9.1 or 9.2, will not affect the backdate award.

13.3.4 **Working Households and Criteria**

Applicants that meet the workers criteria, will have their effective date in band backdated 12 months. This priority award will be withdrawn if they no longer meet the 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.

- **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)

- **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:

  a) Working for a recognised charity or voluntary organisation in the Borough
  b) 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.

14 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 14.16)

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 50% of all family sized accommodation available to let through the Homeseeker register will be prioritised for transferring Basildon Borough Council/Housing Association tenants to redress an imbalance found to exist in such properties between other groups on the register. The **up to** 50% quota will be based on the letting total of the previous financial year and will be subject to availability of properties and demand.

14.1 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' online 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

14.2 ADVERTISEMENT TIMESCALES

All advertisements will carry a deadline, by which time bids for 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

14.3 LATE BIDS

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

14.4 LABELLING/RESTRICTIONS OF PROPERTIES FOR ADVERTISING

14.4.1 The advert will contain details of the property to help applicants decide whether it is 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, for example where the property is ground floor level or lifted but the applicant does not have an assessed need for this, they can still apply for the property provided it is suitable for their household size.

Subject to Section 14.4.2, 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.

14.4.2 The exception to S14.4.1, are Band A applicants who qualify for Section 12.8 Transfer Plus Scheme or Section 12.9 Underoccupancy priority, but do not have a ground floor/lifted need,

as they are releasing under occupied family sized properties to allow them to be relet to their optimal occupancy for other applicants. Therefore, these applicants will be prioritised for ground floor/lifted properties over other applicants as in the table below.

Band A	Transfer Plus or Underoccupancy applicants with a ground floor/lifted need
Band A	Transfer Plus or Underoccupancy applicants without a ground floor/lifted need
Band A	All other applicants with a ground floor/lifted need
Band B	Applicants with a ground floor/lifted need
Band C	Applicants with a ground floor/lifted need
Band D	Applicants with a ground floor/lifted need
Band E	Applicants with a ground floor/lifted need
Band A	Applicants without a ground floor/lifted need
Band B	Applicants without a ground floor/lifted need
Band C	Applicants without a ground floor/lifted need
Band D	Applicants without a ground floor/lifted need
Band E	Applicants without a ground floor/lifted need

We may take into account the bathing facility within the property when shortlisting, this is to ensure the best use of stock

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

- Sheltered housing – age restriction
- Adapted properties
- 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 except for Brooke House, which is considered upper accommodation.

We may take into account the bathing facility within the property when shortlisting, this is to ensure the best use of stock

14.6 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.

A property that has a level access shower and no other adaptations will not be considered as adapted.

Ground floor properties will normally be made available on the CBL system. However, void ground floor properties that are also suitable to be adapted for wheelchair use may be considered for this purpose and therefore may not be made available on the CBL system.

This decision will be based on both the housing need demand of applicants on the register at the time the property becomes available, and the suitability of the individual property to meet that demand.

14.6.1 Households who apply to join the Homeseeker Register and are currently residing in a property owned by Basildon 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' and the band awarded will be based on the housing need of the circumstances of the applicant.

14.7 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

14.8 BIDDING FOR A PROPERTY

14.8.1 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

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

14.8.3 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.

14.8.4 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.

14.8.5 Applicants may find that there are no properties that they can bid on during a weekly cycle. This could be for several reasons, including the following: -

- There may be no suitable properties advertised that week that the applicant is eligible to bid for
- The applicant is already under offer for a property
- The application is suspended as detailed in Section 4.4

14.9 SELECTION PROCESS

14.9.1 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.

14.9.2 In normal circumstances, the shortlist will identify the order of applicants based on who is in the highest band with the earliest effective date. We may take into account the bathing facility within the property when shortlisting, this is to ensure the best use of stock

Adverts will specify any additional criteria; applicants who do not meet these additional advertised criteria will not be shortlisted.

14.9.3 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 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.

14.9.4 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.

14.10 MAKING AN OFFER OF ACCOMMODATION

The top bidder will be notified of a provisional offer and will be required to revalidate their application. (Section 14.11 – Verification and Offer)

14.10.1 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.

14.10.2 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.

14.11 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.

14.11.1 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.

14.11.2 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.

14.11.3 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. In exceptional circumstances e.g., Coronavirus, it may not be possible to offer an accompanied viewing, but applicants will be notified regarding this and will be invited to internally view on their own.

14.12 ACCEPTING AN OFFER OF ACCOMMODATION

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

14.12.1 Applicants will be encouraged to make a decision regarding whether to accept or refuse the offer at the time of viewing. 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.

14.12.2 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.

14.12.3 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.

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

14.13 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 applicant's circumstances
- Following verification, the applicant is no longer eligible and/or qualify 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.

14.14 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.

14.14.1 **Entitled to One Offer only**

- Band A applicants
  (With the exception of Transfer Plus/ Band A underoccupancy applicants who will be entitled to 2 offers, however they 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 by Basildon Council as statutorily homeless and qualifying for the Homeseeker Register.

14.14.2 **Entitled to Two Offers Only**

- Transfer applicants
- General needs Homeseeker register applicants including transferring tenants.

14.15 PROPERTIES NOT OFFERED THROUGH CHOICE BASED LETTINGS

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

14.16 DIRECT OFFERS

14.16.1 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.

14.16.2 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

14.16.3 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 to whom Basildon Council has accepted a full duty to and are being offered a secure tenancy of their temporary accommodation.
- Applicants accepted as moving on from supported housing schemes who have not found suitable accommodation during through the bidding scheme
- Extra Care Vacancies
- National Witness Protection Scheme
- Multi Agency Public Protection Panel arrangements
- Where a Basildon Council/ partner Registered Provider or Sempra Homes tenant (who was nominated into their current property by Basildon council via the Homeseeker register) 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)

14.16.4 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.

14.17 CHOICE OF AREAS

The council will consider 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

14.17.1 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			

14.18 TRANSFER/PROPERTY INSPECTIONS

14.18.1 Basildon Council tenants (including temporary tenants in Basildon Council Stock) transferring/moving 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 the property needs any works carried out, including redecoration, to bring it up to a standard whereby it can be relet.

14.18.2 The inspection will be carried out by an officer from Basildon 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.

14.18.3 Where a property fails the inspection, any offer provisionally made to the applicant, will be withdrawn. The tenant will be given a reasonable period to rectify the fault (usually 3-6 months) during which the application will be suspended, and no further offers will be made.

14.18.4 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 will only be able to reapply again once the works have been completed and approved by an officer from the Council.

14.18.5 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.

14.18.6 If the tenant is not able to undertake the work, e.g., due to medical reasons, an option (although **not guaranteed**) may be available for the work to be undertaken by the Council and the tenant to be recharged, however this would be considered a housing related debt and would need to be paid before any move was approved.

14.18.7 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.

14.18.8 In exceptional circumstances, e.g., a management move due to a confirmed risk to the tenant/family safety, Basildon 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 Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*. The tenant may still be liable for any recharges for work identified during the void inspection

14.18.9 Approval for any work **not** to be recharged in any of the above situations, should be obtained from the Repairs Manager or above (i.e., Head of Property Services & Service Director).

14.19 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.

14.19.1 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.

14.19.2 This does not apply to applicants who refuse a Management Transfer offer made under Section 12.4. Such applicants may re-apply for a housing transfer on the Homeseeker register at any time subject to meeting the eligibility and qualification criteria.

14.19.3 Applicants accepted as statutory homeless by Basildon Council, will be required to vacate their temporary accommodation. The Council will instigate court action to recover the temporary accommodation

14.20 FEEDBACK

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

14.20.1 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

14.21 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.

14.21.1 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

14.21.2 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. Some Registered Providers commence the tenancy date on any day of the week, dependant when the sign up takes place and will advise the applicant of this at the Sign Up

14.21.3 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.

14.21.4 The type of tenancy agreement offered by Basildon Council and other landlords will be explained during the sign-up process.

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.

14.21.5 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 Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate) and* in respect of a registered social landlord, the decision rests with them.

15 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

- A 5-bedroom house (Council) with an extra room downstairs which is suitable for use as a bedroom, may be offered as a 6-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 if they are known at that time

- The Council is unable to guarantee that gardens will be available for any household.

15.1 BEDROOM ENTITLEMENT

15.1.1 These guidelines only apply to permanent rehousing

15.1.2 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.

15.1.3 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.

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

15.1.5 Parent/s with dependent children living in studio flats will be considered as lacking one bedroom in addition to the bedroom requirement for the children.

15.2 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 the Council as needing an additional bedroom on medical or welfare grounds	1 additional bedroom
A carer who provides permanent 24 our 'live in' care – confirmation is required from social services (see section 3.2.5)	1 additional bedroom
Specific provisions for permanent decant tenants due to demolition of their home	1 additional bedroom
Basildon Council/RP/Sempra Homes tenants occupying a 4-bed property and above, with an assessed housing need for one bedroom and receiving S12.9 priority	1 additional bedroom

15.3 BEDROOM ENTITLEMENT EXCEPTIONS

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

15.3.1 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.

15.3.2 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.

15.3.3 Where a property has two living rooms and one can reasonably be used as a bedroom, it will be allocated on that basis.

15.3.4 Secure/Assured tenants undertaking a mutual exchange or downsizing under Section 12.9 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, however any additional income e.g., PIP/DLA will be taken into account wand will be subject to an affordability check.
- Tenants in receipt of part housing benefit will also be subject to an affordability check.

15.3.5 Households registered for family sized accommodation (2-bedroom housing need plus), will be able to bid for properties up to one bedroom more than their registered housing need. The Property will not be offered if in the reasonable opinion of Basildon 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:

- Basildon Council/RP/Sempra Homes tenants occupying a 4-bed property and above and receiving S12.9 underoccupancy priority
- *Properties restricted to transfer tenants under the transfer quota (S14)*
- *Any properties made available by our partner RP's who do not allow under-occupation*

15.3.6 Due to limited large available housing stock, a 1% quota based on the lettings total of the previous year (but no less than 1 property per year – subject to availability and registered demand), available Council owned 4 bedroom properties will be made available on the Choice Based Lettings system to applicants whose registered housing need is above 4 bedrooms, proving that the allocation would not result in the housing becoming statutory overcrowded.

Properties will be offered by highest banding priority and effective date in that band. Applicants currently residing in 4-bedroom accommodation **will not** be considered.

Should the tenant then reapply to the Homeseeker Register, this will be a new housing transfer application and will be calculated as set out in the Bedroom Entitlement Table

16 DECISIONS AND RIGHT TO REVIEW

16.1 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).

16.2 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).

16.3 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 email address on file if the applicant has provided one. Where no email address has been provided, the notification letter will be sent in the post to the last given address. If an applicant is considered vulnerable, the latter may be sent by both and post.

16.4 Where a notification is sent to an applicant as stated in section 19.3, 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.

16.5 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.

16.6 Any review request, along with any supporting information, must be made by the applicant in writing to the Review Officer, Housing Need department, within 21 days of the decision. The applicant may enlist the support of an advocate or advice agency to assist with a review. If the applicant wishes the Council to discuss details of the case with a third party, written permission must be given if this is not already on file.

16.7 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.

16.8 The notification of the outcome of the appeal will be in writing and will give clear grounds for the decision.

16.9 There is no right to request a further review.

16.10 When a review/appeal has been received, the application will be suspended pending the final decision of the reviewing officer.

16.11 Reviews of decisions made under Part VII of the Housing Act 1996 (Homelessness) are outside the scope of this scheme.

17 LOCAL LETTINGS SCHEMES/POLICIES

17.1 Basildon Council may from time to time agree local lettings polices 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.

17.2 As the Basildon Council is constantly looking at ways to make best use of available housing stock consideration may also be given to future change of use for selected Council properties to HMO use. Such properties would also be subject to a local lettings policy.

17.3 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)

18 RELATIONSHIP BREAKDOWN – Standard Allocation Exceptions End of joint tenancy

18.1 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)

18.2 Where a Basildon Council 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 (S11)

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).

18.3 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.

18.4 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.

18.5 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.

18.6 Should the remaining party not meet the conditions at paragraph 18.2 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.

18.7 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.

18.8 The decision whether or not to grant a new tenancy will be made by the Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

19 JOINT BASILDON COUNCIL TENANTS REQUIRING TWO PROPERTIES

19.1 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.

19.2 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.

The Council will ensure both tenants understand the implications of this before their applications are approved.

19.3 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.

19.4 Should the first applicant refuse a suitable offer; no further offers will be made and the Homeseeker application for both will be cancelled.

19.5 If the remaining applicant refuses a suitable offer, no further offers will be made, the Homeseeker application will be cancelled, and Basildon Council will commence legal action against the remaining applicant to regain possession of the property if they do not vacate the property.

APPENDIX 1 – ELIGIBILITY

National eligibility criteria – The link provided is to be read subject to the legislative changes to the national eligibility criteria

Allocation of accommodation: guidance for local authorities - Chapter 3: Eligibility and qualification - Guidance - GOV.UK

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 childcare, which would be affected if the tenant could not move
- The length of the work contract
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

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
- Additionally, 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 qualification's 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 15.3.4)

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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 86A and Section 88 of the Housing Act 1985 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, the tenancy continues in the name of the remaining tenant under the right of survivorship. This will count as a succession so there can be no further right of succession to the tenancy. Section 88(1)(b) of the Housing Act 1985 confirms that in these circumstances, this will still be considered a succession for the purposes of the Act.

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

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 do not meet the criteria above

Family members and others, living at the property following the tenant's 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 Housing Applications & Allocations Manager or above *(i.e., Heads of Service & Assistant Director within the Housing Directorate)*

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, as successions are not considered an allocation under Part VI, the eligibility and qualification criteria of the allocation scheme do not apply. Band A will be awarded and one direct offer of a suitable property to meet their housing needs (in accordance with the authority allocation scheme) will be made and area of choice cannot be guaranteed.

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 will consider all the information provided, together with any supporting information supplied and may seek advice/guidance from the Councils Medical Advisor when making a decision

In some circumstances, at the Council's discretion, the Council's Occupational Therapist may also visit the property and provide a report.

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.

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

Discretionary succession for tenancies granted after 1 April 2012

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.

As successions are not considered an allocation under Part VI, the eligibility and qualification criteria of the allocation scheme do not apply. Band A will be awarded and one direct offer of a suitable property to meet their housing needs (in accordance with the authority allocation scheme) will be made and area of choice cannot be guaranteed.

APPENDIX 6

BROOKE HOUSE – LOCAL LETTINGS POLICY

This Local Lettings Policy applies to Brooke House Basildon Council or partner Registered Provider social housing tenants with dependent children aged 15 and under who hold a secure, assured, fixed term or flexible tenancy.

Qualifying applicants holding an introductory tenancy will be awarded the relevant band in accordance with the Allocation Scheme. If, upon successful completion of the introductory period, a secure, assured, fixed term or flexible tenancy is granted by Basildon Council or a partner Registered Provider, Band B will apply if the above conditions are also met.

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

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 aged 15 and under, 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 aged 15 and under, 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.