



ALLOCATIONS POLICY DOCUMENT

This document sets out how Southend-on-Sea Borough Council will let property through the Choice Based Lettings Scheme from ****

Draft Document;

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1. BACKGROUND INFORMATION

1.1 Introduction

1.1.1 This is the Allocations policy for Southend Borough Council, (“the Council”) and should be considered in conjunction with the Choice Based Lettings scheme (“CBL”) reference guide, which outlines how the CBL scheme will work.

1.1.2 The CBL scheme and this Allocations policy have been designed with the aim of having as much consistency in the letting of social housing as is possible in a very diverse Borough. The Allocations policy aims to ensure that all people eligible and qualified for entry onto the Homeseekers’ Register are able to exercise choice in deciding where they wish to live and in the type of property they would prefer.

1.1.3 The policy enables the Council to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

- How to apply for housing
- Who is eligible to be accepted onto the Homeseekers Register
- Who will qualify to be accepted onto the Homeseekers Register
- How priority for housing applicants will be given
- What the decision making processes are
- How homes will be let

1.1.4 This Allocations policy may be viewed at www.southend.gov.uk or at the Civic Centre, Victoria Avenue, Southend On Sea, Essex, SS2 6ER

1.2 Objectives of the Allocations Policy

- Enable applicants to make informed decisions about their housing in light of patterns of varying level of supply and demand;
- Encourage applicants to take a wider look at all of the alternative housing options which may be available to them; including low cost home ownership and private renting
- Reduce refusal rates by offering homes to people who want to live in them;
- Improve customer service and increase customer satisfaction
- 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 assist applicants in the highest assessed need
- To let properties in a fair and transparent way and provide a consistent lettings process
- To make best use of housing stock
- To ensure that applicants are not discriminated against, whether directly or indirectly
- To support vulnerable applicants
- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the CBL scheme
- To promote social inclusion and help achieve sustainable communities
- To provide suitable incentives for non-working households to return to employment

1.3 Statement on Choice

1.3.1 Southend Council is fully committed to enabling applicants to play a more active role in choosing where they live through the CBL scheme, whilst continuing to house those in the greatest need in Southend.

1.4 Legal Context

1.4.1 All applicants for housing will be assessed to determine whether they are eligible and qualify to be placed on the Homeseekers Register. This is to ensure that the Council lets homes to those in the highest assessed need and that it meets its legal obligations as set out in the Housing Act (1996) as amended by Homelessness Act (2002) and Localism Act (2011).

The policy also has regard to:

- The Code of Guidance, *Allocation of accommodation: Guidance for local housing authorities in England*
- Southend Council's Strategic Tenancy Strategy
- Southend Council's Homelessness Prevention Strategy

1.4.2 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 VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying unsanitary 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); and
- 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)

1.4.3 The Allocations Policy has been designed to ensure applicants who fall into the above categories will be awarded reasonable preference.

1.4.4 Every application received by the Council will be considered according to the facts unique to that application as the Council recognises that every applicant's situation is different. Applications will be considered on an individual basis and individual circumstances will be taken into account. However, all lettings will be made in accordance with this Allocations policy.

1.4.5 In accordance with s159 (4A) of the Localism Act 2011, secure or introductory tenants or assured tenants of private registered provider or registered social landlords who are not considered in a reasonable preference category can be allocated properties outside of the Allocations Policy s1.4.2. Where SBC exercise this power the details of the letting will be advertised on the On the Move website.

1.5 Equal Opportunities and Diversity

1.5.1 Through this Allocations policy Southend Borough Council will endeavour to be responsive, accessible and sensitive to the needs of all applicants. The Council will work to make Southend a place where people's differences are respected and catered for and they have equal chances of getting the services they need.

1.5.2 In framing this Allocations Policy the Council has had regard to our duties under the Equality Act (2010).

1.6 Monitoring and Reviewing the Allocations Policy

1.6.1 The Council will monitor the operation of the Allocations policy by regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.

2. APPLYING FOR HOUSING

2.1. How to Apply for Housing

2.1.1. Anyone can apply to the Council for housing. However, not everyone will be accepted onto the HR. The Council will not register people that are not eligible and/or do not qualify for housing. Evidence of eligibility and qualification may be required to complete registration (see section 3) Applicants are advised that due to a high demand for available housing in Southend; eligible, qualifying applicants are not guaranteed social housing.

2.1.2. To apply to go onto the Homeseekers Register, applicants are required to complete an on-line pre-assessment form. This will allow the applicant's housing options to be assessed and determine which options are most appropriate. If this includes social rented housing and the applicant is eligible, they will then be required to complete a more detailed register application form. Where applicants are unable to use these on-line facilities a paper form will be available on request.

The form can be obtained from The Council's office, or via the website at: www.southend.gov.uk or www.southend-on-the-move.org.uk. The form can be returned to Southend-on-Sea Borough Council, Housing Needs Section, Community Housing, Civic Centre, Victoria Avenue, Southend-on-Sea, Essex, SS2 6ER.

2.1.3. The council will decide in each case as to whether the people included in the application by the applicant will be considered as a part of the household. The council will generally not consider the following as members of the household:

- Non-dependant children or adult children,
- Other non-dependant adults, lodgers,
- Carers (unless medical evidence has been provided to say that overnight care is required).

Furthermore, due to a shortage of properties with four bedrooms or more the Council will discuss with large households whether they can be divided into two or more smaller households

2.1.4. Where more than one eligible applicant wishes to have a shared application they will be known as joint applicants.

2.1.5. To apply for a property, applicants must be registered on the Council's Homeseekers Register.

2.1.6. On receipt of the application form the Council will assess the form and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. The Council will verify the information provided which may include inviting the applicant for an interview or completing a home visit.

2.1.7. After assessment the Council will write to applicants to inform them within 10 working days:

- Whether the applicant is eligible for housing and if so:
- Their unique reference number, which allows them to bid for homes through the CBL Scheme
- The Housing Needs Band in which the application has been placed
- The registration date or the date application was placed in the Band (the "Effective Date") if this is different
- The size of property for which the applicant is likely to be able to bid
- How decisions may be reviewed

Where they have not been accepted onto the Homeseekers Register they will be given reasons why and information on the review process (see Section 6).

2.2. Effective Date

2.2.1. All applications accepted onto the Homeseekers Register will be given an “Effective Date”. This will be used when allocating properties to determine how long an applicant has been entered on the Southend Homeseekers Register and/or has been accepted by the Council as being in housing need. The date used for the Effective Date will depend on the type of application. These are:

a) General Applicants:

Date the housing application was received for assessment.

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

The date the formal homeless application was made to Southend Council. **Note:** *If the homeless applicant was already placed in Band Bas a result of some other need, then their date of application remains the same and does not change to the date of the homeless application.*

c) Applicants in short term supported housing:

Any applicant living in short-term supported housing will have an Effective Date of the day they moved into the scheme. Proof of this will be provided by the accommodation provider and verified by the Accommodation Finding Officer.

d) Exceptional / Emergency Priority:

Date Emergency Priority status awarded.

2.2.2. When applicants move Bands due to a change in their circumstances the following applies:

- **Moving down into a Band they have been in previously:** the date in Band reverts to the date that applied when the applicant was last in that Band.
- **Moving down into a Band that they have not previously been in:** the Effective Date will be the original application date
- **Moving up into a higher Band:** the Effective Date will be the date when an applicant is assessed as requiring a Higher Band.

2.2.3. Where residents are rehoused through the Homeseekers Register and then re-apply, this will be treated as a new application.

2.3. Multiple Applications

2.3.1. An applicant can only be included on one active application on the Homeseekers' Register at any time.

2.4. Armed Forces¹ personnel- date in band

2.4.1. Additional priority will be awarded to the following categories of people who fall within reasonable preference categories and are in urgent housing need

1. a person serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
2. a person formerly served in the regular forces,
3. a person who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of the person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to the person's service, or

¹ Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

4. a person is serving or has served in the reserve forces² and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

2.4.2. Additional priority will be awarded to the above categories of people by awarding them their application the appropriate priority band, as set out in this lettings policy and backdating their date in band by the total cumulative period of their length of military service. This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service.

2.4.3. Current members of the Armed Forces may also request that this additional priority be applied to their housing application six months prior to the date when they are due to leave military service. Appropriate evidence of the end to military service will be required.

2.5. Change of Circumstances

2.5.1. Registered applicants who have a change in their circumstances that affects their housing must inform the Council. Applicants can obtain a change of circumstances form from the Council. Forms should be completed and submitted to the Housing Needs team at Floor Civic Centre, Victoria Avenue, Southend-on-Sea, Essex, SS2 6ER.

2.5.2. A housing needs assessment will be made based on the new circumstances. Examples of change 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 to the medical circumstances of anyone included in the application
- Death of a household member
- Death of a joint applicant
- Any other material circumstances that change their housing application
- Change of income and/or capital
- Change to employment status as defined at 4.4.2

2.6. Applicant's Consent and Declaration

2.6.1. When an applicant applies for housing, they will be required to sign a declaration 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 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

2.6.2. The Council may take action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been let a property as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

² 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 Auxillary Air Force

2.6.3. Applicants found to be providing false information may be excluded from the Homeseekers Register.

2.7. Application Review

2.7.1. When an applicant has not expressed an interest in any available properties for one year, we will write to them to see if they still wish to remain on the Homeseekers Register and to explain that their application will be cancelled within 28 days unless we are advised otherwise.

2.7.2. If an applicant contacts the Council within 28 days of their application being cancelled and indicates that they still want to be considered for housing the application will be reinstated from their last Effective Date (see section 2.2 above). A housing needs / options interview may be required.

2.8. Cancelling an Application

2.8.1. An application will be cancelled from the Homeseekers Register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible for housing (see Section 3)
- If the applicant no longer falls within a qualifying class of applicant (see Section 3)
- When the applicant has been housed through the Allocations policy
- When a tenant completes a mutual exchange
- Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address
- Where the applicant has died

2.8.2. When an application is cancelled, we will write to the applicant or their representative to notify them sending correspondence to their last known address or e-mail (if available). Where an applicant has been highlighted as vulnerable, the Council will contact the applicant 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 (see Section 6).

2.8.3. Where an applicant wishes to re-join the Homeseekers Register at a later date their new Effective Date will be the date they re-apply.

3. ACCEPTANCE ONTO THE HOMESEEKERS REGISTER

3.1. Eligibility Categories

3.1.1. Under the Housing Act 1996, as amended by the Homelessness Act 2002, local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

3.1.2. The Council cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:

- Already hold a secure tenancy of the Council
- Already hold an assured tenancy allocated to them by the Council
- Are in a class prescribed by regulations made by the Secretary of State.

3.1.3. Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. Applicants whose immigration status makes them ineligible to be considered on the register will be notified in writing of the decision and the reason for the decision. If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be cancelled and the applicant notified. Applicants found to be ineligible have a right to ask for a review of the decision (see Section 6).

3.1.4. The Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

3.1.5. Persons under 16 years of age are unable to register.

3.2. Exclusions from the Homeseekers Register

3.2.1. To qualify for entry onto Southend Borough Council's HR, applicants must:

- Not have the means to resolve their own circumstances (see section 5.11)
- Have a local connection or be exempt from local connection criteria (see section 4.4)
- Meet the one of the criteria for a Housing Need Band, households who are assessed as not in housing need (not meeting one or more of the reasonable preference groups Bands A-C) will not qualify for entry onto the Homeseekers Register (see section 4)
- Not found to have perpetrated unacceptable behaviour

3.2.2. Due to the demand for social housing, eligible applicants that do not meet the above qualification criteria shall not be included on the Homeseekers Register, as they do not stand any reasonable prospect of being housed.

3.2.3. The Council may exclude someone from the register if it considers it reasonable and proportionate to do so as a result of unacceptable behaviour. The Council will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions.

3.2.4. Unacceptable behaviour can include tenancy related debt or other breach of tenancy conditions.

3.2.5. An applicant who has previously been refused an application onto the Homeseekers Register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them can complete a new application form for assessment.

3.2.6. When making decisions regarding unacceptable behaviour the Council will consider:

- If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council.
- When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.

- What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for a possession order to be granted.
- Whether the behaviour is serious enough to make the person making the application unsuitable as a tenant. Behaviour may not be considered serious enough for example; if rent arrears have resulted from factors outside the applicant's control, e.g. delays in Housing Benefit payments or liability for a partner's debts.

3.2.7. The Council may decide to exclude existing applicants from the register where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.

3.2.8. All decisions made by the Council in relation to excluding applicants from the Homeseekers Register are subject to review if requested by the applicant (See Section 6).

4. ASSESSMENT OF HOUSING NEED

4.1. Legal Background

4.1.1. All eligible and qualifying applicants will be placed in a housing needs Band following an assessment of their household's needs. This is to ensure that the Council meets their legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011).

4.2. Advice and Information

4.2.1. The Council will ensure that housing advice and options information is available free to everyone in the Borough on how to apply for housing. If applicants are likely to have difficulty in making an application without assistance, then any necessary assistance they require will be made available by the Council.

4.3. Assessment and Assessment Panel Decisions

4.3.1. Assessment decisions are made by Housing Needs Officers. In some circumstances (see Section 6) the Group Manager of Housing will carry out reviews of assessment decisions as required.

4.4. Local Connection Criteria

4.4.1. To be considered as having a local connection to Southend one of the following must have been demonstrated and verified

- Applicants work in Southend borough for sixteen hours or more per week
- Applicants are normally resident in Southend borough. Normally resident might typically be continuously for the past 2 years, or 3 of the last 5 years and must be in settled accommodation
- Applicants are an ex-resident of Southend borough who previously lived there in settled accommodation for 5 years or longer
- Applicants have family members who are resident in the Southend borough. Family members are defined as parents, adult children or brothers or sisters who have been resident in the Southend borough for a period of 5 years or longer
- The applicant is a member of the Armed Forces and former Service personnel, where their application is made within five years of discharge
- The applicant is a bereaved spouse or civil partner of a member of the Armed Forces leaving Service Family Accommodation following the death of their spouse or partner
- The applicant is a serving member or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service
- Applicants accepted as statutory homeless by Southend Borough Council under s193 (2) Part VII of the Housing Act (1996), as amended by the Homelessness Act (2002) and Localism Act (2011).
- There are exceptional circumstances which the Council considers give rise to a local connection. Applications will be considered on an individual basis

4.5. Housing Needs Bands

4.5.1. The Housing Need of eligible and qualifying applicants is assessed and they will be placed in one of the following four Bands in date order. Band A is the highest housing needs Band, Band D the lowest. Within each of these Bands, there are a number of criteria, which each applicant will be assessed against.

4.5.2. Band D is for applicants who have a housing need, (fall within one of the reasonable preference categories, see section 1.4.2) but do not meet the local connection criteria set out above (see section 4.4.1).

4.5.3. Low Priority is for applicants where they or a member of their household is guilty of unacceptable behaviour and/or they are in breach of one or more conditions of tenancy, for example rent arrears.

4.6. Time Limits within Bands

4.6.1. Time limits apply for all Band A applicants (four weeks), and certain Band B applicants (**only** Homeless/Threatened with Homelessness four weeks) and Emergency Status applicants (28 days). These time limits start on the date that the applicant is awarded the Band or Status and applicants are expected to have bid for properties that match their needs during these timescales.

4.7. BAND A (4 week time limit)

4.7.1. Band A has a time limit of four weeks. If an applicant has not bid on all properties that meet their needs (size, type, adaptations, etc.) within those four weeks an authorised member of the Housing Needs team will review their Band A Status. The review will determine whether or not the time period will be extended. If the time period is not extended the applicant will be placed in another Band or made a Direct Let (see 5.12 & 5.13). If a suitable vacancy has not arisen within this four week time period then the Band A status will automatically be renewed.

4.7.2. Applicants will be placed into Band A where they have a local connection, do not have the means to resolve their housing need and meet at least one of the following criteria:

a) Lack of Bedrooms

Applicants that lack three or more bedrooms, unless evidence exists that shows the overcrowding is deliberate.

Applicants that have exclusive use of one room but share kitchen or bathroom facilities with non-family members and lack two or more bedrooms. This does not include temporary accommodation.

Applicants who have been assessed as being overcrowded as defined in Part X (10) of the Housing Act 1985 or under the Health and Housing Safety Rating System. (Housing Act 2004)

b) Under-occupation / Release of Adapted Property

Where an existing social housing tenant in Southend is living in a property which has one bedroom or more than are required by the household

and/or

Where a property has been adapted and the adaptations are no longer required, for example if the person requiring the adaptations has moved or died.

c) Harassment / Violence / Abuse

Where investigation and assessment has identified that the applicant, or a member of their household, is being subjected to continuing and serious harassment, violence or other conduct causing alarm and distress that will be improved by alternative accommodation.

Harassment might be due to, but not limited to; race, gender, sexual orientation, mental health, physical disability, learning disability, age, religion, domestic abuse or harassment by a former partner or associated persons.

Substantiating written evidence must be available together with a formal recommendation from senior officers (e.g. senior Police / housing officer report, etc.). Other alleviating options must have been explored as a part of investigation and assessment before Band A will be awarded.

d) Urgent Medical Need

Applicant awarded a urgent medical priority. Urgent medical need will be awarded where an applicant's current property cannot be used fully and has been shown to have an extremely significant impact on a proven medical condition and the council's assessment has recommended that this can only be improved by a move to a different property. If the impact on the medical condition will be the same regardless of any property type or location, Urgent Medical will not apply.

e) Urgent Disrepair

Applicant living in a property awarded a high disrepair assessment by an appropriate Officer, or following a referral to Private Sector Housing Service Officer, qualified to Part 1 of the Housing Health & Safety Rating System (Housing Act 2004).

Applicant needs to move urgently because of circumstances that could include:

- Major repairs are required on the property in which they live, which cannot be undertaken with the tenant living in the property
- The property is being demolished

f) Supported Housing (Move-On)

The applicant resides within a short-term Supported Housing project (usually up to a maximum of two years) which holds a move-on agreement with SBC and/or is a member of the Access Gateway or is a Southend Borough Council Care Leaver that SBC has accepted a duty to re-house and has been assessed as being ready to "move-on" into independent accommodation;

Vis-à-vis the applicant has been assessed by the supported housing provider as ready to move into independent accommodation (providing Southend Council have the ongoing duty to re-house and that floating support / other support is available).

g) Combined Medical / Disrepair

Applicant awarded a medium medical priority, combined with a medium disrepair award from Band B.

h) Urgent Multiple Needs:

Where an applicant is assessed by a panel as having three or more Band B needs. This may include an application where household members have the same assessed need, i.e. two medium medical needs.

For multiple needs in Band A please see Exceptional / Emergency status (see 4.12).

4.8. BAND B

Applicants will be placed in Band B where they have a local connection, do not have the means to resolve their housing need and meet at least one of the following criteria:

a) High Medical Need

Applicant awarded a high medical priority. High medical need will be awarded where an applicant's current property cannot be used fully and has been shown to have a significant impact on a proven medical condition and the council's assessment has recommended that this can only be improved by a move to a different property. If the impact on the medical condition will be the same regardless of any property type or location, High Medical will not apply.

b) High Disrepair

Applicant living in a private sector property awarded a high disrepair assessment by an appropriate Officer, or following a referral to either an Environmental Health Officer (EHO) or Private Sector Enforcement Officer (PSEO) qualified to Part 1 of the Housing Health & Safety Rating System (Housing Act 2004).

c) Lack of Bedrooms:

Applicants that lack two bedrooms in their current home unless evidence exists that shows the overcrowding is deliberate.

d) Work / Support:

Applicants who are able to demonstrate the need to move into or within the Council area because they have secured/retained permanent employment (over 16 hours) in the area (evidence of the employment must be provided) and it is unreasonable to expect the applicant to commute.

Applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to give or receive essential support or care within the Council area where this is not available in their current area.

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

e) Multiple Needs

Where an authorised panel has assessed the applicant as having three or more Band C needs which cumulatively necessitate an increase to a higher band. This may include an application where more than two household members have the same assessed need.

f) Homeless/Threatened with Homelessness (4 week time limit)

Applicants who are not intentionally homeless or intentionally threatened with Homelessness, have completed a formal homeless application and have been accepted as homeless by Southend under s193(2)Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.

Applicants placed in this band are subject to the 4 week time limit.

g) Homelessness Prevention (prior to homelessness decision being made)

Where an applicant is threatened with homelessness within a period of more than 28 days, SBC will work with the applicant to try and prevent their homelessness. Those applicants, who following an interview with a Housing Options officer have been assessed as being eligible, having a priority need and who would be unintentionally homeless in the event of a homelessness application, will be placed in band B whilst the prevention measures are being pursued. Existing Homeseekers Register applicants within Band A will retain their Band A status.

Where homelessness prevention has not been possible and an applicant remains threatened with homelessness within the next 28 days, they may choose to make a homeless application which will be assessed by the Council, under part VII (7) of the Housing Act 1996 as amended by the Homelessness Act 2002.

4.9. BAND C

Applicants will be placed in Band C where they have a local connection, do not have the means to resolve their housing need and meet at least one of the following criteria:

a) Medium Medical Need

Applicant awarded a medium medical priority. Medium medical need will be awarded where an applicant's current property cannot be used fully without some effort and has been shown to have minimal impact on a proven medical condition and the council's assessment has recommended that this can only be improved by a move to a different property. If the impact on the medical condition will be the same regardless of any property type or location, Medium Medical will not apply.

b) Medium Disrepair:

Applicants living in a private sector property awarded a 'medium' disrepair assessment by an appropriate Officer or following a referral to either an Environmental Health Officer (EHO) or Private Sector Enforcement Officer (PSEO), qualified to Part 1 of the Housing Health & Safety Rating System (Housing Act 2004).

c) Non-Priority Homeless / Other Homelessness:

An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need as defined by Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. (unless other circumstances are such that they are eligible for placement within a different Band).

Applicants who are homeless or threatened with homelessness and are either:

- Intentionally homeless
- Homeless or threatened with homelessness but not in priority need
- Sleeping rough and not in priority need.

d) Housing Conditions

Applicant is staying/living with non family members and:

- i. They do not have the exclusive use of a bedroom/one room; and
- ii. They share facilities. The Council considers that shared facilities includes:
 - Kitchen
 - Bathroom

e) Lack of Bedrooms

Applicants that lack one bedroom in their current home unless evidence exists that shows the overcrowding is deliberate.

4.10. BAND D

4.10.1. Applicants with the following circumstances will be placed in Band D:

a) Housing Need but No Local Connection:

Applicants who have an assessed housing need (Bands A-C) but no local connection with Southend Council area (as defined by section 4.4).

b) Move-On:

The applicant resides within a short-term Supported Housing project (usually up to a maximum of two years) or Is a Southend Borough Council Care Leaver that SBC has accepted a duty to re-house but has not been assessed as being ready to "move-on" into independent accommodation;

Vis-à-vis the applicant has been assessed by the supported housing provider as not ready to move into independent accommodation

c) Non-housing need- special circumstances:

The Council retains discretion to place applicants who are not assessed as in housing need (Bands A-C) in Band D in exceptional circumstances where it can be demonstrated that there is low demand for a particular property type (eg sheltered housing).

4.10.2. All Band D applicants will have their application reviewed at the latest on the anniversary of the decision to place them in Band D.

4.11. LOW PRIORITY

4.11.1. Where an applicant or member of their household is guilty of unacceptable behaviour they may be excluded from the Homeseekers Register (see 3.2 and 3.3). In some circumstances the behaviour may not be sufficiently serious so as to justify their exclusion from the Homeseekers Register but it may be sufficiently serious for the Council to determine that they are unsuitable to

be a tenant of the authority. In these circumstances the applicant will remain in low priority until the applicant has shown that the circumstances or behaviour that made them unsuitable to be a tenant has changed, as per the Housing Act 1996 S167 (2b) and (2c)

- 4.11.2. The Council may regard a failure to pay rent or other tenancy related charges or debts as behaviour affecting the suitability of applicants to be tenants.
- 4.11.3. When an applicant is accepted onto the Homeseekers Register, but their application is considered as low priority, their application will be placed in a relevant Band but they will not be eligible to bid whilst their application remains in low priority.
- 4.11.4. All applicants who are placed in low priority will be informed of this decision in writing, and how their application could be re-assessed, for example, by agreeing an arrangement to make payments towards tenancy related debt.
- 4.11.5. Applicants in low priority have a right to ask for a review of the decision (see Section 6). A delegated senior officer will undertake the review.

4.12. EXCEPTIONAL / EMERGENCY STATUS

- 4.12.1. An Exceptional / Emergency status will only be issued to an applicant who requires an urgent move to ensure the applicants immediate safety and welfare for whatever reason and/or where remaining in their current accommodation may cause risk of death or serious injury.
- 4.12.2. Substantial evidence must exist to enable Exceptional / Emergency Housing status to be considered.
- 4.12.3. This priority may be awarded where circumstances could include:
 - a) Risk of death or serious injury
 - b) The award of an urgent medical assessment or
 - c) The award of an urgent disrepair inspection by a Private Sector Enforcement Officer (PSEO) or Environmental Health Officer (EHO), or
 - d) Where a senior ranking Police officer formally recommends an urgent move to escape violence or threats of violence, or
 - e) Where the applicant, or a member of their household, has suffered a sudden “traumatic event” and living within their home will cause considerable distress (e.g. serious sexual assault etc), or
 - f) Where there are extreme cases of cumulative need and where it is unacceptable for the applicant to remain in the current Banding (subject to the discretion of a senior Housing Officer).
- 4.12.4. Exceptional / Emergency status may also be awarded where the tenant of a sheltered or adapted property for the disabled has died leaving another family member in the property and the landlord wishes that family member to be moved quickly to enable the property to be let to an applicant who requires it.
- 4.12.5. Exceptional / Emergency status is time limited and will last for 28 days. If the applicant has not applied for a property suitable for their needs (size, type, adaptations, etc.) within that time their Emergency Priority Band will be reviewed by the Group Manager of Housing and if not renewed the applicant will be placed in the appropriate Band for their needs or made a Direct Let. If no suitable vacancy has arisen within this time then the Emergency Priority Band will be renewed automatically for a set period of time.
- 4.12.6. The award of Exceptional / Emergency status will be given by senior housing officer and must satisfy the test and evidence as detailed in the CBL procedure. This will be assessed on a case by case basis & awarded at the discretion of SBC
- 4.12.7. An applicant with Exceptional / Emergency status who bids for a home will be considered as a priority above all other applicants in any other Band. If two or more Exceptional / Emergency

status applicants bid for the same dwelling, the Effective Date will determine the successful applicant unless otherwise stated in the advert.

4.13. Housing Related Debt

- 4.13.1. The Council expects applicants to clear any tenancy related debts that they owe before an offer of a tenancy is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or significant savings to draw on).
- 4.13.2. When a financial assessment carried out by the Council shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed with the landlord to clear the debt. A formal agreement to repay the debt may be required before any offer is made.
- 4.13.3. Applicants who fail to make a suitable arrangement to pay back tenancy related debt or fail to maintain regular payments in line with any such arrangement may be given Low Priority status (See section 4.11).
- 4.13.4. The applicant shall become eligible to be reviewed after six months provided the agreed repayments have been made even though this may mean only a small proportion of the total outstanding debt has been repaid.

4.14. Intentionally Worsening Housing Circumstances

- 4.14.1. If in the reasonable opinion of the Council an applicant has intentionally worsened their housing circumstances to deliberately improve their housing priority, their housing need will be assessed on the basis of their previous accommodation and circumstances.
- 4.14.2. Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see Section 6).

5. ASSESSMENT INFORMATION AND CRITERIA

5.1. Homeless Applications

- 5.1.1. Applicants who are already on the Homeseekers Register will remain in their existing housing needs Band whilst a homeless assessment is carried out.
- 5.1.2. The Council is committed to preventing homelessness where possible and will use powers under the Localism Act (2011) to offer applicants who are owed the main homelessness duty a suitable offer of accommodation in the private rented sector to discharge its duty. Where an applicant accepts an offer of private rented accommodation the Council's duty will be discharged and their application will be re-assessed as appropriate.
- 5.1.3. If an applicant refuses a suitable offer of accommodation in the private rented sector the Council's duty will be discharged and their application re-assessed as appropriate. The Council's approach to using this power are published in the Discharging Homelessness duty into the Private Rented Sector Policy.
- 5.1.4. When a decision has been made by the Council that an applicant is owed a main homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed in Band B.
- 5.1.5. Where a person is threatened with homelessness within a period of more than 28 days, the Council will work with the applicant to try and prevent their homelessness. Those persons, who SBC have agreed to assist with homelessness prevention (as set out in s4.8g), will be placed in Band B whilst the prevention measures are being pursued.
- 5.1.6. A person who is threatened with homelessness may have an existing Homeseekers Register application. Applicants in Band B will retain their existing Band status whilst homelessness prevention measures are pursued.
- 5.1.7. An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in Band C (unless other circumstances are such that they are eligible for placement within a different Band).
- 5.1.8. If an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account, see section 4.14.
- 5.1.9. Applicants owed a main homelessness duty under s.193 (2) will be expected to bid for permanent accommodation. If an applicant owed a main homelessness duty under s.193 (2) successfully bids for a suitable property but then refuses the offer,, the homelessness duty may be discharged resulting in banding re-assessment. See section 5.12 Direct Lets for further details relating to homeless applicants.

5.2. Split Families:

- 5.2.1. The Council will accept joint applications where applicants who, not by choice, are living in separate households due to the lack of suitable accommodation available and wish to be re-housed and have not been accepted by the Council under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). This includes those who may not have been living as part of the household at the time of the application, but who it would be reasonable to expect to live with the applicant, as part of his/her household.

For Split families / Households an application form should be completed to provide details of all properties currently occupied / rented to ensure the application is placed in the correct Banding.

Applicants will have their particular circumstances assessed by the Council to determine the best way of addressing their housing needs.

5.3. Living with Relatives:

5.3.1. Applicants that live with relatives will have their application assessed in accordance with the policy. In these cases applicants will be expected to demonstrate that it is both reasonable and proportionate for the Council to award them a Band C-A priority.

5.4. Owner Occupiers:

5.4.1. Applicants who are owner-occupiers will normally be placed into Band D. However, owner-occupiers who:

- a) Are not adequately housed; or
- b) Have other circumstances that would make remaining in their own home unreasonable; and;
- c) Cannot reasonably be expected to resolve their own housing situation, may be placed into a higher Band.

5.4.2. Southend will consider each application on an individual basis and there may be a requirement for property to be sold prior to any offer being made.

5.5. Bedroom Requirements

5.5.1. Table 1 below will be used to assess applicants'/household bedroom requirements.

5.5.2. Housing assessment for bedroom requirement will be made taking into account the size of the property and the best use of the available space. For example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

5.5.3. Table 1 below shows the size of property that applicants may be considered for based on their household composition, either when expressing interest for an advertised property or for a direct let.

Table 1

	Property Size					
	Studio	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
Single Person	✓	✓				
Single Person with overnight contact to 1 or more children		✓				
Co-habiting couple		✓				
Non co-habiting couple			✓			
Household with 1 child		✓	✓			
Household with 2 children of same sex; or 3 individual adults			✓			
Household with 2 children of opposite sex; or 3 or more children				✓		

Household with 4 or more children; or household of at least 6 people in total				✓	✓	
Household with 5 or more children; or household of at least 8 people in total					✓	✓

5.5.4. Please note that these are general guidelines. All properties that are advertised through the CBL scheme will be clearly labelled to identify the household size eligible to bid for each property. The Council will label each property to make best use of the housing stock.

5.5.5. Some landlords who advertise through the CBL scheme have different eligibility criteria to the one listed above. Whilst these will be clearly labelled the applicant is responsible for checking that they meet the eligibility criteria.

5.6. Bedroom assessment guidelines

The following are guideline examples and is not an exhaustive list:

- Couples require one double bedroom
- Single applicants require one bedroom
- Non co-habiting joint applicants (e.g. siblings, carer and cared for) require two bedrooms
- Two children of the same sex require one double bedroom. If there are three children in one room they will be assessed as lacking one bedroom
- Two children of the opposite sex, where the oldest child is aged 10 years or over require two bedrooms
- A single applicant or joint applicants with one child require two bedrooms when the child is two or more years old
- Children under 2 years of age are not included in any bedroom need calculation

5.7. Staying Contact with Children

5.7.1. Where an applicant has staying contact with children for less than 50% of the year the children will not be counted as part of the applicant's household when assessing bedroom requirements.

5.7.2. Where two applicants have equal staying contact with children, the children will be counted as part of both applicants household when assessing bedroom requirements providing there is a formal residency order in place.

5.8. Medical Assessments

5.8.1. Medical assessments will be carried out for any applicants who believe that their medical condition or disability is being affected by their current accommodation. The applicant will be required to fill in a self-assessment medical form, detailing the effect that their current accommodation is having on their medical condition or disability and may be required to provide supporting information or details of their GP, Medical Consultant, etc.

5.8.2. All medical applications will initially be assessed by an Appropriate Housing Officer and where appropriate referred to a medical professional for their opinion of how the medical condition is affected by the applicant's housing circumstances. Their assessment will be based on:

- The applicant's (or member of the household included in the application) medical condition
- The effect their property has on that condition and;
- How moving to an alternative property can help that condition

5.8.3. Following the medical assessment, the applicant will be informed in writing of the outcome and any change to their Banding.

5.8.4. If the applicant disagrees with an assessment they may appeal to a senior officer within the Housing Needs department to reconsider their medical application. The senior officer will only undertake reviews where further medical evidence is supplied by the applicant to substantiate their application. Any requests for a review of a senior manager's decision should be made within 21 days and will be carried out in line with the review procedure (see Section 6).

5.8.5. Where applicants' (or member of the household included in the application) medical circumstances change substantially, a new medical application should be submitted along with any supporting evidence.

5.9. Disrepair Assessments

5.9.1. The application form asks applicants about the condition of their current home. Where an applicant indicates the property is in a bad state of repair the housing needs team will refer the case to the appropriate council department, for private sector properties this will be referred to the Private Sector Housing team.

5.9.2. Where an applicant resides in social housing the case will be referred to their landlord to assess.

5.9.3. If the applicant resides outside of the Council area, then the Council will contact the respective Local Authority to arrange an inspection, if required.

5.9.4. Following an inspection, and depending on the condition of the property, a level of priority will be allocated – either nil, low, medium, high or urgent, which will determine the Band in which the applicant is placed. If the applicant is an existing social housing tenant the relevant landlord will be notified of the problem.

5.10. Harassment and Domestic Violence

5.10.1. Where the applicant is a victim of harassment, domestic violence or anti-social behaviour, the Council will offer advice and support to assist applicants in identifying possible ways of resolving their situation,

5.11. Financial Resources

5.11.1. All eligible applicants are entitled to apply for housing regardless of income levels. However if an applicant has an income and/or capital, which would enable them to purchase a suitable property (including low cost home ownership) they will not qualify for entry onto the Homeseekers Register. In order to determine this the Council will undertake a financial assessment, which may include the following and is not an exhaustive list:

- The total income of the applicant/partner
- Any capital available to the applicant/partner
- Average property prices in the Council area for the type of accommodation needed by the household
- The ability of the applicant/partner to service the required mortgage/rent payments based on a realistic assessment of their financial position and commitments

5.11.2. Excluded from the above financial assessment will be any member of the Armed Forces who may have received a lump sum as compensation for injury or disability sustained on active service.

5.12. Direct Lets

5.12.1. Most properties will be advertised through the CBL scheme. However in certain circumstances the Council may allocate some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to the Housing Needs manager for approval. The list below gives some examples of where the Council might do this. This list is not exhaustive.

- Where a homeless household has not found suitable accommodation during a period of choice through the CBL scheme and failure to allocate would place the Council in breach of its legal duty towards the household

- Where an applicant and their household require a very specific size, type or adapted property and the applicant has not been able to find suitable accommodation through bidding through the CBL scheme
- Where an existing social housing tenant is required to move to make the best use of stock, and they have not been successful in getting a suitable property through the CBL scheme (including moves for redevelopment schemes)

5.12.2. Information as to which properties have been allocated though direct lets will be made available via the On the Move website.

5.12.3. Direct lets will be made on the basis of a suitable property becoming available. 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.

5.13. Direct Lets to Homeless Applicants

5.13.1. Homeless applicants who have been found to be owed a main homelessness duty may be eligible for a direct let in addition to being able to express interest in an available property.

5.13.2. In accordance with the Localism Act and the Council's Homelessness Discharge of duty policy applicants owed the main homelessness duty may be offered a suitable property in private rented accommodation. Whilst an offer of private rented accommodation is pending the applicant will not be able to bid for properties via CBL.

5.13.3. Where a homeless applicant refuses an offer of accommodation that they have bid for, they will remain within the same housing Band and the s.193 (2) duty under the Housing Act 1996 as amended by the Homelessness Act 2002 will continue. Although such an offer may well be suitable, the Council will use its discretion to make further offers to ensure maximum availability of choice during the initial 4 weeks period following acceptance under s.193 (2).

5.13.4. Where homeless applicants in Band B have not been successful in bidding for properties, after a period of 4 weeks from their acceptance as homeless, the Council reserves the right to make a direct let of a property in any area of Southend-on-Sea. The decision by the Council to make a direct let will depend on the extent to which homeless applicants have had the opportunity to bid for properties, during the 4 week period immediately following their acceptance for housing under s.193 (2).

5.13.5. If a suitable offer of accommodation is refused, the Council's duty towards the person as a homeless applicant will come to an end, they will have to leave any temporary accommodation being provided and their application will be re-assessed accordingly. This applies to offers of accommodation made as a result of bidding or as direct lets.

5.13.6. Where a homeless applicant is to be allocated a property through the Council has responsibility for determining the suitability of any allocation. They will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions prevailing in the area as a whole.

5.13.7. Where a homeless applicant is offered accommodation, but does not feel that this offer is suitable, they have the right to request a review of the decision that the offer is suitable. For details of the review process see Section 6.

5.13.8. Homeless applicants will usually be advised to accept and move in to the accommodation pending the decision on review. In that way, if the property is deemed suitable at review, no further offer will be made but the applicant will be able to remain there.

5.13.9. If the property is refused by the homeless applicant and it is then deemed suitable at review, the s.193 (2) duty will have come to an end. The homeless applicant will not be made a further offer of accommodation and will also have to vacate any temporary accommodation that is being provided.

5.13.10. If, on review, the property is deemed to be unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

5.14. Applicants Who Require a Specific Size, Type or Adapted Property

5.14.1. Where an applicant's needs dictate a specific size, type or adapted property as being required they will be placed in the appropriate housing needs Band, but may be offered a direct let if they are not able to find suitable accommodation by bidding through the CBL scheme. For example (this is not an exhaustive list):

- An applicant requires a very large property to accommodate their household
- An applicant requires a property of a specific type in a specific area of Southend-on-Sea
- An applicant requires a property with specific adaptations and such a property becomes available
- Where an applicant is willing to move to release a large family home and/or an adapted property
- A direct let will always be offered to applicants awaiting major adaptations to their current home if a property that suits their clinical needs becomes available

5.15. Sheltered Housing

5.15.1. Sheltered housing will be advertised through the CBL scheme. Property in schemes designated as sheltered housing by the Council, will only be available to households who meet the requirements for this type of accommodation, e.g. the age threshold.

5.15.2. Applicants for sheltered housing will be subject to an assessment by the Council to establish the prospective tenants support needs and suitability to living in their chosen Sheltered Housing Community.

5.16. Extra Care Housing

5.16.1. Extra care housing is properties predominantly for older people but also for younger people with mental health, learning or physical disabilities, where additional support and social care services are required. Allocation to extra care housing will not be advertised through CBL but be made via Direct Let as decided by dedicated allocation panel. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

5.17. Refusals of Direct Let

5.17.1. Where an applicant refuses a reasonable offer of a direct let, the Housing Needs manager will review the refusal and the applicant may lose any housing priority they held, dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see Section 6)

5.17.2. If an applicant awaiting major adaptations refuses a direct let of a more suitable and appropriate property that meets their clinical needs as interpreted by the nominations panel, The Council and South Essex homes will have discharged their duty and therefore the major adaptation will not be undertaken

5.18. Area Specific Policies

5.18.1. Area specific policies also known as Local Lettings Policies (LLPs) are used in specific areas within Southend-on-Sea to help create balanced and sustainable communities. LLPs are agreed between the Council and the landlord and are time limited with clear objectives. Where an LLP applies it will be stated in the property label together with details of the policy in place.

5.19. Protocol for Housing Dangerous Offenders and Potentially Dangerous Offenders

5.19.1. The Council have entered into an agreement to use a Multi-Agency Protocol in dealing with dangerous offenders to exchange information on any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form, or who is suspected, or accused, of being a dangerous offender, will be subjected to the provisions set out in the information exchange protocol.

- 5.19.2. There is no absolute exclusion preventing dangerous offenders from being included on the Homeseekers Register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risks involved. Some dangerous offenders will be given a high priority so that the relevant agencies can continue to monitor them. The Multi-Agency Protocol is only for a specific offenders group and only covers referrals from the Public Protection Team and Essex Constabulary and does not guarantee the provision of a tenancy.
- 5.19.3. Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders. The Council or Probation will bid on behalf of any applicant who falls within this category.

5.20. Partner Landlord Criteria

- 5.20.1. Landlords who advertise properties through the Choice Based Lettings scheme may have specific policies or set eligibility criteria, for example age limits for sheltered housing or income limits for charitable landlords, which must be met before an offer can be made. Details will be clarified within the advert and/or at viewings and applicants are responsible for checking the criteria before bidding.
- 5.20.2. The Council will continually monitor the criteria set by Landlords to ensure they remain fair and reasonable.

6. REVIEWS OF DECISIONS

6.1. Decision Making Processes

- 6.1.1. Reports and recommendations will be submitted to the relevant senior officers in advance. Wherever and whenever possible senior officers will not have had any prior involvement with the cases being considered.
- 6.1.2. Senior officers will also carry out reviews of assessment decisions as required.
- 6.1.3. The Council staff will make all assessment decisions. In cases where the Council, the applicant or support agency believe that there are exceptional or unusual circumstances that are pertinent to the assessment decision, a request can be made for a senior officer to review the application:
- 6.1.4. Examples of circumstances that may be reviewed by the panel (this list is not exhaustive):
- Multiple need in Band
 - Emergency housing required
 - Multi Agency Public Protection allocations
 - Moving people up a band or down a band
 - Short listing where more than one applicant has the same Band and Effective Date
 - Low Priority review decisions
 - Direct lets

6.2. Statutory Reviews

- 6.2.1. An applicant has the right to request a review of decisions made under part V1 (6) of the Housing Act 1996 in particular:
- Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to the applicant
 - Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
 - Ineligibility for an allocation based on immigration status s160A (9).
- 6.2.2. Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from the Council Housing Needs team.
- 6.2.3. A request for a review of a decision can be made in writing or verbally to the Council. The request should be made within 21 days following the notification of the decision. Reviews will be considered within eight weeks of the request being received and the applicant will receive a written response outlining the result of the review.
- 6.2.4. An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the Council's complaints procedures, contact the Local Government Ombudsman (see section 6.4) or seek to challenge the decision via a judicial review.
- 6.2.5. Reviews will be undertaken by an officer who was not involved in the original decision, and who is senior to the decision-making officer.

6.3. Homeless Reviews

- 6.3.1. Homeless applicants have the right to request a review of certain decisions made by the Council in respect of a homelessness application. This includes the decision to discharge a homelessness duty through a suitable offer of permanent accommodation via the Homeseekers Register.

- 6.3.2. A review request must be made within 21 days of notification of a decision, although a late review request can be accepted under exceptional circumstances at the discretion of the Council.
- 6.3.3. Having requested a review, the applicant will be advised to make representations in writing. Someone who is acting on behalf of the applicant can also make representations. The case file together with any new information provided as part of the review request will be sent to the reviewing officer. The Council will write to the applicant notifying him or her of the outcome of the review.
- 6.3.4. Applicants that are requesting reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However if the applicant has accepted the original offer and the Council's decision about the suitability of the property stays the same, the applicant will be entitled to remain in the property but no further accommodation will be provided
- 6.3.5. The applicant has the right of appeal to the county court if he or she is dissatisfied with the decision on a review.

6.4. The Local Government Ombudsman

- 6.4.1. The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most Council matters including housing.
- 6.4.2. If a complainant is not satisfied with the action the Council takes; he or she can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.
- 6.4.3. Complaints about this scheme should be sent to:

Community Housing
PO Box 6, Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ER

Complaints can also be logged at www.southend.gov.uk

- 6.4.4. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

Tel: 024 7682 0000
Website: www.lgo.org.uk

- 6.4.5. If an applicant wishes to make a complaint against a housing association, they should contact:

The Housing Ombudsman Service
Norman House
105 -109 Strand
London
WC2R 0AA

Tel: 08457 125 973
E- mail: ombudsman@ihos.org
Website www.ihos.org.uk

7. LETTING OF ACCOMMODATION

7.1. Advertising

7.1.1. The Council is committed to advertising available properties as widely as possible. Properties can be advertised on a weekly basis and could be advertised in the following ways:

a) **Website**

A dedicated website (www.southend-on-the-move.org.uk) is available and is accessible to anyone with Internet access. The website will allow applicants to view all available properties across the whole of Southend-on-Sea and, if registered, apply 'on-line' for properties of their choice.

b) **Local Offices**

Computers will be available in some landlords' offices and public buildings for applicants to view and bid for available properties. Other sites may also be considered depending on the accessibility.

c) **Hotline**

A local number is available for applicants to call to place bids on properties of interest. A property reference number is required to use this service which is available from the On the Move newsletter.

d) **Newsletters**

Adverts are also placed into the On The Move newsletter, which is available in a number of localities across the borough.

e) **Direct Mailing**

The Council will send details by post and email to partners and support agencies, etc. to ensure a wide coverage and maximum opportunities for access for all. In some case, for example vulnerable residents, the Council will send the information directly to the applicant's home or advocate.

7.2. Advertisement Deadlines

7.2.1. All advertisements will carry a deadline by which time applications for particular properties must be received. The advertising will be carried out on a weekly basis, opening at midnight on every Wednesday morning and closing at 11.59pm on every Sunday. This is known as the advertising cycle.

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

7.3. Property Descriptions

7.3.1. Properties advertised will carry (where possible) a photograph of the property and a full description. The description will include (where possible):

- a) Type of property
- b) Number of bedrooms (i.e. bed-spaces)
- c) Location of property
- d) Any adaptations (e.g. disabled facilities etc.)
- e) Services provided (e.g. support, caretaker, cleaning etc.)
- f) Heating type
- g) Rent charged/service charges

7.4. Labelling Properties

7.4.1. Adverts will also give information on who will be eligible to apply for the property. For example, if the property is a sheltered housing unit the advert may state that only applicants above a certain age with support needs would be eligible or where there are other support needs due to physical or mental disabilities. An adapted property suitable for someone in a wheelchair may be labelled to say that applicants must require such a property.

7.5. Bidding for a Property

7.5.1. Where an applicant meets the eligibility and qualification criteria and is placed within a stated Band, they may express an interest, also called placing a "bid" for a property. Applicants should only bid for properties that match their needs and/or Banding criteria given on the advert.

7.5.2. Applicants are responsible for ensuring the Housing Needs team are informed of any changes in circumstances which would be likely to affect eligibility for inclusion on the register, banding assessment or size/type of property required. Bids and offers of properties will be withdrawn if changes of circumstances come to light that the Housing Needs team have not been made aware of.

7.5.3. 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. Shortlists will be solely based on the criteria explained in 7.9 below.

7.5.4. Applicants are limited to 3 bids per weekly cycle.

7.6. Excluded Properties

7.6.1. The Council is committed to advertising as many vacant properties as possible through the CBL system. There will be occasions when certain properties will not be advertised and the reasons for these exclusions will be monitored. Examples include and this list is not exhaustive:-

- Properties required for existing tenants whose properties are subject to major works requiring them to vacate
- Extra care vacancies.

7.7. Vulnerable or Potentially Excluded Applicants

7.7.1. The Council believes that applicants should be given assistance to apply to the Homeseekers Register and understand the outcome of their application. Applicants that do not qualify for entry onto the Homeseekers Register should be given advice regarding alternative housing options. Eligible, qualifying applicants should be given support to search for suitable properties. For example, the provision of interactive telephone bidding will assist those with mobility issues, visual impairment and literacy.

7.7.2. In line with the Mental Capacity Act 2005, the Council recognises the importance of advocacy and where appropriate will allow an applicant to appoint someone to express an interest in available homes on their behalf, acting as a proxy. For example, Social Services, support agencies, family members, etc. All agencies will be provided with training to enable them to assist any applicant. When there is a formal advocacy role a form will need to be signed by the applicant or unpaid carer to ensure compliance with the Data Protection Act.

7.7.3. To further assist potentially vulnerable or excluded residents the following methods will be used:

- Potentially vulnerable residents will be identified through 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 CBL system
- Where applicants agree, support agencies will be provided with 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
- Translation services will be available online and through the interactive telephony service

7.8. Transfer Applicants

7.8.1. Transfer applicants are those applicants who are tenants of South Essex Homes who are requesting a move or need a move to alternative accommodation.

7.9. Shortlisting

7.9.1. After the close of advertising, a shortlist of eligible applicants will be taken from the CBL system. In normal circumstances the shortlist will identify the order of applicants based on who is in the highest Band with the earliest Effective Date. Adverts will specify any additional criteria, applicants who do not meet these additional advertised criteria will not be shortlisted.

7.9.2. In circumstances where there is more than one applicant in the same, the computer system will give priority to the applicant with the earliest Effective Date. If in the unlikely circumstances there is more than one applicant with exactly the same Band and date in Band / Effective Date, a senior Housing Officer will make an allocation decision based on the best use of the housing stock and needs of the applicants.

7.9.3. When a short list of applicants is completed, the top applicants will be offered an accompanied viewing of the property (in certain circumstances joint viewings with more than one applicant present may take place). This is to ensure that if the applicant who tops the short list decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist. If the applicant who tops the shortlist is not contactable or contacted but fails to respond within 48 hours the property will be offered to the next person on the shortlist.

7.9.4. The applicant at the top of the shortlist will be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the short list will be offered the property.

7.9.5. In exceptional circumstances the Council may make a decision not to offer a property to the applicant at the top of the short list if in doing so the offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing.

7.10. Formal Offer of the Property

7.10.1. Once the applicant has confirmed that they want to accept the offer of the tenancy, the landlord of the property, which could be the Council or a Partner or a Housing Association, will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up the CBL system will not allow the applicant to be considered for other properties.

7.10.2. The landlord of the property will conclude the tenancy sign up.

7.11. Feedback

7.11.1. An important part of the scheme is giving applicants feedback on who has recently been allocated properties. Accompanying each advert will be a feedback section giving details of the properties allocated.

7.11.2. Applicant's personal details will, of course, not be included. However, the feedback form will include:

- a) Property size and type
- b) Property location
- c) Number of applicants who applied for each property
- d) Band of successful applicant
- e) Local Connection
- f) Effective Date of successful applicant

- 7.11.3. An overview of this information will be regularly monitored.
- 7.11.4. Using this information, applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful bid. It is essential that with any choice-based lettings scheme, applicants have as much information as possible in order to help them make an informed evaluation of their housing options.

7.12. Introductory Tenancies

- 7.12.1. All new tenancies offered by South Essex Homes will be considered as an introductory tenancy unless one of the following apply:
- The person/s being offered the tenancies is already a secure tenant with the Council or another local authority.
 - The person/s being offered the tenancy is already an assured tenant of a Housing Association in or out of the Council area.
- 7.12.2. Further information on introductory tenancies can be obtained from www.direct.gov.uk.

7.13. Withdrawal of Offers

- 7.13.1. Offers may be withdrawn in the following circumstances:
- Where there has been a change in the applicants circumstances
 - Following verification the applicant is not eligible for the property; or
 - Where an error has been made in the advertising criteria
 - Where an offer of accommodation could put a vulnerable person at risk of any harm

7.14. Refusing an Offer of Accommodation

- 7.14.1. Usually, if an applicant refuses an offer of accommodation made through CBL, they will remain in their housing needs Band. If an applicant refuses two offers of a property made through CBL, the Council will contact the applicant to offer support and assistance and verify their circumstances. Unreasonably refusing further offers may result in the following and is not an exhaustive list:
- A final direct letting
 - A change of banding
 - Immediate suspension
- 7.14.2. Where the Council decides to change an applicant's banding or suspend an application due to unreasonably refusing offers an applicant will be informed in writing and the decision will be reviewed after a reasonable period. Applicant's are entitled to request a review of the Council's decision (see section 6).

7.14.2. Details covering the refusals of offers by homeless applicants are covered in section 5.13.2

7.15. Allocations to Staff, Council Members or their Family Members

- 7.15.1. Members of staff (of SBC or South Essex Homes), their close family and elected members who require housing with the Council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.
- 7.15.2. If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property a senior Housing Officer will be informed and must approve the letting prior to the formal offer being made.

7.16. Tenancy Management Outside the Scope of the Allocations Policy

- 7.16.1. The following tenancy management areas fall outside of Part 6 of the Housing Act 1996, and will be managed by the applicable landlord:
- Mutual exchanges

- Persons transferring from introductory to secure tenancy in the same property
- Where a secure tenancy is assigned by way of succession to the same property
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Where court orders are made under one of the following:
 - Section 24 of the Matrimonial Causes Act 1973
 - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
 - Paragraph 1 of schedule 1 to the Children Act 1989

7.17. Difficult to Let

- 7.17.1. If a vacancy cannot be filled via the CBL scheme, the property can be re- advertised on a wider basis by agreement between the landlord and the Council.

8. CONFIDENTIALITY AND ACCESS TO INFORMATION

8.1. Applicants' Rights to Information

8.1.1. Applicants have the right to request such general information as will enable them to assess:

- How their application is likely to be treated under the Allocations Policy, including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of this Policy (see Section 4).
- Whether housing accommodation appropriate to their needs is likely to be made available to them.

8.1.2. Applicants have the right to request the Council to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

8.2. Data Protection

8.2.1. The Council's policy on Data Protection can be viewed at www.southend.gov.uk.

8.2.2. When an applicant applies to the CBL scheme, the Council will seek only information that they require to assess the applicant's application and housing needs. The Council will collect and keep data in accordance with the Council's guidelines on handling personal data.

8.2.3. These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

8.2.4. The data protection principles, which underpin the Data Protection Act 1998, are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subjects rights
- Secure
- Not transferred to countries without adequate protection

8.2.5. Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the Council is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol

8.3. Freedom of Information

8.3.1. The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003 and the Council's Publication Scheme is available on the website (www.southend.gov.uk). The second part of the Act came into force on 1 January 2005 since then the Council has been obliged to provide information to anyone who requests it, unless an exemption applies. The deadline for meeting requests is 20 working days. It is free to make a request, but we can charge for copying and postage.

8.4. Requesting Information

- 8.4.1. If you are looking for your own personal information, this is handled via the Data Protection Act and more information about Data Protection can be found at www.southend.gov.uk. Please note that we cannot provide you with personal information about other people if doing so will breach the Data Protection Act 1998.

ABREVIATIONS AND GLOSSARY OF TERMS

The following Abbreviations and Glossary of Terms are intended to clarify Southend Borough Council's interpretation and use within this policy. They may differ from definitions used in other policies, procedures and legislative documents.

CBL

Choice Based Lettings

The Council

Southend-on-Sea Borough Council

Adapted Properties

Property that has been adapted for an applicant with a disability / mobility issue.

Adequately Housed

Living in a property that is considered by the Council as suitable (eg in terms of size and type) for your household's needs.

Advertised

Properties that are advertised and are available for applicants to bid for under CBL.

Application Date

The date that your current application was received by the Council

Application Number

A unique housing number generated by the database

Applicants

Anyone who applies to the Homeseekers Register, including current tenants of the Council or Housing Associations

Bedroom Eligibility

How many bedrooms a household is assessed as needing

Bid / Bidding

The process of applicants expressing an interest in a property they would like to live in

Choice Based Lettings (CBL)

A method of letting social housing through openly advertising property, and allowing applicants to bid for those advertised properties

Customer / Applicant

Is either a tenant of a partner landlord (including those in temporary accommodation) or a housing applicant on the housing needs register

Effective Date

The date an application is registered or placed in a Band. Used to determine the order of applicants within Bands when shortlisting.

Direct lets

Property that is offered directly to an applicant without them having to bid.

Domestic Violence

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality." This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour killings'

Household

People who can be reasonably expected to live with you, for example, children, carers, dependent adults

Housing Associations (HA)

Also known as Registered Social Landlords (RSL). These are landlords who also provide social rented housing for which applicants/ customers can bid through the CBL scheme

Housing Options

Looking at what housing might be available to an applicant, including private rented accommodation and other solutions

Homeseekers Register

The list of those requesting and qualifying for registration prioritised according to this Allocations Policy

Joint Application

Where one or more applicant applies to join the Homeseekers Register on one application form.

Labelling Properties

Describing who is eligible to bid for a property

Local Connection

The connection an applicant has to the borough of Southend

Local Elected Members

Each local authority is governed by a group of elected members

Non-Family Members

A person who is not related to anyone named on the application and is not themselves included on the application form

Tenancy Related Debts

Defined as current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge arrears and court costs. They do not include Council Tax debts or Housing Benefit overpayments.

Transferring tenant

An applicant who is currently a tenant of a partner housing organisation