

**Housing Allocation Policy
and
Choice Based Lettings Scheme**
Updated 15/10/2020

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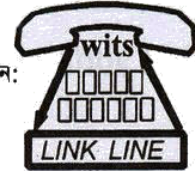
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Housing Allocation Policy and Choice Based Lettings Scheme

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Housing Allocation Policy and Choice Based Lettings Scheme

1. Introduction

This document outlines Epsom & Ewell Borough Council's Housing Allocation Policy and Choice Based Lettings Scheme (CBL) as required by the Housing Act 1996. There is no 'council housing' in Epsom and Ewell. The Council transferred its entire permanent housing stock through Large Scale Voluntary Transfer to Rosebery Housing Association in 1994. In order to meet housing need the Council has 'nomination rights' to a percentage of the housing association vacancies. This Policy identifies the priorities and procedures the Council will follow in allocating the Social Housing properties where it has nomination rights.

The intention in developing the Allocation Policy has been to have a scheme that prioritises housing applicants with a housing need and a local connection to Epsom & Ewell Borough Council.

The policy enables the Council to consider the individual needs of its applicants while making best use of the limited housing stock within the Borough. The policy sets out:

- Who is eligible & qualifies to be accepted onto the Housing Needs Register
- Who is not eligible & non-qualifying to be accepted onto the Housing Needs Register
- How to apply for housing
- How priority for housing applicants will be given
- What the decision making processes are
- How properties will be advertised
- How applicants will be selected
- How properties will be let
- How reviews will be conducted

Under the Housing Act 1996, as amended the Council is required to have an Allocation Scheme to determine priorities in allocating housing and to set out the procedures to be followed. This Policy has been drafted to comply with the requirements of the Housing Act 1996, as amended and takes account of statutory guidance issued by the Department of Communities and Local Government Department (DCLG).

Local Authorities may review their Allocation Schemes to set their own local priorities and restrict who will be eligible or qualify for their Housing Registers. New Government guidance encourages Councils to make full use of the flexibilities within the allocation legislation to ensure that social homes go to people who need them.

The most significant changes in this policy, from the Council's previous policy, are as follows:

- The Council will no longer have an open register and restrictions will now be placed on who can qualify for social housing with strengthened criteria relating to local connection, financial resources and behaviour
- The existing points based scheme has been replaced by a banding scheme
- Qualifying applicants will be placed in an application category as either a homeless applicant, a waiting list applicant or a transfer applicant and a quota of properties will be attached to each of the categories

- The level of choice available to homeless households living in temporary accommodation has been reduced and they will now be made one direct offer of suitable accommodation
- Reduced priority will be given for waiting list and transfer applicants who refuse 3 suitable offers of accommodation
- Specific provisions have been made for armed forces personnel and right to move applicants
- Household & property size criteria have been reviewed to align them with the DWP Bedroom Standard

In forming this Allocations Scheme, the Council has consulted with the Registered Providers (housing associations) with which the Council has nomination arrangements, local voluntary and statutory agencies. Housing applicants on the Housing Needs Register have also been consulted.

1.1 Legal Background

In framing the Housing Allocation Policy and Choice Based Lettings Scheme the Council has had regard to the following:

- Relevant legislation
- Statutory Guidance and other relevant Government guidance/information
- Relevant decided cases
- The Council's Tenancy Strategy 2012
- The Council's Homelessness Strategy 2008-13

References in the Housing Allocation Scheme to statute and case law, regulations, and ministerial guidance are necessarily limited. They are not intended as a substitute for the original sources, which should be consulted directly where necessary. References to legislation are to the current version, incorporating any amendments.

1.2 Aims and Objectives of the Allocations policy

The overall aim of the Council's policy is to ensure that all social housing in the Borough that the Council has nomination rights to, is allocated fairly and objectively to those most in need, having regard to any legislative requirements and any regulations or Codes of Guidance issued by DCLG.

The policy has been written with a view to meeting the following key principles:-

- Operate an Allocation Policy and Choice Based Lettings Scheme for housing applicants with a local connection to Epsom & Ewell Borough Council who are in housing need that realistically reflects the housing options available
- Ensure those in housing need are given preference for housing, in accordance with the law and relevant Codes of Guidance
- Meet local needs and local circumstances
- Maintain an appropriate balance between the needs of homeless households and others in housing need
- Offer applicants as much choice as possible within the boundaries of high demand for housing and limited availability of resources

- Ensure that the process of applying for, and the allocation of, a housing is open, fair, transparent and accessible
- Make best use of the housing stock in the borough ensuring safe, sustainable and balanced communities are maintained, re-let times are minimised and under-occupation is reduced
- Consider appropriate priority for social tenants who want to downsize
- Recognise and address the housing and support needs of vulnerable people
- Ensure that Armed Forces Service personnel get appropriate priority
- Contribute to the prevention of homelessness and provide a wider housing options approach which encourages applicants to explore all of the alternative housing options
- Provide information and feedback on homes that are let through the CBL scheme in order to enable applicants to make informed decisions about their housing choices and on their future prospects of housing
- Prevent Housing Needs Register /Homelessness fraud
- Collect data on housing need as reflected in the Housing Needs Register to inform local & central government and other statistical returns

1.3 The Allocation Scheme

1.3.1 Definition of an 'allocation'

The Council maintains a single Housing Needs Register for people in need of affordable housing. The Housing Needs Register is used by the Council for allocating all housing under Part 6 of the Housing Act 1996. This applies where the Council; -

- Selects a person to be a Secure or Introductory Tenant of accommodation held by that authority;
- Nominates a person to be given a Secure or Introductory Tenant of accommodation held by another Housing authority;
- Nominates a person to be an Assured Tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales).

The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property and "Secure Tenant" includes person with a Flexible Tenancy granted under s107A of the Housing Act 1985.

1.3.2 Lettings not covered by the Scheme

Not all nominations or lettings made by the Council are allocations made under Part 6 of the Housing Act 1996. The following are examples of lettings not covered by, or specifically excluded from the Allocation Scheme, under the provisions of the Housing Act 1996:

- Offers of Non-Secure Tenancies or assured shorthold tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996
- The conversion of Introductory /Starter Tenancies into Flexible, Secure or Assured Tenancies
- Offers of tied accommodation made to Council employees (service occupancies)
- Offers of, or nominations to, accommodation made at the Council's own instigation rather than in response to an application. For example offers to tenants being decanted from their homes to allow major works to take place.
- Assignments and successions to tenancies
- Mutual Exchanges

- Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation
- Vesting or disposal of tenancies by order of a Court
- Referrals to Assured Shorthold Tenancies by the Housing Options Team to prevent homelessness where the landlord is a Registered Provider or private landlord
- Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply
- Existing secure, introductory and assured tenants seeking a transfer who are not considered to have reasonable preference are outside the scope of the provisions on Allocation of Housing Accommodation in Part 6 Housing Act 1996
- Supported housing and extra care housing, where additional support and social care services are required will not be advertised through Epsom & Ewell Home Choice and will be allocated by dedicated allocation panels. Allocations through these panels will be based on an assessment of the level of support and care required by the applicant.

1.4 Housing Stock Profile

As noted above, there is no 'council housing' in Epsom and Ewell. The Council transferred its entire permanent housing stock through Large Scale Voluntary Transfer to Rosebery Housing Association in 1994. In order to meet housing need the Council has 'nomination rights' to a percentage of the housing association vacancies. All tenancies allocated for settled social rented housing are Assured Tenancies. The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property.

Rosebery Housing Association and Mount Green Housing Association also manage hostels and self-contained accommodation providing temporary accommodation to persons owed a duty under sections Part 7 of the Housing Act 1996, as well as properties let on Assured Shorthold Tenancies to prevent homelessness. These properties fall outside the allocation scheme.

1.5 Statement on Choice

Epsom & Ewell Borough Council has developed this Allocation Policy and Choice Based Lettings scheme to extend choice to all eligible applicants for social housing by giving them an opportunity to express their preference for the area and type of housing they want to live in. Wherever possible such preferences will be taken into account in allocating accommodation. However, this must be balanced with the requirement that the Council meets its legal duties as a local authority, addresses local housing need and ensures the efficient management of the housing stock to which we can nominate tenants. With the exception of homeless households to whom this Council has accepted the full homelessness duty, most applicants are therefore allowed to freely choose their preferred landlord, property type and area that they wish to be considered for. Exceptions to this are described in Section 1.5.1.

Waiting list and transfer applicants will be allowed to refuse 3 suitable offers of accommodation. A reasonable offer of accommodation is one that is suitable for the households needs. Applicants who refuse 3 suitable offers of accommodation will be entitled to remain on the Housing Needs Register but will have their priority reduced. Their degree of preference (banding) will continue to be determined by their housing need assessment but their Band Date will be amended to be the date of refusal of the third offer, therefore reducing their priority within the band.

Homeless households and emergency cases in Band A and will be made one suitable offer of nomination for accommodation within the borough.

It should be noted that in order to make the best use of the stock, available lettings plans and property selection criteria may specify that only applicants of a specific household type may bid for particular sizes or types of property. Where this is the case the property advert will set out clearly the particular criteria that applies to that property. Applicants will then be short-listed based on these criteria.

1.5.1 Restricted and Assisted Choice

Because some households need to move very urgently, it will not always be possible to meet all of their preferences for particular types of property or areas of the borough. Restricted choice will therefore apply to the following groups of applicants:

- Emergency Cases in Band A
- Statutorily homeless households

Arrangements for implementing restricted choice for each of these groups are detailed below.

1.5.2 Emergency Cases in Band A

These applicants will be made one suitable offer of nomination for accommodation within the borough. In determining the suitability of the property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

If the applicant with an emergency banding refuses a suitable offer of nomination they will no longer be entitled to the emergency banding awarded. Any further nominations will then be made in accordance with the normal procedure regarding needs and choice.

1.5.3 Statutorily homeless households – Assisted Choice

For homeless households, an 'assisted choice system' will be in place. Where the Epsom & Ewell Borough Council has accepted a full statutory duty, a direct offer of one suitable property will be made anywhere in the borough. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

Offers to these applicants will generally be flats and could be located anywhere in the borough. However, in determining the suitability of a property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

The Council can also discharge its statutory duty to homeless households through an offer of accommodation in the private rented sector, not necessarily within the borough. This does not require an applicant's consent but it will be in line with the relevant legislation.

In addition where an applicant is unintentionally homeless, eligible for assistance and has a priority need for accommodation, the housing authority has a duty to secure that accommodation is available for occupation by the applicant. The authority may discharge its duty to make accommodation available by making a direct offer of accommodation under Part 6 of the 1996 Act if the applicant has the necessary priority under the allocation scheme.

In these cases applicants will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their temporary accommodation.

Applicants have the right to request a review of our decision if they feel the property offered was unsuitable under the legislative requirements. Applicants offered suitable accommodation in discharge of our duty under Part 7 of the Housing Act 1996 have a right to accept the property, move in and still request a review regarding its suitability.

1.5.4 Epsom & Ewell Home Choice

In order to offer choice Epsom and Ewell Borough Council operates a Choice Based Lettings scheme known as Epsom and Ewell Home Choice. The Council will advertise housing association vacancies to which it has nomination rights in its offices, on the internet, on a dedicated telephone line and by newsletter. Applicants on the Housing Needs Register are invited to express an interest in, or bid for, the properties advertised. Applicants may make a total of 3 bids in any one advertising cycle.

1.6 Type of Allocation Scheme

This allocation scheme is a **Banding Scheme**. The Housing Needs Register consists of five bands reflecting the reasonable and additional preference categories, outlined in the Housing Act 1996 and local priorities.

Applicants will be placed into an application category of either homeless, waiting list or transfer applicant.

Eligible and qualifying applicants in each application category are placed in one of five bands ranging from A (highest need) to E (lowest) which reflects their housing need in accordance with the 'reasonable preference categories' in the Housing Act 1996 Part 6 and the Council's local priorities for housing allocation.

The position in that band will be determined by the band date and then the registration/application date. Waiting time in each band ensures that once assessed will gradually move up towards the top of the band.

Where a household's circumstances falls into more than one band they will be placed in the band that affords them the greatest priority. Applicants will be placed in a band based on the category of their application: waiting list, transfer or homeless applicant.

1.6.1 Registration Date

All applications will be given a 'registration date'. This will be used when allocating properties to determine how long an applicant has been entered on the Housing Needs Register. The registration date of the application will be the date the fully completed form and documentation is received by the Council.

1.6.2 Band Date (Effective Date)

The Band Date is the date the an application became eligible for inclusion in the band and will generally be an applicant's registration date or the date the Council were informed of the change of circumstances that entitled the applicant to be included in that band.

1.6.3 Moving between bands

The Council's banding assessment does not allow for movement between bands unless there is a notified and assessed change of circumstances that meets the criteria for a higher or reduced assessment. This means that it is not possible to move from one band to another simply through time accrued on the Housing Needs Register.

Where a household's circumstances change the application will be reassessed. If it is assessed that the applicant's circumstances change so they qualify for inclusion in a higher band or bedroom category, the band date will be considered to be the date the Council were advised of the change in circumstances.

If a household's circumstances change so that they require to be placed in a different application category their band date will be the date the Council made a decision that entitled the applicant to be included in that category.

If it is assessed that the applicant's circumstances change so they are no longer eligible for their current band or bedroom category and they have to be moved to a lower band or bedroom category, their band date will stay as their original band date.

The banding scheme reflects broad levels of housing need which may mean that some changes in the applicant's circumstances will make no difference to the band they are placed in.

In certain circumstances applicants may be placed into a reduced priority band. This is explained in Section 9.11.

The criteria and details of the banding schemes are set out in Section 9.0.

1.6.4 Re-housing Quotas & Targets

As the demand for social housing in the borough is far higher than the supply, a system of re-housing targets operates to ensure that different categories of applicant for housing have a chance of being offered accommodation. The targets are balanced between the needs of homeless households, waiting list applicants and existing local transfer tenants. Applicants in each category will only be able to bid on properties advertised in the corresponding category.

Targets will be set annually to take into account the likely availability of properties during the year. Progress in meeting the targets is reviewed quarterly and where necessary amended. If any categories are not achieving their re-housing target(s), properties may be advertised as only available to those specific target groups. Full details of the targets will be published annually on the Epsom and Ewell Homechoice website.

2.0 The Housing Needs Register

The Housing Needs Register is the Council's list of households in need of social rented housing and low cost home ownership and is the primary access route into social housing in the borough. As there is no 'council housing' in Epsom and Ewell. Social rented housing is provided by a number of different housing associations, the largest being Rosebery Housing Association. The Council has 'nomination rights' to a percentage of the Housing Association vacancies, however the demand for housing exceeds supply and the Council uses the register to assess need and decide who will be put forward to each vacancy. The majority of vacancies will be allocated through the Council's choice based letting scheme, Epsom & Ewell Home Choice.

The Housing Needs Register includes the following types of applicant, subject to their meeting the eligibility criteria:

- Current housing association or Council tenants wishing to move
- New and existing housing waiting list applicants
- Homeless households

2.1 Who can apply to join the Housing Needs Register?

When applicants apply to join the Housing Register, the Council will first consider:

- Whether someone is eligible to apply for housing, and if yes;
- Do they qualify under the policy rules?

2.2 Eligibility and Qualification to join the Housing Needs Register

To qualify for inclusion on the Council's Housing Needs Register applicants must be over the age of 16 and be eligible & qualifying for Social Housing and not fall within any of the non-qualifying classes outlined in Section 2.5.

An applicant will be assessed for eligibility and whether they qualify for an allocation at the time of the initial application and again when the Council is considering making an allocation, particularly where a long time has elapsed since the original application.

2.3 Eligibility

An applicant may be ineligible for an allocation of accommodation under the Housing Act 1996, and, if so, will be ineligible for inclusion on the Housing Needs Register.

2.3.1 Exclusions from the Housing Needs Register

2.3.2 Persons from abroad

A person may not be allocated accommodation under Part 6 of the 1996 Act if he or she is a person from abroad who is ineligible for an allocation under s.160ZA. A person is not eligible if they are:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State, and

(ii) *a person from abroad* other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

In addition most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Needs Register. The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

A housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In

addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation; while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions.

The statutory provisions regarding eligibility in respect of persons from abroad are set out in section 160ZA of the Housing Act 1996. These requirements are set centrally. The Secretary of State may from time to time amend the classes of person eligible to be considered for housing. The Allocation Scheme would automatically be amended to reflect any such changes from the date of their implementation. Full the statutory provisions regarding eligibility are outlined in Appendix 1.

2.4 Qualification

Under the Housing Act 1996 social housing may only be allocated to 'qualifying persons' and housing authorities are given the power to determine what classes or groups of people are qualifying or not qualifying for inclusion on the Housing Needs Register. These requirements are in addition to the provisions on eligibility in respect of persons from abroad, which continue to be set centrally by the Government.

2.4.1 Qualifying Persons

In order to qualify to be included on the Housing Needs Register applicants must fulfil the following criteria:

2.4.2 Local Connection

In line with statutory code of guidance the Council has elected to restrict access to the limited social housing available to applicants with a local connection with the borough. Therefore applicants without a local connection will not qualify for inclusion in the Housing Needs Register unless specifically provided for in legislation or the Exceptions to the Local Connection Criteria in Section 2.4.3.

Definition of a local connection under this policy is different to that under Part 7 of the Housing Act 1996, dealing with homelessness.

For the purposes of this policy an applicant has a local connection with the borough if s/he falls in one of the following classes:

Residence

- a) the applicant or the joint applicant must live in the borough and have done so continuously for the last 2 years.

Residence through family member

- b) the applicant or the joint applicant has a connection with the borough because s/he has an mother, father or adult child, brother or sister (including those by legal adoption) who has lived in the borough for at least 5 years and there is

an evidenced need to move/live in the borough to provide or receive care or support because of an current and ongoing welfare and/or health reason.

Working

- c) the applicant or the joint applicant has a connection with the borough through employment, which means that s/he:
- i) has been and is in continuous employment in the borough for more than 2 years (although not necessarily with the same employer), and
 - ii) the employment must be of at least 16 hours per week, or
 - iii) has been and is in self-employment for more than 2 years with an ongoing viable venture which is undertaken within the borough, and
 - iv) Any work undertaken must be genuine and effective.

2.4.3 Exceptions to the Local Connection Criteria

The following exceptions will apply to qualifying classes:

Armed Forces Personnel

Regulations provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection with the borough:

Those where any member of the applicant's household comes within the scope of the Regulations, namely:

- i) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing
- ii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where
 - the spouse or civil partner has served in the regular forces; and
 - their death was attributable (wholly or partly) to that service; or
- iii) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

Social Housing Tenants – The Right to Move

On 20 April 2015 *The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)* came into force. Consequently the proposed Allocation Policy has been amended to reflect these statutory changes.

The Regulations ensure that, where local housing authorities decide to use a local connection requirement as a qualification criterion, they must not apply that criterion to certain persons so as to disqualify them from an allocation of social housing. Specifically, a local connection requirement may not be applied to social tenants in England who:

- have reasonable preference because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works or has been offered work in the district of the authority and has a genuine intention to take up the offer.

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the borough of Epsom & Ewell, will be deemed to have a local connection if:

- they need to move to borough to avoid hardship; and
- their work is located in the borough of Epsom & Ewell; or
- they have an offer of work in the borough of Epsom & Ewell that they have a genuine intention to accept.

The Council will require documentary evidence to confirm work or an offer of work. Their employer will also be contacted. This will be checked again before an offer of social housing is made.

To assess whether they need to move to avoid hardship the Housing Operations Manager will make an assessment and will take into account the following factors:

- the distance and/or time taken to travel between their work in Epsom & Ewell and their current home;
- the availability and affordability of transport from their current home to their work in Epsom & Ewell taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and child care, which would be affected if they could not move;
- the length of their work contract; and
- 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 will also apply to apprenticeships and offers of apprenticeships but does not apply to work that is short-term or marginal in nature, or ancillary to work in another borough. Voluntary work is also excluded.

Persons who qualify under this section will be assessed in accordance with the welfare or hardship criteria outlined in section 9.3 of this policy and any quotas that may be set aside for this group will be set annually in line with section 16.1 of this policy.

Households accepted as homeless by Epsom & Ewell Borough Council

A household who has been accepted as homeless by Epsom & Ewell Borough Council under the Housing Act 1996 (and has not been referred to another authority on 'local connection' grounds) and duty has yet to be discharged, will be deemed to be a qualifying person with regard to local connection within this policy. People found to be homeless who have a local connection, are defined by the Housing Act 1996 Part 7.

Applicants placed outside the borough by the Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Needs Register.

Retained local connection

Applicants placed outside the borough by the Council into accommodation with a supported housing provider will retain a local connection for the purposes of qualifying for the Housing Needs Register.

Where an applicant has been assisted by the Council with privately rented accommodation through the Rent Deposit Bond Scheme (to prevent homelessness) and that accommodation is outside of the borough, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.

Where someone is in care or an institution outside of the borough they will be treated as having a local connection if they can show that they met the residence local connection prior to being placed there. This will include looked after children and care leavers.

Special or Exceptional Circumstances

Exceptions may be made to the local connection criteria on a case by case basis. For example, where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the borough or where applicants are fleeing domestic abuse or other vulnerable people for whom returning to their area of origin would place them at risk, and there is third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc.

In these cases the information will be reviewed on a case by case basis by the Housing Operations Manager, who will make a decision on whether the exemption should be granted.

Exceptions may also apply if the Council has agreed to assist another Council or housing provider through a reciprocal or partnership arrangement, such as through the Surrey Mobility Scheme or Witness Protection scheme.

2.4.4 A Local Connection will not be established

Where the applicant has been placed in temporary accommodation within the borough by another local authority in the discharge of their homelessness duties or as a prevention option.

Where the applicant has been placed in supported housing within the borough by another local authority and has no qualifying local connection to this borough. Time spent living in the supported housing in Epsom & Ewell will not count as a local connection.

Where the applicant is living in a hostel accommodation or supported housing in the borough they will not be considered to have any local connection unless previous residence or other qualifying local connection in the borough can be proved. Time spent living in this accommodation in Epsom & Ewell will not count as a local connection.

Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the Housing Needs Register.

2.4.5 Applicants Aged 16 or 17 years

Applicants aged 16 or 17 years will be accepted onto the Housing Needs Register providing they do not fall within the groups of applicants who are not eligible or do not qualify. Their application will be jointly assessed by the Council and Surrey County Council's Children's Services before any offer of accommodation is made. A suitable guarantor will need to be identified if the young person is offered a tenancy, which will need to continue until the applicant reaches the age of 18 years.

2.5 Non Qualifying Persons

Non-qualifying persons will not be entitled for inclusion on the Housing Needs Register regardless of local connection. Following classes of persons are classed as non-qualifying persons:

Financial Resources

The Council has set financial qualifying criteria so that people with sufficient household income, savings or assets, or own their own home will not qualify to join the Housing Needs Register. The following classes of applicant will not be entitled for inclusion on the Housing Needs Register:

- a) Single people or couples without dependent children with gross annual earnings of £25,000 or more
- b) Couples or single parents with dependent children with gross annual earnings of £50,000 or more
- c) Applicants with capital or assets in excess of £16,000, with the exception of compensation paid to armed forces personnel for an injury or disability sustained on active service
- d) Owner Occupiers or those with a financial interest in a property – exceptions may apply on a case by case basis to elderly or disabled owner occupiers with a local connection who need sheltered/adapted accommodation and whose home/assets are not of sufficient value to secure such accommodation privately
- e) Applicants who have within 5 years of the date of application disposed of, or deprived themselves of an asset, which they could reasonably have been expected to use to resolve their housing difficulties.

Behaviour

The behaviour of applicants, any member of their household or persons who might reasonably be expected to reside with them, will be taken into account in determining their qualification to join and to remain on the Housing Needs Register.

The behaviour that may affect qualification to join and to remain on the Housing Needs Register is wide ranging and is set out below.

Behaviour – deception and fraud

- a) The applicant is seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances.
- b) The applicant has an unspent conviction for housing or welfare benefit related fraud.
- c) The applicant has obtained a tenancy by deception and/or attempted tenancy fraud.

Consideration will also be given to pursuing a criminal prosecution under s.171 of the Housing Act 1996 (or other similar legislation that may be applicable).

Behaviour – anti-social or criminal behaviour

The Council takes anti-social behaviour seriously and does not believe that tenants or those living in a community should be adversely affected by the behaviour of their neighbours or those living nearby.

- d) An applicant will not be entitled for inclusion on the Housing Needs Register if they or a member of their household has engaged in anti-social behaviour or criminal activity or conduct that makes them unsuitable to be a tenant within two years of the date of the application.

Examples being:

- Any unacceptable behaviour which, if the applicant were a secure tenant, would entitle the housing authority to an outright possession order under the grounds for possession in the Housing Act 1985
- Breaching a condition of the tenancy agreement
- Neglect of a property
- Arson
- Anti-social behaviour
- Nuisance
- Illegal or immoral behaviour
- Violence or threats of violence
- Racial abuse or harassment
- Homophobic abuse or harassment
- Domestic abuse or domestic violence
- Being convicted of an arrestable offence committed in, or in the vicinity of their home
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect.

Where the Council is satisfied that these amount to anti-social or criminal behaviour, which would make the applicant unsuitable to be a tenant, the applicant will not qualify to join the Housing Needs Register. However, if the behaviour or convictions are deemed to have had no impact on the applicants' conduct of a tenancy, the application may not be affected. This will be assessed by a Housing Operations Manager in conjunction with police/probation reports.

Where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as ineligible without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Social Services, the Council's independent medical adviser and local providers of support services

Each Housing Association has its own rules and criteria may still refuse to accept an applicant for a nomination.

Behaviour – housing related debt

- e) Applicants or a member of their household has rent arrears or have an outstanding housing related debt with the Council, current or former rent arrears/debt with a housing association or private landlord and who have not made and maintained suitable repayment arrangements with the debtors. A suitable repayment arrangement will normally mean having an agreed plan in place and payments have been maintained for a period of at least 6 months. If accepted as a qualifying person the applicant would need to have cleared the debt before being considered for a nomination. Each Housing Association has its own rules and criteria may still refuse to accept the applicant for a nomination.

Housing related debts includes:

- rent arrears at a current tenancy* or any former tenancies
- housing benefit overpayment at a current or former tenancies
- court costs associated with possession action or injunctions to address anti-social behaviour
- rent arrears from any temporary accommodation placements
- rent arrears from any current or previous hostel or supported housing placements
- withheld deposits or claims on any bonds which were provided by this Council or any other social housing provider to secure a private tenancy
- an outstanding loan for rent in advance made by this Council to the applicant in order to secure a private tenancy
- any housing debt which has been written off by a social housing landlord within a reasonable period of time
- outstanding re-chargeable repairs associated with a current or former social housing tenancy
- storage charges.

*Exceptions may be made for existing social housing tenants living in the borough, who have current rents arrears caused as a result of the removal of spare room subsidy, and who are looking to downsize to a smaller property.

Behaviour – deliberately worsening circumstances

- f) Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority under the scheme, they will not be able to join the Housing Needs Register for 12 months from the date the Council has informed the applicant of this decision.

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for

example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to bid for suitable accommodation that they may have been offered.

2.5.1 Exceptions to the non-qualifying criteria

Households accepted as homeless by Epsom & Ewell Borough Council

A household who has been accepted as homeless by Epsom & Ewell Borough Council under the Housing Act 1996 (and has not been referred to another authority on 'local connection' grounds) and duty has yet to be discharged, will be deemed to be a qualifying person within this policy. However in the following situation further restrictions may apply.

- For homeless applicants where it is considered that they have enough financial resources as outlined in Section 2.5 the Council will seek to discharge that duty to the homeless households through an offer of suitable accommodation in the private rented sector, which may not necessarily be within the borough.
- Homeless applicants who have housing related debt will not be considered for a nomination until they have cleared the debt and can demonstrate that they can maintain a good rent payment history throughout their tenancy. See Section 9.11.
- Homeless applicants where they, or any member of their household, is engaging in anti-social behaviour or criminal activity the applicant will not be considered for a nomination if there has been formal action for anti-social behaviour or criminal activity taken against them within two years.

The accommodation needs of applicants who are subject to Multi Agency Public Protection Arrangements (MAPPA)

S325 of the Criminal Justice Act 2003 imposes a duty to co-operate on housing authorities in Multi-Agency Public Protection Arrangements (MAPPA) cases.

An exception to the non-qualify policy may be made for serious offenders subject MAPPA whose re-housing is a public protection issue. Normally these cases will be considered in partnership with probation, police and registered social landlords under the Housing of Offenders Protocol.

Exceptions may be made to the non-qualifying criteria on a case by case basis when it is considered appropriate in light of all circumstances, including other statutory obligations.

2.6 Notifying ineligible and non-qualifying applicants

The Council will write to anyone who is being excluded from the Housing Needs Register giving their reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Needs Register and to be informed of the decision on the review and the grounds for it. See Section 19.2.

Where an applicant who the Council in the past has decided is to be treated as ineligible or non-qualifying and the applicant considers that they should no longer be treated as such they may make a fresh application to the Council.

On that fresh application it will be for the applicant to show the Council that their circumstances or behaviour have changed so that they should not now be excluded. Any

such change will be considered by the Council on its merits and against the Council policy and local conditions at the time of the fresh application.

If at any time the Council obtains information that leads it to believe that an applicant already on the Housing Needs Register is ineligible or not qualifying, it will inform the applicant in writing. The applicant will be given 28 days to provide information showing that they are eligible or qualifying. If they do not reply within this period, or if they reply but the Council remains of the view that they are ineligible or non-qualifying, they will be removed from the Housing Needs Register.

2.7 Evidence Required

The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is eligible by law and considered to be a qualifying person. Additional information will be requested by the Council.

3.0 Applying For Housing

3.1 How to Apply

To apply for social housing, applicants must be registered on the Council's Housing Needs Register. All applicants requesting entry on to the Housing Needs Register must complete an on-line application form and provide the required supporting documentary evidence.

The online application form can be completed via Epsom & Ewell HomeChoice at www.eebc-homechoice.org.uk.

The on-line application form asks for information about the applicant and any household members and about the applicant's current accommodation. It is important to answer every question on the on-line application form.

An instruction guide on how to apply is available on the HomeChoice website. However if an applicant cannot access the internet or needs assistance they should contact Housing Services and we will arrange an appointment.

Any incomplete on-line application forms will not be processed. The registration date of the application will be the date the on-line form is submitted as long as the required documentation is received within fourteen days. If the documentation is received after this period that date will be used as the registration date.

3.2 Supporting Documentation

At the time of applying all applicants will be required to provide Housing Services with the required documents within 14 days of submitting their on-line application. Original documentation must be provided where requested.

A list of required documents can be found on the HomeChoice website. These will also be on the PDF of the application emailed to the applicant. Any documents provided will be electronically scanned and returned to the applicant.

Supporting documentary evidence will normally include:

- Photographic proof of identity for all household members

- Evidence of their right to be allocated housing in the UK if they are not British Citizens. Note: Under recent regulations some people have the right to reside in the UK but no right to housing.
- Proof of current address
- Proof of their local connection
- Proof of income, saving, assets
- Proof that any dependent child(ren) reside with the applicant i.e. child benefit
- Any other evidence required to demonstrate that the applicant are eligible and qualify to join the Housing Needs Register
- Additional information will be required where an applicant currently or has previously owned a property.

3.3 Applicant's consent and declaration

When an applicant applies for social housing, they will be required to make an on-line declaration to confirm that:

- The information they have provided is true and accurate
- They will inform the Council of any change in circumstances that might affect their housing needs application/registration
- They consent for the Council to contact and share information with Social Housing providers and support agencies, Citizens Advice Bureaux, Local Authorities, Social Services, the Police and Probation Services, Solicitors, former landlords/agents, the Benefit Agency (DWP), local Councillors, Doctors and other health professionals including the Primary Care Trusts, as applicable.
- They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct.

The Council may take legal action against applicants who withhold or provide false information regarding their housing application.

Where an applicant has been allocated a property as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

3.4 Verification

The Council will verify the information provided which may include inviting the applicant for an interview or completing a home visit. Further verification will be required at the time an applicant is nominated for a property and the Council may check information with other sources as allowed by the law, including credit referencing agencies. See Section 20 & 21.

4. Assessment

Once the applicant has provided all the required information the application will be assessed.

Eligible and qualifying applicants will be placed into an application category of either homeless, waiting list or transfer applicant. Applications will then be assessed according to their level needs and will then be placed in one of five bands.

The position in that band will be determined by the band date and then the registration/application date. See Section 9.

An applicants' bedroom entitlement will be assessed in relation to their household size according to the Council's Bedroom Standard Criteria. See section 10.1.

They will then be registered on the Council's computer system for the Housing Needs Register and will be able to bid for properties through Council's Choice Based Lettings Scheme, Epsom & Ewell Home Choice.

4.1 Registration Date

All applications will be given a 'registration date'. This will be used when allocating properties to determine how long an applicant has been entered on the Housing Needs Register. The registration date of the application will be the date the on-line form is submitted as long as the required documentation is received within fourteen days. If the documentation is received after this period that date will be used as the registration date.

4.2 Band Date (Effective Date)

The Band Date is the date the an applicant became eligible for inclusion in the band and will generally be an applicant's registration date or the date the Council were informed of the change of circumstances that entitled the applicant to be included in that band. (See Section 10.1 Bedroom Standard Criteria.)

5.0 Notification

After assessment the Council will write to eligible and qualifying applicants to inform them of their:

- Registration date
- Priority Band and Band Date
- The bedroom category
- Their unique reference number, which will allow them to bid for properties through the choice based letting scheme Epsom & Ewell Home Choice
- Likely chances of being housed

If an applicant is not eligible or does not qualify for inclusion on the Register, the Council will notify them in writing, giving the reasons for the decision and informing them of the right to request a review of the decision. See Section 19.2.

They will also advise that information about alternative housing options which include private sector opportunities and shared ownership, can be provided by Housing Options Services.

6.0 Application, Renewal, Change of Circumstances & Cancellation

6.1 Annual Renewal

The Council considers that applicants wishing to be considered for social housing should take responsibility for ensuring that they comply with the renewal process.

All applicants registered will be required to renew their Housing Needs Register application on an annual basis. On the anniversary of an application the Council will send out a renewal notice to those applicants. All applicants who receive this notice must update their on-line application form within 28 days. If the updated on-line form is not submitted within 28 days the applicant will be informed in writing that the application has been cancelled and that their application will be removed from the Housing Needs Register.

Where an applicant wishes to re-join Housing Needs Register at a later date their new registration date will be the date they re-apply and their application will have to be re assessed.

6.2 Change of Circumstances

Applicants are required to notify Housing Services immediately of any changes in their personal circumstances that affects their housing needs in order that any necessary amendments can be made to their application. This can be done at any time by updating their on-line application form. If an applicant moves address they will be required to update their on-line form and their application will be reassessed based on their new housing circumstances.

Applicants will be required to provide Housing Services with the documentation to support any change of circumstances within 14 days. The date used to assess the change of circumstances will be the date the documentation are received by the Council. This will not be backdated.

Any delay in notification will affect an applicants' priority for rehousing and could result in an application being cancelled or excluded from the Housing Needs Register. See Section 2.4.

Notifying other departments of the Council such as Housing Benefits, etc of change of address or circumstances, does not qualify, as information is not routinely passed between departments.

If following an update or the renewal of an application a change in the applicant's circumstances results in a band change, the Council will inform the applicant in writing of the new band, the reason for it, the applicable priority date and of their right to request a review of this decision. See Section 19.2.

6.3 Cancelling an application

An application will be cancelled from the Housing Needs Register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible or non-qualifying for housing
- 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 renewal process, or where they move and do not provide a contact address
- Where the applicant has died

When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, the Council will contact the applicant to check their circumstances before cancelling the application. If the applicant wishes to appeal against a decision to cancel their application they may contact the Council in writing within 21 days of the date of the cancellation letter to request a review. See Section 19.2.

7. Who can be included on the application and be considered part of the household?

Members of the applicant's household will normally be permanently residing with the applicant as their only or principal home at the time of registration and still be resident with the applicant at the time of allocation of a property. For the purposes of this Policy people in the following categories will be considered members of the household:

Applicant or joint Applicant

- Sole applicant
- Married or civil partners, or
- Cohabiting partners who are living with the applicant and can show evidence that they are in a long term & enduring relationship
- Any adult siblings who have lived together for more than 12 months

Dependent Children (Under 18)

Any parent(s) and dependent children or foster children permanently residing with the applicant(s) or who would reasonably expect to be permanently residing with them. The applicant(s) will be required to provide proof that the child resides with them as their main home. Children are only treated as living with the parent that is responsible for them and provides their main home. For a person to be treated as responsible for a child or young person, the child or young person must normally be living with that person as their main home. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving child benefit for them. Any reference to child includes those by legal adoption.

Adult Children

Adult children who are not dependent and normally lives with the applicant but the adult child is in the Armed Forces and is away on operations.

Adult children who are still living at home because of a care need. The applicant will need to demonstrate to the satisfaction of the Council that care is necessary.

Adult children living in the family home may be considered to be a separate household if they live with their partner or have a child.

Adult children will be considered as a separate household where it would be reasonable to do so, and will be considered on a case by case basis.

Dependent relative

A dependent relative who is unable to live independently and there are no other reasonable options for the family and they have been part of the household for a minimum of six months.

The family will be expected to provide evidence to support this. Where necessary the advice of the Council's medical advisor or other independent medical advisor, may be sought on whether the relative needs to live with the family. Where this is not considered essential, other options, such as sheltered housing, will be discussed with the family before a decision is made as to whether the relative should be included in the application or advised to make a separate application.

Carers

Where the applicant can demonstrate to the satisfaction of the Council that a live-in carer is necessary, this will be taken into account in determining the size of accommodation needed for their household. There must be an established need for overnight care, which can be demonstrated by the person being cared for receiving Attendance Allowance, or receiving Disability Living Allowance (DLA) care middle or higher rate and Housing Services have been provided with sufficient medical evidence and details of the community care assessment to show care is required.

8.0 Assessing Need and Level of Priority

This section of the policy sets out the factors which will be considered and the priority accorded to them when someone makes an application for housing. Applications will be considered on an individual basis however all assessments and subsequent nominations will be made in accordance with this allocations policy.

8.1 How Needs are Assessed

An applicant's priority for housing will be assessed on the basis of the information provided in the application form they have completed, revised information provided by the applicant as a result of a change in their circumstances and other information which comes to the attention of the Council which is relevant to their application.

Qualifying applicants are assessed according to their current housing circumstances and the needs of their household and are placed in one of five priority bands A to E.

- Urgent Housing Need - Band A
- High Housing Need - Band B
- Identified Housing Need - Band C
- Low Housing Need/Reduced Priority - Band D
- No Housing Need - Band E

The Council's system for awarding bands is detailed on Appendix 2. The basis for that system is set out below in Section. 9.0.

8.2 Legal Duties

The Council is required by Part 6 of the Housing Act 1996 to have a scheme for determining its priorities and procedures to be followed when allocating housing accommodation. A Council's Allocations Scheme is required to give 'reasonable preference' to certain categories of people.

8.2.1 Reasonable Preference

The system for determining priority has been designed to ensure that reasonable preference is given to the following categories of people, as set out in s.166A(3) of the Housing Act 1996:

- people who are homeless (within the meaning of Part 7 of the 1996 Act)
- people who are owed a duty by any local housing authority under s190 (2), s193 (2) or s195 (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 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 and including grounds relating to a disability people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s166A(3), over those who do not. There is no requirement to give equal weight to each of the reasonable preference categories. There is also no requirement for the scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis.

The Scheme allows additional preference to be given to those households identified as having the most urgent needs. In addition, the Council will take into account local circumstances in determining which applicants are to receive preference under the Scheme.

Applicants will not be given Reasonable Preference if they would only qualify for Reasonable Preference by taking into account a “Restricted Person”. A “Restricted Person” is a person subject to immigration control who is not eligible for homelessness assistance because they do not have leave to enter or remain in the UK or have leave which is subject to a “No Recourse to Public Funds” condition.

8.2.2 Additional Preference Categories

Section 166A(3) gives Councils the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. Additional preference will be awarded to:

- those who need to move urgently because of a life threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence

The Scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of the statutory reasonable preference categories and who-

- is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to her/his service
- formerly served in the regular armed forces
- is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of her/his spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces
- is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to her/his service.

9.0 How applicants are prioritised

9.1 Awarding priority to people owed a duty under Part 7 of the Housing Act 1996

As outlined in Section 8.2 there is a legal requirement for housing authorities to frame their allocation scheme to give reasonable reference to people who are owed certain homeless duties. The applicant will be placed in the appropriate band dependant on what duty is owed. These are listed in Appendix 2.

9.2 Awarding Priority to people who are occupying insanitary, overcrowded or unsatisfactory housing

Disrepair: Where an applicant raises these concerns about their current home it will be necessary for the Council's Environment Health Officer (EHO) to conduct an assessment of the accommodation under the statutory Housing, Health and Safety Rating System. This assessment will determine whether any 'Category 1 or 2 hazards' exist in the home that give rise to the award of greater priority to move (e.g. because of serious disrepair that presents a threat to the household's health). The results of such assessments may lead to enforcement action being taken against the property owner to address the hazard(s) identified and may not therefore necessarily lead to the award of greater priority for rehousing. We would expect the landlord to take action to remedy the problem in the first instance.

Households whose accommodation is assessed as being in extreme disrepair (Closure /Demolition Order) by the Council's Environmental Health Officer and the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a very serious risk to the applicant health will be placed in Band A.

Households whose accommodation is assessed as being in disrepair where the Council's Environmental Health Officer has determined the property poses a category 1 hazard under the housing, health and safety rating system, the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a significant risk to the applicant health will be placed in Band B.

Households whose accommodation is assessed as being in disrepair where the Council's Environmental Health Officer has determined the property poses a category 1 or 2 hazard under the housing, health and safety rating system, the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a risk to the applicant health will be placed in Band C.

Before awarding such bandings an assessment would be made as to whether all reasonable steps had been taken to remedy the situation, including securing more suitable accommodation elsewhere in the private sector.

Insanitary or unsatisfactory housing: Priority will be awarded where an applicant's current accommodation lacks particular basic amenities such as bath, kitchen or hot/cold water supplies, or these facilities have to be shared with another household.

Applicants living in unsatisfactory housing lacking basic facilities which cannot be provided by the landlord at reasonable cost within a reasonable timescale will be placed in Band B. This includes applicants without access at all to any of the following facilities: kitchen, bathroom, inside WC, hot or cold water supplies, electricity, gas or adequate heating.

Households with dependent children where the facilities such as kitchen and bathroom are shared with others who are not members of the applicant's household will be placed in Band B.

Households with dependent children with no living room or sharing a living room with another household (i.e. people they are not related to in a flat or house share situation) will be placed in Band B.

Couples and single people over 35 without dependent children sharing a bathroom and/ or kitchen with another household will be placed in Band C.

Couples without dependent children with no living room or those sharing a living room with another household will be placed in Band C.

Before awarding such bandings an assessment would be made as to whether all reasonable steps had been taken to remedy the situation, including securing more suitable accommodation elsewhere in the private sector.

Under Occupancy: The Council considers existing social housing tenants living in borough to be unsatisfactory housed if they are under occupying their accommodation or not living in the type of accommodation suitable to meet their needs.

Social housing tenants living in the borough looking to downsize from their existing accommodation, move from general needs to sheltered accommodation or no longer need an adapted property will be placed in Band B.

Overcrowded: Where an applicant raises these concerns that their current home is overcrowded it will be necessary for the Council's Environment Health Officer (EHO) to conduct an assessment. This assessment will determine whether any overcrowding exist in the home that give rise to the award of greater priority to move.

There are two legal definitions of overcrowding as defined Under the Housing Act 1985, a dwelling is overcrowded when the number of persons sleeping there is such as to contravene either the "space standard" or the "room standard". These will be used to assess whether a property is overcrowded. If either or both of them apply, the property will be statutorily overcrowded. Applicants who are assessed as being statutorily overcrowded will be placed in Band B.

Households with insufficient bedrooms for their needs as assessed against the Council's bedroom standard will be placed in Band B.

Before awarding such a banding an assessment would be made as to whether all reasonable steps had been taken to remedy the situation, including securing more suitable accommodation elsewhere in the private sector.

9.3 Awarding priority to people who need on welfare or hardship grounds

Applicants may have a need for settled accommodation because of risks posed to an applicant's welfare, which other applicants would not face. Additional priority may be awarded to an applicant where there are particular welfare or social factors or exceptional circumstances, which are not covered elsewhere within the policy. For example, there may be care and support needs which make it important that settled accommodation is available so that these needs can be met and support services arranged, or the applicant will face hardship if unable to give or receive support.

This will need to be substantiated by other agencies and the Council will contact the Police, Social Services, Carers or other support workers as appropriate in carrying out a joint welfare/support assessment. The information will be reviewed on a case by case basis by the Housing Operations Manager, who will, make a decision on whether priority should be granted. Additional priority will only be made in exceptional circumstances

An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated by other agencies will be placed in Band A. e.g. Victims of domestic violence, racial harassment and applicants accepted under the National Witness Protection Scheme.

Applicants who need to move due to domestic abuse, actual violence or threats of violence or extreme harassment/intimidation, where their life is not in immediate danger, will be placed in Band B. This has to be substantiated by other agencies.

Applicants who are considered to have special circumstances requiring them to move which has been substantiated by two or more agencies, will be placed in Band B.

This award will only be made in exceptional circumstances. The Housing Operations Manager will make the award of this band after a review of the applicant's circumstances

Applicants who need to move on welfare grounds including to give or receive care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse, will be placed in Band C. The Housing Operations Manager will make the award of this band after a review of the applicant's circumstances.

9.4 Awarding priority to people who need to on medical grounds

Applicants who has indicated on the on-line application form that they or anyone in their household have an illness or disability, which is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation, are required to complete the medical section of the on-line application form. There will usually be a need to provide supporting documentation from the most appropriate health or social care professional that has direct knowledge of the applicant's condition, as well as the impact their condition has on their needs to be re-housed.

In most cases the Council will seek advice from the Council's Medical Advisor (or other independent medical advisor) who is an independent health professional. Where the information provided relates to minor ailments, a Council Officer may carry out an assessment.

The Council will consider all recommendations from health professionals and the Medical Advisor but the final decision on the medical priority awarded rests with the Council and not with the independent Medical Advisor.

Medical Priority

Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their present housing conditions, the expected benefits of providing suitable alternative settled housing and whether the Council or its housing association partners could provide accommodation that would alleviate the medical condition or substantially reduce the difficulties caused by it.

Any medical or health/welfare condition must be current, ongoing and evidenced by health professional. In each case the recommendation is based on the judgment of need. Households with medical needs will be placed in one of the following bands: -

- **Band A - Medical Overriding** will be recommended where the applicant or one of the household has a life threatening condition or disability which is seriously affected by their current housing and the current accommodation is wholly inappropriate to occupy. Band A will also be given where current housing conditions and/or other circumstances are having such a serious major adverse effect on the medical condition of any member of the household as to warrant emergency priority. All recommendations for Medical Band A will be referred to the Council's Medical Advisor or other independent medical adviser.
- **Band B - High Medical Need** will be recommended where the current housing conditions are having a major adverse effect on the medical condition or disability of the applicant or one of the household, which creates a particular need for them to move. All recommendations for Medical Band B will be referred to the Council's Medical Advisor or other independent medical advisor.
- **Band C - Medium Medical Need** will be recommended on medical and/or disability grounds where the housing circumstances have an adverse effect on the applicant's or household member medical condition or disability but rehousing would only have a marginal impact on long term improvement and where there are no other suitable housing options. Recommendations for Band C will not always be referred to the Council's Medical Advisor or other independent medical advisor. However, where there is a recommendation for Band C and this is one of a range of needs, the Council's Medical Advisor's opinion may be sought as to whether additional preference should be given and the applicant placed in a higher band.
- **Band D - Low Medical Need** will be recommended where rehousing is unlikely to improve the applicant's health or where accommodation in itself is not affecting the illness then no medical need will exist and no priority will be given on this basis.

The Council's Medical Advisor or other independent advisor will make a recommendation on each referred household considered as a whole, based on the effect that their existing accommodation has on the medical condition of household members, and the anticipated benefit from rehousing.

Medical priority will be reviewed and may increase or decrease under the following circumstances if: -

- the applicant(s) move to alternative accommodation
- there is a change in the composition of the household
- there is a material change in the medical condition of an applicant or other member of their household.
- the condition is pregnancy related, following the birth of the child
- the condition is acute and the applicant had been awaiting treatment, and the treatment has now been completed.

Medical priority may not be awarded if the condition is short term and the applicant would normally be expected to make a full recovery, e.g. broken leg.

Medical priority may also be time limited in certain circumstances and reviewed at the end of the priority period. In such cases priority may be extended if suitable accommodation has not become available over the time limited period.

Applicants will be notified in writing of the decision about a medical or welfare award. They will be advised they have the right to request a review of the decision.

9.5 Awarding priority to Care Leavers

The procedure for assisting Care Leavers with rehousing is contained the in the Surrey Young Person & Care leavers joint protocol.

Surrey County Council (SCC) is responsible for meeting the housing and support needs of any Looked After Children until they reach 18. SCC should ensure a Housing Needs Register application is completed on behalf of the Looked After Child from their 16th birthday. The Council will be involved in the pathway planning process of a looked after young person on or by the 17th birthday.

The Council will not cancel any application made on behalf of or by a Looked After Child (LAC) or Formerly Relevant Child (FRC) but will require a letter of confirmation of status and ongoing support by SCC at the time of application. It is the responsibility of SCC to keep the Council informed of all changes in circumstances and relevant information in respect of this applicant group

A young person will be offered assistance to secure suitable housing when they leave care. In most instances this is likely to be supported housing so they are able to develop independent living skills. Private rented housing will be considered in appropriate circumstances.

Care leavers in supported or other housing will be monitored regularly through joint meetings and when they are assessed as ready to move on to more independent self-contained rented housing will be assisted to do so.

Applicants who are care leavers and who have been referred by SCC and who are assessed as ready to move into independent settled housing and have the life skills to manage a tenancy will be included in Band B when they are within 12 months of having to leave their care placement and Band C until they are within 12 months of having to leave their care placement. This will only apply to applicants where the originating borough was Epsom & Ewell for the purposes of a statutory duty by SCC. For applicants where Epsom & Ewell is not the originating borough and the duty is held elsewhere, applications will be treated in line with general Housing Needs Register applications outlined in this policy.

9.6 Move on from Supported Housing within the Borough

Households living in supported accommodation where the original referral was made by the Council and they are ready for independent living and where a move on report has been completed by a support worker or landlord, identifying any on- going support that may be needed will be placed in Band B.

9.7 People in prison or detained in a specialist hospital as a result of an offence

Qualifying applicants who have been allowed on to the Housing Needs Register in light of the Council's duty to co-operate with other agencies, and who are imprisoned will be placed in Band E until such time as their discharge date. After which their application will be reassessed and placed in the appropriate band.

For offenders that have spent more than one year in prison or for other serious offenders a risk assessment will be required prior to their consideration for re-housing.

Offenders that are subject to MAPPA may qualify for Band B if considered appropriate.

Similar arrangements will apply for those that are detained in hospital having committed an offence.

9.8 No Fixed Abode, Roofless and Sleeping Rough

An applicant will be held to be of no fixed abode when they are staying with various friends; family members etc, and have no permanent home, which includes people who are living in an institution where they will have no accommodation available for them to occupy when they are discharged/ released. This includes prison, mental health units and accommodation; rehabilitation units and respite placements. It also includes people resident in a direct access night hostel where they otherwise have a local connection with Epsom & Ewell Borough Council. These applicants will be placed in Band D.

An applicant will be considered to be roofless when they are unable to stay with any friends, family members, or at hostels, night shelters etc, and the Council has reason to believe that they are permanently sleeping rough, in a tent or car and with no immediate access to any essential facilities. These applicants will be placed in Band C.

9.9 Awarding priority to Armed Force Personnel

Section 166A of the Housing Act 1996 provides that a local authority's must frame their allocation scheme to give additional preference to certain members of the armed forces who are in urgent housing need and who meet one or more of the following criteria:.

- is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to her/his service
- formerly served in the regular armed forces
- is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of her/his spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces
- is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to her/his service.

In line with the Government's Armed Forces Covenant published in May 2011 local authorities are also strongly encouraged to take into account the needs of all serving or former Service personnel when framing their Allocation Schemes.

Applicants who have a local connection with the borough who are Armed services, former armed forces personnel or their bereaved spouse/partner who need to move urgently and have either an assessed housing need because of a serious injury, medical condition or disability sustained as a result of their service or are no longer entitled to reside in Ministry of Defence accommodation due to retirement, honourable discharge or redundancy. These applicants will be placed in Band B.

Applicants who have no local connection with the borough who are Armed services, former armed forces personnel or their bereaved spouse/partner who need to move urgently and have either an assessed housing need because of a serious injury, medical condition or

disability sustained as a result of their service or are no longer entitled to reside in Ministry of Defence accommodation due to retirement, honourable discharge or redundancy. These applicants will be placed in Band C.

Armed Services or former armed forces personnel assessed as having no housing need with or without a local connection with the borough will be placed in Band D.

Applicants will need to advise the Council when they are due to leave military service and attend the Town Hall for a Housing Options interview prior to Band B priority being awarded.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006.”

9.10 Reciprocals

A reciprocal is where one Council re-houses an applicant from another Council or Registered Providers on the understanding that the Council or RSL who has given up a property will, at some stage, be offered a property for someone from their Housing Needs Register.

The Council will consider a reciprocal in the following circumstances:

- Where the applicant is fleeing violence, including domestic violence.
- Where special needs accommodation is vacant and there is no one on the Epsom & Ewell Borough Council’s Housing Needs Register in need of the type of accommodation in question.
- Where there are exceptional management reasons requiring a move e.g. when a tenant from another authority is to be a witness in criminal proceedings and needs to be moved for their own protection.
- Where a request for assistance is made through the mobility scheme for the re-housing of victims of violence in accordance with the current procedure agreed by the Surrey District Housing Authorities
- Where a request for assistance is made through the mobility scheme for the re-housing of offenders in accordance with the current protocol agreed by the Surrey District Housing Authorities and other partner agencies.

Before any agreement is given to a reciprocal, a full written report of the circumstances is required from the other Authority/Agency. The decision whether or not to accept a reciprocal will be made by the Housing Operations Manager, who may also need to be satisfied that an applicant in housing need from Epsom & Ewell can be housed by the other Authority within a reasonable time. A written commitment to the granting of a property in return for re-housing is also required from the other Council or RSL.

If additional priority is regarded as appropriate the Housing Operations Manager will decide which of the following awards should be given as described below.

- Band A will be awarded where, in very exceptional circumstances an applicant is assessed as needing an emergency move, e.g. an applicant’s life would be in immediate danger if they continued to live in their current property, or an applicant is unable to occupy their current property due to severe medical problems.

- Band B will be awarded where an applicant has an urgent need to move on welfare grounds or because of other special circumstances, or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agency.
- Band C will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

9.11 Reduced Priority

There are certain limited circumstances where the Council considers that it is appropriate to award a lower priority or reduce an applicant's priority. This will be particularly the case where the conduct or behaviour of an applicant and/or members of their household is not extreme enough to exclude from the Housing Needs Register but where it is considered sufficient to warrant a reduced priority being awarded.

Reduce Priority may be awarded in the following situations:

- Waiting list and transfer applicants who refuse 3 suitable offers of accommodation will have their priority reduced. Their degree of preference (banding) will continue to be determined by their housing need assessment but their Band Date will be amended to be the date of refusal of the third offer, therefore reducing their priority within the band.
- Applicants and/or members of their household where anti-social behaviour is not extreme enough to exclude from the Housing Needs Register but where it is considered sufficient to warrant a reduced priority being awarded. Evidence used to assess this will include reports from police and other agencies. These applicants will be placed in Band D.

The Council reserves the right to review the situation at its discretion and will require evidence of improvement in behaviour that has been for a period of no less than 12 months. This includes applicants who have been accepted as homeless. Once the Council is satisfied that there has been an improvement in behaviour the application will be reassessed and placed in the appropriate band according to their circumstances. The new band date will be the date they qualify for (re-)inclusion in that band and any previous time priority will be disregarded.

- Qualifying applicants who have housing related debt and do not have in place (and are keeping to) an agreed repayment plan. This includes applicants who have been accepted as homeless. These applicants will be placed in Band D.

Once an applicant has made and is keeping to an agreed repayment the application will be reassessed and placed in the appropriate band according to their circumstances. The new band date will be the date they qualify for (re-)inclusion in that band and any previous time priority will be disregarded.

- Applicants found to be Intentionally Homeless. Applicants will be placed in Band D and will remain in this band for 12 months from the date of the intentionality decision. After the 12 months the application will be reassessed and placed in the appropriate band according to their circumstances. The new band date will be the date they qualify for (re-)inclusion in that band and any previous time priority will be disregarded.

- Qualifying applicants who have deliberately worsened their circumstances and or and could have remained in a home they owned, rented or shared but chose to leave or dispose of it within the 5 years prior to making an application. This includes not bidding on suitable properties that would resolve their housing need. Applicants will be placed in Band D and will remain in this band for 12 months. After the 12 months the application will be reassessed and placed in the appropriate band according to their circumstances. The new band date will be the date they qualify for (re-)inclusion in that band and any previous time priory will be disregarded.

The information will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether reduced priority should be granted. A decision may be made not to apply reduced priority where it is considered appropriate in light of all circumstances, including other statutory obligations.

9.12 Persons with No Housing Need

Applicants who do not have an identified housing need as defined in this policy will be placed in Band E.

9.13 Transfer Applicants

The transfer list is part of the Housing Needs Register. All applications from existing social housing tenants will be assessed on the same basis of housing need, i.e. needing larger or smaller accommodation, a medical or social need to move. Applications for transfer are not usually considered unless their current rent account is clear. Exceptions may be made for tenants living in the borough, who have current rents arrears caused as a result of the removal of spare room subsidy, and who are looking to transfer and downsize to a smaller property.

10. Bedroom Entitlement

The number of bedrooms for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out below and are aligned to the DWP social sector size criteria as introduced following the Welfare Reform Act 2012. Applicants not dependent on benefits will be subjected to the same Bedroom Standard as this is considered to be the fairest way to allocate social housing without discriminating against those who are benefit dependent.

The Council will not offer a home that is larger or smaller than the identified need. The Council has decided to align its bedroom standard criteria with the criteria which apply to housing benefit applications. By doing so the Council will never knowingly under occupy a family home unless in special circumstances which are set out in the notes below.

10.1 Bedroom Standard Criteria

An assessment will be first made to assess who is to be considered part of the applicants' household as outlined in Section 7. The following criteria are then used to calculate the number of bedrooms rooms that a household requires.

One bedroom will be allowed for the following:

- every adult couple
- a single person aged 16 or over
- any two children of the same sex under the age of 16
- any two children regardless of sex under the age of 10

- any other child under the age of 16

10.1.2 Situations where an additional bedroom may be allowed

An additional bedroom may be allowed in the following circumstances:

- if the applicant has a disabled child who cannot share a bedroom due to their disability (see below)
- if the applicant is an approved foster carer (see below)
- if the applicant requires a non-resident carer who provides overnight care (see below)
- if the applicant has an adult child who is away on operations in the Armed Forces (see below)

Disabled Children

An additional bedroom may be allowed where there is a disabled child who cannot share a bedroom due to their disability.

A separate bedroom is allowed for a child in the household where that child is:

- in receipt of the care component of disability living allowance at the middle or highest rate; and
- is not reasonably able to share a bedroom with another child.

When an applicant says that their children cannot share a bedroom Housing Services should be provided with sufficient medical evidence to satisfy themselves of these factors. Housing Services will then have to assess the individual circumstances of the applicant and their family and decide whether their disabilities are genuinely such that it is inappropriate for the children to be expected to share a room. This will involve considering not only the nature and severity of the disability but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. In all cases this will come down to a matter of judgment on the facts

Foster Children

An additional bedroom is allowed if the applicant is an approved foster carer, and s/he:

- has a foster child living with them, or
- is between placements and has fostered a child in the last 12 months

Applicants who have become approved foster carers in the last 12 months but do not have a child living with them will be assessed on a case by case basis.

Only one extra bedroom is permitted regardless of the number or sex of foster children in the household.

Housing Services must be satisfied that all appropriate evidence is in place before allowing the additional room. The applicant will need to provide a letter confirming their approval from the social worker responsible for their assessment.

This additional bedroom criteria does not apply to special guardianships or private foster care arrangements.

If the applicant ceases to be an approved foster carer or their approval is revoked, the additional room will cease to apply to the size criteria.

Child in the Armed Forces

An additional bedroom is allowed if the applicant, or her/his partner, has an adult child/step-child, who normally lives with them, who is in the Armed Forces and:

- is away 'on operations'. This does not necessarily mean on duty outside the UK, it also covers pre-deployment training and post-operation leave (i.e. 'normalisation')
- has been a non-dependant when living at home
- intends to return to the claimant's home.

Member of the Armed Services means a member of the Naval Service, British Army or Royal Air Force of the Crown or members of the Reserve Forces.

Housing Services must be satisfied that that the adult son or daughter normally lives with them and has been deployed on operations. The applicant will need to obtain a letter from the son or daughter's chain of command in the armed forces, confirming the deployment.

Carers

An additional bedroom is allowed if the applicant or joint applicant, or her/his partner require an additional bedroom for a non-resident carer or team of carers who provides overnight care.

Housing Services must be satisfied that:

- The bedroom is 'reasonably required' for a non-resident overnight carer or team of carers who normally live elsewhere
- The care is received and required
- Care should be sufficiently regular and frequent to enable the applicant, or her/his partner to continue to live in the community
- There must be an established need for overnight care, which can be demonstrated by the person being cared for receiving Attendance Allowance (AA), or receiving Disability Living Allowance (DLA) care middle or higher rate and Housing Services has sufficient medical evidence and details of the community care assessment to show care is required.

This additional bedroom criteria does not apply if care is needed by another member of the household.

In cases where an additional bedroom is allow under the above criteria this does not mean that they will be entitled to housing benefit or universal credit for this additional room.

Disabled adults

Couples who are unable to share a bedroom because of a disability or need an additional room for storage of medical/special equipment would only be allowed an additional bedroom in exceptional circumstances where there is an overriding medical need supported by the Council's Medical Adviser.

When an applicant says that they cannot share a bedroom Housing Services should be provided with sufficient medical evidence to satisfy themselves of these factors. Housing Services will then have to assess the individual circumstances of the applicant and decide

whether their disabilities are genuinely such that it is inappropriate for them to be expected to share a room. This will involve considering not only the nature and severity of the disability but also the extent and regularity of the disturbance to the sleep of the person who would normally be required to share the bedroom. In all cases this will come down to a matter of judgment on the facts.












Where an additional bedroom is allowed under this criteria this does not mean that they will be entitled to housing benefit or universal credit for this additional room.

10.1.3 Situations where an additional bedroom is not generally allowed

Separated parents - shared care of children

Where parents who don't live together have shared care of their children the children are only treated as living with the parent that is responsible for them and provides their main home. For a person to be treated as responsible for a child or young person, the child or young person must normally be living with that person as their main home. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving child benefit for them.

10.2 Bedroom Standard Criteria

Bedroom Standard Criteria					
Household Size	Number of Bedroom				
	Bedsit	1	2	3	4
Single Person					
Couple without children					
Parent(s) with 1 child					
Parent(s) with two children of different sexes who are both under 10 years of age					
Parent(s) with two children of same sex under 16 years of age					
Parents(s) with two children where one child is aged 16 years or over					
Parent(s) with two children of different sex where the eldest is 10 years of age					
Parent(s) with three or four children depending on the age and sex of the children*					
Parent Parent(s) with five or more children					
One bedroom for any two children of different sex who are both under 10 years of age					
One bedroom for any two children of the same sex under 16					
An additional bedroom for any remaining children or additional person aged 16 years or over to a maximum of 4 bedrooms					
An additional bedroom may be allowed if the applicant has a severely disabled child who cannot share a bedroom due to their disability					
An additional bedroom may be allowed if the applicant is an approved foster carer					
An additional bedroom may be allowed if the applicant requires a non-resident carer who provides overnight care					

An additional bedroom may be allowed if the applicant has an adult child who is away on operations in the Armed Forces
A child up to 12 months is ignored in the calculation of room deficiency, but not in the assessment of rehousing bedroom requirement
If any bedroom(s) fall below the minimum legal size requirement the Council can award points on the basis of room deficiency.
There is a very limited supply of properties larger than 4 bedrooms, therefore all households who require a larger property will be considered for properties with 4 bedrooms. Any assessment of need will be made on this basis.

11.0 Type of Accommodation and Best use of Stock

The Council aims to make the best use of properties within the stock to which it nominates. When allocating or advertising properties consideration will be given to the best use of that property; therefore some households may be given additional priority for a particular vacancy. Properties with two separate reception rooms will be considered to have an additional bedroom. For example a 2 bedroom property with 2 reception rooms may be let as a 3 bedroom property.

Properties that are considered to be larger than an average property may be let to households with the greatest number of family members. For example, a property with 3 double bedrooms may be considered for a 6 person household before those with 5 persons.

The authority has a very limited supply of properties larger than 4 bedrooms, therefore all households who require a larger property will be considered for properties with 4 bedrooms.

Where a property has been adapted for a person with disabilities and a suitable applicant cannot be identified within a reasonable timeframe the property may be let as temporary accommodation to avoid removal of the adaptations.

11.1 Properties designated for older people

Some flats are designated for older people who are capable of living independently. To be eligible the applicant must be 55 years of age or older. For some of these flats good mobility is necessary, as many are the first floor without a lift.

Sheltered housing

This type of accommodation is for applicants aged 55 years of age or older who can live independently and are able to manage alone, but who prefer the added security of an alarm system and the assistance of support workers. This accommodation is also suitable for applicants who are able to care for themselves with the help of a social services care package.

Extra Care Sheltered Housing

These are sheltered schemes within which an extra care element available in a designated number of units. Applicants are assessed as to their suitability for this type of accommodation through a joint panel meeting.

The panel meets on a regular basis and consists of representatives from Housing Services, Housing Provider and Adult Services.

To apply, the applicant needs to be on the Housing Needs Register and to have had their needs assessed by Social Services. Care Managers are responsible for completing an assessment and a care plan, which will be considered by the panel.

The panel will nominate applicants to the scheme on the basis of selection criteria which fall outside of this policy, however consideration will also be given to the applicant's current circumstances and level of priority on the Housing Needs Register.

12 Social & Affordable Rent Properties

There are different scales of rents in social housing and the Council will nominate applicants to homes which could either be at a social rent or affordable rent, and will have regard to an applicant's stated means before doing so. Social rents are typically less than the market rent level and Affordable Rent properties have their rents set at a level of up to 80% of the market rent. These will be similar level to most private rented housing rents.

The vast majority of general needs properties available in the borough will now be let on Affordable Rents.

Housing Associations are also be able to let their properties on fixed-term tenancies of at least five (occasionally two) years.

13.0 Lettings of Properties

13.1 Advertising

When a property becomes available it will be advertised through the Council's choice based letting scheme, Epsom and Ewell Home Choice.

Properties are advertised on a weekly cycle from midnight Thursday to midnight the following Wednesday. They are advertised in the following ways:

- Via Epsom & Ewell Home Choice website www.eebc-homechoice.org.uk
- In a newsletter
- On display in the Reception area at Town Hall
- On our property information line 01372 732666

13.2 Re-housing Quota Targets

As the demand for social housing in the borough is far higher than the supply, a system of re-housing targets operates to ensure that different categories of applicant for housing have a chance of being offered accommodation. The targets are balanced between the needs of homeless households (HL), waiting list (WL) applicants and existing local transfer tenants (TR). When a property becomes available a decision will be made as to which category of applicant it will be advertised for. Applicants in each category will only be able to bid on properties advertised in the corresponding category.

13.3 Describing and Labeling Properties for Advertising

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 still apply for the property providing it is suitable for their household size but preference may be given to those households who do meet the criteria, even if they are lower on the list (however they must have a high housing need - Band B).

13.4 Property Description

A property description would normally include the following information:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Availability of a lift (if appropriate)
- Type of heating
- Any age restriction
- Any special features
- Parking facilities and if any garage is within the curtilage of the property
- If there is a garden, whether it is communal or for the properties sole use
- Weekly rent including any other charges
- Council Tax Band
- Local facilities e.g. access to shops, schools etc.
- The date the property is likely to be ready for occupation (if known)

13.5 Labelling

All properties advertised will be labelled with the eligibility criteria for that property. The Housing Needs Officer will be responsible for making a decision about labelling after liaising with the landlord and having regard to any lettings plans they may apply. Labelling will normally include the following:

- Minimum and maximum numbers of persons in the household
- Size and type of household the property is suitable for
- If applications are restricted to particular cases e.g. for adapted properties, criteria for Supported Housing Schemes
- Age requirements
- If pets are allowed
- Lettings plan or property selection criteria

13.6 Bidding for Properties

Applicants will be able to bid for a maximum of 3 properties during the advertising cycle. Bids will not be accepted after midnight on a Wednesday. Applicants will only be able to bid for a property that is suitable for their household size and fall within their application category. During the advertising cycle applicants can withdraw bids and reallocate the bid to other properties.

Applicants can express their interest in or bid in one of the following ways:

- Online via Epsom & Ewell Home Choice website, www.eebc-homechoice.org.uk
- By telephoning the 24hr automated bidding line on 0845 2701908
- By using the kiosk in the main Reception area of the Town Hall. Our staff will be happy to show you how to do this
- Local Libraries, such as the Ebbisham Centre
- By autobid, if applicants are unable to access the service in any other way. Applicants will need to tell us that they would like this facility

13.7 Vulnerable or Potentially Excluded Applicants

The Council believes that applicants should be given every assistance to access the Housing Needs Register and search/bid for suitable properties. For example, the provision

of interactive telephone bidding will assist those with mobility issues, visual impairment and literacy.

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 Epsom and Ewell Home Choice system
- Where applicants agree, support agencies will be provided with access on behalf of the applicant to view advertised properties and make proxy bids
- Automatic bids can be made for the most vulnerable residents to ensure that they are able to consider all suitable available properties. Further information will be required on the applicant's preferred properties and areas
- Direct mailing of adverts will be made available to all vulnerable applicants, on request
- Translation services are available online and by request at the Council Offices.

13.8 Excluded Properties

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. See Section 15.

14.0 Short-Listing and Selection

After the close of the advertising and bidding cycle a shortlist of eligible applicants will be taken from the choice based lettings computer system. The shortlist will identify the order of applicants by placing all eligible bids into priority order. For Epsom & Ewell Home Choice properties priority is decided first by band, then band date and then by registration date. Applicants who do not meet the lettings plan or property selection criteria will be overlooked in favour of someone who does, even if they are lower than them on the shortlist.

If an applicant comes to the top of more than one shortlist the decision as to which property to offer is at the Council's discretion, however the Council may contact the applicant and ask them to decide which property is their first preference and will prioritise them accordingly.

Accommodation which has been advertised will be offered to the applicant who has the highest priority under the allocation scheme, and matches the letting criteria for that property, unless one of the exceptions outlined in Section 15.1 applies.

The Council reserves the right to offer a property out of a strict band priority and waiting time order to an applicant who has special needs and for whom the particular property is uniquely or unusually suitable (for example, location, layout, access or capacity for adaptation) to meet those needs.

If there are no eligible bidders for the property the Council may decide to consider an applicant who has bid but does not meet the eligibility criteria and make a direct offer, re-advertise it or where appropriate refer it back to the landlord.

14.1 Verification Prior to nomination

The Council will verify all information provided by the applicant that is relevant to their eligibility and / or priority for an allocation of accommodation. Further verification, which may include inviting the applicant for an interview or completing a home visit, will be required at the time an applicant is allocated a property and the Council may check information with other sources as allowed by the law, including credit referencing agencies.

The Council will verify again that an applicant is still eligible, qualifying and meets the property criteria at the point of nomination. Prior to being considered for a property applicants will also be required to provide any additional proof considered appropriate to confirm the applicant's circumstances, including evidence that all persons included on the application are resident at the address applied from.

Any applicant that does not provide the documents within the time scale requested will be deemed to have refused the property. See Section 14.5.

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation being made.

Checks will also be made by Housing Needs Officer to confirm:

Rent account status: The Council will contact the applicant's landlord (private and Registered Providers) to check that the applicant's rent account is up to date and has no arrears.

Anti-social behaviour / breaches of tenancy agreement: Checks will be made with the applicant's landlord and other relevant agencies regarding anti-social behaviour and breaches of tenancy agreement. If the applicant or members of their immediate household have been involved in anti-social behaviour and in the Council's view this makes the applicant unsuitable to be a tenant, the property will not be offered and the applicant may be removed from the Housing Needs Register.

Property Inspection/Home Visits: Applications living in temporary accommodation or a Rent Deposit Scheme property must have a home visit prior to the nomination proceeding. Those who have not maintained their property in a satisfactory manor will have the offer withdrawn. Those who do not agree to a visit will be treated as a refusal and the Council will look to discharge any duty owed to that applicant.

14.2 Nomination of Accommodation

Prior to nomination the Council will carry out any verification required. If the applicant is either ineligible for an offer or the required documentation to verify their circumstances is not provided the Council will overlook the applicant and move onto the next applicant on the shortlist. Where the applicant is eligible for an offer and the verification is completed, a formal offer of nomination will be made.

An offer of nomination is where an applicant is put forward for a housing association vacancy and this will be made to applicants in writing. This letter will set out the address, type, number of bedrooms and name of landlord of the property being offered.

An applicant's details will be passed to the relevant housing association, which will then make their own assessment and make a decision whether or not to accept the nomination. The housing association will then make arrangements for the applicant to view the property.

Once an applicant has been nominated and offered a property their application will be temporarily suspended until they have made a decision as to whether or not they will accept that offer. If they decide to accept the offer their application will remain temporarily suspended until they have signed a tenancy agreement, at which point their application will be cancelled.

If there is no response to an offer of accommodation after 3 working days the offer will be withdrawn and, after reasonable steps have been taken to check that the offer has been received, this will be treated as a refusal.

14.3 Viewing

In order to minimise delays multiple viewings may be arranged as appropriate. A multiple viewing is when a number of suitable applicants are invited to view the same property on the same day. Generally the top two shortlisted applicants may be offered an accompanied viewing of the property, with the first applicant being given first refusal. This is to ensure that if the applicant at the top of the short list decides not to take the property it can be quickly offered to the next person on the shortlist.

An immediate viewing may be arranged if the property is vacant or if the current occupier is happy for a viewing to take place. If this is not possible, the applicant will be advised when the property is due to become vacant and that they will be contacted to make an appointment to view once the keys have been returned.

If the applicant does not attend the appointment time set and does not contact the office prior to the appointment, they will normally be deemed to have refused the offer.

The applicant at the top of the shortlist will be given 24 hours after viewing a property and receiving an offer of a tenancy, to accept or refuse the offer. However on occasions they may be invited to sign for the tenancy at the viewing. If the offer is refused the person next on the short list will be offered the property.

Nominations to Housing Association vacancies will generally be made in accordance with the Council's Allocation Policy, however on some occasions the Housing Association may themselves have different eligibility criteria that the Council will need to apply when selecting a suitable household for the vacancy.

14.4 Withdrawal of Offers

All offers of accommodation will be on a provisional basis and may be withdrawn at any time until the tenancy agreement is signed.

In the following very exceptional circumstances, the Council may withdraw an offer of a property:

- Where there has been a change in the applicant's circumstances
- Where the applicant has provided false or misleading information
- Following verification the applicant is not eligible for the property
- Where an error has been made in the advertising criteria
- Where an error has been made in the assessments of the applicant's housing priority
- Where an offer of accommodation could put a vulnerable person at risk of any harm

- Where applicant may not have sufficient support to live independently
- Where the property is no longer available and has been withdrawn
- Where there is no response to an offer of accommodation after 3 working days the offer will be withdrawn
- Where applicants living in temporary accommodation or a Rent Deposit Scheme property have not maintained their property in a satisfactory manner.

14.5 Refusing an Offer of Accommodation & Penalties

Waiting list and transfer applicants will be allowed to refuse 3 suitable offers of accommodation. A reasonable offer of accommodation is one that is suitable for the household's needs. Applicants who refuse 3 suitable offers of accommodation will be entitled to remain on the Housing Needs Register but will have their priority reduced. Their degree of preference (banding) will continue to be determined by their housing need assessment but their Band Date will be amended to be the date of refusal of the third offer, therefore reducing their priority within the band.

Homeless households and emergency cases in Band A and will be made one suitable offer of nomination for accommodation within the borough. See Section 1.5.1.

Homeless households will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their temporary accommodation.

Applicants have the right to request a review if they feel the property offered was unsuitable under the Housing Act 1996. Applicants offered suitable accommodation may accept the property, move in and still seek a review regarding its suitability.

14.6 Feedback

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

Feedback on recent lets will be available on Epsom and Ewell Home Choice website and in the Home Choice Newsletters and will include:

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

15.0 Exceptions to the Standard Allocation and Advertising Process

15.1 Exceptions to the Standard Selection Process

Properties which have been advertised will be usually offered to the applicant who has the highest priority under the relevant allocation scheme, and who matches the letting criteria for that property, unless one of the exceptions applies.

Exceptions to this would be:

- (a)** The applicant at the top of the list will not have sufficient support to live independently
- (b)** The applicant at the top of the list has outstanding rent arrears or owes any housing related debts**
- (c)** The applicant at the top of the list has been served with a Notice of Seeking Possession or Notice of Proceedings for Possession
- (d)** The applicant has pets and the property is not suitable for certain pets or pets are not permitted
- (e)** The applicant at the top of the list is not suited to, or is not eligible for, the vacant property
- (f)** The allocation of the tenancy is likely to result in serious estate management difficulties
- (g)** A mix of applicants is required to establish a balanced community
- (h)** The applicant at the top of the list has sufficient financial means (at the time of eligibility to receive an offer), to secure his/her own accommodation
- (h)** The property is subject to a lettings plan and the applicant at the top of the list does not meet the criteria (See Section 16.0, Letting Plans)
- (i)** The applicant at the top of the list does not meet the advertised property criteria
- (j)** Direct Allocations (See Section 15.2, Direct Allocations)
- (k)** Anti-social behaviour. Applicants may be bypassed where they or any member of the household their family members have a recent history of antisocial behaviour
- (l)** The applicant at the top of the list has a conviction for Housing/ Welfare Benefit fraud
- (m)** The applicant at the top of the list circumstances have changed and this results in a reduction in the level of priority
- (n)** The applicant at the top of the list has provided incorrect, false or misleading information, which has resulted in the application being awarded a higher priority than it deserves
- (o)** Where there is a multi-property advert or more than one similar property is available, more than one applicant may be selected from a single shortlist.
- (p)** To do so would conflict with the Council's objectives to make the best use of the nomination stock and to address housing need
- (q)** The Council reserves the right to offer a property out of a strict band priority and waiting time order to an applicant who has special needs and for whom

the particular property is uniquely or unusually suitable (for example, location, layout, access or capacity for adaptation) to meet those needs

- (r) The property is subject to a sensitive let and the household does not meet the eligibility criteria
- (s) Community Safety Concerns. Applicants may be bypassed where there are community safety concerns/risks which relate to the applicant being placed in a particular property or area
- (t) Where the applicant is living in temporary accommodation or a Rent Deposit Scheme property and they have not maintained their property in a satisfactory manner.

**This may not apply to existing social housing tenants living in the borough, who have current rents arrears caused as a result of the removal of spare room subsidy, and who are looking to transfer and downsize to a smaller property.

15.2 Direct Allocations

On rare occasions, the Council may decide to remove properties from Choice Based Lettings process and make a direct allocation. This allocation will still be made based on an assessment of applicants' needs and to the applicant who has the highest priority under the allocation scheme for that type of property.

The list below gives some examples of where the Council might do this.

- Sensitive allocations e.g. Public Protection cases
- Homeless households in temporary accommodation or short-term housing association accommodation arranged by the Council, to prevent homelessness who have failed to exercise choice will be made one suitable offer. The household will be advised that this offer is a final offer and if the offer is refused the Council will discharge any duty that may be owed under Part 7 of the Housing Act 1996 and possession proceedings will be commenced to evict them from their current accommodation
- Reciprocal & Special Mobility Arrangements. One offer will be made to meet the Council's obligations under the Surrey Mobility Scheme. If the offer is refused the referring authority will be advised that the Council is unable to assist this applicant further under this scheme
- Veterans re-housing agreement
- Witness Protection Mobility Arrangements
- Hard to let properties
- Social housing tenants living in the borough needing to down size to a smaller property where it will create a larger vacancy. In these circumstances the Council reserves the right to offer a property out of a strict band priority and waiting time order.
- Special Needs Register applicants ready to move on from Supported Housing
- An adapted property that has been identified as being particularly suited to a household's needs may be directly offered to that household
- Offers of assured shorthold tenancies for accommodation normally used as permanent stock in pursuance of any of the Council's duties under Part 7 of the Housing Act 1996
- Supported Housing and extra care sheltered accommodation - all applicants who meet the criteria for this type of accommodation will be subject to a separate assessment process. A direct offer outside the scheme will be made to the most suitable applicant.

- Applicants in Band A whose needs are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.

15.3 Reciprocal Arrangements

The Council may, at its discretion and in partnership with other housing authorities or registered social landlords, enter into arrangements to nominate to or receive a nomination for supported, adapted or move on accommodation which is available within the Borough and for which there is no one on Epsom and Ewell's housing register in need of the type of accommodation available.

The Council may, at its discretion and in partnership with other housing authorities or registered social landlords, comply with a request for assistance made through the mobility scheme for the re-housing of victims of violence or re-housing of offenders in accordance with the current procedure agreed by the Surrey District Housing Authorities. See Section 9.10.

15.4 Sensitive Lettings

Occasionally a housing provider may request that a property is allocated as a 'sensitive let' this may, for example be due to a need to reduce incidents of anti-social behaviour in a particular area or to ensure that vulnerable people are not housed in an inappropriate area. When such a request is received the Council may decide not to advertise this property on Epsom & Ewell Home Choice. In this situation, an applicant will be nominated directly from the Housing Needs Register.

16.0 Lettings Plans

In order to ensure socially and economically balanced communities the Council operates two types of lettings plans; an annual lettings plan and local lettings plan for new build properties.

16.1 Annual Lettings Plan & Quotas

Each year the Council draws up a lettings plan and re-housing targets to be used as a guide to ensure that there is an appropriate balance of property allocation between the different categories of applicants on the Housing Needs Register

Targets will be set annually to take into account the likely availability of properties during the year. Progress in meeting the targets is reviewed quarterly and where necessary amended. If any categories are not achieving their re-housing target(s), properties may be advertised as only available to those specific target groups. Full details of the targets will be published annually on the Epsom and Ewell Home Choice website.

16.2 Local Lettings Plans (LLP)

Under the Housing Act 1996 local authorities are able to allocate particular accommodation to people of a description, whether or not they fall within the "reasonable preference" categories, provided that overall the authority is able to demonstrate compliance with the Act. This is the basis for operating Local Lettings Plans.

For new build schemes Local Lettings Plans can play an important role in widening housing choices for local people and contributing to socially and economically balanced communities. They can sometimes be designed so that properties are made available to households that would not otherwise have the opportunity to access affordable housing.

This is to ensure that affordable housing seeks to meet a range of housing needs. There may be instances, therefore, where the Council will seek to assist households with limited housing need.

Local Lettings Plans may be used under this Allocations Scheme to achieve wider social and economic objectives. For example, they may be used to:

- Deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment or involved in significant community contribution or to enable existing tenants to take up an offer of employment
- Create mixed and sustainable communities by allocating accommodation sensitively, taking into account any special circumstances affecting applicants and the wider community
- Attract key workers into the borough by giving them priority for a small number of properties even though they may not fall within one of the reasonable preference categories
- Provide accommodation for Members of the Armed and Reserve Forces
- Ensure properties which are particularly well suited to people with adaptation needs are prioritised most effectively or where the location of particular
- accommodation may address accessibility issues (e.g. ground floor flats for people with mobility problems or sensitive lets where older residents still reside)
- Consider child density within communities in order to ensure community stability in the longer term (e.g. the number and ages of children comprising a household seeking accommodation will be used to inform letting decisions)

Any LLP criteria used will clearly be displayed on the property adverts and applicants are then shortlisted according to these criteria.

17.0 Low Cost Home Ownership and Help to Buy

Help to Buy (previously known as HomeBuy) is government initiative to provide a 'one stop shop' service to assist eligible families and individuals to find affordable home ownership housing.

Help to Buy includes a range of products from shared ownership homes to Help to Buy Mortgage Guarantee to schemes for existing social tenants to help them to buy.

The government has appointed a number of not-for-profit agents to manage Help to Buy and <https://www.helptobuyagent3.org.uk> is the agent for Surrey.

Telephone number: 0800 456 1188

Email: info@helptobuyagent3.org.uk

Postal address: Collins House, Bishopstoke Road, Eastleigh, Hampshire SO50 6AD

18.0 Performance Monitoring and Amendments to the Policy

18.1 Monitoring of the policy

This policy will be reviewed annually to:

- Consider whether the aims and objectives need amending
- Determine if the policy is meeting the objectives that have been set.
- Monitor the housing quotas/targets

18.1.2 Monitoring of Allocations

The Housing Operations Manager is responsible for ensuring that allocations are made in accordance with the agreed policy. They will make random checks to confirm that allocations are being made appropriately and will take corrective action if required.

18.2 Discretion and amendments to the Housing Allocations Policy

This Housing allocation policy been designed to provide a comprehensive policy framework compliant with current legislation, following government guidance and case law. It also has regard to local housing need and provision. It is important that the Allocation Policy remains sufficiently flexible and responsive to individual needs, changing legal requirements, case law and local circumstances.

The Allocation Policy aims to provide guidance to officers of the Council when making decisions on Housing Applications. Officers must retain the ability to act appropriately and proportionately when applying the policy to ever changing situations; the Housing Operations Manager is therefore permitted to exercise his or her discretion (subject to compliance with the provisions contained in legislation and in with regard having been had to regulations or guidance laid down by the Secretary of State):

- To depart from the policy framework set out above where there may be situations which would operate unfairly to restrict an applicant's entitlement to housing
- In such situations where the applicant can demonstrate exceptional circumstances
- To offer accommodation to housing applicants assessed as requiring care and support on the condition that they comply with an agreed care plan or such supervision requirement as he or she may deem appropriate
- As otherwise set out in this document
- To make minor amendments to the scheme to ensure that it remains responsive to individual and local housing needs. (However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public).
- To implement such amendments as may be required to ensure compliance with the legislation and government guidance.

Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will require the approval of Social Committee.

19.0 Rights to Information and Reviews

19.1 Right to Information

Every applicant has the following rights regarding the provision of information:

- The right to request general information that will enable them to assess how their application will be treated, including whether they are likely to be eligible for reasonable preference

- The right to request general information that will enable them to assess whether housing appropriate to their needs is likely to be made available and if so how long it is likely to be before such accommodation becomes available
- The right to be informed of any decision about the facts of their case which is likely to be taken into account in considering whether to allocate housing to them
- The right to be informed of any decision that they are unsuitable to be a tenant, which is likely to be taken into account in considering whether to allocate housing to them

19.2 Right to Review

An applicant has the right to request a review of the following decisions:

- That they are ineligible or non-qualifying to join the Housing Needs Register or that they have become ineligible or non-qualifying
- That they are ineligible for an offer of accommodation
- That their application has been cancelled other than at their request
- Any other decisions relating to the Allocation Policy, including banding and priority dates.

An officer senior who was not involved in making the original decision will carry out these reviews. The procedure is:

- A request for a review must be made to the Council by within 21 days from the day on which the applicant is notified of the authority's decision. The applicant must clearly inform what decision they wished to be reviewed. The Council has discretion to extend the time limit if it considers this would be reasonable.
- An applicant may provide any additional information that they think the Council should take into account when reviewing its decision. This must be in writing and provided within 14 days from the date the Council notifies the applicant that it is carrying out a review.
- The review will consider all the relevant facts as of the date of the review.
- The applicant will be advised of the outcome of the review within eight weeks unless the applicant has agreed to an extension of time.
- There is no right to request a further review.

Reviews of decisions made under Part 7 of the Housing Act 1996 (Homelessness) are outside the scope of this Policy.

A homeless applicant has the right to a review of the suitability of an offer of accommodation. In addition they have a right of appeal to the County Court. Whilst seeking a review and appeal, the applicant may still move into the property in question, without prejudicing the outcome. Applicants will be advised of this procedure in writing at the time an offer is made.

20.0 Fraud & False Information

Affordable housing is in short supply and the affordable housing that exists provides a much valued opportunity for settled accommodation for those who qualify for it and need it.

Therefore, the Council takes a strong approach to dealing with fraudulent applications and false information.

Under Sections 2, and 3 of the Fraud Act 2006 and Under Section 171 of the Housing Act 1996, an applicant, or someone acting on their behalf, commits an offence if they

- knowingly or recklessly give false information, or
- knowingly withhold information that the Council has reasonably required the applicant to give.

Applicants who are found to have deliberately given false information on their Housing Needs Register application form will have their application reviewed immediately. The application will be suspended pending the outcome of the review. This means the applicant will not be permitted to use Home Choice, or be considered for a nomination.

The Council will undertake an investigation with partners, including Registered Providers and other agencies as appropriate. The applicant will be informed in writing of the outcome of the review.

If following the review the Council concludes that the applicant has not committed an offence the application will be reinstated as if no review had taken place. If following the review the Council decides that a person appears to have committed such an offence it will work with partners and consider taking one or more of the following actions –

- Removing the applicant from the Housing Needs Register
- Not allowing the applicant to join or re-join the Housing Needs Register for a period of not less than year.
- Instigating criminal proceedings and / or eviction from any social housing gained in partnership with the Registered Provider.

An immediate review of an application will be undertaken if an applicant is found to have deliberately changed or worsened their housing situation in order to be placed in a band higher than they would normally be awarded.

21.0 Credit Checking and National Anti-Fraud Network (NAFN)

The Council works in partnership with the NAFN and all applications are subject to a full credit checking process using independent companies. By making an application for social housing an applicant is agreeing to this process. There are also a questions on the application form which an applicant is required to answer regarding sharing of information with other agencies.

22.0 Allocations to Staff, Elected Members or their Family Members

Members of staff, elected members and their family who require housing 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.

If an applicant who is a member of staff, elected member or a member of their family, makes a successful bid for a property, Head of Housing & Environmental Services will be informed and must approve the letting prior to the formal offer being made.

All allocations to staff, elected members or members of their families will be in accordance with the policy as it applies to applicants generally, with no preferential (or detrimental) treatment.

23.0 Equal Opportunities

This Council is strongly committed to fairness and equal treatment for all. The Council aims to treat everyone equally and fairly regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. In doing so we aim to meet our Public Sector Equality Duty to prevent and eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those with a protected characteristic. The Council has carried out an Equality Impact Assessment of this Allocation Policy which is available on www.epsom-ewell.gov.uk.

24.0 Data Protection, Signed Declaration & Authorisation

The Council's Housing Register is registered under the Data Protection law, and information on it including medical information is received, held, and disclosed only for registered purposes.

In line with the Data Protection law information regarding a person's application for housing will not be disclosed to any third party or member of the public without the applicant's consent unless the Council is able or required to do so legally. Copy of Housing services privacy notice is available on www.eebc-homechoice.gov.uk.

Applicants who wish another person to represent them must provide authorisation to that effect. There is a section on the one-line application that allows for this.

By submitting the housing application form an applicant gives consent for Epsom & Ewell Borough Council to make relevant enquiries with regard to their housing need and their potential ability to manage a future tenancy. This includes conducting a search with a credit reference agency to verify the information given.

Information about an applicant relating to their housing situation, housing needs and/or homelessness application/s may be gathered from and shared with third parties such as private sector landlords, housing associations, lettings agents, health services, Surrey County Council, children, family and adult services, education services, Department of Work and Pensions, Housing Benefit and Council Tax services, Job Centre Plus, National Fraud Initiative, the Police, prisons, probation, youth offending services, secure training units, contractors that repair the Council's emergency accommodation, providers of emergency accommodation, debt collection agencies acting on behalf of the Council, East Surrey Outreach Service, the Employment, Training and Housing Options Service, Citizen Advice Bureau, voluntary sector organisations and for the purpose of gathering your feedback as one of the Council's customers, and Ministry of Housing, Communities and Local Government (MHCLG).

24.1 Access to Personal Information

In line with the Data Protection Act law, Housing Services believe that people have a right to see what information is kept about them on written records. As far as possible we will make this available, subject to certain restrictions. If you wish to view your records, please contact Housing Services:

The Town Hall

The Parade
Epsom
Surrey
KT18 5BY
01372 732000

24.2 Data Retention

Applicant's details will be kept and updated in accordance with our legal obligations and in line with statutory retention periods.

25.0 Information about the Housing Allocation Policy and Choice Based Lettings Scheme

This document is available for inspection during working hours at Housing Services at the Town Hall. Copies of this document are also available from the Council or the document can be downloaded from the Council's website at www.epsom-ewell.gov.uk A summary of this Housing Needs Register and Allocations Policy will be made available free of charge to any member of the public who asks for one.

Statutory Guidance on Eligibility

Rights to reside in the UK derived from EU Law

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

General

Nationals of EU countries

2. Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular *Directive 2004/38*), and the case law of the European Court of Justice. 3. Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self-employed, seeking work, a student, or economically inactive etc). *Nationals of Bulgaria and Romania - the A2 accession states* 4. A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states. *The Immigration (European Economic Area) Regulations 2006*

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

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

Initial 3 months residence

7. Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore, during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

8. However, regulations 4(1)(b)(ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:

- (i) his or her **only** right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations, or
- (ii) his or her **only** right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

Rights of residence for 'qualified persons'

9. Regulation 14 of the EEA Regulations provides that 'qualified persons' have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, 'qualified person' means:

- a jobseeker
- a worker
- a self-employed person
- a self-sufficient person
- a student

Jobseekers

10. For the purposes of regulation 6(1)(a) of the EEA Regulations, 'jobseeker' means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.

11. Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker¹. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.

12. Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:

- (i) his or her **only** right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or
- (ii) his or her **only** right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

Workers

13. In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another person in return for monetary reward and is subject to the control of that other person as regards

the way in which the work is to be done. 14. Activity as an employed person may include part time work, seasonal work and cross-border work (ie. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.

15. Provided the employment is effective and genuine economic activity, the fact that a person's level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a 'worker'.

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

¹ Regulation 6(2) of the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317).

Retention of worker status

17. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

- (a) is temporarily unable to work as the result of an illness or accident; or

(b) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:

- (i) was employed for one year or more before becoming unemployed, or
- (ii) has been unemployed for no more than 6 months, or
- (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or (c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment. *A2 state workers requiring authorisation who are treated as workers*

18. By virtue of the *Accession (Immigration and Worker Authorisation) Regulations 2006* ('the Accession Regulations'), nationals of the A2 states (with certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.

19. An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:

- (i) holds an accession worker authorisation document, and
- (ii) is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

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

Self-employed persons

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

22. A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1)(c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident. 23. A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

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

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

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

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

27. Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1)(c) of the EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK. 28. Where the applicant does not meet the conditions of regulation 4(1)(c) but has previously done so during his or her residence in the UK, the case should be referred to the Home Office for clarification of their status.

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

Students

30. Regulation 4(1)(d) of the EEA regulations defines 'student' as a person who : (a) is enrolled at a private or public establishment included on the Register of Education and Training Providers², or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and (b) has comprehensive sickness insurance cover in the UK, and (c) assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

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

Permanent right of residence

32. Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently : (a) an EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years (b) a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years (c) a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity) (d) the family member of a worker or self-employed person who has ceased activity (e) a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease) (f) a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence). Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

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

² Now known as the Register of Sponsors and held by UKBA.

Rights of residence for certain family members

The right to reside

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

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

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

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

Who is a 'family member'?

37. Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below): (a) the spouse of the person (b) the civil partner of the person (c) a direct descendant of the person, or of the person's spouse or civil partner, who is under the age of 21 (d) a direct descendant of the person, or of the person's spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner (e) an ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

Family members of students

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

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

Extended family members

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

Family members' eligibility for an allocation of accommodation

Relationship with other rights to reside

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

Family members who must be habitually resident

41. For family members with a right to reside under regulation 14 of the EEA Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:

- a person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1)(d) of the EEA regulations
- a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations
- a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside
- a person whose right to reside is dependent on their status as a family member who has retained the right of residence

Family members who are exempt from the habitual residence requirement

42. A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2)(d) of the Eligibility Regulations. However, authorities should note that an extended family member (see above) is not counted as a family member for the purposes of regulation 4(2)(d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

Family members of UK nationals exercising rights under the EU Treaty

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

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

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

Worker authorisation scheme

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

The Accession (Immigration and Worker Authorisation) Regulations 2006

2. Under the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317) ('the Accession Regulations'), nationals of the A2 States (with certain exceptions set out in paragraph 9 below) are required to be authorised to work by the Home Office if they work in the UK during the transitional period. While looking for work (or between jobs) their right to reside will be conditional on them being self-sufficient and not imposing an unreasonable burden on the UK social assistance system. These conditions cease to apply once they have worked in the UK continuously and legally for 12 months. 3. The Accession Regulations also give workers from the A2 states the right to reside in the UK. This means that workers from the A2 states have the same right to equal treatment as other EEA workers while they are working in accordance with work authorisation requirements or are exempt from those requirements.

The worker authorisation scheme

4. Nationals of A2 states who wish to work in the UK (except those who are exempt from the requirement) must have an accession worker authorisation document and must be working in accordance with the conditions set out in that document.
5. Nationals of the A2 states who are self-employed are not required to be authorised if they are working that capacity.
6. The following constitute worker authorisation documents:
 - i. a passport or other travel document endorsed to show that the person was given leave to enter or remain in the UK before 1 January 2007, subject to a condition restricting his or her employment in the UK to a particular employer or category of employment
If the leave to enter or remain expires before the person qualifies to be exempt from the work authorisation requirements, or they wish to engage in employment other than the job for which the leave was granted, they will need to obtain an accession worker card
 - ii. a seasonal agricultural work card issued by the Home Office under the Seasonal Agricultural Workers Scheme. The card is valid for 6 months from the date the person starts work for the agricultural employer specified in the card
 - iii. an accession worker card issued by the Home Office
7. The accession worker card is valid for as long as the person continues to work for the employer specified in the card. If the person changes employer, he or she must apply for a new accession worker card.
8. The worker authorisation scheme is a transitional measure. The Accession Regulations provide for the scheme to operate for up to five years from 1 January 2007 (i.e. until 31 December 2011). However, there is provision for the scheme to be extended for a further two years in the event of a serious disturbance to the labour market. The decision was taken on 23 November 2011 to maintain transitional controls on Romanian and Bulgarian workers until the end of 2013.

A2 nationals exempt from worker authorisation

9. The following are the categories of A2 nationals who are not required to obtain authorisation to work:
 - those who are classified as highly skilled persons and hold a registration certificate allowing them unconditional access to the UK labour market
 - those working legally, and without interruption, in the UK for a period of 12 months or more ending on 31 December 2006 (for example, they may have been already present in the UK as a work permit holder before accession)
 - those who had leave to enter the UK under the Immigration Act 1971 on 31 December 2006 and that leave does not place any restrictions on taking employment in the United Kingdom (for example, a person may have been given leave to remain as the spouse of a British citizen or as the dependant of a work permit holder)
 - those who are providing services in the UK on behalf of an employer established elsewhere in the EEA
 - those who are also a national of the UK or another EEA state (other than an A2 state)

- those who are a spouse or civil partner of a national of the UK or a person settled in the UK those who are the spouse, civil partner or child under 18 of a person who has limited leave to enter or remain in the UK and that leave allows that person to work in the UK those who are a family member (spouse, civil partner or dependant child) of an EEA national who has a right to reside in the UK under the EEA Regulations, including those who are the family member (spouse, civil partner or descendant (under 21 or dependant)) of an A2 national who is working in accordance with worker authorisation requirements
- those who have a permanent right to reside in the UK under regulation 15 of the EEA Regulations
- those who are in the UK as a student and are permitted to work for 20 hours a week, provided they are in possession of a registration certificate confirming that they are exercising a Treaty right as a student

10. In addition, where a person has worked legally in the UK without interruption for a 12 month period falling wholly or partly after 31 December 2006, they will be free from the requirement to seek authorisation. At that stage, they will be able to apply to the Home Office for an EEA residence permit to confirm their right to equal treatment on the same basis as other EEA nationals.

12 months' uninterrupted work

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

Highly skilled workers

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

Habitual Residence

1. In practice, when considering housing applications from persons subject to the habitual residence test, it is only necessary to investigate habitual residence if the applicant has arrived or returned to live in the UK during the two year period prior to making the application.

Definition of habitual residence

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

General principles

3. When deciding whether a person is habitually resident, consideration must be given to all the facts of each case in a common sense way. It should be remembered

that:

- the test focuses on the fact and nature of residence
 - a person who is not resident somewhere cannot be habitually resident there
- residence is a more settled state than mere physical presence in a country. To be resident a person must be seen to be making a home. It need not be the only home or a permanent home but it must be a genuine home for the time being. For example, a short stay visitor or person receiving short term medical treatment is not resident

- the most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention
- the practicality of a person's arrangements for residence is a necessary part of determining whether it can be described as settled and habitual
- established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences

Action on receipt of an application

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

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

Factors to consider

5. The applicant's stated reasons and intentions for coming to the UK will be relevant to the question of whether he or she is habitually resident. If the applicant's stated intention is to live in the UK, and not return to the country from which they came, that intention must be consistent with their actions.

6. To decide whether an applicant is habitually resident in the UK, authorities should consider the factors set out below. However, these do not provide an exhaustive check list of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

Why has the applicant come to the UK?

7. If the applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and is returning to resume his or her former period of habitual residence, he or she will be immediately habitually resident.

8. In determining whether an applicant is returning to resume a former period of habitual residence authorities should consider:

- when the applicant left the UK
- how long the applicant lived in the UK before leaving
- why the applicant left the UK
- how long the applicant intended to remain abroad
- why the applicant returned
- whether the applicant's partner and children, if any, also left the UK
- whether the applicant kept accommodation in the UK
- if the applicant owned property, whether it was let, and whether the lease was timed to coincide with the applicant's return to the UK
- what links the applicant kept with the UK
- whether there have been other brief absences
- why the applicant has come back to the UK

9. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his or her reasons for coming to the UK, and in particular to the factors set out below.

Applicant is joining family or friends

10. If the applicant has come to the UK to join or rejoin family or friends, authorities should consider:

- whether the applicant has sold or given up any property abroad
- whether the applicant has bought or rented accommodation or is staying with friends
- whether the move to the UK is intended to be permanent

Applicant's plans

11. Authorities should consider the applicant's plans, e.g:

- if the applicant plans to remain in the UK, whether their stated plan is consistent with their actions
- whether any arrangements were made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK
- whether the applicant bought a one-way ticket
- whether the applicant brought all their belongings whether there is evidence of links with the UK, e.g. membership of clubs.

12. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the disposal of property abroad, may indicate that the applicant is habitually resident in the UK.

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

Length of residence in another country

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

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

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

Centre of interest

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

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

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

- home
- family ties
- club memberships
- finance accounts

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

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

Banding Priority

Band A - Urgent Housing	
	<p>Urgent Housing Priority - An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated by other agencies. E.g. Victims of domestic violence, racial harassment and applicants accepted under the National Witness Protection Scheme or Surrey Domestic Abuse Mobility Scheme (SDMS).</p> <p>Medical Overriding Priority - Where the applicant or one of the household has a life threatening condition or disability which is seriously affected by their current housing and the current accommodation is wholly inappropriate to occupy. Band A will also be given where current housing conditions and/or other circumstances are having such a major serious adverse effect on the medical condition of any member of the household as to warrant emergency priority.</p> <p>Extreme Disrepair Priority - Households whose accommodation is assessed as being in extreme disrepair (Closure /Demolition Order) by the Council's Environmental Health Officer and the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a very serious risk to the applicant health.</p>
Band B – High Housing Need	
Application Category	
WL/TR	<p>High Medical Need - Where the current housing conditions are having a major adverse effect on the medical condition or disability of the applicant or one of the household, which creates a particular need for them to move.</p> <p>Households whose accommodation is assessed as being in disrepair where the Council's Environmental Health Officer has determined the property poses a category 1 hazard under the housing, health and safety rating system, the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a significant risk to the applicant health.</p> <p>Applicants living in unsatisfactory housing lacking basic facilities which cannot be provided by the landlord at reasonable cost within a reasonable timescale. This includes applicants without access at all to any of the following facilities: kitchen, bathroom, inside WC, hot or cold water supplies, electricity, gas or adequate heating.</p> <p>Households who are assessed as being statutorily overcrowded Council's Environmental Health Officer.</p>

	Households with insufficient bedrooms for their needs as assessed against the Councils bedroom standard.
	Households with dependent children where the facilities such as kitchen and bathroom are shared with others who are not members of the applicant's household
	Households with dependent children with no living room or those sharing a living room with another household (i.e. people they are not related to in a flat or house share situation).
	Applicants who are part of a reciprocal arrangement agreed with another local authority or RP and have an urgent need to move on welfare grounds.
	Applicants who need to move due to domestic abuse, actual violence or threats of violence or extreme harassment/intimidation. This has to be substantiated by other agencies.
	Applicants who are considered to have special circumstances requiring them to move where this is substantiated by two or more agencies.
	Applicants who have a local connection with the borough who are Armed services, former armed forces personnel or their bereaved spouse/partner who need to move urgently and have either an assessed housing need because of a serious injury, medical condition or disability sustained as a result of their service or are no longer entitled to reside in Ministry of Defence accommodation due to retirement, honourable discharge or redundancy.
WL	Vulnerable applicants who are retiring or whose contract is terminated on health grounds from tied accommodation,
WL	Applicants who are care leavers and who have been referred by Surrey Children Services and who are assessed as ready to move into independent settled housing and have the life skills to manage a tenancy will be included in Band B when they are within 12 months of having to leave their care placement.
WL	Households living in supported accommodation where the original referral was made by the Council. Applicants will only be considered when they are ready for independent living and where a move on report has been completed by a support worker or landlord, identifying any on-going support that may be needed.
WL	Multi agency public protection cases following liaison with the Police the Public Protection Team, Probation and registered social landlords.
ALL	Households for whom the Council has arranged an Assured Shorthold Tenancy in the private rented sector in order to prevent their homelessness and they have been in the accommodation for 12 months or more.
	Social housing tenants living in the borough looking to downsize from their existing accommodation.

WL	Social housing tenants living in the borough in a property adapted for a disabled person which they no longer need and could be used by someone else with a need for this type of accommodation
TR	Social housing tenants living in the borough qualifying for and wishing to move from general needs accommodation to sheltered accommodation or accommodation for older people.
TR	Households for whom the Council has accepted a duty to provide housing under Part 7 of the Housing Act 1996 from the date of their homeless application once the application have been determined.
HL	
Band C - Identified Housing Need	
Application Category	
ALL	Medium Medical Need – Where the applicant needs to move on medical and/or disability grounds where the housing circumstances have an adverse effect on the applicant's or household member medical condition or disability but rehousing would only have a marginal impact on long term improvement and where there are no other suitable housing options.
ALL	Households whose accommodation is assessed as being in disrepair where the Council's Environmental Health Officer has determined the property poses a category 1 or 2 hazard under the housing, health and safety rating system, the Council are satisfied that the problem cannot be resolved by the landlord within a reasonable timescale and continued occupation will pose a risk to the applicant health.
WL	Couples and single people over 35 without dependent children sharing a bathroom and/ or kitchen with another household
WL	Couples without dependent children with no living room or those sharing a living room with another household i.e. people they are not related to in a flat or house share situation).
WL	Households who are renting accommodation with limited security of tenure e.g. Bare Licence or an Assured Shorthold Tenancies.
WL	Households for whom the Council has arranged an Assured Shorthold Tenancy in the private rented sector in order to prevent their homelessness and they have been in the accommodation less than 12 months.
WL	Applicants who have no local connection with the borough who are Armed services, former armed forces personnel or their bereaved spouse/partner who need to move urgently and have either an assessed housing need because of a serious injury, medical condition or disability sustained as a result of their service or are no longer entitled to reside in Ministry of Defence accommodation due to retirement, honourable discharge or redundancy.
WL	

WL/TR	Applicants who are care leavers and who have been referred by Surrey Children Services and who are assessed as ready to move into independent settled housing and have the life skills to manage a tenancy will be included in Band C until they are within 12 months of having to leave their care placement.
WL/TR	Applicants who are part of a reciprocal arrangement agreed with another local authority or RP and have a need to move on welfare grounds.
WL/HL	Households who need to move on welfare grounds including to give or receive care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
WL	Applicants who are roofless or rough sleeping who have made a statutory declaration that they have no accommodation in which they can reside and whose circumstances are confirmed by the Housing Options Team
HL	Homeless households who accept an offer of private rented accommodation to end the main homeless duty.
HL	Applicant assessed as being threatened homeless and in priority need within the meaning of Part 7 of the Housing Act 1996
HL	Applicant assessed as homeless or threatened with homelessness but is not in priority need within the meaning of Part 7 of the Housing Act 1996.
	Applicants who have made a homeless application to the Council which is currently under investigation, whether they are in interim accommodation or not.
Band D - Reduced Priority or Low Need Housing	
Application Category	
WL/TR	Low Medical Need – Where rehousing is unlikely to improve the applicant’s health or where accommodation in itself is not affecting the illness then no medical need will exist and no priority will be given on this basis.
ALL	Qualifying applicants and/or members of their household where anti-social behaviour is not extreme enough to exclude from the Housing Needs Register but where it is considered sufficient to warrant a reduced priority being awarded.
ALL	Qualifying applicants who have housing related debt and they do not have in place (and are keeping to) an agreed repayment plan. This includes applicants who have been accepted as homeless.
WL/HL	Applicants found to be Intentionally homeless. Applicants will be placed in Band D and will remain in this band for 12 months from the date of the intentionality decision.

ALL	Qualifying applicants who have deliberately worsened their circumstances and or and could have remained in a home they owned, rented or shared but chose to leave or dispose of within the last 5 years of an application being made. This includes not bidding on suitable properties that would resolve their housing need.
WL/TR	Applicant accepted as homeless by another local authorities but who also have a local connection with Epsom and Ewell Borough Council.
WL	Armed Services or former armed forces personnel assessed as having no housing need with or without a local connection with the borough.
WL/HL	Applicants who are no fixed abode and whose circumstances are confirmed by a Home Options Team.
WL	Applicants in hostels or supported housing projects within the borough but without a local connection, including those who were nominated placed/funded by another local authority/agency, with agreement that they would provide move on accommodation.
WL/TR	Households with a low priority medical condition affected by their housing circumstances.
Band E - No Housing Need	
Application Category	
ALL	<p>All other applicants who do not have an identified housing need.</p> <p>All other qualifying applicants not included in bands A, B, C or D.</p> <p>Elderly owner – occupiers seeking to move to sheltered housing.</p> <p>Applicants unable to take up housing for the foreseeable future. For example:</p> <ul style="list-style-type: none"> • applicants in prison • applicants detained on a hospital order.

Application Category:
 WL – WAITING LIST APPLICANT
 TR – TRANSFER APPLICANT
 HL – HOMELESS APPLICANT

