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# Housing Allocations Policy Choice Based Lettings Scheme

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This booklet is as required by Part 6 of the Housing Act 1996 as amended by the Homelessness Act 2002.

It should be read in conjunction with the current help guide available on the [Search Moves website](#).

**Updated December 2024**



**Elmbridge**  
Borough Council

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# 1 Introduction and Aims of this Policy

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## 1.1 Introduction

This document sets out the Allocations Policy adopted by Elmbridge Borough Council to be followed in determining access to the Council's Housing Register and the assessment of cases on the Housing Register and in the allocation of homes to which the Council has nomination rights with Registered Providers. This is called social housing.

The overall aim of this policy is to ensure that all social housing to which the Council has nomination rights is allocated fairly and objectively, having regard to any legislative requirements, regulations or Codes of Guidance issued by Department of Communities and Local Government, and the Council's Housing and Homelessness Strategy.

Elmbridge Borough Council has an Allocations Policy and operates a choice-based lettings scheme known as Search Moves. The Allocations Policy determines the qualification criteria to be on the Housing Register and the criteria taken into account within each band and the priority date for an application.

## 1.2 Aims of Elmbridge Borough Council Allocations Scheme

The aims and objectives of the Allocations Policy are:

- To operate a lettings policy based on housing need, which is simple, easy to understand, transparent, open and fair.
- To ensure that every application is dealt with fairly and consistently.
- To give adequate priority to people who fall within the "Reasonable Preference" categories set by legislation.
- To provide information, advice and assistance and make the best use of the powers and resources available to assist people to solve their housing problems in a way more suited to their needs.
- To ensure that applicants have access to information on their prospects of housing.
- To give adequate priority to homeless people whilst maintaining a balance between the needs of the homeless and other applicants in housing need.
- To operate a rehousing plan which will be kept under review so the housing needs of tenants of Registered Providers can be balanced against those of all other applicants on the Housing Register.

- To empower applicants by giving them more opportunity to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing.
- To make best use of the social housing stock within Elmbridge by facilitating under-occupying tenants to move to smaller accommodation as well social housing tenants residing in homes with major adaptations which are no longer required, to move to alternative accommodation
- To give adequate priority to residents in housing need who are in low-income employment, and who have served in the Armed Forces, whilst maintaining a balance to all other applicants.
- To make best use of the housing stock within Elmbridge to ensure that sustainable and balanced communities are maintained.

### 1.3 The Legislative Framework

Legislation states that when making an allocation a local authority must comply with the provisions of Part 6 Housing Act 1996 (as amended) and the Localism Act 2011. This states that the policy should be set out to ensure that reasonable preference is given to specific groups of people:

- People who are homeless (within the meaning of Part VII of the Housing Act 1996).
- People who are owed duties under s.190(2), 193(2) or 195(2) of the Housing Act 1996 or similar duties under the Housing Act 1985 or who are occupying accommodation secured by the Council under s.192(3) of the Housing Act 1996.
- People occupying unsanitary or overcrowded housing or living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to disability.
- People who need to move to a particular locality to avoid hardship to themselves or others.

The Council's Allocations Scheme gives reasonable preference to these categories of people. The policy has also considered the obligation to provide reasonable preference to certain categories of applicants and discretion to grant additional preference. Other legislation that the authority will consider includes:

- The Children Act 2004
- The Homelessness Reduction Act 2017
- Domestic Abuse Act 2021
- Homelessness Code of Guidance as updated Jan 2021

- Allocation of accommodation: guidance for local housing authorities in England was published in June 2012 and updated in June 2022.
- The Housing Act 1996 as amended by the Homelessness Act 2002
- Housing Allocations – Members of the Armed Forces (circular 04/2009), April 2009
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Localism Act 2011
- Equality Act 2010
- The Welfare Reform Act 2012
- The Council’s Housing, Homelessness & Rough Sleeping Strategy

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 where necessary.

Information on the factors that the allocations scheme for Elmbridge takes into account in assessment are set out within this policy. Appendix 1 - The Banding Scheme, sets out the criteria for the banding award for qualifying Housing Register applications.

### Changes in legislation

The Secretary of State may from time to time amend the classes of person eligible to be considered for housing or other criteria. The Allocation Scheme will automatically be amended to reflect any such changes from the date of implementation.

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## 2 Who can Join the Register

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### 2.1 Basic Eligibility

In certain circumstances, applicants may not be eligible for an allocation of social housing, and they will be excluded from the housing register. These are people from abroad or those who are not habitually resident and who are ineligible for social housing. A list of those who are ineligible for an allocation of social housing is set out in section 2.2 but note that the categories of persons from abroad who are ineligible for an

allocation of social housing can be changed by legislation or regulations issued by the Secretary of State.

When an applicant submits a housing application, they may be required to provide supporting documentary information they are eligible to rent a property in the UK as specified in the Government's [Right to Rent Guidance](#) and they will also need to confirm this to any Registered Provider before any tenancy agreement can be entered into.

Applications can be made to Elmbridge Borough Council by making an online application which consists of two parts. An applicant may complete Part One of the online application form and be advised they are unlikely to be eligible to be on the register but may continue to complete a full online application to be notified in writing of the reasons why this decision has been made and of the statutory right to review or appeal. See Section 7 for further information on the review procedure.

### **2.2 Persons from abroad and ineligibility for an allocation of social housing**

Certain prescribed categories of persons from abroad are not eligible to join the housing register. This means persons from abroad who are:

- Subject to immigration control and have no recourse to public funds
- Excluded by regulations made by the Secretary of State
- Not habitually resident in the United Kingdom (UK)
- Who are required to leave the UK by the Secretary of State

Specifically, the Secretary of State has determined that the following groups are not eligible to join the council's housing register because of their immigration status:

- A person registered with the Home Office as an asylum seeker.
- A visitor to the UK (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that they will not have recourse to public funds.
- A person who has valid leave to enter or remain in the UK, which includes a condition that there will be no recourse to public funds.
- A person who has valid leave to remain in the UK, which carries no limitation or condition and who is not habitually resident in the Common Travel Area (the Common Travel Area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland)

- A sponsored person who has been in this country less than five years (from date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is/are still alive
- A person who is a national of a European Union (EU) country that is subject to immigration control
- A person who is a national of a non-European Economic Area country that has ratified the European Convention on Social & Medical Assistance (ECSMA) and / or the European Social Charter (ESC), but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with a temporary admission) and/or is not habitually resident in the Common Travel Area.
- A person who is in the UK illegally or who has overstayed their leave to remain

### 2.3 Qualification Criteria

Under this policy housing will only be allocated to a 'qualifying' person. Housing will not be allocated to a disqualified person. The criteria for qualification or disqualification are set out below in 2.4 to 2.6.

2.4 covers positive qualification criteria for applicants and 2.5 covers applicants who do not meet the positive qualification criteria in 2.4 but are still able to qualify to be on the Council's housing register.

Unless an applicant meets the positive / standard qualification criteria as set out section, 2.4, or criteria within 2.5 they will not normally qualify to join the Housing Register. In some limited circumstances the Team Leader Social and Supported Housing and / or the Housing Options Manager will consider whether they will allow an application to qualify where it does not meet the criteria in 2.4 or 2.5 due to the exceptional factors / circumstances of the case. Each case will be assessed on its merits and where it is agreed to disapply the criteria (i.e. where the application is treated as qualifying) the application will be set to live and banded appropriately in accordance with this scheme and after provision of relevant validation and or verification information.

The disqualification criteria are set out in 2.6. In some limited circumstances the Team Leader Social and Supported Housing and / or the Housing Options Manager will consider whether they will not apply the disqualification criteria to the application due to the exceptional factors / circumstances of the case so that the application qualifies to be on the Housing Register. Each case will be assessed on its merits and where it is agreed to disapply the criteria (i.e. where the application is treated as qualifying) the application will be set to live and banded appropriately in accordance with this scheme and after provision of relevant validation and or verification information.



Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to demonstrate that his or her circumstances have changed.

Applicants who are introductory / starter tenants in social housing will not qualify to join the Housing Register unless there are extenuating circumstances as agreed by the Team Leader Social and Supported Housing and or Housing Options Manager.

**Elmbridge Reasonable Preference** - The Council wishes to make the best use of the social housing stock within Elmbridge and the Housing Register is open to eligible and qualifying social housing applicants. The Allocations Policy has to ensure that we give reasonable preference to applicants as set out at 1.3 above. In order to address under occupation of tenants residing in social housing in Elmbridge and the lack of adapted property overall within social housing in Elmbridge we will give Elmbridge Reasonable Preference to these cases which will allow for their qualification and assessment in accordance with this policy.

### 2.4 Positive Qualification Criteria

In order to qualify to be included on the housing register applicants should have capacity i.e., they must have mental capacity to understand the implications and responsibilities of being a tenant. If they do not, an application may be made to the Court of Protection which may then be considered by the Council and/or Registered Provider whose decision will be final.

In some cases, whilst an applicant may meet the criteria below within this section i.e., 2.4 or that in 2.5 as an Exception to meeting the qualifying criteria they may still not qualify to be on the Housing Register as their application is subject to one or more of the disqualification criteria set out at 2.6.

Applicants must fulfil the following criteria:

#### **(i) Age**

An applicant must be at least 16 years old. As an applicant under 18 cannot legally hold an independent tenancy a guarantor will normally be required before any 16 / 17-year-old is offered a property.

#### **(ii) Local Connection**

Applicants who meet the requirements set out below with regard to local connection for at least one of the categories will qualify to be included on the housing register:

**Current Residence** - Applicants who currently live within the borough of Elmbridge and have done so for at least the last three years **or**

**Previous Residence** - Applicants who have previous continuous residence within the borough of Elmbridge amounting to five or more continuous years in Elmbridge within the last 10 years (only residence as an adult will be taken into account) **or**

**Family** - Applicants who have immediate family (mother / father / brother / sister / adult son / adult daughter 18 years or over) who are currently living in the borough of Elmbridge and have done so for at least the last five years or more **or**

### **Work**

(a) Applicants who have a permanent job in the borough of Elmbridge (at least 16 hours a week and an existing contract duration of 12 months or more); **or**

(b) Applicants with zero hours contracts will be considered on a case-by-case basis, but an applicant must demonstrate they have worked more than 16 hours a week on average over at least the last 12 months; **or**

(c) Self-employed applicants who can demonstrate a high and consistent level of work in Elmbridge over the last year may also qualify as having a local connection through employment. This will be considered on a case-by-case basis and subject to the provision of documentary evidence to support this.

**Special Circumstances** - Applicants who have a connection with the borough of Elmbridge because of any special circumstances, such as the need to be near specialist medical or support services which are only available in a particular district, and this is supported by documentary evidence of relevant professionals and where it is considered by officers that there are overriding factors to support a local connection being achieved.

**Supported Accommodation** - Where an applicant is placed in supported accommodation outside of the borough of Elmbridge and the Council is notified of the placement out of Borough and the placement is with the Council's agreement, a local connection may be retained on the basis of residence provided the criteria for residence as featured above was met on the date of placement.

## **2.5 Exceptions to meeting Qualification criteria set out in 2.4 to enable qualification.**

### **(i) Homeless Households**

A household accepted as homeless by Elmbridge Borough Council under the main housing duty S193 of the Housing Act 1996 (and not referred to another authority on 'local connection' grounds) and the duty has yet to be discharged, will be deemed to be a qualifying person with regard to local connection within this policy. Those to whom a relief duty has been accepted by Elmbridge and who are not being referred to another local authority will also be deemed to be a qualifying person for the duration of that duty applying to the case.

### **(ii) Homeless Households under a duty from another Local Authority who reside in Elmbridge**

A household living in accommodation in Elmbridge provided under any aspect of the Homelessness Legislation (Housing Act 1996, Part 7) by any Council other than by Elmbridge Borough Council may exceptionally be deemed to be a qualifying person. This will only be where a clear longstanding and significant local connection in real terms has been built up and established and is agreed by the Council (this would normally exclude, for example, merely having children attending local schools). This decision will be made by an officer of at least at Team Leader level on a case-by-case basis.

### **(iii) Special Arrangements for Armed Forces**

Under this policy we will not disqualify the following applicants on the grounds that they do not have a local connection with the authority's district:

- (a) Members of the regular Armed Forces and former personnel of the regular Armed Forces, where the application is made within five years of discharge.
- (b) Bereaved spouses and civil partners of members of the regular Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death is wholly or partly attributable to their service).
- (c) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- (d) Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence will also not be disqualified.

### **(iv) Relevant social housing tenants - Need to Move for the purpose of work**

Under this policy we will not disqualify relevant social housing applicants on the grounds that they do not have a local connection with the authority's district subject to the following conditions.

They must be a secure or introductory tenant in England or assured tenant of a Registered Provider in England. They must also have a reasonable preference under s.166(3) Housing Act 1996 because of a need to move to the district and where failure to meet that need would cause hardship to themselves or to others.

They must have a need to move because they work in the authority's district or have been offered work in the authority's district and the authority is satisfied there is a genuine intention of taking up the offer of work.

This section will not apply if the need to move is associated with work or the offer of work which is short term or marginal in nature, ancillary to work in another district or voluntary work.

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

### **(v) Care Leavers**

- (a) Care Leavers with Surrey County Council's Children's Services where they are the corporate parent will be considered to have a local connection with Elmbridge and with all Surrey Housing Authorities. Such Care Leavers aged 18 to 21 years old, suitable for independent living, and having recourse to public funds, will be able to join the Housing Register.
- (b) Care leavers with Surrey County Council's Children's Services who are over 21 years of age up to and including 25 years of age will also normally qualify to be on the Elmbridge Housing Register where still requesting support, provided they have recourse to public funds and have been granted extended status by Surrey County Council's Children's Services or they consider support is necessary.

### **(vi) Cases of Domestic Abuse**

Where an applicant does not meet the qualification criteria above at 2.4, but the Council is satisfied they need to (a) move between local authority districts in order to escape domestic abuse and (b) apply to Elmbridge for assistance with housing, they will qualify to be on the Housing Register. This also applies to those who are living in a refuge or other form of safe temporary accommodation in Elmbridge having escaped domestic

abuse in another local authority area.

### **(vii) Elmbridge Reasonable Preference cases**

Applicants who are social housing tenants residing in Elmbridge who under occupy their home and have less than 3 years residence or social housing tenants residing in Elmbridge who have significant disabled adaptations in the home which are no longer needed and can be used by others and have less than 3 years residence in Elmbridge can qualify to be on the Housing Register after officer assessment of the facts of the case and will normally be in band C2 but may be awarded a higher band if there are overriding / exceptional circumstances. This will be determined by the Team Leader Social and Supported housing and/or Housing Options Manager.

Applicants who are social housing tenants residing in Elmbridge who under occupy their home and have 3 or more years residence

**or**

social housing tenants residing in Elmbridge who have significant disabled adaptations in the home which are no longer needed and can be used by others and have 3 or more years residence

can qualify to be on the Housing Register and be awarded band A or B after officer assessment of the facts of the case.

### **(viii) Households who have a reasonable preference**

Applicants who do not meet the qualification criteria set out at 2.4 above and are not an Exception case to enable qualification as set out in this section 2.5 (i) to (vii) above but fall within a statutory reasonable preference category group (as set out at 1.3 above) after assessment by the Council may be deemed to qualify to join the Housing Register and will normally be placed in Band C2 other than in exceptional circumstances. This includes those for whom the Prevention duty is accepted whilst an open case.

Exceptions to qualification where there is a reasonable preference will include those applications where there are issues of serious antisocial behaviour or fraud as set out in 2.6 below. Each such case where this may apply will be assessed on its facts and merits to determine if the application is to qualify or be disqualified. There is a right to request a review of the decision to disqualify.

### 2.6 Disqualification Criteria

The disqualification criteria covers

1. Those that have demonstrated Unacceptable Behaviour
2. Applicants who have pursued fraudulent applications
3. Applicants who own property outright or with a mortgage
4. Applicants with income above an income threshold
5. Applicants with savings over a saving threshold
6. Social Housing Tenants without a need to move.
7. Other applicants where there is no housing need

The disqualification criteria above are not applied in the same way to all applications.

**Points 1 and 2** will be applied to all applicants including those which have a reasonable preference at 1.3 above or have Elmbridge Reasonable preference as set out in 2.5 (vii) above.

**Point 3** will be looked at on the basis of the age of applicants i.e., under or over 55 years of age for all applicants. Under 55 years of age normally disqualified or over 55 may qualify.

**Point 4** will not normally be applied where the application is one which comes within a reasonable preference category as set out at 1.3 above; **or**

Where the case is one where Elmbridge Reasonable preference applies i.e. on the basis of a social housing tenant in Elmbridge who under occupies their home or have significant disabled adaptations that are no longer needed and can be used by others. This is the case whether the applicant has less than 3 years residence in Elmbridge or more than 3 years residence in Elmbridge.

**Point 5** will not normally be applied where the application is one which comes within a reasonable preference category as set out at 1.3 above **or**

Where the case is one where Elmbridge Reasonable preference applies i.e. on the basis of a social housing tenant in Elmbridge who under occupies their home or have significant adaptations that are no longer needed and can be used by others. This is the case whether the applicant has less than 3 years residence in Elmbridge or more than 3 years residence in Elmbridge.

Where the savings or incomes thresholds are significantly exceeded and dependent upon the size of accommodation required an applicant may be invited in for interview to

look at all reasonable housing options before a decision is reached to allow the application to qualify or to disqualify it.

The decision on whether an application is to be disqualified may be systems generated based on answers given on the online application and if notified of disqualification there is a right to review. See section 7 for more details.

Decisions on review or consideration of the application and whether the disqualification criteria should be applied or that the disqualification are not to apply to an application can be determined by the Team Leader Social and Supported Housing and or the Housing Options Manager.

It should be noted even if the Council agrees to inclusion on the Housing Register a Registered Provider to whom a nomination is made may refuse the nomination on the basis of unacceptable behaviour or fraud.

Additional information regarding disqualification is set out below.

### **(1) Applicants with Unacceptable Behaviour – considered for all applications**

This applies where the applicant or any member of the household who will move with them has engaged in evidenced anti-social behaviour or criminal activity and where the Council assesses that an applicant or member of the household is unsuitable to be a tenant due to this behaviour/activity. For example, service of a Criminal Behaviour Order or Community Protection Notice. This can include behaviour that would allow a landlord acting reasonably to obtain a possession order against the tenant.

All applications will be dealt with on a case-by-case basis. If a decision is reached to disqualify the application there is a right to request a review of the decision. See section 7 for more details.

Applicants that have been excluded or removed in the past can make a new application if they can demonstrate they have improved their behaviour. When considering a new application, the severity and persistence of any previous anti-social behaviour and the length of time that has elapsed since the previous incidents / anti-social behaviour will be taken into account. If the Council agree inclusion on the Housing Register this does not mean the behaviour will be disregarded by Landlords who may refuse a nomination on this basis but the Landlord should discuss this with the Council's Housing Services team before refusing any nomination. The applicant will have a right to review the decision of the Landlord if they refuse the nomination.

All relevant information, such as health problems, people who are dependent on the applicant and other issues will be considered before a decision on whether to exclude is



made. The interests of the applicant and their household will be considered balanced against the interests of the people who live and work in Elmbridge.

### **(2) Applicants who have pursued Fraudulent Applications and Tenancy Fraud – considered for all applications**

Where an applicant or a member of the household is discovered to have knowingly or recklessly made false statements or knowingly withheld information in respect of his / her application for housing, consideration will be given to excluding the applicant from the housing register. The period of exclusion will be at the discretion of the Housing Options Manager and may last for a period of up to five years.

Consideration will also be given to pursuing a criminal prosecution under section 171 of the Housing Act 1996, or under the Fraud Act 2006 (or other similar legislation that may be applicable).

If an applicant or member of the household is discovered to have previously committed tenancy fraud, they will normally be disqualified for a period of up to five years.

### **(3) Applicants who Own Property**

#### **(i) This section applies where the applicant or joint applicants are aged under 55 years**

Applicants or a member of their household who own or part own a property outright or with a mortgage, either in the UK or abroad will not normally qualify to be on the Housing Register whether or not they fall within a reasonable preference category. This is provided they can reasonably be expected to reside in the property. Such applicants will where appropriate be invited for interview to look at other housing options. An applicant who has a shared interest in a property with a person not included on their application may be required to resolve the ownership issue before an application will be considered and an exemption granted.

#### **(ii) Applicants or joint applicants over 55 years of age.**

Disqualification - this does not normally apply where the age of applicants are 55 years or over and they have applied for, or advise they will accept accommodation that is referred to as independent living accommodation which is designated for those aged 55 years plus. This type of accommodation is in reasonable supply and is normally bedsit / studio or 1 bedroom accommodation. Very rarely 2-bedroom accommodation for those over 55 years becomes available for letting. Such applicants should not bid on general needs accommodation and will not be nominated to Registered Providers should they do so. A Housing options interview may be carried out prior to allowing the application



to qualify.

**For category (i) above** there are some exceptional cases or circumstances, with each application being treated on its facts and merits, where a case may be treated as qualifying and upon receipt of requested documentation by the Social and Supported Housing Team. Such cases may include but not limited to the following circumstances:

- There is a member of a household who is disabled, and their home cannot be adapted to meet their needs, which has been confirmed by an Occupational Therapist and the proceeds from the sale combined with income and savings is insufficient to buy an alternative suitable property.
- There is a significant lack of bedroom space or medical, welfare or serious disrepair reasons and the household does not have sufficient income or savings to purchase alternative accommodation suitable to their needs, or to repair their property.

### Other Disqualification criteria

#### (4) Applicants with income above an income threshold

If the joint household income is greater than £60,000 a year gross they will not qualify for inclusion. But please see note under point (5). Lower income thresholds may apply for those eligible for one- and two-bedroom accommodation.

The income threshold will be kept under review on at least an annual basis and may be adjusted to reflect the size of accommodation needed and market conditions.

#### (5) Applicants with savings over a saving threshold

If the total household savings are greater than £30,000 an applicant will not be eligible. But please see note under point (5) The savings threshold will be kept under review on at least an annual basis and may be adjusted.

As set out at 2.6 above the disqualification criteria for exceeding the savings or income thresholds will not apply to all cases i.e. they will not normally be applied if an applicant falls within a reasonable preference category (as set out in 1.3 above) or is a case with Elmbridge Reasonable preference who is considered to qualify. These cases would normally be assessed as Band C2, but may be awarded a higher band if there are overriding / exceptional circumstances. This will be determined by the Team Leader Social and Supported housing and or Housing Options Manager.

**Note** In some cases where the income thresholds at (4) and savings threshold at (5) are exceeded a housing options interview may be carried out prior to allowing the

application to qualify.

For all other applicants the income and savings thresholds limits in 4 and 5 above will be applied and the application will not normally be included on the housing register and will be treated as disqualified.

### **(6) Social Housing Tenants without a need to move**

Where an applicant is a social housing tenant who does not fall within a reasonable preference category or Elmbridge Reasonable Preference category and/or is already suitably housed (as assessed by the Council) they will not qualify to join the Housing Register unless there are extenuating circumstances as agreed by the Team Leader Social and Supported Housing and or Housing Options Manager. Those who are under occupying accommodation will not fall within this disqualification criterion or those who under occupy their home or have significant disabled adaptations that are no longer needed and can be used by others.

## **2.7 Joint Applications**

Joint applications may be made by:

- Both parties to a marriage.
- Civil partnership couples.
- Partners.
- Parent and child over 18 years of age.
- Siblings.

By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. This will be subject to the discretion of the landlord offering the property. Any other type of joint application will only be agreed in exceptional circumstances and with the authority of the Team Leader Social and Supported Housing or Housing Options Manager

In the case of an application and allocation to 2 or more persons jointly, at least one of the people must be a qualifying person ([section 160ZA\(6\)\(b\) Housing Act 1996](#)) and all of them must be eligible. A 'restricted person' is someone who is not 'eligible' for housing assistance under the law on homelessness or to join the housing register because they require immigration leave, or who has leave with a condition of no recourse to public funds, who then jointly applies with a person who is 'eligible' to join the housing register and confers on that 'eligible' person a 'priority need' under the law on homelessness.

Where an applicant has been accepted by this, or any other housing authority, as

homeless because a priority need has been conferred to an 'eligible person' by a 'restricted person', they will not be afforded any priority under this scheme and will not be treated as being entitled to reasonable preference for an allocation under Part 6 as a homeless person.

### **2.8 Applicant Consent, Declaration and tackling fraud**

The Council has a duty to protect the public resources it administers. Detailed enquiries about applicants will be made to guard against misrepresentation and fraud. This may be at the point of application but will also be made in all cases where it appears an applicant may have sufficient priority for an offer of accommodation or at any other time during the application remaining live. Checks may also be made cross referencing information with other databases held by the Council and other public sector information through data matching.

Each applicant will be expected to complete the online application form and sign the declaration at the back of the form (electronic signature) confirming that the details they have provided are correct. Checks will be made as part of the verification process that the details are correct, but the onus is on the applicant to give the correct information on their application. We may contact agencies such as Registered Providers, social services, current or former landlords etc. as part of our verification processes. If false information is given and this is believed to be a fraudulent application this could result in disqualification from the Housing Register.

Applicants will need to provide documentary evidence to support their application for themselves and those they have included on their application and who they want to be rehoused with. In some cases, a home visit will also be necessary.

Legal action can be taken against any applicant or a member of their household who provides false information when applying for housing (including a fine of up to £5,000). Under Section 172 of the Housing Act 1996 it is an offence to:

- Deliberately provide false information. Or,
- Deliberately withhold information that should have been given.

Possession proceedings can be instigated by a landlord if a tenancy was obtained by giving false information.

Applicants will also be expected to sign to give authorisation to contact other agencies, e.g., social services, current or former landlords, to obtain and share relevant information about them.

### 2.9 Change of Circumstances

Applicants who move home or whose circumstances change after they have been accepted onto the housing register, (e.g., someone joining or leaving their household, or a change in income or employment etc.) should immediately contact Elmbridge Borough Council and notify them of the change. You will be advised if you need to complete a change of circumstances form or a further full online housing application form but a full online application will always be needed where the applicant has moved to a new address.

If the change of circumstances affects an applicant's banding or priority date, they will be informed in writing / email of the outcome of the reassessment. See Section 2.12 regarding priority date.

It is important that the Council has the most up to date information to assess an application and to ensure this is based upon the current circumstances case. Failure to notify the Council of a change may result in an application being suspended from bidding until a reassessment is made as to eligibility and the appropriate banding on current correct information.

### 2.10 Review of Applications and cancellation of applications

All applications will be periodically reviewed, and applicants may be removed from the housing register if their circumstances have changed such that they no longer qualify to be on the Housing Register or if they fail to respond to correspondence. This includes letters or emails sent by the Social and Supported Housing Team to applicants who have not actively bid on the Housing Register asking if they still wish to remain on it, or if an applicant fails to complete a re registration process that the Council are carrying out.

An application may also be cancelled in other circumstances, including but not limited to an acceptance of social housing accommodation through the Housing Register, an applicant being found to be ineligible or disqualified after being registered, or following a request by an applicant to cancel an application, or if an applicant fails to complete required actions to complete a re-registration process that may be undertaken by the Council.

### 2.11 Fresh applications

Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed.

### 2.12 Banding

Applications are assessed and awarded a Band to reflect the level of need of the applicant and local connection. There are five bands:

- **Band A** - Emergency / Priority need to move.
- **Band B** - Urgent need to move.
- **Band C1** - Identified Housing Need to move.
- **Band C2** - Identified Housing Need to move – reduced priority ( – reasonable preference but lower band as no local connection or some disqualification criteria apply)
- **Band D** – Other need / overall reduced priority.

A detailed list of the factors, taken into account when awarding these Bands, is set out in **Appendix 1**.

All Band A cases will be reviewed on a six-monthly basis.

### 2.13 Priority Date (Effective Date of Application)

Applications are given a priority date, which is usually the date they join the register (for Band C1 and C2 as well as Band D) and this date is used to prioritise applicants where applicants are in the same Band.

For those applications assessed as Band A or B after full assessment the priority date will normally be the date it was determined that banding applied to the application.

If a change of circumstances affects an applicant's banding, they will be informed in writing of the outcome of the reassessment. Applicants will retain their original registration date if their case remains as Band C1 or C2 or D.

If the case is reassessed as Band A or B the priority date will normally be the date it is determined the award of Band A or B applies to the case.

(See **Appendix 1** for information on the Banding Scheme).

If an application has been cancelled, for any reason, any subsequent application will have a new priority date based on the date of the new application if assessed as a Band C1, C2 or D. If on a subsequent application, the case is assessed as Band A or B after full assessment the priority date will normally be the date it was determined that the award of either an A or B banding award applies to the new / subsequent application.

### 2.14 Cumulative Need

If an applicant (or one or more members of their household who will move with them, as applicable) has more than one identified housing need (cumulative need) within the priority band in which they have been placed, they may in exceptional circumstances be placed in a higher band to recognise their cumulative need.

### 2.15 Applicants Who Have Deliberately Worsened Their Housing Circumstances

If there is evidence that an applicant has deliberately made their housing circumstances worse to get more priority on the housing register their application may be placed in **Band D**.

### 2.16 Medical or Welfare Needs

Additional priority may be awarded on medical or welfare grounds if the information received indicates a move will benefit the health and wellbeing of the applicant and / or their household following consideration by an officer in some cases with advice of a specialist medical adviser. The medical assessment will reflect the household as a whole and one banding will be awarded per application which will take into account the factors for the applicant and if relevant, any individual household members.

Where an applicant requires a live-in carer and this has been agreed by the Council, the carer will be treated as a member of the household and the bedroom requirement will be assessed accordingly.

Medical awards are as follows:

**Band A** – where the applicant is assessed as having an “emergency” medical or welfare need to move because the applicant’s current property is unsuitable.

This award should be for the most extreme cases where the need to move is seen as an emergency and it is highly probable the applicant’s life might be at risk or there is a risk of severe injury to an applicant or a member of the household included on the application if they continue to occupy the accommodation.

**Band B** – where the applicant is assessed as having an “urgent” medical or welfare need to move because the applicant’s current property is unsuitable and is seriously affected by their current housing.

**Band C1 or C2** – where there is an “identified” medical or welfare need to move because the applicant’s current property is unsuitable and is having more than a marginal impact on their health.

If there is a relevant change in the applicant’s circumstances, e.g., a change of address, a new application and a medical assessment may need to be completed to reflect the current housing situation and to what extent if any a move will benefit the health and wellbeing of the applicant and / or their household.

Applicants will be notified in writing of the decision about a medical or welfare award. They will be advised they have the right to appeal against the decision. (See Section 7 for further information on the appeals procedure).

### 2.17 Assessing Overcrowding / Bedroom Shortage

An applicant’s level of overcrowding will be carefully assessed in determining their band.

If an applicant is assessed as being statutorily overcrowded as defined in Part 10 of the Housing Act 1985, they will be placed in **Band A**. This will normally be assessed by the department using Environmental Health legislation.

If an applicant is assessed as overcrowded and requires two or more additional bedrooms, they will be placed in **Band B**.

If an applicant requires one additional bedroom, they will be placed in **Band C1 or C2**

For the purposes of assessing bedroom shortage (or bedroom need) a separate bedroom is allocated to each of the following:

- The main applicant and partner.
- Two children of either sex where they are both under 10 years of age.
- Two children of same sex where there is an age gap of less than 10 years.
- Two children of same sex where there is more than a 10-year age gap but where both are under 16.
- An overnight carer. Where in principle there is an exemption or Discretionary Housing Payment would be awarded in principle if applying for Housing Benefit. (This is to ensure that any property offered would be affordable). Please see the text below around Carers for more information.

It should be noted that:

- A child will be considered to have a ‘need’ from birth.



- A single adult within the household (who is not the applicant) would only be entitled to a separate room if there is no other person they can share with within the below table unless there are exceptional reasons why they should not share a bedroom. However, an adult would not be expected to share with their own child.

For clarification purposes this is further set out as follows:

Household	Bedroom Need
Adult person – single	Bedsit / One Bedroom
Adult couple	One bedroom
An overnight carer	One bedroom
Two persons / children of the same sex with less than a ten-year age gap	One bedroom
Two persons / children of different sex both under 10 years of age	One bedroom
Two persons / children of the same sex with more than a ten-year age gap where both are under 16	One bedroom
Two persons / children of different sex, of whom at least one is over 10 years of age	Two bedrooms
Two persons of the same sex with more than a ten-year age gap and where at least one is 16 or over	Two bedrooms

In certain circumstances the size of the bedrooms in an applicant's property and the relationship between those sharing a bedroom will be taken into account when carrying out an overcrowding / bedroom shortage assessment.

Overcrowding priority will not be given if the applicant has caused the situation by moving in others who are not part of their household. (E.g., an applicant with a child is living in two-bedroom accommodation and they choose to share a bedroom in order to let the second bedroom to a lodger /tenant / acquaintance / extended family member).

In exceptional circumstances, such as a medical need, additional bedroom requirements may be considered. This decision will normally be reached by the Team Leader or Housing Options Manager who may seek advice of a medical adviser and will require documentary evidence of the need for an additional bedroom to meet the housing need. Regard will also be had as to whether an exemption or DHP / UC will be awarded for the additional bedroom to ensure affordability and tenancy sustainment.

Children who are away from home, for example at university, will still be treated as part



of the household as long as there is a clear intention on their part to return to live with their family / household as their main residence.

For an additional bedroom to be assessed as needed for an **overnight carer/ live in carer** referred to above there will require to be current evidence of such need. This need will require to be set out and supported by adult social care and/or a health professional. This is to include information on what cover / care is provided now and its frequency. In cases of new or future needs, such as hospital discharge, that need will require to be evidenced. The additional bedroom must be necessary to enable appropriate care to be provided.

**Carer** – a person or persons (some applicants need up to 24 hours supervision/ attendance and work in shifts) who requires a separate room as they support and provide continued attendance overnight.

For the housing needs assessment, the need for a carer or carers overnight must be long term, not a temporary measure as a person recuperates. There must be current and ongoing need for the additional bedroom to meet care needs.

### **2.18 Assessment of Cases Where Children are Part of an Application**

An assessment of whether there is a bedroom shortage for the purposes of awarding a Band and in deciding the size of property an applicant is eligible for an assessment will be made on the facts of each case. In reaching a decision regard will be had to what is considered to be the child's prime residence i.e., where they stay overnight, where there is financial dependency including who claims child benefit, who the child is dependent upon for daily care as well as social factors such as where the child goes to school.

### **2.19 Assessment of Cases Where Children Stay with More Than One Household**

There may be informal agreements between separated parents to share the care of their children and they may stay with each parent on a regular basis. However only in the most exceptional circumstances would a child/children be considered as needing accommodation with more than one parent for the purposes of applications for social housing.

In considering shared custody arrangements the housing authority will take into account any court directives. However, it should be noted that a family court order which refers to residence and accommodation arrangements is not binding upon the housing authority with regard to provision of accommodation. It is for the housing authority to

determine whether priority should be given in respect of shared custody.

### 2.20 Homeless applicants

Homeless households are one of the categories who must be given a reasonable preference and the Search Moves allocations policy meets this requirement as outlined below:

### 2.21 Assessment of Homeless Applicants to whom the Main / Full Duty to Secure Accommodation is Owed.

#### (a) The Council's Legal Duty

All Local Authorities have a legal duty under Part VII of the Housing Act 1996 (as amended) to make sure that homeless applicants owed the "full / main" duty under section 193(2) are provided with suitable accommodation. There is no requirement that this be permanent. Other duties in relation to accommodation or advice / assistance depend on their priority need. **Appendix 1** shows the priority of homeless households within the Banding Scheme taking into account requirements of the Homelessness Reduction Act.

#### (b) Priority Banding

Homeless applicants to whom the full duty is owed will normally be placed in **Band B**.

#### (c) Bidding

An accepted homeless applicant will be expected to bid for all suitable accommodation and will normally be registered as auto-bidding for all suitable accommodation based on the Council's assessment of their case. Where a bid results in an offer of accommodation, and this property is deemed to be suitable by the local authority, this will normally be deemed to be a final offer of accommodation which will end the homelessness duty under the Housing Act 1996 Part 7. This decision is subject to a right of review.

The local authority also reserves the right to place bids on behalf of an accepted homeless household and may do this routinely but only where the Council considers the property to be suitable to meet the household's needs.

The Council may also make direct lets to households accepted for the statutory homeless main duty or in some circumstances the relief duty (where there is a clear local connection as set out in section 2.4 (ii) and 2.5 (i) and may do this routinely to manage homelessness demands but only where the Council consider the property to

be suitable to meet the households needs and to discharge its duty to the household under homelessness legislation.

### 2.22 Armed Forces Personnel

It is recognised that those who have served in the Armed Forces have made significant sacrifices for their country and have often moved many times occupying Armed Forces accommodation that is tied to their service. It is intended that such households should not face discrimination under this policy and should receive special consideration for housing. As part of this commitment, it should be noted that under this policy, the local connection requirement does not apply to Armed Forces personnel (see 2.4(v)) Regular Armed Forces personnel are therefore given equal treatment under this policy regardless of the area they have been living in.

In addition, under this policy certain Armed Forces households will also be awarded special priority as follows:

**Band B Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months; and
- They are losing / have recently lost their MoD accommodation; and
- There is a specific need to move to the borough relating to employment or family issues; and
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly, the same **Band B** Armed Forces priority will be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months; and
- They are losing / have recently lost their MoD accommodation; and
- There is a specific need to move to the borough; and
- There are insufficient funds to pursue other options.

**Band C1 Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months or has come to an end within the preceding 12 months; and
- They are losing their accommodation / have recently lost their MoD accommodation; and
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

Similarly, the same **Band C1** Armed Forces priority will also be awarded to recently bereaved spouses (or civil partners) of the regular armed forces:

- Where the bereavement is within 12 months; and
- They are losing / have recently lost their MoD accommodation; and
- There are insufficient funds to pursue other options.

In all other situations, households will be banded according to the banding rules taking into account their current accommodation and any medical or welfare issues. Some Armed Forces households who are losing their MoD accommodation may also need to be dealt with under the Homelessness provisions and may be awarded a priority band relating to their homelessness status.

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## 3 Advertising and Letting of Vacant Properties

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### 3.1 Introduction – basic principles

Properties that become vacant and available for letting to a case nominated by the Council from its Housing Register will be advertised through the Search Moves website [www.searchmoves.org.uk](http://www.searchmoves.org.uk).

Property adverts will clearly set out any restrictions that apply to who may bid as well as any preferential advertising arrangements that may apply. This may be shown as an icon on the advert or text within the advert.

### 3.2 Restrictions

Property adverts will set out the size and type of the vacant property and only applicants who have been assessed as needing that size or type may apply / bid. For example, a one-bedroom property would be restricted to single or couples only, a sheltered housing or independent living flat would be restricted to applicants who are normally over 55 years of age a property with disabled adaptations suitable for a

disabled occupant may be restricted to applicants requiring such disabled adaptations.

### 3.3 Preferential Advertising

Property adverts will also set out if there are to be any factors, other than band, that may be taken into account in prioritising the applicants who have bid. The advert will set out the size and type of the of the property advertised and applicants should only place bids on those adverts where they have been assessed as needing that size of property. Property with and disabled adaptations may be restricted for those who need that type of accommodation.

Practical details of the scheme are contained in the applicant Help Guides available on the Search Moves Website.

Houses with two or more bedrooms may be advertised with preference to households with a dependent child under 16. This will be taken into account when shortlisting but households with no children should not be affected overall and are not ineligible for such nominations particularly where there are specific housing needs. However, this preference i.e. preference to households with a dependent child under 16, would only apply where applicants were in the same band so a **Band C1** applicant with dependent children would not be given preference over an applicant with adult children in **Band B** for example.

### 3.4 Local Letting Policies

Some properties (usually newly built homes) will be advertised with the statement “local lettings policy applies”. In order to encourage balanced communities when a whole development of newly built homes is being let at the same time it will be necessary, from time to time, for the Council to agree with the Registered Provider specific criteria to be applied to applicants to be offered homes designed to address local management issues (such as the employment status with the definition of work for this purpose is as set out at 2.4 (ii) in this policy or age groups of children). The policy will be representative of the needs of the community and seek to promote community cohesion.

Local Lettings Policies will normally apply to any new build scheme or letting of homes following conversion where there are 10 or more units to be let at the same time or part of a wider scheme being handed over in phases normally over one year.

Local Lettings Policies may be considered or in existence for the following reasons:

- Planning Restrictions.

- Section 106 agreements.
- The proportion of homeless households on estates.
- Properties may be unsuitable for young children.
- Restriction on the family size on estates to reduce child density.
- Specific housing management reasons e.g. anti-social behaviour.
- People who are in employment.
- Changes to eligibility criteria for difficult to let schemes e.g. lowering the age of applicants to sheltered developments.
- Where homes are provided through funding from central government for specific purposes (e.g. for those arriving in the UK through humanitarian schemes (Afghan and Ukraine) under the Local Authority Housing Fund (LAHF))

All adverts will specify if a local lettings plan is relevant and if so, they will be available on the Council website.

### **3.5 When Properties Will Not Be Advertised – Allocation by Direct Offers**

Some properties that become vacant will not be advertised and made available for bidding on the SEARCH Moves website. Instead, the vacancy will be offered directly to an applicant after a successful direct let nomination to the Registered Provider. The circumstances under which direct offers may be made include:

#### **(a) Surrey Mobility Scheme**

Where a request for assistance is made through the Surrey Domestic Violence mobility scheme for the re-housing of victims of violence in accordance with the current procedure agreed by the Surrey District Housing Authorities.

#### **(b) National Witness Mobility Service / UKPPS The UK Protected Person Service**

In certain circumstances the Council may need to offer accommodation to an applicant who is giving evidence in a criminal or civil case and they are suffering from intimidation or harassment which means they cannot remain in their current home.

#### **(c) Multi-Agency Public Protection Arrangements (MAPPA) / Prolific and Persistent Offenders**

These lets will be managed in liaison with MAPPA and relevant agencies. Each case will be assessed on its individual circumstances.

### **(d) Exceptional Housing Need**

In certain circumstances a case may be recognised as having an exceptional housing need. If it is deemed that an applicant is suffering severe hardship on welfare or medical grounds and it is unlikely they will receive an offer of accommodation within a reasonable time frame, at the discretion of the Team Leader Social and Supported Housing and or Housing Options Manager, they may be considered for a direct offer of accommodation.

### **(e) Exceptional Circumstances / Homeless Households**

Direct offers may be made to homeless households where the main or full duty has been accepted or in some circumstances the relief duty or others in exceptional circumstances, in order to ensure that the council can manage its homelessness duties and ensure that adequate temporary accommodation is available for newly homeless applicants. The Council may need to limit choice to main duty homeless households (or others in exceptional circumstances) by arranging direct offers to be made to them. The Council may also place bids on behalf of applicants and set up auto bidding after the Council has completed a suitability assessment. Such applicants will be offered a property that is considered suitable for an applicant's needs (as opposed to meeting the applicant's preference for their preferred areas and type of accommodation) to discharge the homeless duty. This will also include where a household has a need for a specific type of housing or has not actively bid for accommodation.

If the direct offer is to be the final offer to discharge the homeless duty the applicant will be notified of this in writing.

### **(f) Bypass – review upheld**

Where an applicant has been unfairly 'bypassed' by the Council or by a relevant Landlord when shortlisting applicants for a property potentially after review as to suitability. This will not be an offer of the property they were bypassed for but an alternative property that is deemed to be suitable based on the households needs.

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## **4 Applicant Bidding**

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### **4.1 Bidding Process**

The bidding process is explained in the **Help Guide**. Applicants need to place bids on Search Moves (those set on auto bid will also have the bid made on Search Moves) in order to be considered on shortlisting for a nomination to a Registered Provider for an allocation of social housing. Bidding is, effectively, making an expression of interest for

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a property that is advertised. Adverts are normally open for bidding for a period of 5 days, but this can sometimes be shorter or longer. Individual property adverts can begin and end on any day of the week, so applicants need to check the website regularly to view all available properties unless auto bidding has been set up for their application.

### **4.2 Expressions of Interest/placing bids**

Applicants can express an interest in up to 3 properties open to advert at any one time. If an applicant's bid has been selected by the Council as being someone, they may be considering for nomination to a Registered Provider to offer the property to, then their application will be marked as 'set to offer' on the Search Moves back-office system. Any other bids placed on open adverts whilst on set to offer are discounted and they cannot then be considered for or nominated for any alternative property until the outcome of that property for which they have been set to offer is known.

Applicants who refuse two or more offers or do not attend two viewings without good and evidenced reason in any one year will normally have their application demoted to Band D or their application may be suspended so they cannot place bids. Applicants in Band D who refuse a second offer or viewing unreasonably will normally be suspended unless there are exceptional circumstances.

### **4.3 Size of Property Applicants Can Bid For**

Applicants can only bid for properties that are of the correct size for their household. This is to ensure that best use is made of the stock and minimises under occupation or overcrowding of homes. Section 2.17 sets out the way that bedroom need is assessed, and the size of property applicants are eligible for.

Due to the shortage of larger properties, applicants who are eligible for four- and five-bedroom properties may also be considered for larger three-bedroom properties, for example, a three-bedroom property with two separate living areas. Where properties have two living rooms ('parlour' houses) it will be expected that one living room is used as a bedroom as long as this is suitable in relation to the property layout and wider household composition. The Registered Provider will consider these nominations but may refuse in some circumstances e.g., internal layout or overall room sizes being small.



## 5 Shortlisting, Offering and Letting of Properties

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### 5.1 Shortlisting

Once the deadline has passed for bidding for a property, the Council will consider those who have bid and will select applicants for offering and viewing. This is also called shortlisting. Those set to offer will be the application with the highest banding according to this Allocations Policy. As a general rule, applicants who have bid for a property will be prioritised in Band order (and within each band by priority date order) subject to any other preferences or restrictions set out in the advert.

The property will be set to be offered to the applicant who has the highest priority band and priority date on the housing register and meets the property criteria but subject to the bypass reasons in accordance with this policy. Officers will need to be satisfied the case is verified with all necessary checks carried out by officers prior to a nomination being completed and forwarded to the Registered Provider for their consideration. The Registered Provider may carry out additional checks on the nomination and conduct a visit or interview prior to deciding they will offer the property to a nominated applicant.

### 5.2 Bypassing of Applicants

In some situations, a property will not be offered to the highest banded applicant who has bid on a property. Shortlisted applicants can be bypassed for a number of reasons and these are set out below:

#### **(a) Applicant is Ineligible or Unsuitable for the Property**

Applicants may be bypassed where their household does not meet the criteria for the property set out in the advert e.g. due to age restriction requirement, due to the household size not matching the property size, not being suitable based upon medical assessment and recommendation, due to ages of household members or because any disabled adaptations in the vacant property are either not required or not matched to the household who has bid on the property.

#### **(b) Applicant is Not Ready to Move and / or to Live Independently**

Applicants may be bypassed where, even though they have bid for a property; they themselves decide they are not ready to move. Applicants may also be bypassed if they are considered not to be ready to move or to live independently due to social or medical reasons. In determining this, regard will be had to any support available.

### **(c) Change in Applicant's Circumstances**

Applicants may be bypassed where there has been a change in their circumstances which makes them unsuitable or ineligible e.g. change in medical requirements, change in financial situation; or in some situations where it is known there has been a change of circumstances, but the applicant has refused to co-operate in providing necessary documentation or completing an on line change of circumstances form as operating at the material time.

### **(d) History of Anti-Social Behaviour**

Applicants may be bypassed where they or their family members have a recent history of significant antisocial behaviour which would make them unsuitable for the property. Some Registered Providers operate a blanket ban for some of their tenants / ex tenants – where this has been provided in writing by that Registered Provider with reasons the Council will normally not further nominate. If a ban operates for only a particular area the Council will nominate the applicant for other property outside those locations where they are the next suitable applicant on any shortlist.

### **(e) Rent Arrears / Debt**

Applicants may be bypassed where they have current or recoverable former rent arrears with any landlord or other debts with the Council which are not being satisfactory repaid.

Statutory homeless applicants where a main or full duty has been accepted by the Council or on expiration of the relief duty will generally not be bypassed for this reason but individual circumstances will be assessed both by the Registered Provider who owns or manages the property and by the Council.

### **(f) 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.

### **(g) Fraudulent Application Has Been Made**

An applicant will be bypassed where there are reasonable grounds for believing that false information has been given. This may also lead to exclusion from the Housing Register.

### **(h) Circumstances Not Confirmed**

Applicants may be bypassed where the required verification process has not been

completed.

### **(i) No Response from Applicant**

Applicants may be bypassed where they have been contacted for information relating to their application and / or a potential offer of accommodation and the applicant has not responded to that contact within a reasonable period of time.

### **(j) Local Letting Plans / Rehousing Plan**

Applicants may be bypassed where they do not match specific criteria set out in Local Lettings Plans. Local Lettings plans will be adopted for specific areas / schemes to ensure communities are as balanced as possible. Properties subject to local letting plans will be clearly advertised and priority will be given to those that meet the criteria set out within the plan. A bypass may be justified in the context of a rehousing plan.

### **(k) Sensitive Letting**

In exceptional circumstances, an applicant may be bypassed for a property where they are not considered suitable due to housing management reasons. For example, an applicant who has a history of drug dependency may be bypassed for a property in an area where the Registered Provider / landlord is aware there are a number of other residents with drug problems.

### **(l) Property Not Suitable For Adaptation**

Applicants requiring property disabled adaptations to meet their mobility needs may need to be bypassed if the property they have bid for cannot be adapted to meet their needs.

### **(m) Property Advert Withdrawn**

Some properties advertised for letting may need to be withdrawn for example because it is urgently needed for a direct letting or being advertised before the previous tenant had left and they have rescinded their notice. This could result in those who have bid on the property needing to be treated as having been 'bypassed'. There will be no right of appeal if an applicant has placed a bid on a property that is then taken as withdrawn from bidding.

### **(n) Special Requirement of Landlord**

Some Register Providers landlords have very specific applicant criteria built into their allocation policies or charitable rules relating to ages of applicants or area of residence for example. These requirements will usually be set out in the adverts but applicants

who bid may need to be bypassed if the requirements are not met.

### **(o) Applicant Has Alternative Property Offer Outstanding**

An applicant will be bypassed if there is an outstanding offer of accommodation available to them which has not been resolved.

## **5.3 Appeals Against Bypassing**

Where an applicant believes they have been bypassed for a vacancy that they have bid for where they should not have been bypassed (in other words where they otherwise believe they were the highest placed applicant but have not been offered the property for one of the above reasons) then they can appeal against this decision. This applies where the local authority has the nomination right. (See Section 7 for further information on the review procedure).

A successful appeal will not result in the applicant being made an offer of that vacancy, owing to the short timescales within which properties have to be let. It will, however, enable the applicant to bid in the future and not be bypassed unless there is a change of circumstances.

## **5.4 Council Nomination Rights**

The Council retains 'nomination rights' to a proportion of vacancies owned by Registered Providers. Where any Registered Provider / Social Landlord undertakes the selection of an applicant for a property subject to nomination rights they will consult the council over the bypassing of any applicant where required to do so by the Council. A review / appeal process must be followed in the event of a disagreement between the two organisations. The applicant may be requested to provide information to the Registered Provider to support any review / appeal.

## **5.5 Viewings and Offers**

Once the bids have been received and selection of applicants finalised (excluding any bypassed cases and after the landlord has carried out any checks they wish to make independently) viewings will be arranged by the relevant Registered Provider / Landlord who will normally contact the applicant directly.

If the household with the highest banding and priority date does not want to accept the property, or the nomination is refused by the Landlord, the Council will revert to the shortlist and the property will be set to offer to the household with the next highest priority subject to the application of any bypass reasons as set out in this policy.

## 5.6 Introductory Tenancies

Offers of Registered Provider / Landlord accommodation will usually be for an introductory tenancy for the first twelve months.

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# 6 Assistance for Vulnerable Applicants

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It is recognised that some households may need additional help with the Search Moves Scheme and associated processes including the online process of application.

Examples may include but are not exclusive to:

- Care Leavers.
- People with a physical or mental disability.
- Autistic people
- Domestic violence and serious harassment victims.
- People with Learning disabilities.
- Offenders or ex-offenders.
- Older applicants.
- People with drug or alcohol issues.
- Rough Sleepers.
- Teenage parents.
- People with low literacy skills.
- Applicants whose first language is not English.

With regard to the above group, and in accordance with the applicant setting out the area and type of accommodation they wish to reside in, the Council may, with the applicant's consent, place bids for applicants normally through Automatic Bidding where bids are placed automatically on the Search Moves system for properties available for letting.

Automatic bidding can be set up for accepted statutorily homeless applicants without consent to meet the Council's legal duty but only for accommodation that officers have determined after a suitability assessment would be suitable for the applicant's needs.

## 6.1 Identification of applicants Who Require Additional Assistance

The Council will undertake a range of actions to identify applicants who may be vulnerable or otherwise may require additional assistance in placing bids including:

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- Ask applicants or their advocate to indicate whether they consider themselves in need of support by completing the relevant documentation or speaking to one of the staff in the social and supported housing team
- Close liaison and information sharing with statutory and voluntary agencies.
- Ask all staff completing interviews and visits to identify potential vulnerable applicants so additional assistance can be given.
- Ensure any medical information submitted is evaluated and any support needs are identified.
- Close monitoring as to who is bidding or not and the suitability of the offers being bid for, so proactive action can be taken to assist.

### 6.2 Assistance to Vulnerable Applicants

The Council will assist vulnerable applicants in a number of ways including:

- Online translation of Search Moves website content.
- Translation of relevant documentation on request.
- Advertisements will be labelled with clear information and symbols to ensure simplicity.
- A link to an online video to introduce the Search Scheme and how to use it will be available on the website.
- Applicants will be able to bid for properties by telephone and online.
- Extensive communication will take place with agencies that represent and advocate on behalf of vulnerable clients.
- Automatic bidding.
- A periodic review of all aspects and procedures of the Allocations Policy will take place to ensure access and engagement for vulnerable clients.

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## 7 Right of Review of Decisions Relating to Applications and Allocations

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Applicants have the right to request a review of the following decisions:

- A decision that an applicant is ineligible for a housing allocation and therefore unable to be included on the housing register.
- A decision that the application is not a qualifying person within the terms of the qualification / disqualification criteria set out in Section 2.3 to 2.6.

- Any decision relating to the facts of their case which have been taken into account in considering whether to make an allocation to them e.g. a decision about banding or priority date of an application.
- A decision to bypass an application\*.

(\*Applicants will not be advised their case has been bypassed but can establish this by specific enquiry if they have bid for a property but can find out through the Search Moves website on the lettings outcome list that the property was offered to someone with a lower banding or later priority date than the applicants within the same banding). Appeals against bypassing are to be submitted to the Council other than where the Registered Provider has refused the nomination in which case the applicant will need to appeal to the relevant organisation which refused the nomination.

The applicant's review request should be made in writing within 21 days of the original decision being made. Details of why the applicant is appealing against the decision and any information they wish to be considered should be provided to assist in the review.

An independent senior officer to include the Head of Housing Services, who was not involved in the original decision will consider the appeal and they will decide whether to overturn or support the original decision. The applicant will be informed in writing of the decision normally within 21 days of receipt of the review request. The reply will contain the decision made once the review has been completed, the reasons for the decision and the facts taken into account when making the decision.

If an applicant is still not satisfied with the decision that has been made they have a right to make a formal complaint to the Council or in some cases this may be to the Registered Provider where they have refused a nomination.

### 7.1 Complaints

Applicants can use the complaints procedure for Elmbridge Borough Council or relevant Registered Provider in respect of an allocation as appropriate to the matter of complaint if they believe:

- Something has been done badly or wrong.
- If something has not been done that should have been done.
- If the service has not been delivered in accordance with policies and procedures.
- If they have been treated in an impolite or discourteous manner.

All applicants who make a complaint to the Council will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in within the Council's complaints policy.



If the applicant has gone through the Council or relevant Registered Providers complaint procedure and remains dissatisfied, they can write to the Local Government and Social Care Ombudsman or may in some circumstances apply for a judicial review.

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## **8 Monitoring and Review of This Policy**

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This policy and the operation of it will be reviewed regularly by the Council at least every 2 years. Complaints and feedback from applicants will be considered as part of this review alongside reports on lettings that have taken place and taking into account any changes in legislation. Some legislative changes will require implementation and amendment of the Allocations Policy within this review period.

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## **9 Personal Information and Data Protection**

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### **9.1 Applicants Accessing Own Personal Data**

Applicants on the Housing Register have the right to request to see any entry relating to them that is held on computerised systems. Applicants can also request to obtain copies of their paper file if this exists. Where there is third party information held on file, the Council will seek their permission before disclosing documents to the applicant and if permission is not obtained then personal data of those third parties will be redacted or removed.

Personal data provided to the Council as part of an application for housing will be processed in accordance with the Data Protection Act 2018 and the UK General Data Protection Legislation. Information provided will be used to process the application and may be passed to third parties involved in assessing the application and offering

accommodation, in accordance with the privacy statements which are available on the Council's website.

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## **10 Requirement to Consult Registered Providers Social Landlords on the Allocations Scheme**

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### **10.1**

Before adopting an Allocations Scheme for housing, or altering its existing scheme, Elmbridge Borough Council is required to:

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- Send a copy of the draft scheme, or a new proposal, to all Registered Provider Social Landlords which the Council has Nomination Agreements; and
- Ensure that all such Registered Provider Social Landlords have the opportunity to comment on the proposals.

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## 11 Equal Opportunities

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The Council will comply with the requirements of the Equality Act 2010 and all related legislation.

The Council is fully committed to equality in housing allocations and will oppose any form of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

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## Appendix 1 -The Banding Scheme

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### **Emergency / Priority need to move (Band A)**

Applicants will fall into this banding where:

- An applicant is assessed as having an “emergency” medical or welfare need to move, including grounds relating to a disability, and this is significantly and seriously affected by their current housing.
- An applicant’s life would be in immediate danger if they continued to live in their current accommodation and this has been substantiated.
- An applicant is a social housing tenant in Elmbridge and is residing in a property fully adapted for wheelchair use / or with significant disabled adaptations, and the disabled adaptations are no longer required. The disabled adaptations are in good condition / serviceable and some or all can remain in place at the address for future use by applicants who need these adaptations.
- An applicant is occupying a property that is subject to a compulsory purchase order and there is a statutory duty upon Elmbridge Borough Council to secure accommodation for them.
- An applicant is assessed as statutorily overcrowded within the meaning of Part 10 of the Housing Act 1985 (but only where the applicant has not worsened their housing situation without good reason).
- An applicant is an eligible social housing tenant in Elmbridge and is under occupying a high demand property at the point of the award and the nature of the under occupation is not related to any special letting criteria for that unit or part of a wider lettings plans for that scheme / development AND the applicant is moving to a lower demand / smaller property with Elmbridge and the Council would be able to nominate to the resulting vacancy.

### Urgent Need to Move (Band B)

Applicants will fall into this banding where:

- An applicant is assessed as having an “urgent” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing.
- An applicant needs to move because of harassment or threat of violence but this is not judged as serious as **Band A**
- An applicant has been accepted as homeless and the full main duty to secure accommodation has been accepted by Elmbridge but not discharged.
- A relief duty has been accepted by Elmbridge, applicant is unintentionally homeless and in priority need, main housing duty will be owed. The case is not being referred to another housing authority, there is a local connection to Elmbridge and other housing options sourced by the Council have not been unreasonably refused. This award applies whether or not the applicant is being accommodated in interim accommodation by the Council for the duration of the relief duty applying to the case.
- An applicant is unintentionally threatened with homelessness and has a priority need and has a clear local connection to Elmbridge and the case will not be subject to referral to another local authority on the basis of local connection. A Prevention duty has been (or is to be) accepted. The threat of homelessness has been validated and acted upon by the Housing Options Team and there are no other prevention options available and other housing options sourced by the Council have not been unreasonably refused.
- An applicant is overcrowded and requires two or more additional bedrooms.
- An applicant is an eligible social housing tenant in Elmbridge who is under occupying a lower demand property at the point of the award and the nature of the under occupation is not related to any special letting criteria for that unit or part of a wider lettings plans for that scheme / development AND the applicant is moving to a lower demand or smaller property and the Council would be able to nominate to the resulting vacancy.

- An applicant's accommodation lacks basic facilities, i.e. kitchen, bathroom or toilet and this cannot be provided by the landlord / owner within a reasonable timescale.
- An applicant's accommodation has been assessed under the Housing Health & Safety Rating System CAT 1 as not reasonably suitable for occupation and cannot be rectified by the owner / landlord at a reasonable cost or timescale.
- An applicant is in supported housing and has been assessed as no longer requiring the support and has a local connection with Elmbridge and is suitable for independent living and the accommodation is needed by other applicants with housing need.
- An applicant is pregnant or has at least one dependent child and is living in accommodation where the facilities are shared with others and they are lacking at least one bedroom.
- An applicant needs to move because their home in the Borough of Elmbridge is to be demolished or redeveloped within the next 6 months
- Care Leavers with Children's Services in Surrey will have a local connection with Elmbridge and with all Surrey Housing Authorities where aged 18 to 21 years old, in housing need, suitable for independent living and have recourse to public funds. This Band will cease once an applicant attains 21 years of age and the case assessed in the same way as an applicant who is not a care leaver unless the point below applies to the applicant.
- Care leavers with Children's Services in Surrey who are over 21 years of age and up to and including 25 years of age where still requesting support and granted extended status by Surrey County Council or they consider support as necessary.
- Armed Forces Urgent Need - this will be awarded to serving members of the regular Armed Forces (and their families):
  - Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months; and
  - They are losing / have recently lost their MoD accommodation; and
  - There is a specific need to move to the borough relating to employment or family issues; and
  - There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly, the same Band B Armed Forces priority will be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months; and
- They are losing / have recently lost their MoD accommodation; and
- There is a specific need to move to the Borough; and
- There are insufficient funds to pursue other options.

### Identified Housing Need (Band C1)

The following applicants will fall into this banding:

- An applicant is assessed as having an “identified” medical or welfare need to move, including grounds relating to a disability, and this is having a more than marginal impact and is affected by their current housing.
- An applicant has been assessed as homeless but is not in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.
- An applicant has been assessed as intentionally homeless but is in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (and there has been no relevant change in their circumstances to warrant a reassessment)
- Households considered to be homeless and it has been determined that they are owed a homeless relief duty by Elmbridge and are not subject to referral to another local authority whilst that duty continues.
- An applicant is overcrowded and requires one additional bedroom.
- Singles who are 35 years of age and over and are without children, and who share facilities with others.
- Couples, who are without children, and who share facilities with others.
- Families with dependent children who share facilities with others.

- Other household compositions as agreed by the Housing Options Manager or Team Leader who share facilities with others.
- An applicant has some other compelling need to live in the borough of Elmbridge which, if not met, will cause hardship.
- An applicant where a relief duty has been accepted by Elmbridge under the homelessness legislation, where applicant is unintentionally homeless and in priority need, main housing duty will be owed but the housing option sourced by the council has been unreasonably refused.
- **Band C1** Armed Forces Priority - this will be awarded to serving members of the regular Armed Forces (and their families):
  - Whose service is coming to an end within 12 months or is due to come to an end within the preceding 12 months; and
  - They are losing their accommodation / have recently lost their MoD accommodation; and
  - There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

Similarly, the same Band C1 Armed Forces priority will also be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months; and
- They are losing / have recently lost their MoD accommodation; and
- There are insufficient funds to pursue other options.
- A person who has been confirmed as a rough sleeper by the Council and has a local connection with Elmbridge and is currently rough sleeping and has recourse to public funds.

### Identified Housing Need – Reduced priority (Band C2)

The following applicants will fall into this banding:

Any cases where there is a statutory Reasonable Preference identified but where the household does not meet the positive qualification criteria outlined in paragraphs 2.4 or exceptions to enable qualification as set out in 2.5 (i) to (vii) and have been

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deemed to qualify to join the Housing Register after assessment by the council will normally be placed in Band C2 other than in overriding / exceptional circumstances provided that no disqualification criteria 2.6(1) to (2) apply in relation to Applicants.

**Elmbridge Reasonable Preference cases** - social housing tenants residing in Elmbridge who under occupy their home and have less than 3 years residence or social housing tenants residing in Elmbridge who have significant disabled adaptations in the home which are no longer needed and can be used by others and have less than 3 years residence can be on the Housing Register after officer assessment of the facts of the case and will normally in Band C2 but may be awarded a higher band if there are overriding / exceptional circumstances. This will be determined by the Team Leader Social and Supported housing and or Housing Options Manager.

### **Other need / overall Reduced priority (Band D)**

The following applicants will fall into this banding:

- An applicant does not fit into any of the categories in Band A, B, or C1 OR C2.
- An applicant has deliberately worsened their housing circumstances within the last three years to get more priority on the housing register.
- An applicant has given up accommodation within the last three years that was suitable for their needs and by doing so, has knowingly worsened their housing circumstances.
- An applicant is assessed as being able to afford to buy or part-buy a property in the private sector that is suitable for their needs and without hardship.
- An applicant is assessed as being able to afford to rent a privately rented property that is suitable for their needs without recourse to means tested benefits or hardship.
- An applicant has an asset that could be used / accessed to obtain accommodation suitable for their needs.
- An applicant owned a property that was suitable for their current needs but transferred or sold the property within the last three years when it was reasonable for them to continue living there and there has been no substantial change in the circumstances of the applicant / household.



- Any applicant who has bid on and been offered two or more properties within a 12- month period and refused for no good and evidenced reason unless the application has been suspended. This band will apply for a period of 12 months.
- Any applicant who has been invited to view two or more properties but does not attend the viewing without good and evidenced reason (unless suspended). This band will normally apply for a period of 12 months.

## Appendix 2 Contact Information

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### **Social and Supported Housing Team**

Elmbridge Borough Council  
Civic Centre  
High Street  
Esher  
Surrey KT10 9SD

**Email:** [socialhousing@elmbridge.gov.uk](mailto:socialhousing@elmbridge.gov.uk)

**Website:** [elmbridge.gov.uk/housing](http://elmbridge.gov.uk/housing)

**Tel:** 01372 474 590

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## Appendix 3 Officer Roles and Responsibilities

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This appendix explains which officers are responsible for taking decisions under the Allocations policy.

Whenever an officer role is named, the decision can be taken by a more senior officer in their management line.

### **Eligibility**

The housing officer has the authority to decide whether an applicant is eligible to apply to join the housing register in line with the criteria contained in the Allocations Policy. Any review will be carried out by a more senior officer (i.e. Team Leader – Social and Supported Housing Team).

### **Assessing Priority**

The housing officer is responsible for assessing an applicant's housing need in line with the Allocations policy and placing them in a specific banding. Some applications may be banded automatically by computer.

### **Special or exceptional circumstances**

A senior officer (i.e. Team Leader – Social and Supported Housing Team) within the Housing Options Unit has the authority to put an applicant in a higher banding where their needs, after being assessed, are considered to warrant it.

### **Removing an Application from the Housing Register**

A Housing Register and Allocations Officer within the Housing Options Unit will decide whether it is appropriate to remove an applicant from the register in line with the Allocations Policy.

### **Reviews**

If an applicant submits an appeal requesting a review of a decision made, a senior officer who was not involved in the original decision will make the decision / consider the request.

### **Direct Lets**

#### **a) Supported Housing**

The Housing Options Manager or Team Leader or Senior Officer has the authority to make a direct let to an applicant that requires supported accommodation where supported housing for a particular scheme is allocated through the housing register and this arrangement exists with the supported housing provider.

#### **b) Reciprocals**

The Housing Options Manager has the authority to accept a reciprocal subject to consultation with the intended housing provider.

#### **c) Decants / Major Works**

The Team Leader – Social and Supported Housing Team has the authority to make a direct let.

#### **d) Homeless Applicants**

The Housing Options Manager or Team Leader has the authority to select a homeless applicant and authorise a nomination for a direct let but may give a Senior / named officer express permission to do this.

#### **e) Exceptional Housing Need**

The Housing Options Manager has the authority to:

- Agree a priority offer of accommodation if there is evidence of immediate and exceptional need.
- Agree to offer an applicant rented accommodation if their income is of a level where they can afford to part-buy, but they cannot secure a mortgage and there is evidence of immediate and exceptional need.

#### **f) Significant Adaptations**

A senior officer within the Housing Options Unit can make this decision where the applicant has a requirement for significant adaptations and a suitable property matching these requirements becomes available.