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# Housing Allocations Scheme

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# 1. Introduction

This document sets out Mole Valley District Council's Housing Allocation Scheme, as required by section 166A of the Housing Act 1996 Part 6. It identifies the priorities that the Council will follow in the letting of Private Registered Providers (referred to as housing associations in this document) properties for rent, to which it has nomination rights.

In drawing up this scheme the Council has consulted with the housing associations with which the Council has nomination arrangements, local voluntary and statutory agencies, housing applicants and residents of Mole Valley.

## 2. Aims of the Scheme

The aims of the Allocation Scheme are to:

- provide an allocation scheme for housing applicants with a local connection to Mole Valley who are in housing need;
- maintain an appropriate balance between the needs of homeless households and others in housing need;
- make best use of the affordable housing stock, which is in short supply in Mole Valley;
- ensure that difficult to let properties are managed and re-let times are minimised;
- reduce under-occupation; and
- nominate households for housing association homes for rent in a way that is fair and transparent

## 3. The Legal Background

The Housing Allocation Scheme has regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, Housing and Regeneration Act 2008 and other relevant legislation

- Homelessness Reduction Act 2017
- Allocation of Accommodation: guidance for Local Authorities in England, 2012
- 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)
- Improving access to social housing for members of the Armed Forces, veterans, and their families: statutory guidance on social housing allocations for local housing authorities in England
- Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England December 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Localism Act 2011
- Equality Act 2010
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- Welfare Reform Act 2012
- Existing case law
- The Council's Affordable Housing Strategy 2020-2025
- The Council's Tenancy Strategy 2018 - 2023
- The Council's Homelessness Strategy 2021 - 2026

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.

## 4. The Scope of the Scheme

The Council maintains a single list of applicants in need of affordable rented social housing known as the Housing Register and the applicants are assessed and prioritised in accordance with the Council's Housing Allocations Scheme. The housing register is used by the Council for allocating all housing for rent and applies where the Council nominates an applicant to be offered a:

- secure, fixed term or introductory tenancy by another Council (or another body able to grant a secure tenancy); or
- fixed term tenancy, assured tenancy or assured shorthold, starter tenancy from a housing association
- Assured shorthold tenancies through Build to Rent schemes

Lettings that are not covered under the scheme are described below;

- The sale of shared ownership homes, First Homes or Discounted Sale properties - information on re-sales can be found through estate agents and registered providers own websites. New development shared ownership units can be found through our Home Choice pages
- Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part 6 of the Housing Act 1996. Offers of tied accommodation (service tenancies or service licences) made to Council employees.
- Referrals made to any private landlord for an assured shorthold tenancy made under the Council's rent deposit bond scheme or by the Council's Housing Options team.
- Mutual exchanges between housing association and local authority tenants.
- Succession of tenancies by household members of housing association and local authority tenants.
- Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

# The Type of Scheme

The Council's Housing Allocation Scheme is a banding scheme. Applicants who are eligible and qualify will be placed in one of three bands ranging from 1 (highest need) to 3 (lower need), which reflect their housing need in accordance with the 'reasonable preference categories' in the Housing Act 1996 Part 6 and the Council's local priorities for housing allocation.

## 5. Who can join the Housing Register?

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

- whether someone is eligible to apply for housing, and if they are;
- whether they qualify under the scheme rules.

### 6.1 To be Eligible Applicants must be:

- 16 years of age or older; and
- resident in the United Kingdom

### 6.2 To Qualify Applicants must:

- have a local connection to the geographic area covered by Mole Valley District Council;
- have a housing need that has been assessed in accordance with the Housing Allocation Scheme;
- not be an owner occupier, unless they are over 55 years old<sup>1</sup>;
- have an annual household gross income under our income threshold based on the property size required;
- have savings under £16,000, unless they are over 55;

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<sup>1</sup> Owner occupiers over 55 years old with a gross annual income of over £50,000 and combined savings and assets of over £16,000 will not qualify to join the housing register

- not owe this Council monies for rent arrears; rent in advance; rent deposit; Council Tax
- Not owe any Council, housing association or private landlord money for rent arrears; and
- Not to be responsible for unacceptable behaviour

Detailed information on eligibility and qualification can be found in section 7 of this document.

### **6.3 Applicants Aged 16 or 17 years**

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

### **6.4 Changes in the Law**

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

## **6. Who cannot join the Housing Register?**

### **7.1 Who is not Eligible?**

In accordance with legislation the following people are not eligible to join the housing register:

- those under 16 years of age; and
- persons from abroad and this is explained in section 7.2 of this document



## 7.2 Persons from Abroad

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; or
- excluded by regulations made by the Secretary of State; or
- not habitually resident in the United Kingdom (UK); or
- 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 5 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

## 7.3 Who does not Qualify?

The following people do not qualify to join the housing register, those:

- with no local connection (go to sections 7.3.1 to 7.3.5)
- with no housing need (go to section 7.3.6)
- who own their home, except those over 55 (go to section 7.3.7)
- with an annual household gross income over our thresholds (go to sections 7.3.8 and 7.3.9)
- with savings of over £16,000, except those over 55 (go to sections 7.3.8 and 7.3.9)
- those who owe the Council money (go to section 7.3.10)
- owing rent to a housing association or private rented sector landlord (section 7.3.10)
- those responsible for unacceptable behaviour (go to section 7.3.11)

### 7.3.1 Persons with No Local Connection

People who do not have a local connection to the geographic area covered by Mole District Valley Council will not qualify to join the Housing Register. The Council has determined that for a local connection to be established with Mole Valley the applicant must provide written evidence that:

- they live in the district and have had residence in the district for the last two years; or
- their place of paid employment or self-employment<sup>2</sup> is in the district, and they have been employed or self-employed for more than 18 hours per week for the last two years; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years and on welfare and/or health grounds the applicant needs the support of the close family, or the close family need the support of the applicant and if not provided hardship would be caused. Evidence will be required from both

<sup>2</sup> if an applicant is self-employed they need to demonstrate they have worked within the district for more than 18 hours a week, for the last two years

the applicant and close family in addition to supporting evidence from at least one supporting agency of the welfare or health need of either party.

### 7.3.2 Exceptions to the Local Connection Criteria - British Armed Forces

British Armed Forces personnel who fall within the categories below are exempt from the local connection qualifying criteria under the Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012):

- Those who are serving in the regular forces or have done so in the five years preceding their application<sup>3</sup>
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service
- In keeping with the terms of the Mole Valley Armed Forces Community Covenant September 2013, members of the wider British Armed Forces community, past and present, may also be exempt from the local connection criteria where the household is in housing need, and it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. This may include veterans (those who have served as a regular or reservist in the armed forces); spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible; divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence; unmarried partners (and in exceptional circumstances may include parents and other family members)

Documentary evidence will be required, which will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will decide on whether the exemption should be granted.

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

### 7.3.3 Exceptions to the Local Connection Criteria – Social Housing Tenants – The Right to Move

<sup>3</sup> Applicants are counted as serving officers or veterans (if they have subsequently left) from the moment that training has commenced

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the district of Mole Valley, will have a local connection if:

- they need to move to Mole Valley to avoid hardship; and
- their work is located in the district of Mole Valley; or
- they have an offer of paid work including apprenticeships in the district of Mole Valley that they have a genuine intention to accept.

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

To assess whether they need to move to avoid hardship the Housing Solutions Team Leader will make an assessment and will consider the following factors:

- the distance and/or time taken to travel between their work in Mole Valley and their current home;
- the availability and affordability of transport from their current home to their work in Mole Valley taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and childcare, which would be affected if they could not move;
- the length of their work contract; and
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

This clause (7.3.3) will also apply to apprenticeships and offers of apprenticeships.

This clause (7.3.3) does not apply to work that is short-term or marginal in nature, or ancillary to work in another district. Voluntary work is also excluded.

Persons who qualify under this clause (7.3.3) will be assessed in accordance with the 'Banding Scheme' (9.1) and with the section on 'Special Circumstances' (14.13).

### 7.3.4 Other Exceptions to the Local Connection Criteria

Exceptions may include, for example, and not exclusively, the situations described below.

- Applicants placed outside the district by Mole Valley District Council into accommodation with a supported housing provider will retain any local connection for the purposes of qualifying for the Housing Register.
- Applicants placed outside the district by Mole Valley District Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Register.
- Where an applicant has been assisted by Mole Valley District Council with privately rented accommodation through the Home Choice Plus Scheme and that accommodation is outside of the district, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.
- Where someone is in an institution outside of the district they will be treated as having a local connection if they can show that they were placed there from an address in Mole Valley and that they had up until that point a local connection (as described above) with Mole Valley, and documentary evidence can be provided to support this.
- Where applicants are fleeing domestic abuse or are other vulnerable people for whom either remaining in or returning to their area of origin would place them at risk, the information will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will decide on whether the exemption should be granted. Consideration will be made as to whether the households have had settled accommodation since leaving their area of original where they were at risk.
- Where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the district. This will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will decide on whether a connection has been established.
- All care leavers are exempt from the local connection criteria of this scheme until they reach the age of 24.
- Where a household has approached the Council as homeless and has been accepted as being owed the full duty under the homelessness legislation, they will be able to join the housing register if they do not have a local connection and placed in Band 2. Where their homelessness is then relieved, they will retain this local connection in their new accommodation. This band will be backdated to the date that the household first submitted their housing application if they would otherwise have qualified for the register.

- Where a single person has been referred by Housing Options to a supported housing scheme due to having a local connection to the district as defined by The Housing Act 1996 Part VII S199, regardless of whether this is in Mole Valley, they will be exempt from the local connection criteria. (this includes move on accommodation, for example private renting)
- Where a household has been assisted into the UK through a Government resettlement scheme (i.e. The Afghan, Syrian or Ukrainian settlement schemes) they will be able to join the housing register only if their accommodation at the point of applying, and on an ongoing basis, is within the Mole Valley District.

### 7.3.5 A Local Connection will not be Established

- Where the applicant has been placed in temporary accommodation within the district by another local authority in the discharge of their homelessness duties.
- Where the applicant has been placed in supported housing within the district by another local authority or agency and has no qualifying local connection to this district. Time spent living in the supported housing in Mole Valley will not count as a local connection.
- Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the housing register.

### 7.3.6 Persons with No Housing Need

Persons who do not have a housing need that would place them in bands 1, 2 or 3 will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley. The criteria for the bands can be found in S9.1 of this document.

### 7.3.7 People who Own Property

Persons who are under 55 years and own or jointly own any property either outright or mortgaged will not qualify to join the housing register regardless of whether they have a local connection. The age is set at 55 because it is the qualification age to be considered for older persons' housing association accommodation and this type of accommodation in Mole Valley is in reasonable supply.

Exceptions will require documentary evidence, which will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will decide on whether the exception should be made. Exceptions may include, for example, and not exclusively, the situations described below.



- 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 lack of bedroom space or medical, welfare or disrepair reasons and the household does not have sufficient income, assets or savings to purchase alternative accommodation suitable to their needs, or to repair their property.
- The applicant is unable to reside at the property due to a relationship breakdown but is still having to maintain the home for dependent children.
- The applicant is unable to reside at the property because they are the victim of violence or threats of violence, including domestic violence.
- The applicant is in shared ownership accommodation and needs to move or downsize due to affordability or health issues and does not have the financial means to be able to achieve this.

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. Affected applicants will be referred to the Housing Options Team to address these issues and look at all available options. The assessment may include referring the applicant for legal or money advice.

### 7.3.8 People with Income and Savings

The Council has set financial qualifying criteria so that people with sufficient household income and/or savings will not qualify to join the Housing Register.

All applicant households will be required to supply evidence of their income and savings at the point of application and nomination.

The following applicant households will not qualify to join the housing register regardless of whether they have a local connection:

- Those with an annual household gross income in excess of the amounts shown in the table below. This is based on the minimum property size which the household require;
  - Studio flat – maximum of £40,000 gross income
  - 1 bedroom – maximum of £45,000 gross income
  - 2 bedroom - maximum of £55,000 gross income
  - 3 bedroom - maximum of £69,000 gross income
  - 4 or 5 bedroom - maximum of £98,000 gross income

- Those under 55 years with savings in excess of £16,000.

The state retirement pension will be disregarded as part of annual household gross income, as will accrued contributions to a pension that cannot be accessed until retirement age.

Savings includes:

- monies in ISA's;
- Premium Bonds;
- bank accounts
- other savings schemes
- stocks and shares
- Redundancy pays or compensation payouts are included as savings and not disregarded.
- Inheritance monies

Backdated benefits are disregarded as capital for 52 weeks from the date they are paid after that date this would be included.

Children's savings accounts with a value of up to £1000 will be disregarded. Child Trust funds will also be disregarded.

The following benefits will be disregarded for the calculation of income: Personal Independence Payments; Carers Allowance; Child Benefit and Disability Living Allowance. They will however be included within any calculations of savings.

Lump sums received by a 'regular' or 'reservist' member of the British Armed Forces, as compensation for an injury or disability sustained on active service will be disregarded. This is in keeping with the Mole Valley Armed Forces Community Covenant September 2013. For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

Income and savings levels will be considered for ALL members of the household over the age of 18 who are on the housing application to move. This includes adult children.

Exceptions may include, for example, and not exclusively, the situations described below.

- When in the view of the Council it is in its strategic interest to do so for example, and not exclusively, a housing association tenant living in Mole Valley with savings in excess of £16,000, in a three-bedroom property who is assessed as needing to move to one bedroom accommodation. Documentary evidence, which will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will, decide on whether the exception should be made.



- Where the household has a Debt Relief Order, IVA or County Court Judgement which may affect their credit history and therefore prevents access to home ownership or restricts the household's ability to rent privately. This will be looked at on a case-by-case basis and reviewed regularly. Once 6 years has passed since the DRO/IVA/CCJ was made, the household will be removed from the housing register if their income and / or savings remain above this policy's thresholds.

Proof of income and savings will need to be provided, and details can be found in section 8 below.

Households who do not qualify to join the Housing Register as a result of the financial qualifying criteria will be provided with advice and information regarding alternative housing options, such as low cost home ownership products (<https://www.helptobuyese.org.uk>) and private rented sector accommodation.

### 7.3.9 People Over 55 who are Owner Occupiers with Income and Savings, or have Income and Savings over £16,000

For clarity people who are over 55 that:

- own or jointly own any residential property either outright or mortgaged, have savings in excess of £16,000 and an annual household gross income under the income thresholds shown in 7.3.8 will qualify to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not responsible for unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation specifically for those over the age of 55)<sup>4</sup>.
- have income, and savings over the policy thresholds but do not own a property will qualify to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not responsible for unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation specifically for those over the age of 55.)
- own or jointly own any residential property either outright or mortgaged, have savings in excess of £16,000 and an annual household gross income in excess of £50,000 **will not qualify** to join the housing register

<sup>4</sup> Housing associations have their own assets thresholds and acceptance on MVDC Housing Register does not mean that the household will necessarily be accepted by a housing association. Clarions threshold is currently £125k and Mount Green is £250k June 2022 Clarion also have a total maximum household income threshold of £62k

### 7.3.10. People who owe the Council, a Housing Association or a Private Landlord Money

The following persons will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley and meet other eligibility and qualification criteria:

- those who currently owe the Council money for: rent arrears from the Council's emergency accommodation; rent deposit bond claim; court costs, sundry debts; recharges for cleaning charges, removal or storage costs or have not made regular payments for a loan for rent in advance;
- those with current or former rent arrears with another Council or housing association or private landlord; or
- owe Council Tax to Mole Valley District Council.

Applicants with these debts will qualify to join once they have made 12 consecutive weekly payments towards the debt (or three consecutive months). Applicants who then qualify to join the housing register because they have made the required regular payments must continue to make regular payments until the debt is paid. Should payments either cease or become irregular the application will be temporarily suspended and the applicant informed. If regular repayments have not commenced within 28 days of the suspension the housing application will be closed.

Where a member of the armed forces, or their spouse or separated or divorced partner accrues debts due to mesne profit charges of remaining in service accommodation past the end of their notice, these will be looked at on an individual basis by the Home Choice Officers. This is because housing costs support for mesne profit charges is not available within Universal Credit, nor is Housing Benefit available to those living in a Crown Property.

Where an applicant has been accepted onto the housing register and a new debt is accrued a payment plan and first payment must be made within 28 days of notification to the Housing Team, or the application will be closed. During the 28 days the housing application will be suspended in accordance with section 14.17 of this document.

In some circumstances applicants may be prioritising other debt payments first before repaying the debts outlined above. These cases will be looked at on a case-by-case basis by the Housing Solutions Team Leader to see whether discretion should be allowed for joining the housing register.

Where a household has been accepted as being owed the main housing duty under the Homelessness legislation and they owe any of the monies mentioned above, their case will be looked at on an individual basis. Should a payment plan be made and adhered to, the application will be backdated to the date that they first entered interim accommodation<sup>5</sup> if they otherwise qualified at that point in time.

Households with rent arrears may still be rejected by Housing providers even if they qualify to remain on the housing register by making repayments.

### 7.3.11 People who have exhibited Unacceptable Behaviour

People considered responsible for unacceptable behaviour will not qualify to join the housing register and this applies where any member of a household has behaved in such a way that their behaviour would have entitled the Council to a Possession Order had they been a secure tenant of the Council.

Examples of such unacceptable behaviour would include:

- significant rent arrears or breach of tenancy obligations;
- serious nuisance or annoyance to neighbours;
- a conviction for using accommodation, or allowing it to be used, for immoral or illegal purposes, such as drug dealing;
- serious damage or neglect of the property;
- applicants and any member of the household who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this provision may re-apply once the conviction is spent.
- An unspent conviction (under the rehabilitation of Offenders act 1974) for an offence that in the view of the council, and that of other relevant statutory agencies, would mean the applicant or a member of the household would pose an unacceptable risk of reoffending in the district
- Violence or threats of violence towards other residents, an employee of the council or its representatives, a former landlord, or staff of statutory or voluntary agencies

The Council will also consider whether the applicant or any member of the household has been served with a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014. Each application will be considered on its own merits, but where the Council is satisfied that these conditions apply, the applicant will not qualify to join the housing register.

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

Any applicant regarded by the council as ineligible to join the housing register because of unacceptable behaviour may request a review of this decision (see section 21 of this document)

If the review upholds the decision to regard the applicant as ineligible, the applicant may make a fresh application to the council at a future date when they believe they should no longer be regarded as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time it will be necessary for the applicant to show their behaviour has changed significantly.

## 7.4 Deliberately Worsening Circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances to qualify for the housing register, or in order to qualify for a higher priority under the scheme, they will not be able to join the housing register for 12 months from the date the Council has informed the applicant of this decision. If the person was already on the housing register, then their application may be cancelled.

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to express an interest in suitable accommodation that is advertised each week and/or refusal of suitable accommodation that has been offered.

Where someone has had finances over the savings threshold that could have been used to improve their housing situation but has spent these in order to fall below the savings threshold and therefore qualify for the housing register, they will be seen to have deliberately worsened their circumstances and will not be eligible for the housing register.

Examples of deprivation of assets, such as:

- Giving away a lump sum of money, for example as a gift
- Transferring money abroad, to keep savings below threshold
- Transferring ownership of a property
- Suddenly spending a lot of money in a way that is unusual compared to your normal spending
- Using savings to buy luxury possessions, such as jewellery or a high value car

## 7.5 False or Misleading Information

It is an offence to make a false statement and/or knowingly withhold information in connection with an application to join the Housing Register. The maximum fine for this is £5,000. Anyone who gives false information may be removed from the housing register.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is not eligible or does not qualify, it will inform the applicant in writing and suspend the application in accordance with section 14.17 of this document. The applicant will be given 21 days to provide information showing that they are eligible and or qualify. If they do not reply within this period, or if they reply but the Council remains of the view that they are not eligible or do not qualify, they will be removed from the housing register and unable to reply for 12 months.

## 7.6 Right of Review

The Council is required to provide advice, information, and assistance to all applicants, even if they are likely to be unsuccessful with their application.

The Council will write to anyone who is told that they cannot join the housing register giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Register. Section 21 of this document provides further details on how to request a review.

## 7.7 Re-Applications from Non-Qualifying Persons

Applicants who have applied to join the housing register but were not considered to be qualifying persons may make a fresh application if they consider that their circumstances have changed so that they should be treated as a qualifying person. It is the applicant's responsibility to satisfy the Council that their circumstances have changed.



## 7. How to Join the Housing Register?

There are a number of ways an applicant can apply to join the Housing Register. The ways to join are described below.

- The applicant may go to the following online link: <https://www.molevalley-homechoice.org.uk/Data/ASPPages/1/701.aspx> and register an application online
- Where an applicant would have difficulty completing the form either online, a home visit or office or telephone interview can be arranged with a member of the Housing team who can help complete the form

The following documents must be provided for all members of an applicant's household to not only assess an applicant's qualification for the Housing Register, but also to meet the requirements of the law on the Right to Rent. A full checklist of documents that must be provided for the Right to Rent can be found in Appendix 3 of this document. -

- identification: preferably photo id that must be either a passport or drivers' licence or birth certificate, preferably the long version
- immigration status: passport and for non-UK and EU applicants an Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating whether the applicant is allowed to stay in the UK
- income and savings: pay slips; if self-employed annual earnings and tax certificate from HM Revenue and Customs; statements for bank and savings accounts, bonds, equity and shares statements showing balance and interest and dividends; royalties' statements; welfare benefit letters and statements; and any other document showing annual income and savings
- local connection: bank statements, utility bills or Council Tax bills showing the applicant's current address; letter from the applicant's employer on their headed paper to confirm they are employed in Mole Valley, the date they commenced employment and number of hours worked per week; name and address of close family members living in Mole Valley; and any other document to confirm the applicant's local connection to Mole Valley and to a rural village or electoral ward

The contact details for the Housing Team are given below.

The Housing Team  
Mole Valley District Council, Pippbrook, Dorking, Surrey, RH4 1SJ  
Telephone: 01306 885001

The application process should be completed within 12 weeks provided that the documentary evidence required has been received. If documentary evidence has not been received within 28 days of a reminder being sent, the application will be cancelled. The date that the application will be effective from will be the date that the application and all relevant evidence of proof of income; identification and local connection to the district was received by the Council.

The Housing Team will undertake an assessment of the application against this scheme. Applicants may be asked to provide additional information and/or supporting documentation to verify their situation and or eligibility and qualification.

As part of Mole Valley District Council's standard process, Housing Applications are vetted by the Council's Fraud and Investigation Team. Therefore, in some cases, applications will be submitted for further verification checks to make sure we have all the information we need to make an assessment and to ensure assistance is given to the correct people. These verification checks should be completed within 6 weeks, following the 12 weeks processing time and, if accepted to the housing register, the application will be backdated to the date the application was made, and proof of income and local connection was provided if the applicant was eligible and qualified at that time.

From the time that all relevant information has been received and assessed, the Council will then write to the applicant to confirm their application reference number and banding under the Mole Valley scheme. This letter will also contain information that will enable the applicant to access the Mole Valley Home Choice website to place bids on properties and state the number of bedrooms that they have been assessed as needing for the size of their household.

If an applicant has the income to pursue shared ownership, they will be directed to the following website <https://www.helptobuyese.org.uk/> , where they can register their interest.

## 8. How are Applications Assessed?

Every application will be assessed using the banding scheme. This is intended to ensure that some priority is awarded to all applicants who are entitled to reasonable preference, in accordance with section 166A of the Housing Act 1996 (as amended by the Homelessness Act 2002). These categories are listed below.



- People who are homeless (within the meaning of Part 7 of the Housing Act 1996); this includes people who are intentionally homeless and those who are not in priority need
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996, as amended by the Homelessness Act 2002 and Housing and Regeneration Act 2008
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

## 9.1 The Banding Scheme

Applicants' needs will be assessed in accordance with this scheme and their application will be placed in one of three bands by the date that they have joined the register. Should they move up a band they will start that band on the date that they move into that band. If they move down a band, the original date for being in that band will be restored. The band criteria are listed in Appendix 1.

## 9.2 British Armed Forces

**This section explains how the priority band will be awarded once it has been established that an applicant meets the British Armed Forces and local connection criteria in accordance with section 7.3.2 of this document.**

Members of the British Armed Forces who have been living in any accommodation provided by the Armed Forces, and who were living in the Mole Valley district prior to joining the Armed Forces, or who have acquired a connection with Mole Valley through residence or employment whilst serving, or are serving; or are the separated or divorced spouses of members of the armed forces and are exempt from having a local connection in accordance with section 7.3.2 of this document will be assessed as living in 'tied accommodation' and will therefore be placed in band 3 until such time as their discharge date is known. Once the Council has been made aware of this date they will be assessed as living in insecure accommodation within the district and will be moved to Band 2.

Individuals who are considered to be members of the armed forces from the point that they commence training. There is therefore no minimum qualifying period to be considered as a serving officer or veteran.

For other qualifying British Armed Forces households, the following criteria for Band 3 will be used and can be used as a cumulative factor within that band to give additional preference to the household's application.

- former members of the Armed Forces as a regular or reservist
- serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
- divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence
- seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

Members of the wider British Armed Forces community, past and present, may also be considered where it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. Documentary evidence will be required, which will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will decide on whether priority should be granted. This may include, but not exclusively:

Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

## 9.3 Reduced Priority

### Band 1

The supply of rented affordable housing within the district is limited and the Council cannot provide rented accommodation to everyone who requests it. Reduced priority for housing will, therefore, be given to applicants where they are in band 1 and have:

- refused at least three suitable nominations offered to them by the Council where they have freely bid upon the properties through the Mole Valley Council Home Choice scheme and in these cases the household will be moved to band 2 and will remain there unless their circumstances change: or
- refused at least three suitable nominations offered to them by the Council on Mole Valley Council Home Choice, where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location, have been pre-agreed and met the applicant will be moved to band 2 and will remain there unless their circumstances change;
- not bid upon any suitable properties that have become available within a three-month period – in these cases the household will be moved down to band 2 and will remain there unless their circumstances change

People in Band 1 who are downsizing will not have their priority reduced.

### Band 2

Reduced priority will also be given to an applicant in band 2 (except homeless household's whose choice is restricted, see section 11.4 of this document) that refuse a third offer of suitable accommodation, which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met. the applicant will be moved to band 3 for a period of 12 months from the date of their third refusal.

### Band 3

Where an applicant refuses three offers of suitable accommodation which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met the applicant will be removed from the housing register for a period of 12 months from the date of their third refusal.

## 9.4 Restricted Persons

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 given priority for an allocation of housing from the register. In these circumstances the household will be awarded band 3, as living in interim accommodation provided by this Council. Section 14.11 of this document explains who a 'Restricted Person' is.

# 9. What Size of Property is a Household Eligible for?

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household. The size of property that a typical household will normally be allocated is shown in Appendix 2.

Households expecting their first child will be considered as eligible for 2-bedroom accommodation within 6 weeks of their due date. They will be banded as if the child has been born at 6 weeks before the due date. They will still be able to be considered for 1 bedroom accommodation under this policy until the baby is born.

Households with 2 children of the same sex where there is less than a 10-year age difference and no proven medical need for them to have separate rooms will only be eligible for 2-bedroom properties.

Households who have two children of the same sex will only be eligible for 2-bedroom properties until the eldest child is 16.

Households who have opposite sex children will automatically be eligible for 3-bedroom properties when the eldest child is 10 years old.

Due to a shortage of larger properties, applicants who are eligible for 4-bedroom properties may also be offered large 3-bedroom properties with two reception rooms. They may also be considered for 3-bedroom properties if they request this. Those eligible for 5-bedroom properties, which rarely become available, may be offered large 3 or 4-bedroom properties.

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and that it is reasonable for them to reside with them.

In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be authorised by the Housing Solutions Team Leader following advice from the Council's Medical Adviser or support from other statutory agencies.

Any decision to offer a larger property based on health or welfare grounds will not automatically mean that any claim for assistance with rent through Housing Benefit or Universal Credit Housing Element will be agreed on a larger property than the Housing Benefit/ Universal Credit regulations allow. This may result in a refusal by the housing association landlord if they feel that the property would be unaffordable for the household.

## 10. How are Homes Allocated?

All vacancies that are available to the Council will be allocated from the housing register in accordance with the following procedure.

### 11.1 Advertising Properties

When a property with a housing association becomes available the Council will advertise the details of that property. Those details are available on a dedicated website, Mole Valley Home Choice, and newsletters sent electronically to external agencies such as local Citizens Advice Bureaux, housing associations, Community Mental Health Teams and Surrey County Council's Children's Services and Adult Social Care.

Properties will only be available for Mole Valley Council housing register applicants to bid on. Applicants can access these advertisements through the Mole Valley Home Choice website:

<http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>

Properties advertised will be described and labelled that will typically include:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Floor level
- Availability of a lift
- Any special features
- If pets are allowed
- If there is a garden

- Weekly rent including any other charges
- Where properties are, for example, restricted to families with dependent children, adapted for people with disabilities, within supported housing schemes, housing for older persons, where a local lettings plans applies or in rural areas and local connection restrictions apply. See section 11.4 of this document.

## 11.2 Bidding for Properties

Properties will be advertised and available for bidding for a six-day period from midnight on Thursday nights through to midnight on Wednesday nights. This is the bidding cycle.

Applicants can place bids using the website: (<http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>), have a friend/family member/advocate etc bid for them, or the Housing Team can arrange for the system to automatically bid on the applicant's behalf in exceptional circumstances.

## 11.3 Applicant Choice

Applicants who have an active application will be able to place bids on any number of available properties each week.

Most applicants can choose the type of accommodation that they wish to be considered for, and this includes:

- the types of property applicant may want to live in e.g., a bungalow, house, maisonette, flat, studio flat or over 55's accommodation (if eligible);
- where applicable, the floor level of property they want to live in; and/or
- the location of property that they want to live in.

These choices are subject to some restrictions, which are described in section of this document.

Homeless households have restricted choice, which is explained in section 11.4 of this document.



## 11.4 Statutory Homeless Households

Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended) will be made one suitable offer of accommodation. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

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

If a suitable offer of accommodation is refused by these applicants, the Council may end its duty under homelessness legislation and possession proceedings will commence for their emergency accommodation. Their housing register application will be temporarily suspended until they have vacated the emergency accommodation provided for them. After leaving the accommodation a change of circumstances must be reported to the Council within 28 days to activate the application and if not received the application will be closed. Applicants in this situation who no longer meet the qualifying criteria will have their applications closed.

Applicants affected by the above paragraphs will be advised of their right to request a review of the suitability of the accommodation offered. This advice will be provided prior to the applicant making a decision to refuse the property, so that they are aware that they can accept the property and request a review. Information on how to request a review can be found in section 21 of this document. If a review is requested the housing application will be suspended until the review has been completed.

## 11.5 Eligibility for Vacancies

The Council aims to make the best use of the housing stock and the following eligibility criteria will apply to the types of vacancies described below. This information will generally be included on the advert for each property.

### Houses

Priority for houses will be given to households with at least one dependent child under 16 years of age. This means that households with older children still living at home will not be considered for a house while there are qualifying households with younger children, unless there are exceptional needs or circumstances.



## Ground Floor Properties

Priority for ground floor properties will be given to applicants who have been assessed by the Council's Medical Advisor as having a need for this type of property, unless there is no suitable applicant with medical priority; or where the property although ground floor, is not suitable for someone who needs ground floor accommodation due to stairs or an inability to be adapted; or where such an allocation would be significantly disproportionate.

## Live Smart Schemes

Applicants - and if applicable their partners - for Live Smart Schemes (previously known as sheltered housing) must normally be aged 55 (depending on scheme) or over. In some circumstances applicants under this age may be considered if they have a disability although this is at the discretion of the landlord. All applicants for this type of housing will be assessed to determine the applicant's suitability for sheltered housing before being made an offer.

1-bedroom flats within live smart schemes will be offered to couples before they are offered to single people unless there are exceptional circumstances decided by the Housing Solutions Team Leader.

Anyone in general needs social housing who wishes to move into a live smart scheme where MVDC would receive the resulting vacancy will be placed in Band 1 if they otherwise qualify for the housing register.

## Properties for the Over 55's

Some blocks of flats are designated for people aged 50 and over or 55 and over. Allocations of these properties will only be made to applicants who meet the age criteria. Applicants and their partner, if included on the application must be the required age or over or have a disability. In exceptional circumstances someone under the required age may be considered for a tenancy unless there are local planning conditions restrictions that prevent this. Before a nomination is made applicants will be assessed to determine their suitability for this type of accommodation.

## Supported Housing

Vacancies with housing associations that provide accommodation with support will not normally be advertised through the Housing Register. Before an allocation of a supported housing unit is made, consideration will be given to each applicant's housing need, their need for support and their suitability for a particular vacancy. Nominations will then be made in accordance with an agreed priority order, in discussion with the housing association and other relevant agencies as appropriate.

## Local Lettings Plans

On new build housing schemes there is often a need to ensure that there is a mixed and balanced community. This is difficult to achieve if all the allocations are made to people in high need. The possibility of adopting a local lettings plan for initial lettings on some new schemes will be considered. This means that applicants in the highest band may not be considered first for the new properties and preference may be given to applicants for example with lower need, with a local connection to the village or town where the new scheme is located and/or to applicants who are working. Where a local lettings plan is considered, the Council will first ensure that this would not unfairly discriminate against any household

The Housing Services Manager will agree a lettings plan following discussion with the Cabinet Member with responsibility for housing. Lettings plans will be consulted on with applicants and published.

In any situation where a local lettings plan is adopted all properties advertised will clearly show that this is the case and may include some guidelines from the plan for applicants' information.

## Vacancies on Rural Exception Sites

From time to time the Council will work with housing associations to provide new affordable housing in rural areas. Some of these sites will be 'rural exception' sites, which are sites where planning permission has been granted, as an exception to planning policy, because there is an identified level of housing need.

The planning conditions on these sites will require that the properties are allocated to housing applicants in the highest need, who have a local connection to the local parish. The Council has determined that for a local connection to be established with a parish in Mole Valley the applicant must provide written evidence that:

- they live in the parish and have done so for the last five years; or
- their place of paid employment is in the parish for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish as their main place of residence for the last consecutive ten years.

If there are no suitable applicants in the parish then applicants from the adjacent neighbouring parishes will be considered.

Where a rural area does not have a parish, the local connection will be with the electoral ward for that area.

The above criteria may be varied in the planning conditions to reflect the needs of a parish or electoral ward.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish or electoral ward. If an applicant has a local connection to a parish or electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous the Housing Services Manager will review the evidence and make a decision. Further information regarding the documents required for this assessment can be found in section 8 of this document.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

## **11.6 The Selection Procedure**

At the end of the bidding cycle a list will be generated of all the applicants who have placed bids on individual properties. The qualifying applicants in band order, starting with the applicant who has been in the band for the longest period will be nominated to the housing association.

Where an applicant is successful with a bid, but the Council has not yet visited them at home, no offer of nomination will be made until this has taken place. If the Council has been unable to contact the applicant within 48 hours to arrange the visit within five working days, the offer of nomination will be made to the next qualifying applicant.

Eligibility for different sized properties is determined according to the Council's matching criteria. This information can be found in section 10 and Appendix 2.

Not all applicants are eligible for certain types of properties. Specific eligibility criteria that apply to these properties are shown in section 11.5 of this document.

The Council reserves the right annually to hold back up to five percent of properties (not including sheltered, special sheltered or age restricted properties) for direct nominations to certain classes of applicant where it would not be practicable for those applicants to use the scheme because of an identified risk to the applicant. These direct nominations will only be made following consultation with other relevant agencies.

## 11.7 Exceptions to the Standard Selection Procedure

In certain circumstances it may not be appropriate to offer a property to the applicant with the highest priority. Examples of such situations, but not exclusively, are detailed below.

- The applicant at the top of the list does not yet have sufficient support to live independently.
- The applicant at the top of the list is not suited to, or is not eligible for, the vacant property. See section 11.5 of this document.
- The applicant at the top of the list has rent arrears that they are unable to pay and may be temporarily suspended or removed from the housing register, see section of this document 14.17.
- The allocation of the tenancy is likely to result in serious estate management difficulties.
- A mix of applicants is required to establish a balanced mix of people with different levels of support needs.
- The housing association may have eligibility criteria that the Council will need to apply when selecting a suitable applicant for the vacancy.
- The vacancy is subject to a local lettings plan, is on a rural exception site. See section 11.5 of this document.

Offers made/not made under one of the above exceptions, or any other, will be approved by the Housing Solutions Team Leader and a record will be made to confirm why the exception was made.

## 11.8 Offers of Nomination

An offer of nomination is where an applicant is put forward for a housing association vacancy and this will be made to the applicant verbally by the Housing Team. The applicant will be told the address, type, number of bedrooms and name of landlord of the property being offered.

Where the nomination is made to a homeless applicant to discharge the Council's legal duty, the nomination offer will be made in writing.

The applicant's details will then be verified again and passed to the relevant housing association, which will then consider the application. Where they are willing to accept the nomination, they will then make an offer of accommodation to the applicant and make arrangements for the applicant to view the property. The Right to Rent documents detailed in Appendix 3 must be made available for all members of the household for the housing association to view.

Once an applicant has been nominated for a property, they will be able to continue to bid for properties unless they have been offered a property as a final offer under the Council's Homelessness Duties under S193 of the Housing Act 1996 Part VII.

Applicants can however only be nominated against one property at a time and will therefore be contacted to be asked which property they would prefer to be considered for unless the offer has been made under S193. Applicants who refuse offers should read section 11.9 of this document.

Where the applicant is in Band 1, they will be expected to take the property which will be available to let in the soonest time. A refusal of this property could result in a reduction in Band.

Where an applicant is found at the nomination stage to owe the Council, housing association or a private landlord money, as explained in in section 7.3.10 of this document, the applicant will be referred to the Housing Solutions Team Leader, who will make a decision to either give the applicant a short time period to repay the money owed; withhold the nomination and suspend the application or to allow the nomination to proceed. This will be dealt with on a case-by-case basis.

Applicants accepted as being owed the main homeless duty<sup>6</sup> by the Council who are nominated for an offer under Part 7 to discharge section 193 of the Housing Act 1996 as amended by the Homelessness Act 2002 will have their application temporarily suspended until they have made a decision as to whether or not they will accept that offer. Further information can be found in section 14.17 of this document. If they decide to accept the offer their application will remain temporarily suspended until they have signed a tenancy agreement, at which point their application will be cancelled. Where they submit a review, their application will be suspended until the review decision has been made.

## **11.9 Refusals of Offers and Refusals of Nominations of Accommodation**

Applicants in band 1 that refuse a third offer of accommodation after viewing the property offered, or in Bands 2 and 3 that refuse a third nomination of accommodation will be invited to discuss their reasons for those refusals with the Home Choice Officers. The offers or nominations will then be reviewed to determine whether they were suitable and whether the refusals were reasonable in the circumstances. If the refusals were found to be reasonable then the applicant will be able to carry on bidding



with their current banding position. If the refusals are found to be not reasonable then section 9.3 of this document will apply.

In determining the suitability of property, the Council will take into account the shortage of housing association accommodation in the area balanced against the applicant household's medical needs; the location of employment; schooling and support networks; mobility and transport issues; and any proven issues of violence or harassment. Given the shortage of accommodation, it cannot always be possible to ensure that these needs are met.

The above clauses do not apply to homeless households, which is also explained in section 11.4 of this document.

## 11. Keeping an Application Up to Date

### 12.1 How to Renew an application

Applicants will be asked to renew their application annually on the anniversary of their application date and must provide details of their current circumstances and financial situation. This request will be made via the Home Choice website. Where someone is on an auto bid, we will contact them via the telephone or in writing.

Applicants who do not renew their application within 28 days of receiving the invitation to renew will be assumed to no longer require housing and their application will be closed.

Where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties) the application will be closed unless there are exceptional circumstances. See section 12.4 of this document.

Applicants who are no longer eligible or qualify to be on the housing register will be told in writing and their right of review will be explained. Section 21 of this document explains review rights.

### 12.2 Changes in Circumstance

Applicants who move to a new address, or whose circumstances change after they have been accepted onto the housing register (e.g., someone joining or leaving the household, or a change in income or employment etc.) should immediately contact the Council and arrange to update their application online or complete any necessary forms. Applicants are advised of this requirement in their initial acceptance letter.

## 12.3 Home Visits

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation made. At this visit the Council's officer will complete a home visit form which the applicant will be expected to sign to confirm that the information is correct and to give consent for the information to be shared with relevant housing associations or equivalent where they may be considered for a tenancy. Where it is not possible to carry out a home visit, e.g., where applicants are of no fixed abode or living outside of the district, they will be asked to attend the Council offices, or a telephone/online interview will be conducted so that these checks can be carried out.

Where practicable, applicants who are currently in an institution (prison or hospital etc) will be visited by the Housing Team. Where this is not possible, those applicants will be invited to attend an options interview within a week of their release/discharge.

Applicants who are already tenants of a housing association within the district or private landlord can expect that their landlord will be contacted by the Council, prior to any formal offer of accommodation being made, to ensure that the landlord is satisfied with the tenants' rent account and condition of the property.

Applicants who qualify for the Housing Register and are living in caravans or mobile homes will be visited when they first apply to the Housing Register to assess the priority band they should be placed in if the condition of the property is unclear.

## 12.4 Removal or Cancellation of Applications

If information is obtained that gives the Council reason to believe that an applicant who has already been accepted onto the housing register is, in fact, not eligible to be on the register, they will be informed in writing and given 28 days to provide information to show that they are eligible. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible, they will be removed from the housing register.

Applications will be closed:

- when an applicant fails to respond to correspondence sent to them by the Housing Options Team where a response is required. Applicants will be given notice that this will be the case and will be given 28 days to respond;

at an applicant's written or verbal request, in these cases the Housing Options Team will confirm the cancellation in writing;



- if the Housing Team is made aware that an applicant has moved and that applicant has not provided a forwarding address, in these cases no written notice or confirmation will be given;
- once an applicant has been offered and accepted a housing association tenancy;
- where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties.).

Applicants who are removed from the housing register may request a review of the Council's decision and information can be found in section 21 of this document.

## 12. Engagement with the Housing Team

An applicant who is not engaging with the Housing Team will have their housing register application temporarily suspended until the Council is satisfied that they are engaging.

To not engage means:

- Not actively bidding for properties for one year
- Bidding for suitable properties and then withdrawing the bids over the period of one year
- Failing to attend three consecutive appointments with the Housing Team
- Not contacting Housing Team when a Housing Officer has written or called to discuss their case on three consecutive occasions
- Breaching the tenancy agreement or house rules for emergency accommodation provided by the Council under the homelessness legislation

Applicants temporarily suspended under the above clause will be required to attend an interview with the Housing Team and a recommendation may or may not be made to the Housing Solutions Team Leader for the suspension to be lifted.

# 13. Definitions of Terms

## 14.1 Bedroom Space

In assessing the application, the will Council consider how many bedrooms are needed for the household and how many they actually have. We also look at the size of each bedroom.

Where more than one living room is available, this will be considered as an alternative bedroom as long as the applicant does not need to walk through it to access another room.

- Bedroom size  $4.6 \text{ m}^2$  -  $6.5 \text{ m}^2$  =  $\frac{1}{2}$  bed space
- Bedroom size  $6.51 \text{ m}^2$  -  $10.2 \text{ m}^2$  = 1 bed space
- Bedroom size more than  $10.2 \text{ m}^2$  = 2 bed space

To determine how much bedroom space is needed by a household, the following amount of space per person is allowed. Only people who are permanently resident as part of the household will be included for this purpose.

- Person under 10 years old requires  $\frac{1}{2}$  bed space
- Person aged 10 and over requires 1 bedspace

A separate bedroom is allowed for each of the following groups:

- Each adult couple living together as partners
- Each single adult who is not a child of the applicant and is not living as a partner of another person
- Children of opposite sex where one of them is over 10 years of age
- Children of the same sex where one of them is over 16 years old
- Furthermore, a separate bedroom **may** be allowed where a person of any age who has to sleep alone on certified medical grounds. This will not necessarily mean however that the property would be affordable if Housing Benefit or universal credit housing element were to be required for as the payment of Housing Benefit and universal credit is regulated by separate guidelines. On this basis a housing association may refuse the nomination if they felt that it was not going to be affordable for the household.

All households of more than one person should have a living room in addition to any bedrooms needed.

Where a household has two children of opposite sex sharing a bedroom and the oldest is 10 years or older, they will be placed in Band 2.

Where a household has two children with a 10-year age gap they will be placed in Band 2.

## **14.2 British Armed Forces**

For the purposes of this policy the definition of 'regular' and 'reserve' armed forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

## **14.3 Cumulative Need**

This occurs where an applicant has one or more factors in the banding criteria explained in section 9.1 of this document, unless it is stated that cumulative need does not apply.

## **14.4 Health Housing and Safety Rating System**

This is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the [Housing Act 2004](#) and applies to residential properties in England and Wales. The assessment method focuses on the hazards that are present in housing.

## **14.5 Household**

The household, for the purposes of this policy, will be regarded as:

- a sole applicant;
- any two persons who wish to live together as a couple;
- any parent(s)/guardian(s) and dependent children, permanently residing with them or who would reasonably expect to be permanently residing with them;
- any parent(s)/guardian(s) and adult children who are not dependent but have not yet left the family home;
- any parent(s)/guardian(s) and adult children who are still living at home because of a care need; or

- any adult siblings who wish to live together and have done so for more than 12 months.

As there is such high demand on family sized accommodation in Mole Valley, for the purposes of this policy, the Council will not accept the following situations of persons as being a “household”, unless there are special circumstances, which will be considered on request by the Housing Solutions Team Leader.

- Where two persons are not married, are not currently living together, have not previously lived together and have no children together and are applying for more than one bedroom accommodation, unless there is a proven need for one party to have 24 hour or overnight care.
- Where a father or mother is living separately from their children and the other parent, or another party has residence of those children and the home that any children are living in is adequate for their needs. This is unless it would be in the best interest of the child/children to live with the absent parent. This would be subject to appropriate evidence being made available to the Council for consideration by the Housing Solutions Team Leader.
- Where a sibling, parent or other relative other than dependent children is residing with the applicant and has lived there for less than 12 months.
- Lodgers; house mates and flat sharers

In a situation of joint residence, the Council will also have regard to the housing situation in the Mole Valley area when making their decision, the shortage of housing stock and any under occupation which would result for part of the week.

Individuals can only be included on one housing application.

## 14.6 Housing Solutions Team Leader

The Housing Solutions Team Leader is responsible for making discretionary decisions on the implementation of the Housing Allocations Scheme. In their absence these decisions will be made by the Housing Services Manager or Corporate Head of Service.

## 14.7 Lacking or Sharing Basic Amenities

For the purpose of this policy, facilities will include bathrooms, toilets and kitchen amenities. If more than one facility is lacking the household will be placed in band 2.

## 14.8 Medical Need

An applicant can apply to have medical priority awarded to their case. They may be required to complete a self-assessment medical form. The Council may seek specialist opinion from its Medical Advisor. Following an assessment the applicant may be awarded one of the following:

### a) Emergency Medical Need

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on medical grounds. This level of priority may only be awarded by the Housing Solutions Team Leader. An example of such a situation is where:

- an applicant cannot occupy their property because of a medical problem or disability and the property cannot be adapted e.g., a wheelchair user who lives in a first floor flat with no lift; or
- an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively, to an emergency/urgent need.

### b) Households with a High Need to Move for Medical Reasons

This will be awarded where an applicant's health, or that of a member of the household, is likely to decline very rapidly and lead to a life-threatening situation if they are not moved from their current accommodation within the next six months. Examples of this might include:

- an elderly applicant who lives above ground floor without a lift and who has had a series of heart problems; or
- where an applicant's continued occupation of their current home is likely to cause a marked deterioration in their health e.g., mental illness; or
- an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively to a high need.

### Households with a Need to Move for an Identified Medical Reason which is not considered an Emergency or High

This level of priority will be awarded where it is recognised that the applicant's health is being affected by their current accommodation, but their health is unlikely to deteriorate significantly within a short period of time or full recovery is likely within one year, or where there is more than one member of a household who have a non-urgent or Emergency Medical Need

## d) No Medical Need

Where rehousing is unlikely to improve the applicant's health or where accommodation in itself is not affecting the illness then no housing associated medical need will exist and no priority will be given on this basis.

In certain circumstances where there are several household members who have health problems related to their current accommodation the Housing Solutions Team Leader may award a higher banding

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

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

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

Medical needs will only be reflected within one band. (e.g. a Band 1 medical will negate any recognition of medical needs in Bands 2 or 3)

## 14.9 No Fixed Abode, Roofless and Sleeping Rough

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

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



## 14.10 Restricted persons

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.

## 14.11 Shared Ownership

There are a variety of shared ownership schemes available in Surrey and detailed information on eligibility and how to apply can be found on the following website <https://www.helptobuyese.org.uk> .<http://keyhomes-east.org.uk/register.asp>

## 14.12 Social Housing Tenants

Social housing tenants are either tenants of a local authority or housing association.

## 14.13 Special Circumstances and Welfare Needs

Additional priority on this basis may be awarded where there are welfare or social factors, or exceptional circumstances not covered elsewhere. These will need to be substantiated by other agencies e.g., the Police, Children's Services or Adult Social Care, etc. The information will be reviewed on a case-by-case basis by the Housing Solutions Team Leader, who will, decide on whether priority should be granted.

Priority may be awarded, but not exclusively, in the following circumstances;

- Where an applicant is a relative of a housing association tenant in Mole Valley who has died and they were residing with them for at least 12 months immediately prior to their death, but they do not have the right to succeed to the tenancy. In these cases, additional priority will be awarded if the applicant does not have sufficient income, funds or assets to purchase or rent alternative accommodation suitable to their needs privately or by using a shared ownership scheme.
- Where an applicant has had to give up an existing housing association tenancy to receive long-term treatment or rehabilitation. Priority may be awarded following confirmation that the applicant has completed the treatment and is in housing need.
- Where a person needs to move to a different locality in order to give or receive care, to access specialist medical treatment, or to take up particular employment or training. Furthermore, that hardship would be caused to themselves or others if they were unable to do so.
- Where an applicant has a particular special need that causes them to be considered vulnerable, other than on medical grounds. Examples of such

applicants would include those with a learning disability; a care leaver aged 18-25 etc. Priority may be awarded following an assessment of an applicant's case at a Multi-Agency Panel.

- Reciprocal arrangements between housing associations. These apply where one landlord rehuses an applicant from another housing association on the understanding that the housing association who has given up a property will, at some stage, be offered a property for someone from their waiting lists. At Mole Valley a reciprocal will be considered in the following circumstances.
- Where the applicant is fleeing violence, including domestic abuse.
- Where supported accommodation is vacant and there is no one on Mole Valley's housing register in need of the type of accommodation in question.
- Where there are exceptional management reasons requiring a move
- E.g., when a tenant from another authority area is to be a witness in criminal proceedings and needs to be moved for their own protection.
- Where a request for assistance is made through the Surrey Mobility Scheme (SMS) for the rehousing of victims of violence in accordance with procedures agreed by the Surrey district and borough housing authorities
- Where a request for assistance is made through the SMS for the rehousing of offenders in accordance with the current protocol agreed by the Surrey district and borough housing authorities and partner agencies.

Before any agreement is given to a reciprocal arrangement a full written report of the circumstances is required. The Housing Options Team may also need to be satisfied that an applicant in housing need from the Council's list can be housed by the housing association or Council within a reasonable time. A written commitment is also required.

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

- Band 1 will be awarded where, in very exceptional circumstances an applicant is assessed as needing an emergency move, e.g., an applicant's life would be in immediate danger if they continued to live in their current property, or an applicant is unable to occupy their current property due to severe medical problems.
- Band 2 will be awarded where an applicant has an urgent need to move on welfare grounds or because of other special circumstances or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agencies.
- Band 3 will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

## 14.14 Split Family

Where a household with dependent children is unable to reside together. For the purposes of considering a household as a split family, the Council will only consider this to be the case where:

- a married couple or a couple in a civil partnership are unable to live together because of the lack of accommodation;
- a couple who are not married or in a civil partnership have previously lived together for a minimum of 6 months and are unable to continue to live together because of the lack of accommodation;
- a couple who have had children together but cannot live together because of the lack of accommodation; or
- any children of a parent or parents who could reasonably be expected to need to live with that parent but cannot because of the lack of accommodation.

## 14.15 Suitable Offer

The Council will seek to consider applicants' particular or special needs, but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of housing association accommodation and the demands placed upon it by those applicants with the highest needs. See also sections 9.3, 11.4 and 11.9 of this document.

## 14.16 Temporarily Suspended

Applications may be temporarily suspended for certain reasons. An applicant will not be able to bid for a home whilst they are temporarily suspended. The reasons an application may be temporarily suspended are:

- an applicant owes the Council, housing association or private landlord money and has ceased making regular repayments, see section 7.11 of this document
- homeless households who have refused an offer of accommodation and the Council has discharged its responsibility to them and are living in the Council's emergency accommodation, see section 11.4 of this document
- an applicant who is homeless and has been nominated for or offered accommodation by a housing association as a discharge of duty under section 193 of the Housing Act 1996 Part 7, see section 11.8 of this document
- the applicant has not engaged with the Housing Options Team, see section 13 of this document

- the applicant is being investigated for suspected fraud or misleading information under section 7.5 of this scheme.
- the Council has been advised that there has been a change in a member of the household's circumstances and an update or supporting information is awaited (i.e. change of address, change of salary or income etc)

### **14.17 Under-occupation**

Where a household have more bedrooms than they require under this policy. For more information go to Appendix 2.

### **14.18 Victim of Proven Anti-social Behaviour, or any Form of Abuse, Harassment or Hate Crime)**

Evidence must be provided from the police and confirmed by the housing association or landlord where appropriate, which will be authorised by Housing Solutions Team Leader.

### **14.19 Vulnerable**

When considering whether an applicant or member of their household is vulnerable, the Council will consider if someone will be considered vulnerable in accordance with the homelessness legislation Housing Act 1996 Part 7 and recent relevant case law.

## **13.20 Build to Rent**

Build to Rent schemes are purpose built and intended only to be rented out, not sold. They are often flats in blocks but can also be houses. They are often large developments with at least 100 plus properties. As part of the planning process some of the properties may be specifically for affordable private rent. These will be advertised on the Home choice website and available to people on the Housing Register to bid upon.

Build to rent properties are different from other rented affordable housing. The Landlord does not need to be a 'Registered Provider' (sometimes called a Housing Association) and can instead be a private company. Tenants of Build to Rent developments will have Assured Shorthold tenancies. Tenancies will usually be for 3 or more years.

# 14. Members of the Council, Staff

## Members and their Relations

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way, but any nomination of housing will require specific approval by a Corporate Head of Service.

## Changes to the Scheme

The Housing Services Manager is authorised to make minor changes to this Allocations Scheme. These may be needed from time to time to ensure that the policy remains lawful following new statutory guidance or case law. However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public. Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will be approved by the Council's Executive.

# 15. Monitoring and Reviewing the Scheme

To ensure that the day-to-day tasks of assessment of applications and nominations to housing associations are made in accordance with this policy the Housing Solutions Team Leader will make random checks and take corrective action if required.

The Council has agreed to review this scheme annually.

# 16. Who is on the Housing Register and Who Gets Housed?

The Council publish annually on its Mole Valley Home Choice website anonymised information on the numbers and types of households on the housing register and of the properties that have been allocated.



## 17. Equal Opportunities

The Council is committed to the aims in the Public Sector Equality Duty of giving applicants equality of opportunity and ensuring that it does not discriminate on grounds of sex or sexual-orientation, trans-gender status, marital status, race, religion or belief, age, disability, pregnancy or maternity. It will not discriminate based on HIV status, social or economic status, responsibility for dependents, trade union membership or unrelated criminal conviction.

This does not mean that the Council is required by the Equality Duty to treat everyone the same. Rather, it requires the Council to think about people's different needs and how these can be met.

This Allocations Scheme is compatible with the Council's equality obligations and an Equality Impact Assessment has been undertaken.

## 18. Data Protection

All information held by the Council is subject to the Data Protection Act 1998 and all personal information must be treated in strictest confidence.

Applicants are entitled to request a copy of the information held about them, for which they may be charged an administration fee.

By completing a Housing Register application, the applicant provides their consent to the Council processing sensitive personal data about them and consenting to the Council requesting and sharing information about them with and/or from other agencies and organisations.

The Council also reserves the right to check information provided by applicants with data matching and credit checking services.

## 19. Right to Information and Request a Review

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

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



The right to request general information that will enable them to assess whether housing appropriate to their needs is likely to be made available and if so, how long it is likely to be before such accommodation becomes available.

The right to be informed of the any decision and the facts of their case that are likely to be considered when nominating them for housing.

The right to be informed of any decision that they are unsuitable to be a tenant which is likely to be considered if allocating housing to them.

All applicants have a right to ask for a review of any decision made regarding their application for housing including where: they have been found not eligible or do not qualify to join the housing register; and their application has been cancelled.

A review request should be submitted to the Council in writing within 21 days of receiving the Council's decision. The applicant may ask a representative to submit the written request and may ask to meet with the Council with or without their representative. The review will be considered by a more senior officer to the officer who made the original decision and will not have been previously involved in the applicant's case. The Council will reach a decision within eight weeks and will notify the applicant if there will be a delay in issuing the decision. Once the decision has been issued the applicant cannot ask the Council for another review, but they may contact the Local Government Ombudsman [www.lgo.org.uk](http://www.lgo.org.uk)

## How to Comment or Complain

If an applicant wishes to comment or is unhappy with the service that we provide they may request a copy of our comments and complaints procedure. Details are available from:

The Complaints Officer

Mole Valley District Council, Pippbrook, Reigate Road, Dorking, Surrey, RH4 1SJ

Telephone: 01306 885001

Website: [www.molevalley.gov.uk](http://www.molevalley.gov.uk)

# Appendix 1: The Banding Scheme

## Band 1 Exceptional Need

Households who cannot occupy their current accommodation because of a medical problem or disability, and the property cannot be adapted. (*medical needs can only be considered in one band*)

E.g., a wheelchair user who lives in a first floor flat with no lift. An independent Health Adviser will normally have recommended that the application should be awarded band 1. See section 14.8 of this document.

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

Households who need to move on welfare grounds or special circumstances which is considered to be an emergency but not fitting into any other categories in this Band. This must be substantiated by three or more agencies. These are defined in section 14.13 of this document.

Applicants who are under occupying a property or/and are a successor or a tenant of a local authority or housing association and Mole Valley District Council would be able to nominate to the resulting vacancy.

Applicants who are in general needs accommodation (including over 55's general needs) with a local authority or housing association and want to move into a Live Smart Scheme within Mole Valley and MVDC would be able to nominate to the resulting vacancy. This is regardless of whether they are under-occupying the property.

Applicants who are occupying a property, which is subject to a compulsory purchase order and/or where the Council has a statutory duty to move the applicant, or they need to move because their home is to be demolished or redeveloped within 6 months.

Applicants who occupy a property that has been assessed by an Environmental Health Officer of the Council to have one or more category 1 hazards under the Housing Health and Safety Rating System and it is necessary for them to leave the property urgently due to safety concerns and the landlord has been informed of the hazard.

Applicants whose needs fit into four or more categories in band 2 (except for households being accepted under the homeless legislation), and this will be confirmed by Housing Solutions Team Leader.

# Band 2 High Need

Households with an urgent or high need to move for medical reasons. For more information see section 14.8 of this document. (*medical needs can only be considered in one band*)

Households moving from supported accommodation where the original referral to that accommodation was made by Mole Valley District Council.

Households for whom the Council has accepted an obligation to provide housing under Part 7 of the Housing Act 1996 from the date that they went into emergency accommodation provided by the local authority – People meeting these criteria do not benefit from cumulative need.

Households for whom the Council has provided a rent deposit bond or rent in advance to assist in securing an Assured Shorthold Tenancy in the private rented sector to prevent their homelessness and they have been living in that accommodation for 12 months.

Victims of proven anti-social behaviour or any form of abuse, harassment or hate crime that has been directed at them, where their life is not in immediate danger.

Households who need to move on welfare grounds or special circumstances where it is considered urgent and requires them to move, where this is substantiated by three or more agencies. This is described in section 14.13 of this document.

Applicants with one or more dependent children who are living in accommodation that is a bedsit or has only one bedroom. This includes pregnant households within 6 weeks of their due date.

Vulnerable applicants in tied accommodation who are within 6 months of their retirement age or whose contract is terminated on health grounds.

Vulnerable applicants who are receiving a discharge from the British Armed Forces because of redundancy and/or end of service.

Applicants who are looked after children and care leavers up to the age of 24.

Applicants who are foster carers approved by Surrey County Council Children's Services who need larger accommodation. This will be subject to a joint assessment with the County's Children's Services.

Applicants who need a larger home to accommodate a fulltime (24 hour) carer, who is not a member of their family. This will be subject to a joint assessment with Surrey County Council's Adult Social Care.

Households who at their current home are short of two or more bedrooms in accordance with this policy on the number of bedrooms a household may be considered for (sections 10, 14.1 and Appendix 2 of this document). This includes people who are expecting their first child and are within 6 weeks of their due date.

Households who are short of one or more bedroom of the correct bed space size and have children with more than a 10-year age gap sharing a room.

Households who are short of one or more bedroom of the correct bed space size and have children of opposite sex sharing a room where the oldest child is 10 years old or older.

Households with four or more children in a 2-bedroom, 1 living room property

Households whose accommodation lacks basic facilities (i.e., a kitchen, bathroom, or WC) and this cannot be provided by the owner at reasonable cost.

Applicants who are roofless or sleeping rough and whose circumstances are confirmed by the Housing Options Team.

Households who are being considered under the 'Relief' function of the Homelessness Reduction Act whether they are being accommodated in interim accommodation.

Applicants whose needs fit into three or more categories in band 3 except for households being accepted under the homelessness legislation and this will be confirmed by the Housing Solutions Team Leader. This cannot be cumulative with any other medical criteria within this band.

## Band 3 – Identified Need

Households who are short of one bedroom of the correct bed space size according to the policy

Households with dependent children where the facilities are shared with others who are not members of the applicant's household. This includes people who are expecting their first child and are within 6 weeks of their due date.

Households with a need to move for an identified medical reason which is not considered an emergency or urgent – This cannot be cumulative with any other medical criteria within this band. See section 14.9 of this document. *(medical needs can only be considered in one band)*

Households containing one or more people who have health problems which may be improved by moving to alternative accommodation - This cannot be cumulative with any other medical criteria within this band. See section 14.9 of this document. *(medical needs can only be considered in one)*

Households who need to move on welfare grounds or special circumstances which is not considered to be an emergency or urgent and has been substantiated by three or more agencies. This may include giving or receiving care or support, to take up a particular employment, education, or training opportunity, to recover from the effects of violence (including racial attacks), hate crimes or threats of violence, or physical, emotional or sexual abuse.

People in tied accommodation, (including those within 6 months of their retirement age), but not considered to be vulnerable.

Households with no living room or those sharing a bathroom, living room or kitchen with another household.

Households who are renting accommodation with limited security of tenure e.g., Assured Shorthold Tenancies. - *This includes those households who have been assisted through the Council's rent deposit bond scheme or with a rent in advance and have not completed the first 12 months of the tenancy they have been assisted with. This does not include those who have an Affordable Private Rented tenancy through a Build to Rent scheme.*

Households who are homeless, but who are not owed the full housing duty within the meaning of Part 7 of the Housing Act 1996 because they are intentionally homeless or have refused an offer of temporary accommodation and are owed no further duty (these criteria will apply only to households residing in accommodation provided by the Council).

Applicants who are no fixed abode and whose circumstances are confirmed by a Home Options Team.

Households who are considered to be a split family unit.

Qualifying current and former British Armed Forces households - please see section 9.2 of this document on when this will apply.

Households whose accommodation is assessed as being in disrepair and this has been verified by an Environmental Health Officer or Housing Officer. This priority will remain until the works to repair the property are completed by the landlord.

# Appendix 2: Bedroom Requirements

Household Type	Bedroom Requirement					
	Bedsit	1	2	3	4 (also 3 beds, 2 living room)	5 (also 4 beds, 2 living room)
Single person	X	X				
Couple (including pregnant couple until six weeks before EDD)		X				
Parent(s) with one child or six weeks before EDD			X			
Parent(s) with one girl and one boy under 10			X			
Parent(s) where two children of the same sex where both are under 16			X			
Parent(s) with one girl and one boy where the eldest is over 10				X		
Parents(s) with two children where one child is over 16				X		
Parent(s) with two children (under 16) of same sex where this is more than a 10-year age group			X			
Parents with two children of separate sex where this is more than a 10-year age gap				X		
Parent(s) with three children depending on age and sex				X	X	
Parent(s) with four children depending on age and sex				X	X	X
Parent(s) with five or more children				X	X	X



# Appendix 3: Right to Rent Checklist

## List A - Acceptable Single Documents

A passport (current or expired) showing that the holder is a British Citizen, or a citizen of the UK and Colonies having the 'right of abode' in the UK.

A passport or national identity card (current or expired) showing that the holder is a national of the EEA or Switzerland.

A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of the EEA country or Switzerland.

A biometric residence permit card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite@ leave in the UK or has 'no time limit' on their stay in the UK.

A passport or other 'travel document' (current or expired) endorsed to show that the holder is either 'exempt from immigration control' has indefinite leave in the UK, has the right of abode' in the UK or has 'no time limit' on their stay in the UK.

A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder is either 'exempt from immigration control', has 'indefinite' leave in the UK, has the 'right of abode' in the UK, or has 'no time limit' on their stay in the UK.

A certificate of registration or naturalisation as a British citizen.

# List A (Group 2): Acceptable Documents (any 2)

A full birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's Parents or adoptive parents.

A current full or provisional photo card UK driving Licence.

A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service in the six months prior to the check.

A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service in the six months prior to the check.

A letter issued within the three months prior to the check by a UK government department or Local Authority and signed by a named official (giving their name and professional address), confirming the holder's name and that they have previously been known to the Department or local authority.

A letter issued within the three months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that the holder is the subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or, from an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an Order requiring supervision by that officer.

Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or Current service in any of HM's UK armed forces.

A letter from a UK police force confirming that the holder is a victim of crime and has reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued Within the three months prior to the check.

A letter issued within the three months prior to the check signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness.

A letter issued within the three months prior to the check confirming the holder's name signed by the person who employs the holder (giving their name and business address) confirming the holder's status as employee and employee reference number or their National Insurance number.

A letter issued within the three months prior to the check from a UK further or higher education institution confirming the holder's acceptance on a current Course of studies. This letter should include the name of the educational establishment, as well as the name and duration of the course.

A letter issued within the three months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons at Annex A. The letter should confirm the holder's name and confirm that the acceptable professional person has known the holder for longer than three months.

Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued Within the three months prior to the check.

## List B: Time Limited Documents

Disclosure and Barring Service Certificate (criminal record check) issued within the three months prior to the Check.

A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in The UK for a time-limited period.

A current biometric 'residence permit' card issued by the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for A time-limited period.

A current 'residence card' (including an accession residence card or a derivative residence card) issued by the Home Office to a non-EEA national who is either a 'family member' of an EEA or Swiss national or has a 'derivative' right of residence.

A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK For a time-limited period.



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## Document history

Version date	Key changes made	Consultees	Approved by
4.6	Income thresholds  Removal of rural connection policy  Addition of Band 2 criteria	Housing Associations in Mole Valley  East Surrey Domestic Abuse Services  General public  Housing Allocation Working Group	Cabinet – 21 March 2023
4.7	7.3.4 Accepted homelessness and local connection  7.3.8 Income thresholds  7.3.10 Monies owing to the Council  7.5 False and misleading information  14.8 Medical cumulative need Appendix 1 Band 3 Disrepair wording	No consultation required	Scrutiny – 5 March 2024
4.8	4. scope of the scheme - wording to include build to rent scheme  14. new section added 14.20 explanation of build to rent scheme  Band 3 criteria – wording change to households renting accommodation not including build to rent schemes	No consultation required	

4.9	<p>7.3.1 Persons with No Local Connection</p> <p>7.3.4 other exceptions to local connection</p> <p>7.3.8 People with Income and Savings</p> <p>7.3.11 People who exhibited unacceptable behaviour</p> <p>7.4 Deliberately Worsening Circumstances</p> <p>8. How to join the Housing Register</p>	No consultation required	Scrutiny – 4 March 2025
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Responsible Officer: Service Lead - Housing  
Last updated: March 2025  
Next update due: March 2026