

Housing Allocation Policy

H2.1

If you would like this information in large print, Braille or another language, Please contact 01702 318111.

Useful Addresses

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REVIEWS AND CHANGES 2018 to present

Policy originally adopted	October 2018	New policy adopted due new homeless legislation and updates to old policy
Updated	June 2019	Review following adaptation of new policy
Updated	April 2020	Updated due to government guidance
Review	September 2021	Changes to eligibility criteria New Legislation
Updated	April 2022	Updated due to government guidance on Ukrainian visas

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Background

1 Social Housing in the Rochford District

- 1.1 Rochford District Council carried out a stock transfer of its Housing Stock in 2007 to Sanctuary Housing, there are very low levels of Social Housing in the Rochford with less than 7% of the total housing stock in the district being Social/Affordable Housing for rent.
- 1.2 All these properties are managed and owned by various Housing Providers within the District. This means that there are very limited vacancies each year and almost half of all vacancies being for over 55 accommodation.
- 1.3 The Council believes that social/affordable housing should be targeted for those in Housing need and do not have the resources to resolve their housing needs and have a local connection to the Rochford District area.

Overview

2 Introduction

- 2.1 Rochford District Council does not own or manage any housing accommodation, nevertheless, there is a legal requirement for the local authority to publish a policy for the allocation of social housing.
- 2.2 Rochford District Council housing allocations duties are regulated by the Local Government and Social Care Ombudsman.
- 2.3 This Policy explains how people can register for an allocation of social housing accommodation, how Rochford District Council will allocate social housing accommodation, and the extent of choice of social housing accommodation applicants will be offered.
- 2.4 Rochford District Council will offer the best available choice of housing with the Rochford District. However any offer of choice must be balanced against the existing availability of properties to ensure that those in greater need are given the housing priority,
- 2.5 The policy ensures transparency and consistency to help housing applicants make an informed choice including private rented accommodation and home ownership
- 2.6 This policy explains how Rochford Council will nominate to the Registered Providers who have social housing stock within the District and where Rochford Council has nomination rights
- 2.7 When the applicant is not accepted onto the Housing register the Allocations Officer will refer the applicant to the Housing Options Team to advise of other housing options
- 2.8 Rochford Council has regard to the Equality Act 2010 and is committed to delivering a fair service that is appropriate to the community.

3 Purpose of this Policy

- 3.1 The Housing & Regeneration Act 2008 defines social housing as homes for rent and sale to people whose housing needs cannot be met the general housing market. This Policy shall demonstrate how Rochford District Council will allocate social housing accommodation to persons applying to become a social housing tenant, as well as secure tenants seeking to move to another dwelling house ('transfer applicants'), let under secure tenancies. Rochford District Council intends to let homes in a fair, transparent and effective way that is lawful and makes best use of the homes available.
- 3.2 This Policy explains the rules for determining priority between applicants and the procedures for governing the allocation of homes owned by Private Registered Providers of social housing, which have social housing accommodation in the Rochford local authority area. A summary of the rules explained in this Policy is also available. A copy of this Policy has been sent to the Local Government & Social Care Ombudsman.
- 3.3 This Policy has been framed with consideration to the housing requirements of current tenants and future potential tenants. Applicants will be afforded choice in the letting offered to them and address any issues of overcrowding and under-occupation.

4 Principles of this Policy

- 4.1 This Policy has been formulated having had regard to the law and regulatory requirements, including:
1. Housing Act 1985
 2. Housing Act 1996, Part 6
 3. Homelessness Act 2002
 4. Housing & Regeneration Act 2008
 5. Localism Act 2011
 6. Asylum and Immigration Act 1996
 7. Immigration and Asylum Act 1999
 8. Children Act 2004
 9. Equality Act 2010
 10. Homeless Reduction Act 2017
 11. Data Protection Act 2018
 12. European Union (Withdrawal Agreement) Act 2020

13. Statutory guidance:

- i. Allocation of accommodation: guidance for local authorities, December 2020
- ii. Providing social housing for local people, December 2013, updated February 2021
- iii. Right to Move and social housing allocations, March 2015
- iv. Improving access to social housing for victims of domestic abuse, November 2018
- v. Improving access to social housing for members of the Armed Forces, June 2020

14. The regulatory framework for Private Registered Providers of social housing in England published by the Homes and Communities Agency, in particular the Tenancy Standard, published April 2012.

4.2 This Policy has been formulated having had regard to case law judgments made in the UK Courts.

4.3 This Policy is specific only to the allocation of social housing accommodation in the Rochford local authority area. For the purpose of this Policy an allocation is defined as occurring when Rochford District Council makes an offer of housing accommodation, via nomination to a Private Registered Provider of social housing. This excludes extra care social rented housing (which will be subject to separate arrangements), but extends to:

1. Affordable rent social housing.
2. General needs social housing.
3. Affordable rent supported housing.
4. General needs supported housing.

4.4 Actual entry by the applicant into the tenancy agreement for a particular property is beyond the scope of this Policy. Regulations instruct Private Registered Providers of social housing to adopt a policy that explains how lettings will be agreed with a tenant. Applicants should consult individual Registered Providers about their rules and policies concerning allocation of social rented housing. Copies of which are available from the Rochford District Council.

4.5 Furthermore, exceptions to the position set out above in 3.4 will apply in the situations detailed below. In none of these cases will there have been an allocation as defined by this Policy, *separate policies* exist and should be referenced for further details:

1. Granting a tenancy without security of tenure (e.g., a 'family intervention tenancy).
2. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
3. The vesting of succession of an assured shorthold or assured tenancy on the death of a current tenant.
4. The devolution of an assured shorthold or assured tenancy on the death of a tenant.
5. The assignment of an assured shorthold or assured tenancy as part of a mutual exchange.

6. The assignment of an assured shorthold or assured tenancy to a person who would have been qualified to succeed to the tenancy on a tenant's death.
 7. The vesting or disposal of an assured shorthold or assured tenancy pursuant to a court order made under the following specified provisions family law statute:
 8. Section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 9. Section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce),
 10. Paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents),
 11. Schedule 7, Part 2 of the Family law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
 12. An order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil Partnership Act 2004 in relation to an assured shorthold or assured tenancy.
 13. A transfer initiated by a Private Registered Provider of social housing of an assured shorthold or assured tenancy (i.e., not initiated by the making of an application for a transfer by the tenant).
 14. A tenancy being granted as part of a surrender and re-grant procedure available where two social housing tenants in England wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
 15. Where a tenant has been displaced from his or her previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973
- 4.6 When drawing up this Policy, Rochford District Council has consulted with other local housing authorities, public authorities, voluntary organisations, Private Registered Providers of social housing and other persons, plus previous, current and future potential tenants. Regard was had to:
- 1 Rochford District Council Homelessness Strategy 2016 - 2021
 - 2 Rochford District Council Tenancy Strategy 2019 - 2024
- 4.7 Rochford District Council will take such steps as it considers reasonable, within a reasonable period of time, to bring any alterations made by the policy to the attention of those likely to be affected by it, of any subsequent alteration to this Policy that would affect the relative priority of a large number of applicants, or any significant alteration to procedures.
- 4.8 Elected Councillors of Rochford District Council are prohibited from taking part in any individual allocation pertaining to a person who is, or wishes to be, resident in their electoral ward area. Elected Councillors can seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with Rochford District Council employees. Elected Councillors participate in making decisions about the overall content of this Policy. Elected Councillors will consider whether the Rochford District Council's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Rochford District Council's Monitoring Officer will be obtained. Rochford District Council arranges for Elected Councillors to be provided with suitable training in these matters.

- 4.9 Copies of this Policy are made available to any person who requests one. People will be informed about their rights to information, advice and assistance concerning the partnerships allocations scheme. For further information see section 5 & 6 of this Policy.
- 4.10 People will be excluded from joining the Rochford District Council's Housing Register if they are either not eligible for social housing, or not of a class of matching the disqualification criterion, set out in this Policy. For further information see section 9 & 10 of this Policy.
- 4.11 Applicants will be prioritised for an allocation of social housing accommodation by housing need, then the date the application was assessed and placed in the relevant band on the Rochford District Council's Housing Register. For further information see section 15 to 17 of this Policy.
- 4.12 Applicants will be allowed to express a preference of the homes available to let. This will be subject to certain limitations that apply relating to location and/or type and/or number of bedrooms, and/or rental charge of some properties. Applicants will be penalised for refusing reasonable offers. For further information see section 19 to 21 of this Policy.

Information, Applications and Decision-Making

5 Information

- 5.1 A summary of this Policy will be provided free to any person who asks for one. The whole of this Policy will be kept available for inspection by any person at the principal offices of Rochford District Council, a copy will be provided to anyone who asks for one. This Policy will also be published on the website of Rochford District Council. Additionally, information will also be provided about:
- 1 The procedures associated with initial consideration of an applicant's application and also the treatment of any offer made by the Council for specific accommodation, via a nomination to a Private Registered Provider of social housing
 - 2 Potential stock availability.
 - 3 Eligibility, qualification and prioritisation criterion for joining the housing register and being offered an allocation of housing accommodation.
- 5.2 General information will be provided, profiling the social housing stock the Rochford local authority area. For any given dwelling, the following information will be provided:
- 1 Type (e.g., house, flat, bungalow, etc.), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by area) of the home.
 - 2 Whether it is accessible or could be adapted.
 - 3 Whether there is access to a shared or private garden.
 - 4 How old it is.
 - 5 An indication of how frequently it is likely to become available.

6 An indication of the cost of running it.

- 5.3 Information will be provided in translated and alternative formats (e.g., Braille, large print, audio etc) as needed and/or upon request. The special needs of specific groups of prospective applicants (e.g., prisoners, gypsies and travellers, adults with learning Disabilities) will be taken account of when making arrangements for access to information and advice. Information will be made available using a variety of media including printed hard copy form, on the Rochford District Council website, via the telephone and where necessary the policy will be explained in person by an officer, if it is not accessible in one of the offered written formats.
- 5.4 Every person will be provided with information and advice about their rights to make an application for an allocation of housing accommodation, furthermore assistance will be provided by Rochford District Council free of charge to any person who is likely to have difficulty in making an application. This assistance will include (this list is not intended to be exhaustive):
1. Complete any form that might exist
 2. Explain what evidence might be required for the Local Authority determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment
 3. Explain what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment
 4. Explain what evidence might be required to help determine the type of property should be allocated and help collect this evidence for assessment
- 5.5 Every applicant will be provided with the following general information, a copy of this policy can be viewed at www.rochford.gov.uk/housingregister. A free paper copy will be provided on request
1. How their application is likely to be treated.
 2. Whether or not they have been accepted as eligible for an allocation of housing accommodation.
 3. Whether or not they qualify for an allocation of housing accommodation.
 4. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have.
 5. The method that will be used in assessing their needs.
 6. The number of other applicants with equal or greater priority.
 7. An assessment of the likely time that will have to wait receive an offer by reference to average waiting time or the number of allocations of similar properties in the previous year and/or quarter.

8. Any facts taken account of when making a decision as to whether to make an allocation of housing accommodation.
 9. The right to request a review of any decision that they are not eligible and/or do not qualify to join the housing register, or for an offer of an allocation of housing accommodation.
 10. The review decision, along with the grounds for that review decision in a written acknowledgement.
 11. The right to seek an appeal in court on any point of law this Policy (or the administration of it) is irrational, illegal, or fails to follow public law procedural requirements.
- 5.6 Rochford District Council will advise all persons that equalities information will be collected, to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this Policy has been framed, or during the administration of it. People will be informed either orally or in writing as to how such data will be used, handled, and stored.
- 5.7 Rochford District Council is subject to the information disclosure requirements of the General Data Protection Regulations, which are a set of protection rules that were brought into UK law as the Data Protection Act 2018. The administration of this Policy will ensure compliance with this legislation. For further information please reference Rochford District Council *Data Protection Policy*. Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner (IOC) if they believe Rochford District Council has failed to fulfil its obligations and concerns can be reported by telephoning the IOC's helpline on 0303 123 1113 or online at <https://ico.org.uk/concerns/>
- 5.8 All persons making an application to join Rochford District Council's Housing Register have the right to confidentiality. An application will not be divulged to any other party without an applicant's consent. Where consent is given, this only extends to those (e.g., employees of health, social care, criminal justice, social housing organisations, etc) who can provide evidence that can help to determine an application. Exempt from this policy position is an application that gives rise to a safeguarding concern. For further information please reference *Rochford District Council Information Sharing Protocol*.

6 Applications

- 6.1 All applications must be made using the prescribed form published by Rochford District Council, copies can be downloaded from the Local Authority's website or be requested (in person, by phone, or in writing) at any of the main office of Rochford District Council. Applicants can only be made by a sole individual. Applications are welcomed from persons who live at two separate addresses, but who wish to live together at one single address, one person will have to feature as the applicant (although an applicant together with one or more other persons can enter into a joint tenancy with a Registered Provider, subject to such an organisation's acquiescence), with the other person(s) featuring as usual a household member. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant can feature as part of the application. A usual household member will constitute as a person who primarily (that is for at least 50% of the time) or exclusively lives with an applicant, or they usually

live with the applicant but are temporarily absent due to circumstances beyond their control. Separate guidance exists to aid the completion of an application, for further information please reference *Guidance for Making an Application for Social Housing to Rochford District Council*.

- 6.2 In addition to the application, the following documents must be submitted as evidence to verify the information provided by the main applicant, plus any other person who might reside with the applicant:
1. Passport to help determine eligibility to rent social housing in England.
 2. Birth certificate to help determine qualification to join Rochford District Council's Housing Register.
 3. Details of any relevant unspent convictions to help determine qualification to join Rochford District Council's Housing Register.
 4. All bank and or building society financial statements for the past three months to help determine qualification to join Rochford District Council's Housing Register.
 5. All legal records relating to property ownership to help determine qualification to join the Scheme.
 6. A utility or Council Tax bill from the past three months to confirm current or last address.
 7. Any other information that helps to determine eligibility to rent social housing in England and/or qualification to join Rochford District Council's Housing Register.
- 6.3 Rochford District Council's will receive applications from any person, regardless of the location of where they presently reside, this extends to person of no fixed abode. All applicants will be required to renew their applications annually, on the anniversary of being accepted on to Rochford District Council's Housing Register. Failure to renew an application will result in an applicant being removed from the Rochford District Council's Housing Register. Applicants will be reminded 56 days prior to their renewal deadline of this requirement. This reminder, alongside with the consequences for not complying with this aspect of this Policy, will provided in the form of an email or letter. Once Rochford Council has received your annual review form your current circumstances will be reassessed under the current Housing allocation policy
- 6.4 Every applicant will be provided with an oral and written warning about offences in relation to applications prior to making an application. Applicants will be disqualified, plus might be prosecuted for fraud, if they deliberately withhold information, provide misleading information or do not notify Rochford District Council of any change in circumstances (e.g., change in income, change in household formation). A warning will include the following facts: a person guilty of such an offence could be liable to pay a fine and may also face prosecution for fraud which can result in imprisonment.
- 6.5 Every applicant will be provided information and advice about their rights to make an application for an allocation of accommodation. Furthermore, assistance (such as (i) explanation of the steps for making and determining an application, (ii) collecting evidence to determine eligibility and qualification for an allocation, (iii) the degree of choice they are entitled to and (iv) how

applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g., due to mental or physical impairment, or because of any other special characteristic). This assistance will be extended to those who might require help to express a preference for an available property to-let. Rochford District Council is subject to Equality Act 2010, this statute has been duly considered when formulating this Policy (and any associated policies, procedures and processes). A separate Equality Impact Assessment has been completed, copies can be requested from any Rochford District Council, or downloaded from the local authority's website. To ensure compliance with public sector equality duties, the following arrangements will be considered for each individual applicant and property:

1. Informing an applicant of a property's accessible features
 2. A mechanism to identify the requirements of disabled applicants.
 3. A mechanism to allow extra time for disabled applicants if they need it to accept an offer
 4. A mechanism for providing support in making applications.
- 6.6 Processing applications will involve a preliminary assessment. First consideration will be given to whether the applicant is eligible for social housing under the terms of the statute and this Policy. The matter of qualification will then be decided. For further information on definition of eligibility and qualification see section 3 of this Policy. Detailed scrutiny will take place when an applicant is due to be offered a particular property, this will determine whether the applicant:
1. Is still eligible.
 2. Is still a qualifying person.
 3. Meets any specific lettings criteria for the particular property.
 4. Households' size matches any size criteria for the property.
 5. Can afford to pay the housing costs of the property.
- 6.7 Applications will be processed within a reasonable period of time. If progress is considered to be an unduly slow, an applicant will be entitled to make a complaint using Rochford District Council's complaint procedure. If this proves unsatisfactory, an applicant may seek the help of the Local Government & Social Care Ombudsman. Complaints can be made by:
1. Telephone: 0300 111 3000
 2. Online: <http://www.housing-ombudsman.org.uk/resolve-a-complaint/getting-help-from-the-housing-ombudsman/#.Vp0WGDZ0rdk>
- 6.8 Applications from current tenants of social landlords for transfers (transfer applicants) to alternative social housing available in the Rochford local authority area, whether this be as an assured or assured shorthold or other type of tenancy, have the right to:

1. Make applications
2. Have their applications considered
3. Be notified as to their rights to information and review
4. Protection of the confidentiality of the fact of their application

6.9 Transfer applicants will be treated in the same way as all other applicants, This is because as current tenants of social housing are eligible for a further allocation of social housing accommodation regardless of their immigration or habitual residence status. Transfer applicants will be prioritised in the same way as new applicants (e.g., by housing need and then date of registration). Transfer applicants will not be offered an allocation that would result in them under-occupying the dwelling, being overcrowded or being unable to afford any possible rental or service charges. Transfer applicants will be required to satisfy the qualification criterion set out this Policy, this means transfer applicants who are not entitled to a reasonable preference for an allocation of housing accommodation, will not qualify to join Rochford Council's Housing Register.

6.10 Procedures for handling applications will be covered by provisions contained in this Policy. Any application where there is a reason to believe a person may be homeless or threatened with homelessness, will trigger a referral of the case to a housing Options Team at Rochford Council authority (subject to securing permission from the applicant). Such inquires and any subsequent assistance a person might be entitled, to are outside the scope of this Scheme. Rochford District Council has separate arrangements in force to administer public law homelessness duties. Contact details for which are as follows

1. Housing Options Team
2. Housingoptions@rochford.gov.uk
3. www.rochford.gov.uk/housingoptions

6.11 Separate procedures have been published for the administering the following matters:

1. Assessing new applications or amending an existing application for an allocation
2. Processing applications for an allocation
3. Dealing with applications for an allocation from overcrowded households
4. Exercising discretion when making allocations decisions
5. Reviewing allocations decisions

- 6.12 Decisions about whether an applicant is eligible and qualifies to join Rochford District Council's Housing Register will be made in strict accordance with the rules established in this policy and any associated procedures. Reviews will be carried out in strict accordance with the rules established in this policy and any associated procedures. The power to award discretion to an applicant is limited to the Housing Allocations and Enabling Officer of Rochford District Council. The aforementioned senior employee will be responsible for taking action to minimise the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form and any evidence supplied by an applicant (e.g., proofs of identity, etc) or information gained from other relevant persons (e.g. employees of adult social care services, children services, health services, etc).
- 6.13 Unsuccessful applicants, who have been declared not eligible or disqualified, can make a further application whenever they believe there has been a material change to their circumstances.

7 Decision-Making

- 7.1 Decisions on applications will be notified in writing (either in the form of an email, or a letter when the applicant has not supplied an email address), regardless of whether they are adverse or successful. Where the notification is signalling a successful decision, applicants will also be told when realistically they might be selected for the offer of an allocation of housing accommodation.
- 7.2 Notifying decisions that an applicant is ineligible or disqualified to join Rochford District Council's Housing Register will be made in writing. Applicants will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the implications of the decision to be informed orally (e.g., via a telephone call or in person). Copies of all adverse decisions will be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf, at the main offices of Rochford District Council when an applicant does not receive the decision notice.
- 7.3 Decisions about applications made by employees of Rochford District Council, will be made as per the rules set out in this document. However, all such decisions will be verified via a series of checks by a designated senior officer, who has responsibility for administering housing allocation functions for Rochford District Council. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of Rochford District Council. Where a person affirms on their application that they (or a usual household member), is an employee of Rochford District Council, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by Rochford District Council.

8 Reviews

- 8.1 Applicants will be informed of their right to request a review, within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:
1. That an applicant is not eligible for an allocation of housing accommodation, due to being subject to immigration control or being an ineligible person from abroad.
 2. That an applicant is not within a class of persons qualifying for an allocation of housing accommodation.
 3. The degree of preference they have been afforded for an allocation of social rented housing, including any changes made (either adverse or positive) to the degree of preference they are entitled to.
 4. Concerning the facts of their case which are likely to be, or have been, taken account of a to whether to allocate an offer of housing accommodation, including their medical conditions and welfare needs
 5. The type of property for which an applicant will be considered
 6. The extent of an applicants' household
 7. Whether an offer or a nomination constitutes a final offer with the terms of the Scheme
- 8.2 The review will be a re-consideration of all the relevant facts and legal requirements at the date the review is carried-out. Upon receipt of a review request from an applicant, Rochford District Council will complete the review within eight weeks (56 days). This timeframe can be extended by mutual agreement by Rochford District Council and the applicant. The review will be carried-out by an Assistant Director of Rochford District Council, whom was not previously involved in making the original decision. An applicant will not usually be entitled to an oral hearing. However, when Rochford District Council deem an oral hearing would help to determine the facts of the case, an applicant will be entitled to have a suitable qualified advocate present. A separate document details the procedures on an internal review, please reference *Reviewing Allocations Decisions made by Rochford District Council at www.rochford.gov.uk/housingregister*
- 8.3 Notification of an internal review decisions will in writing by email or letter.
- 8.4 Applicants will be informed of their right to pursue an appeal to the court, where they believe there is evidence that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application to join Rochford District Council's Housing Register. If applicants are dissatisfied with how their application has been handled, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman.

Eligibility and Qualification

9 Eligibility

9.1 The following classes of persons will be eligible to join the Rochford District Council's Housing Register:

1. British citizens (constituting the nations of England, Scotland and Wales).
2. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
3. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
4. EEA Nationals (other than those from Ireland) and their family members, who
 - a. have acquired limited leave to enter and remain in the UK
 - b. were frontier working before 31 December 2020, or
 - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the "Grace Period statutory instrument"
5. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
6. Persons granted refugee status by the UK Government.
7. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
8. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
9. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
10. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
11. Persons who are habitually resident in the Common Travel Area, who have Calais leave to remain under the Immigration Rules
12. Persons who are habitually resident in the Common Travel Area, who have been granted leave to remain as a stateless person under Immigration Act 1971
13. Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland by virtue of the Immigration Rules.
14. Ukrainian nationals who are eligible under the The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022

- 9.2 EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland.
- 9.3 The following cases of person will not be eligible to join Rochford District Council's Housing Register:
1. Persons not habitually resident in the Common Travel Area (see section above for definition):
 2. EEA nationals whose only right to reside in the UK is:
 - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker
 - b. An initial right of residence for 3 months.
 - c. Derivative right of residence because the person is the primary carer of a British citizen.
 - d. Right to reside as a result of the persons deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
 3. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
 4. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.
- 9.4 The granting of a tenancy agreement will be determined by each Private Registered Provider of social housing, in accordance with their respective lettings policy. Notwithstanding this, a joint tenancy cannot be granted to two or more people if any one of them is not eligible for an allocation of housing accommodation let by a Private Registered Provider of social housing. If one person is eligible, a tenancy may be granted to the eligible person.
- 9.5 Eligibility provisions do not apply to applicants who are already secure, or introductory, or assured tenants of a Private Registered Provider within the Rochford District of social housing seeking to transfer.
- 9.6 Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office by emailing **EvidenceandEnquiry@homeoffice.gsi.gov.uk**
- 9.7 Only persons who are habitually resident will be eligible for an allocation of housing accommodation expect persons which exempt from the requirement to be habitually resident, as defined in law or statutory guidance). If it is apparent that an applicant came to live in the EU during the previous two years, the following tests will be carried out to confirm if an applicant is habitually resident:

- 1 The degree of permanence in the persons residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Mann, Channel Islands (Guernsey & Jersey)
 - 2 The association between a person and the place of residence
 - 3 Why a person has come to live in the UK
 - 4 Whether a person is joining family or friends in the UK
 - 5 Whether a person has accumulated a continuous period of residence prior to making their application
 - 6 The length of residence in another country
 - 7 Visits abroad for holidays or visit relatives and other temporary periods of absence will be disregard
 - 8 Exemptions from the habitual residence test include EEA national and their family members who are workers or self-employed, or have certain permeant rights of residence, or have been removed from another county to the UK
- 9.8 Persons who are subject to immigration control or are an ineligible person from abroad, will not be eligible for an allocation of social rented housing.
- 9.9 Rochford District Council will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing, and will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. Rochford District Council will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. Where there is any uncertainty about an applicant's immigration status, Rochford District Council shall contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made in order to comply with data protection legislation. Rochford District Council administrators will be given training about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. Rochford District Council shall ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.
- 9.10 Rochford District Council is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. Rochford District Council will only perform checks on the eligibility of any applicant.

10 Qualification

- 10.1 The following rules apply only to new applicants, and Transfer Applicants. Any person who have been allocated social rented housing via this Scheme within 12 months of a new application, whose accommodation remains suitable, will be disqualified .

10.2 The following arrangements explain those applicants who are disqualified under the terms of this Policy from the joining the Rochford District Council Housing register:

10.3 Persons incapable of holding a tenancy agreement, which extends to:

1. Persons defined as a child in UK law (anyone aged 0 - 18 years of age. An applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), that has an adult who will act as a trustee and hold a legal tenancy until the legal incapacity to hold a tenancy ends, will be able to qualify to join the Scheme.
2. Persons defined as a child in need as a result of a s17 Children Act 1989 statutory assessment. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is leaving the care of Essex County Council, full regard will be made to any protocol agreed between Rochford District Council and Essex County Council for rehousing care leavers. Former care leavers aged 18 years or older fall outside the scope of this section, determination as to whether they qualify will be based on any or all relevant factors
3. Persons lacking mental capacity as defined in the Mental Capacity Act 2005

10.4 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who are guilty of unacceptable behaviour The meaning of unacceptable behaviour for the purpose of this Policy will encompass a past action or activity on the part of a person (see definition above), but will also include an omission, failure to act, passivity or inactivity. A person will be considered unsuitable to be a tenant if there has been no improvement in their behaviour since the unsuitable behaviour occurred, to the date when a decision is made about their application and/or when an allocation of social rented housing is due to be made. Therefore, no minimum or maximum timescales will be applicable, rather the former and current behaviour of the applicant will be considered. Rochford District Council will not take account of any behaviour relating to a spent conviction under the Rehabilitation of Offenders Act 1974, section 4(1). Unacceptable behaviour is defined as:

1. Causing nuisance or annoyance to other persons in the locality of their property.
2. Causing nuisance or annoyance to employees of Rochford District Council or a Registered Provider which holds stock in the local authority area, or agents acting on their behalf to carry out housing management functions
3. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
4. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or Rochford District Council or a Registered Provide which holds stock in the local authority area.
5. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or Rochford District Council or a Registered Provider which holds stock in the local authority area, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours

6. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990
 7. Having committed an act of fraud to which the circumstances remain relevant at the date an application is being determined, involving withholding, falsifying or misrepresenting any information to access to public funds and/or services.
 8. Having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
 - a. Non-payment of rent or other breach of tenancy conditions (see section 3.2.5 and section 3.2.6)
 - b. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of Rochford District Council, or people employed by other organisations, to carry out housing functions, for the Local Authority
 - c. causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
 - d. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return the property.
 - e. allowing acts of waste or neglect of their property or common parts of a building in which their property is situated, or failing take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
 - f. allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
 - g. being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.
- 10.5 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have outstanding liabilities (such as rent or service charge arrears, or any other property related recharges) attributable to a tenancy which are more than 1/12th of the annual amount payable (or which was payable) by an applicant to a landlord in respect of a tenancy. When determining a realistic repayment agreement, there will be an emphasis on an applicant's willingness to address the debt and to come to an agreement to do so. Any agreement will be based on the affordability of an applicant, rather than the overall level of debt. Efforts will be made to take into consideration why the arrears have arisen. For the purpose of this Policy, outstanding rent arrears or debts which fall within the following categories will be disregarded:
1. Any outstanding liability (such as rent arrears) attributable to a tenancy of which the applicant is not, and was not when the liability accrued, the tenant.
 2. Any rent or other liability which is outstanding, but where the amount outstanding is less than 1/12th of the annual amount payable (or which was payable) to a landlord in respect of a tenancy, or the applicant has both (i) agreed payments with a landlord for paying the outstanding liability, and (ii) made payments in line with that arrangement for at least three months and is continuing to make such payments.

3. Any outstanding liability of an applicant which does not relate to the tenancy of a property.
4. Any outstanding liability that has been declared unenforceable or statute barred (e.g. any debts that can no longer be recovered through court action). For rent arrears this will be after six years. (Debts which are subject to court action before the unenforceable period begin, will not become statute barred).

10.6 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have been found to have breached any of the following tenancy conditions, regardless of tenure:

1. Sub-letting part or the whole of the property without permission.
2. Purposely failing to report repairs.
3. Failing to allow contractors to enter the property to carry out maintenance.
4. Running a business from the property without permission from the landlord.
5. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.

10.7 Persons who are not resident in the Rochford District and do not have a minimum of three years continuous connection to the area, due to any of the following factors (disregards apply to applicants who are entitled to be afforded a reasonable preference for an allocation of social rented housing as defined in law, including persons who are survivors of domestic abuse and Armed Forces personnel, see below):

1. Residence - decisions made about local connection will be based on a person (or any person who lives with them, or might reasonably be expected to) being normally resident within the Local Authority of their own choice for a minimum period of three years. Being normally resident includes permanent housing but also includes anyone who has nowhere to live, occupying interim accommodation provided under the Local Authority's homelessness duties, community care duties, or other duties. Persons who have been detained in the Rochford District (e.g. in prison or hospital), will not be able to establish a local connection as this does not constitute a choice of being resident in the area. Nor will former asylum seekers who were previously accommodated under Immigration and Asylum Act 1999, section 98 (temporary support) or section 4 (hard cases support), or former asylum seekers previously accommodated under the Asylum Seekers (interim Provisions) Regulations).
2. Employment – a connection established by employment (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work is undertaken in the Roc, but the main place of work is outside the Rochford District) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. When deciding, Rochford District Council will consider evidence (the following list is not exhaustive and Rochford District Council will consider any other appropriate factors and local circumstances:
 1. The distance and/or time taken to travel between work and home
 2. The availability and affordability of transport, taking account the level of earnings

3. The nature of the work and whether similar opportunities are available closer to home
 4. Other personal factors, such as medical conditions and child care, which would be affected if a move could not take place
 5. The length of the work contract
 6. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship
 7. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment
 8. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
 - i. a contract of employment
 - ii. wages/salary slips or bank statements in cases of zero hours contracts
 - iii. proof of receipt of tax and benefit information
 - iv. a formal offer letter
3. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Rochford District. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Rochford District, and that this care could not be provided unless they were resident in the Rochford District, will be exempt from local connection requirements.
4. Other special reason – persons who need to be near special medical or welfare services which are only available in the Rochford District will be exempt from local connection requirements.
5. Care leavers – persons aged 18-21 or 25 if they are pursuing a programme of education agreed in their pathway plan, who are owed a duty under Children Act 1989, section 23C, by Essex County Council will be deemed to have a local connection to the Rochford District.
- 10.8 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home. This includes land and anything built on land, and can be property currently owned or that has previously been owned in the UK or abroad (disregards apply to applicants who have survived domestic abuse, see sections 3.2.12). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:
1. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
 2. Where the property has not been let, but the owner cannot secure entry to the property, for example due to it not being safe to enter the property due to severe structural faults, or there are squatters living in the property.
 3. Where it is probable that occupying the property will lead to abuse from someone living in the property.
 4. Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere.

5. Where Rochford District Council has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an applicant is in negative equity).

10.9 Persons (be it the applicant or anyone usually lives with them or might reasonably be expected to live with them) with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates. (disregards apply to Armed Forces personnel, see below))

10.10 Consideration as to whether an applicant qualifies to join the Rochford District Council's Housing Register will be taken at both the time of the initial application. following any review of the application and then again when an offer of an allocation is made. A decision that an applicant is disqualified will be notified in writing with the grounds for that decision. Applicants will be notified of their right to request a review of such a decision and to be notified in writing of the grounds for any review decision. Following the conclusion of a review, applicants will be notified of their right to make an appeal to the Courts. Applicants will be notified of their right to make a complaint using Rochford District Council's standard procedures, plus ask the Local Government & Social Care Ombudsman to investigate claims of maladministration. .

10.11 Applicants who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or who are homeless as a result of being a victim of domestic abuse will be exempt from requiring a local connection, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied. .

10.12 Applicants who need to move to take-up an offer of employment, which they could reasonably not take-up otherwise without moving into the Rochford District Council local authority area, will be exempt from requiring a local connection. Applicants will need to demonstrate proof of an offer of employment. Furthermore, proof will be required that the offer of employment could not be taken-up unless the applicant was able to move into the Rochford District Council local authority area.

10.13 Applicants who can prove they are presently, or are due to, undertake training or higher or further education within the Rochford District, which they could not take-up otherwise without moving into the Rochford District, will be exempt from requiring a local connection.

10.14 Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces, will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing DIORDAccn-LOETeam@mod.gov.uk with any queries about the status of such applicants). The following applicants who are members of the Armed Forces community are exempt from local connection:

1. Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the five preceding years of their application, and their spouses.
2. Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.
3. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
4. Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
5. Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

11 Determining Eligibility and Qualification

11.1 An applicants' eligibility and qualification to join the Rochford District Council Housing Register will be considered when they initially apply, plus (assuming satisfaction of the tests at that stage) again when an allocation of a specific property is made. This will allow Rochford District Council to be aware of any changed circumstances that might have occurred subsequent to the initial application, which might render an applicant not eligible or disqualified for an allocation of social housing accommodation. Written notification whether an applicant is eligible and/or qualifies will be provided at both stages when this assessment is completed.

12 Notification of Decisions and Right to a Review

12.1 All applicants found to be not eligible or disqualified will be provided written notification and the grounds for the decision (see section 6). Information will also be provided on any rights they have to request an internal review.

13 Renewed Applications

13.1 Applicants may at any-time make a further application to join Rochford District Council Housing Register, if they have cause to believe they should no longer be treated as ineligible or disqualified, because their circumstances or behaviour has changed. There is no limit on the number or frequency of renewed applications a person makes. No person can be excluded from making an application.

Allocations

14 Adopting This Policy

14.1 This Policy has been subject to an equality impact assessment required under equalities legislation, carried-out in accordance with Rochford District Council's own equalities policies and procedures. Neighbouring local authorities, public authorities, voluntary organisations, Private Registered Providers of social housing and other persons were afforded a reasonable opportunity to comment on a draft version of this Policy. Prior to adopting this Policy, views were elicited from former, current and future potential applicants.

- 14.2 Rochford District Council will review this Policy at least every five years, however amendments will be made as result of any significant change in legislation and/or regulations. Any major change to this Policy will subject to further consultation.
- 14.3 All applicants who are members of the Scheme under previous rules administered by the Local Authority, will have their applications transferred from being handled under the previous rules to the new rules set out in this document, at the commencement date of [insert date], unless the Local Authority is otherwise instructed by the Applicant.
- 14.4 An annual report will be published by the Local Authority about allocations made as result of this Scheme. The report will inform whether the purpose and principles set out in section one of this document are being accomplished. The report will consider matters such as:
1. Who was allocated social rented housing
 - a. characteristic (e.g. age, gender, household formation etc)
 - b. eligibility and ineligibility
 - c. qualification and disqualification
 2. What social rented housing was allocated
 - a. number of bedrooms
 - b. property types
 - c. tenure type (e.g. affordable rent, social rent, supported, etc)
 3. When was social rented housing allocated
 - a. waiting times by band
 4. Where was social rented housing allocated
 - a. by electoral ward
 5. With whom was social rented housing allocated
 - a. by registered provider
 6. Why was social rented housing allocated
 - a. reasonable preference
 - b. victims of domestic abuse
 - c. armed forces veterans
 - d. community contribution
 - e. local connection
 - f. right to move criteria
 7. How was social rented housing allocated
 - a. choice
 - b. direct let
 - c. final offer
 - d. review
- 14.5 All employees involved with the operation of this Policy will receive training on how to administer the Policy prior to its introduction, or within six months of being appointed into post. This training will be revisited at least annually. Specialist training on identifying and understanding the specific needs and circumstances of victims of domestic abuse and the Armed Forces community, will be provided to all administrators within six months of being appointed into post.

15 Determining Priority for an Allocation on Housing

15.1 Applicants will be prioritised for an allocation of social housing accommodation according to (i) their need to be re-housed, (ii) then by date they joined the Rochford District Council Housing Register, (iii) then by whether they are making a community contribution, then (iv), then by those who work or have close family in the Rochford District as per the definition set out in this document.

15.2 Allocations for social housing accommodation will be prioritised strictly as set-out below:

15.3 Band A will consist of applicants which will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation, are defined for the purpose of this Policy as persons who are:

1. Homeless and owed the section 189B initial duty owed to all eligible persons who are homeless
2. Owed a duty under Housing Act 1996, Part 7, due to being:
 - a. Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty
 - b. Threatened with homelessness, owed the (prevention) section 195 duty
3. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC or by the Rochford Council Housing options Domestic abuse Officer.
4. Sudden loss of existing home as a result of a natural or civil disaster, such as those who are required to leave their home due to fire safety concerns identified by Essex Fire & Rescue Service
5. Severely overcrowded due to lacking two or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
 - i. A married or cohabiting couple,
 - ii. Adult aged 21 years or more,
 - iii. Pair of adolescents aged 10-20 years of the same gender,
 - iv. Pair of children aged under 10 years regardless of gender,
 - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 - vi. An unpaired adolescent aged 10-20 years,
 - vii. An unpaired child aged under 10 years
6. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by

Rochford District Council for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. Rochford District Council will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.

7. Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by Rochford District Council for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. Rochford District Council will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
8. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy.
9. Persons leaving care of the Essex County Council's children services
10. Persons approved by Essex County Council as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of Essex County Council's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order in respects to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise
11. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues
12. Members of the Armed and Reserve Forces, such as:
 - a. Former members of the Regular Armed Forces
 - b. Serving members of the Regular Armed forces 6 months prior to discharge.
 - c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service
 - d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service
13. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
14. Victims of racial harassment amounting to violence or threats of violence.
15. Victims of hate crimes amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation
16. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence of they remained in their current homes
17. Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration scheme

15.4 Band B will consist of applicants entitled to a reasonable preference for an allocation of social housing accommodation, are defined for the purpose of this Policy as persons who are:

1. Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 (in relation to premises which pose a statutory nuisance to the occupant), Part 3, Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by Rochford District Council when determining an applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:
 - a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
 - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
 - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
 - d. Overcrowded due to lacking one bedroom. See definition above.
 - e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
 - f. Under-occupying social rented housing.
4. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by Rochford District Council for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. Rochford District Council will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies. The following list is intended to be illustrative and in no way prescribed or definitive:
 - a. A mental illness,
 - i. including former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
 - b. A physical or learning disability of any member of the applicant's household.
 - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
 - d. Frailty due to old age.
 - e. The need to give or receive care.
 - f. Victims of domestic abuse
 - g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.

- h. A restricted ability to fend for self.
 - i. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
 - j. Young adults at risk of financial and/or sexual exploitation
 - k. People with behavioural difficulties.
 - l. Need adapted housing and/or extra facilities, bedroom or bathroom.
 - m. Need improved heating (on medical and/or social care grounds).
 - n. Need sheltered housing (on medical and/or social care grounds).
 - o. Need ground floor accommodation (on medical and/or social care grounds).
 - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
 - q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
 - r. Moving on from drug or alcohol recovery programme.
5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
 - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
 - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
 - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
 - e. Give or receive care to a vulnerable adult (including older person) or child
 - f. Access specialised medical treatment.
 - g. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work
 - h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

15.5 For the purposes of this policy applicants being involved or participating in a community is defined as:

- 1. Engaged in paid or unpaid employment for a minimum of 16 hours per week for a minimum of 6 months
- 2. Engaged in further or higher education, either part-time or full-time, for a minimum of one term.

15.6 Those applicants who are unable to be involved or participating in their community due to an illness, disability, age or other characteristic, will also be treated with the same favour as those who are actively involved or participating in their community.

15.7 Applicants whose circumstances change once they've been accepted on the Rochford District Council Housing Register must notify the Local Authority. A failure to do so could result in an applicant become disqualified and facing prosecution for fraud. If as result of a change in circumstances, an applicant gains a higher preference for re-housing, their registration date will be amended to reflect the date of the change. If as result of a change in circumstances an applicant is assessed as having the same preference, the original registration date will remain in force. If as result of a change in circumstances an applicant is assessed has having less preference, their registration date will be amended to reflect the date of the change. If as result of a change in circumstances an applicant becomes ineligible or disqualified, then they will be removed from the housing register.

15.8 It is the responsibility of the applicant to notify Rochford District Council immediately of any change in your circumstances. If you do not notify Rochford Council of any changes which is identified at a later date your application will be cancelled. If you have a change of address because you have moved, you will need to re-apply to Rochford Council waiting list.

11 Local Letting Schemes

16.1 Rochford Council can use local lettings schemes to achieve a wide variety of housing management and policy objectives. The following list is intended to be illustrative and in no way prescribed or definitive:

1. Allocating accommodation in rural villages and giving priority to applicants with a connection to a particular area
2. Creating more mixed and/or sustainable communities.
3. Dealing with a concentration of deprivation.
4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
5. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
6. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
7. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years (see 4.2.1).
8. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
9. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for applicants under the age of 25 years, or over the age of state pension entitlement.

16.2 Upon identification of particular types, clusters or locations of housing for particular types of applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate overall lettings and will overall give a reasonable preference to those in Band A and Band B over any other applicants. Any local lettings scheme adopted will set out the following:

1. A clear definition of the objective(s) to be achieved, backed up by evidence.

2. A method which is likely to achieve the objective(s).
3. An equality impact assessment.
4. How the scheme will be monitored and who will be involved.
5. Mechanisms of reporting and reviewing the scheme.
6. How the views of local communities have shaped the scheme.
7. A clear exit strategy.

16.3 Local lettings schemes will be adopted to set aside

1. A portion of properties for letting of new build properties for the first time, to be determined in accordance with Rochford District Council's Local Plan.
2. at least 1% of allocations, to be determined annually (from date of adopting this Policy) by, Rochford District Council for serving and former members of the Armed Forces, based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
3. 5% to be determined annually (from date of adopting this Scheme) by Rochford District Council, for households in types of employment where skills are in short supply.
4. 4% of annual allocations, to be determined annually (from date of adopting this Scheme) by Rochford District Council, for prospective and approved foster carers and adopters (endorsed by the Local Authority), so it can satisfy its duty under Children Act 1989, section 22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the Local Authority's Children Services.
5. A portion of properties, to be determined annually (from date of adopting this Scheme) by Rochford District Council, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

16.4 A local lettings scheme will be adopted for specific types of specialist supported housing. For the purpose of this Policy, the UK Government's definition of specialist supported housing applies.

16.5 A local letting scheme will be adopted for displaced agricultural workers, where they have been displaced due to a need to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker and needs to rehoused in the interest of efficient agriculture.

17. Avoiding Discrimination and Enhancing Equality of Opportunity

17.1 An equality duty is imposed on Rochford District Council by the Equality Act 2010, section 149. Regard has been made to this public-sector equality duty when formulating this Policy, furthermore it will inform decision-making on in individual cases. Allocations will be monitored to determine whether equal opportunities obligations are being met to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

17.2 This Policy intends to ensure that at all times non-discriminatory decisions will be made about the allocation of homes. Regard has been had to advice on allocating housing to disabled people

published by the Equality and Human Rights Commission, along with other associated research and guides that are available

- 17.3 When formulating this Policy, an equality impact assessment was undertaken to avoid discrimination and be able to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual or transgender. Any substantial variation to this Policy will also be subject to an equality impact assessment. For further information please see *Equality Impact Assessment* published by Rochford District Council.
- 17.4 This Policy has been formulated to ensure compliance with the Equality Act 2010 and the European Convention on Human Rights Article 14 and regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Scheme will be undertaken, in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.
- 17.5 Rochford District Council will provide regular, accurate and generalised information on how the Housing Register is managed to actively dispel any myths and misconceptions arising about allocation of social housing accommodation and migration, including data on nationality and immigration status, to strengthen public confidence in the Policy.
- 17.6 Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them.

18 Best Interests of Children

- 18.1.1 When formulating this Policy, the Local Authority has considered the need to safeguard and promote the welfare of children, in accordance with the Children Act 2002, section 11.
- 18.1.2 This Scheme and administration will accord the objectives and actions set out in the Local Authority's joint working protocol agreed between its Housing Services and Children Services.
- 18.1.3 When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a primary (but not overriding) consideration. Active involvement from the Local Authority's Children Services will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Children Services. A discussion about the prioritisation of applicants will take place prior to the introduction of the scheme. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, Children Services will be consulted.

19 Discretion

- 19.1 Discretion about qualification or allocations of social housing accommodation will be exercised only by senior officers. A separate document details the procedures for exercising discretion, *exercising discretion when making allocations decisions*.

20 Challenges about this Policy

20.1 Applicants will be informed of their right to pursue judicial review challenges about this Policy. Applicants will be entitled to make a complaint using Rochford District Council's own complaint procedures. If this proves unsatisfactory an applicant may seek the help of the Local Government & Social Care Ombudsman Service.

Being Allocated a Property

21 Choice

21.1 Applicants will be informed of their right to choose the location Due to the shortage of Affordable Housing all applicants will be considered for any type of property suitable for their bedroom need, except where there is a proven medical need for a certain type of property.

21.2 Applicants who may have difficulty in understanding the system will be identified and supported. Applicants will be encouraged to self-identify that they require support to express a preference. Rochford District Council will use its own judgement on initial contact with an applicant, based on whether they were able to complete an application to join the Housing Register unaided. Applicants who are not expressing a preference will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to ensuring those who are homeless, have a disability or are from a black or minority ethnic community, to provide any support that might be needed to express a preference

21.3 Applicants will be able to choose from the following locations:

1. Barling Magna
2. Canewdon
3. Great Wakering
4. Hockley/Hawkwell
5. Hullbridge
6. Rawreth
7. Rayleigh
8. Rochford/Ashingdon
9. Stambridge/Paglesham

21.4 Some applicants will not be afforded any choice, these being those who are:

1. Homeless as defined by the Housing Act 196 including those owed the Section 189B (2) duty
2. intentionally homeless and have a priority need for accommodation, owed the section 190(2) duty
3. Not intentionally homeless and have a priority need for accommodation, owed the s.193(2) duty
4. Threatened with homelessness, owed the s.195(2) duty

21.5 Applicants described in section 21.4 will be made one offer of suitable accommodation.

21.6 Applicants right to-choice does not extend to any social housing accommodation that is subject to, intended specifically for persons with specific characteristic, e.g. properties specifically for persons of

specified age where an applicant is under minimum and/or maximum threshold, or properties adapted for people with a physical and/or sensory disability.

- 21.7 When an applicant has refused two reasonable allocations of social housing accommodation, they will be suspended from the Housing Register for a period of 12 months. Rochford District Council will consider the circumstances of each refusal on a case-by-case basis and confirm with an applicant they are refusing an offer prior to imposing a sanction.
- 21.8 Applicants will be informed of their rights to seek a review. The allocation of housing they refused was a reasonable offer and the final offer refused was a suitable offer. Following review, an applicant will be informed of their right to seek appeal in the courts on any point of law.
- 21.9 An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an applicant, having had regard to the following matters:
1. Whether the applicant and their household would be overcrowded or under-occupying. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment.
 2. Affordability of the property when compared to the applicants' income and expenditure, see appendix one for the methodology that will followed to determine whether a property is affordable
 3. Location of the property in regard to essential journeys the applicants needs to make
 4. Public sector equality duty in Equality Act 2010, section 149
 5. When there is a child or children in the applicant's household, the duty to safeguard and promote the welfare of children in the Children Act 2002, section 11
 6. In respect of school-age children, the duty in the Human Rights Act 1998, that no person should be denied the right to an education (Notwithstanding this, an offer of accommodation might necessitate a child having to move school).
 7. Space and arrangement of the property
 8. The standard of property
 9. The specific health needs of the applicant their usual household members
 10. The proximity and accessibility of family support
 11. The proximity and accessibility of medical facilities and other support services which are currently used by or provided to the applicant or the usual family members that are essential to that persons' wellbeing
 12. The proximity of alleged perpetrators and victims of domestic abuse
- 21.8 Instances when an Applicant who requires adaptations who are offered a property that is subsequently deemed to be unable to be adapted will not be deemed as a refusal
- 21.9 Applicants will be informed of their right to seek a review of whether an offer of social rented housing they refused was a reasonable offer, or whether the final offered refused was a suitable offer. Following review, an applicant will be informed of their right to seek a judicial review on any point of law.
- 21.10 Rochford District will publish feedback on offers made and accepted. Requests for this information to be provided in alternative formats will be considered on an individual basis.

22 Direct Lets

22.10 This Policy only applies to direct lets of social housing accommodation.

23 Other General Points

23.10 Following an allocation of housing accommodation by Rochford District Council, applicants will be given a reasonable period to consider whether to accept it. There will be no set specific timeframe, rather this will be based on the personal circumstances of each applicant, with applicants who are vulnerable applicants, unfamiliar with the property being offered, applicants in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments being given longer to consider the property offered. The actual letting will be handled by a Private Registered Provider of social housing, who will sign up the new tenant following the offer and acceptance of a tenancy agreement.

23.11 Applicants will not be offered a property that would result in them being statutorily overcrowded. Applicants will not be offered a property that would result in them under-occupying it. Applicants who receive support from a carer, who does not live with them, will have their need for a spare room taken into account whenever possible. Properties on the grounds floor, with an accessible bathroom or an additional bathroom or toilet will be offered to applicants who have a medical need for such a dwelling. Any particular needs of elderly applicants will be taken account of. The needs of applicants who been approve by the Local Authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an applicant's household will be taken into account whether they would be eligible or qualify in their own right or not. Bedrooms will be allocated to each this includes students and members of the armed forces or reserve forces if they're away and intend to return home):

1. Couples who are married, have a civil partnership or who are cohabiting.
2. Adults aged 16 years or more.
3. Single or a pair of adolescents aged 11-16 years of the same gender.
4. Single or a pair of children aged 1-10 years regardless of gender.
5. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
6. An overnight carer for any usual household member, if the carer isn't a usual household member
7. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
8. A new approved foster carer for up to 52 weeks of approval if no child has been placed with the applicant's household during that time

23.12 Applicants will not be made an offer of a property in a locality in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives.

23.13 The letting of a property, including whether a joint tenancy will be granted to beyond the scope of this Policy. Private Registered Providers of social housing will have their own letting policies that dictate how lettings will be agreed.

- 23.14 This Policy has been drawn up having had regard to Rochford District Council's 2019 Tenancy Strategy. Tenancies will be offered by Private Registered Providers of social housing made in strict accordance with their own Tenancy Policy, which will have been formulated having had regard to Rochford District Council's Tenancy Strategy.
- 23.15 Applicants will be informed by the relevant Private Registered Provider at the point of an allocation if the property will be furnished or unfurnished.
- 23.16 Applicants will be informed of the quality of accommodation and will be provided with an opportunity to view it prior to accepting or rejecting whatever is being offered. Applicants can expect for properties will be fit for occupation at the date of the letting, or that any repairing obligations imposed on a Private Registered Provider of social housing will be met within a reasonable time of commencement of the tenancy.
- 23.17 Transfer applicants will be made an offer that ensures they do not inadvertently lose accrued right. Arrears of rent outstanding on an old tenancy can be transferred to the new one, subject to agreement with the Registered Provider as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new agreement).
- 23.18 Applicants will not be offered a property whereby they cannot afford to pay all related potential rental and service charges. Applicant income, expenditure, debt, loans, and savings will be considered by Rochford District Council. Applicants will need to be able to demonstrate that they will be able to pay all applicable housing charges.
- 23.19 Homeless applicants will be assessed via the same processes as any other applicant to the Housing Register. Applicants will complete a Housing Register application at the same time of their homeless application, however if a homeless applicant is assessed and placed in Band A, they will only be entitled to one offer of affordable and suitable accommodation. Those who do not qualify will have the prevention, relief or main housing (homelessness) duties discharged by other means such as a suitable offer of private rented accommodation or return to family home.
- 23.20 Separate arrangements exist for existing tenants who wish to undergo a mutual exchange.

Other Arrangements

24 Direct applications to Registered Providers

- 24.1 Registered Providers have a duty to maintain rules and policies concerning the allocation of social rented housing. The contents of such rules and policies should reflect the law and also regulations found in the Tenancy Standard, published by the Regulator of Social Housing. Information about housing allocation rules and policies of Registered Providers are available directly from these organisations. Copies are also available from Rochford District Council.
- 24.2 People who make an application to Rochford District Council for social rented housing, are in no way restricted from also making separate additional applications directly to any Registered

Provider, where their own housing allocation rules and policies allow this.

25 Nominations

- 25.1 Nomination's agreements have been agreed between Rochford District Council and each Private Registered Providers of social housing that own and/or manage accommodation in the Local Authority area. Every agreement prescribes the portion of lettings that Private Registered Providers of social housing will make available to Rochford District Council. The agreements also have a criterion for how Private Registered Providers of social housing can accept or reject a nominee, plus describe how any disagreements will be resolved.
- 25.2 Rochford District Council and any Registered Provider that have entered into a nomination arrangement, have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an applicant to share their information with a Registered Provider
- 25.3 A system has been adopted to monitor the effectiveness of the nominations agreements, to allow Rochford District Council to satisfy itself the Local Authority is fulfilling its legal obligations to allocate social housing accommodation. An annual report on nominations agreements will be presented to elected councillors of Rochford District Council, plus be shared with Private Registered Providers of social housing.

26. Transfers

- 26.1 Registered Providers have published rules governing cases where secure tenants wish to move from one dwelling to another. Copies of such rules are available directly from these organisations.

27 Complaints, appeals and legal challenges

- 27.1 Applicants will be informed by Rochford District Council of their rights to make a complaint about a Registered Provider's decision to reject a nomination for an allocation of social rented housing. The methods by which complaints can be made are set out in the housing allocation rules and policies published by each Registered Provider. Applicants that have a dispute about the housing allocation rules and policies of a Registered Provider, will be informed of their right to make a complaint directly to the organisation, and when still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a Registered Provider's decision to reject a nomination of social rented housing.
- 28.2 Additionally, applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed by Rochford District Council of their right to seek assistance from the Equality and Human Rights Commission.

This document was created following consultation with the following organisations listed below, The original consultation was carried out between 23 February 2018 and 23 May 2018 The following organisation below have been notified of the latest update.

Essex County Council Social Services

East England LGA

Rayleigh and Rochford Citizen Advice Bureau

Neil Morland (Housing Consultant)

RAVVS

Basildon District Council

Castle Point District Council

Southend on Sea Borough Council

Thurrock Council

Chelmer Housing Partnership

Estuary Housing Association

Genesis Housing

Hannover Housing

Housing 21

London and Quadrant Housing Association

Moat Housing Association

Swan Housing Association

Sanctuary Housing Association

Castle Point and Rochford CCG

Essex Mental Health Partnership

Salvation Army

Essex Police

Essex Fire service

Family Mosaic (Peabody)

Appendix 1 – Determining an applicants’ ability to afford an allocation of social rented housing

1.0 General principles

- 1.1 An applicant for an allocation of social rented housing will be disqualified from joining the Scheme if they have outstanding rent arrears or other property related liabilities above a specified cap.

- 1.2 Property related liabilities shall be limited to outstanding rent arrears, service charge arrears and recharges for property related damage. Any liabilities that are statute barred, were not accrued by the applicant, or were accrued as result of financial abuse should be wholly disregarded.

- 1.3 The following criterion will be used when determining whether to disqualify an applicant with outstanding property related liabilities:
 - An applicant’s liabilities exceed more than 1/12th the annual repayment amount, and
 - they have failed to make three consecutive payments

- 1.4 Notwithstanding the above, any allocation of social rented housing is contingent on an applicant being able to pay any charges levied for occupying a dwelling.

- 1.5 Any amount a prospective tenant is charged for occupying a dwelling, must demonstrated to be affordable for them.

- 1.6 What a prospective tenant can afford to pay will vary according to the type of dwelling and their personal circumstances.

- 1.7 Following a property being allocated, the Local Authority will wish to consider affordability as part of their processes for allocating a property.

- 1.8 When determining affordability, a Local Authority shall consider whether an applicant can afford the housing costs of the property they have been allocated, without being deprived of basic essentials.
- 1.9 All income should be taken account of when determining an applicants' reasonable living expenses, other than rent, having regard to any children who might reside with them (the Local Authority and Registered Providers have a duty to promote and safeguard the welfare of children under Children Act 1989, which is relevant in the matter of determining affordability).
- 1.10 If an applicant is unable able to pay any or all of the housing costs, the Local Authority or a Registered Provider might arrange for another source of funding (e.g. Discretionary Housing Payment) to pay some or all of the housing costs. In cases involving a child, this might be from the Local Authority's children services under Children Act 1989 under section 17. After housing costs, a tenant should be left with sufficient income to pay all other reasonable costs.
- 1.11 A applicant shall have the right to request a review of an affordability assessment, this should extend to the right to a review of any charges levied for occupying a dwelling. Should an applicant remain dissatisfied, they shall be informed of their right to make a complaint to the relevant ombudsman and/or pursue judicial review.

2.0 Formula for determining whether charges for a dwelling is affordable

- 2.1 Evidence for an applicant theirt:
- a. Total income from all sources, including earnings, fees, other payments, savings, welfare benefits they are in receipt of or would be entitled to claim
 - b. Total debts, including priority and non-priority debts
- 2.2 Ignore any:
- a. Tenancy related debts that are statute barred
 - b. Not accrued by the applicant
 - c. Accrued as a result of financial abuse
- 2.3 Once the above factors have been ignored, take note the total amount of outstanding income.
- 2.4 To determine whether an applicant can afford the housing costs of the property that has been allocated to them:

- c. Take not of their total income (see above 2.1a)
- d. Deduct from the total income received, housing costs (including rental charge and any service charge);
- e. Deduct from the total income received, other reasonable living expenses, equal to Universal Credit standard allowances, for items such as,
 - i. food,
 - ii. clothing,
 - iii. heating,
 - iv. transport,
 - v. other essentials, specific to the circumstances of the prospective tenant (and any other person that lives with them, or might be reasonably expected to live with them);
- f. Deduct from the total income received, relevant expenditure to nurture and keep safe any child that lives in the household;
- g. Deduct from the total income received any priority debts, such as,
 - i. court fines,
 - ii. council tax,
 - iii. TV license,
 - iv. Child maintenance,
 - v. gas and electricity bills,
 - vi. Income Tax, National Insurance and VAT,
 - vii. Mortgage and any loans secured against a home owned by the Applicant (and any other person that lives with them, or might be reasonably expected to live with them),
 - viii. Hire purchase agreements if what has been purchased is essential;

2.5 From the remaining amount of income, a calculation can be made as to whether prospective tenant can afford the housing costs of the property that has been allocated to them.

2.6 Where two or more people will hold a tenancy jointly, income and debts from all prospective tenants should be taken account of.



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