

# **Hastings Borough Council Housing Allocation Scheme 2025**

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## 1.0. Introduction

- 1.1. This Scheme explains how people can apply for an allocation of social rented housing, to Hastings Borough Council (the “**Local Authority**”). It describes:
  - A. eligibility and qualification criteria to join the Scheme.
  - B. the extent of choice an Applicant will be offered when an allocation is being made;
  - C. any reasonable or additional or preference for an allocation an Applicant might be entitled to;
  - D. how priority between any Applicant will be determined when an allocation is being made;
  - E. and the arrangements for nominating an Applicant for some homes owned by private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area.
- 1.2. The Local Authority will allocate social rented housing to people whose housing needs cannot be met by the general housing market, in a fair, transparent and effective way, that prioritises Applicants who are most in need and makes best use of the homes available to let.
- 1.3. The Local Authority will allocate social rented housing to:
  - A. persons (“**Applicants**”) applying to become a social housing tenant, for both general needs and supported housing (including housing for older persons), let at either affordable rent or social rent rates.
  - B. secure/assured tenants, seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.
- 1.3. See **Appendix A** for a list of Registered Providers who own or manage stock in the Local Authority area.
- 1.4. People who make an application to the Local Authority for an allocation of social rented housing, are also entitled to make separate additional applications for housing directly to any Registered Provider, where their own housing allocation rules and policies allow this.
- 1.5. The Local Authority will carry out appropriate checks on an Applicant’s eligibility to be allocated social rented housing, but 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. The Local Authority 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. The Local Authority will train its employees about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority shall ensure that language and interpretation support is available for Applicants who have difficulty reading or speaking English.

## **2.0. Allocation of social rented housing**

- 2.1. An “**allocation**” will occur when the Local Authority nominates an Applicant to be an assured tenant (encompassing flexible and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions.
- 2.2. The Local Authority will accept applications from current tenants, for transfers (“**Transfer Applicants**”) to alternative social rented housing available in the Local Authority area. Such Applicants have the right to:
  - A. Make applications.
  - B. Have their applications considered.
  - C. Be notified as to their rights to information and review.
  - D. Confidentiality of the fact of their application.
- 2.3. The Local Authority will treat a Transfer Applicant in the same way as any other Applicant. A Transfer Applicant will be prioritised in the same way as a new Applicant (e.g., by housing need and then date of applying to join the scheme).
- 2.4. A Transfer Applicant will be made an offer that ensures they do not inadvertently lose accrued rights and will be a tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy can be transferred to the new one subject to agreement between the Registered Provider from which the tenant is transferring from and the Registered Provider to whom the tenant is transferring is to, as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new occupancy agreement).
- 2.5. There will not have been an allocation in cases set out in **Appendix B** of this Scheme. The Local Authority and/or Registered Providers shall have their own rules and policies for specific matters, which should be referenced for further details.
- 2.6. The letting of a property and actual entry by an Applicant into a tenancy agreement for a particular property is beyond the scope of this Scheme. The Local Authority’s Tenancy Strategy sets out our aims for how social housing should be let. Each Registered Provider also has their own tenancy policy, which sets out how decisions are made about type of tenancy an applicant might be given, copies of which can be requested from individual registered providers.

### **3.0. Eligibility for an allocation of social rented housing**

- 3.1. Eligibility for an allocation of social rented housing will be made in accordance with housing act 1996, part six, section 160ZA and any associated legislation. Eligibility criteria will be revised in accordance with any subsequent regulations and orders that might be made by the UK Government.
- 3.2. Primarily, people who have a permanent right to reside in the UK and who are living in the UK at the date of both application and an offer of accommodation, will be eligible for an allocation of social rented housing. Full details of who is eligible along with the test carried out to determine whether or not a person is habitually resident in the UK, can be found in **Appendix C**. Details of persons who are not eligible can be found in **Appendix D**.

#### **4.0. Qualifying persons**

- 4.1. An Applicant will be disqualified from joining the Scheme if any of the following criteria is applicable to them or their circumstances. Details can be found in **Appendix E**.

- A. An Applicant is incapable of holding a tenancy agreement.
- B. An Applicant or a member of their household guilty of past unacceptable behaviour of a specified standard that makes them unsuitable to be a tenant.
- C. An Applicant or a member of their household who has outstanding rent or service charge arrears, or property related recharges attributable to a tenancy, who has:
  - a. not agreed a repayment schedule, or
  - b. has not made three consecutive repayments as per the repayment schedule, at the date of initial application and at the date accommodation is allocated to them, or
  - c. is one month or more behind an agreed repayment schedule.
- D. An Applicant or a member of their household who have been found to have breached tenancy conditions.
- E. An Applicant or a member of their household who does not have a minimum of three years' current continuous connection to the Local Authority area because of residence. Other consideration is given to employment and other special reasons. Exemptions apply to an Applicant who is a survivor of domestic abuse and Armed Forces personnel. Specific rules apply for care leavers. Exemptions apply to any Applicant who needs to move due to work related reasons.
- F. An Applicant or a member of their household who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home. Exemptions apply to any Applicant who has survived domestic abuse. Other exemptions apply to any Applicant in specified circumstances.
- G. An Applicant or a member of their household who has savings of £16,000 or more, unless the savings are their only source of income. Exemptions apply to any Applicant who is a survivor of domestic abuse and Armed Forces personnel.
- H. An Applicant whose monthly rent or mortgage payments are less than 32% of the total household taxable income will not be eligible to join the housing register. For example, if the earnings for a household are £2,000 per month, a rent or mortgage payment less than 32% of the household income would be less than £640 per month. This calculation is aligned with the housing charity Shelter's guidance on what should be the maximum proportion of someone's income should be spent on housing. Exemptions apply to any Applicant who is a survivor of domestic abuse and Armed Forces personnel. Non-taxable income will be disregarded.

## **5.0. Applications**

- 5.1. Information and advice will be made available in writing via website of the Local Authority and in-print where an Applicant is unable to access the website. Information and advice will also be provided orally via the telephone or videotelephone, or when an Applicant is unable to communicate via this media, in-person either at an office of the Local Authority or at their home or other appropriate location when they are unable attend an office of the Local Authority. The Local Authority will consider requests for information in translated and alternative formats (eg Braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective Applicants (e.g., the housebound, prisoners, gypsies and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice.
- 5.2 The Local Authority will provide any person, regardless of whether or not they intend to make an application to this Scheme, information about:
- A. The social housing in the Local Authority area;
  - B. Rights to make an application for an allocation of social rented housing, generally and to also the Local Authority;
  - C. The rules associated with initial consideration of an Applicant's application to join this Scheme, plus the treatment of any nomination for social rented housing made by the Local Authority to a Registered Provider;
  - D. Potential stock availability in the Local Authority area;
  - E. Eligibility, qualification and prioritisation criterion for joining the Scheme and being offered an allocation of social rented housing by the Local Authority and being offered a nomination of social rented housing.
- 5.3. The Local Authority will provide the following information whenever any dwelling is made available by Registered Providers:
- A. Type (e.g., house, flat, bungalow, etc), size (e.g., number of bedrooms, bathrooms, etc) and location;
  - B. Whether it is already accessible for people with disabilities, or could be adapted to be so;
  - C. Whether there is access to a shared or private garden.
- 5.4. The Local Authority will freely help Applicants who are likely to have difficulty in making an application (e.g., due to mental or physical impairment, or because of any other special characteristic) to join the Scheme. Applicants also be informed of other assistance that might be available to help them make an application (e.g., voluntary



organisations). The assistance provided by the Local Authority will include (this list is not intended to be exhaustive):

- A. Completing any form that might exist;
- B. Explaining what evidence might be required for the Local Authority to determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment;
- C. Explaining what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment;
- D. Explain what evidence might be required to help determine the type of property that should be allocated and help collect this evidence for assessment;
- E. Express a preference of the location of the social rented housing they might be allocated.

5.5. The Local Authority will provide Applicants with general information (eg a copy of this Policy and/or or a summary version) about how it allocates social rented housing, accompanied by a free summary of this Scheme.

5.6. The Local Authority is subject to the Equality Act 2010 which has been duly considered when formulating this Scheme. A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from its website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. To ensure compliance with public sector equality duties, the following arrangements will be made by the Local Authority and/or Registered Providers for each individual Applicant with a relevant protected characteristic, such as persons who have a disability:

- A. Assistance to make an application, including exercising any choice they might be entitled to;
- B. Via a specific question at the application stage, to identify the housing needs;
- C. Provide information on a property's accessible features;
- D. At the stage of offer or nomination, to allow extra time, (of a duration relevant to the circumstances of any given case) to determine whether or not to accept an offer.

5.7. The Local Authority will advise Applicants 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 Scheme has been

framed, or during the administration of it. Applicants will be informed as to how such data will be used, handled and stored.

- 5.8. The Local Authority is subject to the information disclosure requirements of the Data Protection Act 2018 and the UK General Data Protection Regulation. The administration of this Scheme will ensure compliance with this legislation. For further information on the Local Authority's approach to *Data Protection*, reference our website [here](#). Applicants will be advised of their right to make a complaint to the [Information Commissioner's Office](#) if they believe the Local Authority has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 2018.
- 5.9. Applicants have the right to confidentiality. An application will not be divulged to any other party without an Applicant's consent, unless it gives rise to a safeguarding concern. Applicants will be asked to give consent to share relevant details of their application with relevant third-party organisations, such as public authorities, Registered Providers, voluntary organisations and others. Where consent is given, this only extends to those who can provide evidence that can help to determine an application and/or who need to know to process an allocation (e.g., employees of health, social care, criminal justice, social housing organisations, etc).
- 5.10. Applicants will be provided with a user account that they will be able to securely log into via the Scheme website. The Local Authority will primarily communicate with Applicants via email or a user account. Whenever necessary, the Local Authority will also communicate with Applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when they are having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative method of communication.
- 5.11. All applications must be made using the prescribed online Housing Assessment form published by the Local Authority. Whenever necessary, the Local Authority will also arrange for applications to be completed by other means. Applications must be made online, [via the Scheme website](#). Applications can only be made by a sole individual, all other persons who might presently live with the Applicant can feature as usual household members. Multiple applications to the Scheme are not allowed. An Applicant may have only one active application with the Local Authority (but is entitled to have active applications with other local authorities and/or Registered Providers).
- 5.12. In addition to the application, the following documents (where available and applicable to the circumstances of the Applicant) must be submitted as evidence to

verify the information provided by the main Applicant and all usual household members that feature on the application. Documents should be uploaded through Applicant's online account.

- A. Passport, national identity card, stamp in passport, or Home Office letter to help determine eligibility and qualification to rent social housing in England;
- B. Proof of address (e.g., utility bills, council tax bills) for the preceding three years for continuous living in the borough, or two years to help determine habitual residence;
- C. Any existing tenancy agreement, to help determine habitual residence and qualification to join the Scheme;
- D. Birth certificate, to help determine qualification to join the Scheme and determine the number of usual household members, or proof of pregnancy where relevant;
- E. Certificate of marriage or civil partnership, to help determine qualification to join the Scheme and determine the number of usual household members;
- F. Details of any relevant unspent convictions, in accordance with the Rehabilitation of Offenders Act 1974, section 4(1), as per the definitions set out in [Appendix E.2](#), to help determine qualification to join the Scheme;
- G. All financial records from most recent tax year, relating to income, dividends, savings, assets, shares and any other capital assets or investments to help determine qualification to join the Scheme;
- H. All legal records relating to property ownership to help determine qualification to join the Scheme;
- I. Any other information that helps to determine eligibility and/or qualification to join the Scheme, including where available:
  - a. Notification of any homelessness duty owed;
  - b. Notification of any hazards identified under Housing, Health & Safety Ratings System;
  - c. Records that provide proof or and extent of medical conditions, welfare needs and/or disability;
  - d. Any other information providing proof of hardship that necessitates an allocation of social rented housing.

5.13. A housing application will be removed from the Scheme in the following circumstances:

- A. When the Applicant requests it;
- B. When the Applicant either becomes ineligible for housing or ceases to qualify for inclusion onto the Scheme;
- C. When the Applicant has been housed through the Scheme or in relation to those who are owed a homelessness duty, they have accepted an offer of suitable accommodation, which has resulted in the duty has been discharged;

- D. When the Applicant accepts an Assured Shorthold Tenancy;
- E. When the Applicant fails to maintain their housing application or they move home and fail to provide the Local Authority with the relevant contact details;
- F. When the Applicant fails to respond to a request for further information within the specified time.

- 5.14. The Local Authority will receive applications from any person, regardless of where they currently reside, and this extends to persons of no fixed abode. Applicants will be required to renew their application annually, from the anniversary of being accepted to join the Scheme. Failure to renew an application will result in an application being closed and membership of the Scheme being discontinued. Applicants will have 28 days from receipt of this information to comply with the renewal request. Failure to comply will result in an Applicant being removed from the Scheme.
- 5.15. The Local Authority will aim to process applications within four to six weeks, after an Applicant has submitted a completed application and supporting documents.
- 5.16. Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness will trigger inquiries as to what duty of assistance, if any, is owed under Housing Act 1996, Part 7 (as amended). Such inquiries and any subsequent assistance a person might be entitled to are outside the scope of this Scheme. The Local Authority has separate arrangements to administer public law homelessness duties. Contact the housing duty officer on:
  - a. Email: [housingadvice@hastings.gov.uk](mailto:housingadvice@hastings.gov.uk);
  - b. Telephone: 01424 451100;
  - c. In person: During office hours Monday – Friday at Muriel Matters House, Breeds Place, Hastings, East Sussex TN34 3UY.
- 5.17. Decisions on applications will be notified in writing, regardless of whether they are adverse or successful. 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).
- 5.18. Unsuccessful Applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining the Scheme, can make a new application when they believe there has been a change of circumstances.
- 5.19. Where the notification confirms a decision that an Applicant is ineligible for an allocation of social rented housing or disqualified from joining the Scheme, the Applicant will be given reasons for the decision based on the relevant facts of the

case. They will be informed that they can make a further application whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review. Copies of all adverse decisions will be made available for a reasonable period of time for collection by Applicants, or by someone on their behalf, at the main offices of the Local Authority.

- 5.20. Decisions about applications made by employees of the Local Authority, will be made as per the rules set out in this Scheme. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. 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 the Local Authority. Where a person affirms on their application that they (or a usual household member) are an employee of the Local Authority, 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 the Local Authority.

## **6.0. Making allocations**

- 6.1. The Local Authority will inform Applicants of their entitlement to express a preference of the property that they would prefer to be allocated housing (e.g., by placing a 'bid' via the choice-based lettings website the council operates) and the process if the Applicant refuses an offer of a property (e.g., there is a limit to the number of suitable properties an Applicant is entitled to refuse).
- 6.2. The Local Authority will identify and support any Applicants who may have a difficulty in expressing a preference. Applicants will be encouraged to self-identify that they require support to express a preference. The Local Authority will use its own judgement on initial contact with an Applicant, based on whether they need assistance to complete an application. 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 an ethnic minority group, are provided with any support they might need to express a preference.
- 6.3. Applicants can express a preference of up to three properties at any time, by placing 'bids' on the Local Authority's Scheme website, where social rented homes available to-let will be advertised. However, this does not guarantee that they will be offered any property they might make a bid for.
- 6.4. The selection process 'shortlist'. All eligible bids for each property are placed into priority order called the 'shortlist'. Priority is determined in the following order:
  - Priority Band;
  - Priority Date.

The applicant with the highest priority will be at the top of each shortlist. In the unlikely event of two or more Applicants having the same priority date, then the priority will be randomly generated by the IT software.

When a property is advertised with an associated Mobility Level, bids from applicants awarded a Mobility Level will be prioritised in Band order over and above those applicants who do not require a Mobility Level property.

Where a property is advertised with specific restrictions e.g. an age restriction, this will be taken into account when working out whether a bid is eligible. Some properties are subject to a Local Lettings Plan where there may be additional eligibility criteria, such as working or making a community contribution; where this is the case this will be stated on the advert.

If there are no eligible bids for a property, the council's Housing Options Team (in consultation with the Registered Provider) may decide to make a direct allocation or re-advertise the property in the next bidding round.

The shortlist will be provided to the Registered Provider by the council's Housing Options Team for them to contact the applicant(s) and arrange a viewing of the property. The final decision to offer a tenancy will rest with the Registered Provider and unless exceptional circumstances apply, the applicant with the highest priority will be offered the tenancy. To minimise delays the Registered Provider may invite other bidders to view the property.

You will need to bring the following information to your viewing: proof of identity, proof of income, tenancy agreement of current property (if applicable), any other relevant documentation that has not already been verified by the council or Registered Provider.

6.5. Applicants are subject to a limit on the number of properties that would be reasonable for them to occupy, which they are entitled to refuse an offer of. Once an Applicant has exhausted the applicable refusal threshold, if the Applicant refuses a final suitable offer, they will be given reduced preference for a period of 12 months. The Local Authority 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.

- Band A – Applicants are entitled to one refusal of a reasonable offer of accommodation. If you are a transfer applicant (as referenced below in 6.14) you are entitled to two refusals of a reasonable offer of accommodation;
- Band B – Applicants are entitled to two refusals of a reasonable offer of accommodation;
- Band C – Applicants are entitled to three refusals of a reasonable offer of accommodation;
- Band D – Applicants are entitled to one refusal of a reasonable offer of accommodation.

6.6. An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an Applicant. See **Appendix G** for details.

6.7. Instances when an Applicant who requires adaptations who is offered a property, that is subsequently deemed to be unable to be adapted, or where existing adaptations are not appropriate for an Applicant's needs, will not be deemed as a refusal.

- 6.8. Following an offer or nomination by the Local Authority, Applicants will be given a reasonable period to properly consider whether to accept it. Typically, this will be 24 hours following a viewing. Consideration to extend the timeframe will be given on a case-by-case basis and in agreement with the Registered Provider that will be letting the property. The actual letting will be handled by a Registered Provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the Applicant.
- 6.9. Applicants will only be offered accommodation considered suitable for their housing needs. If this is not possible, under-occupation will be considered subject to an affordability assessment. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible. Properties on the ground 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 over an Applicant who has no need for such accommodation. This may mean that an Applicant with a mobility need but a lower band will be given priority over a candidate with a higher band but no mobility need. Any particular needs of elderly Applicants will be taken account of. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs when evidence, submitted by an Applicant, requires clarification either on a point of accuracy or of the prevailing circumstances of their condition. The needs of Applicants who have been approved 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 account of, as to whether they would be eligible or qualify in their own right or not.
- 6.10. Where a property is advertised for applicants with restricted mobility i.e. Mobility Level 1, 2 or 3, priority will be given to applicants who require this type of property.
- A. Mobility Level 1 – Typically suitable for a person who uses a wheelchair full time, indoors and outdoors. The property will provide full wheelchair access throughout.
  - B. Mobility Level 2 – Typically suitable to a person with restricted walking ability and for those that may need to use a wheelchair for some of the time. The property will have internal and external level or ramped access, but some parts of the property may not be fully wheelchair accessible.
  - C. Mobility Level 3 – Typically suitable for a person able to manage two or three steps, but unable to manage steep gradients. The property may have adaptations to assist people with limited mobility.
- 6.11. One bedroom will be allocated to each of the following, (this includes students and members of the armed forces or reserve forces if they're away and intend to return home). See [Appendix I](#) for details:



- A. A married couple, cohabiting couple or single parent;
- B. Adult aged 18 years or more;
- C. Pair of children under the age of 18 years of the same gender;
- D. Pair of children aged under 10 years regardless of gender;
- E. An unpaired child under 18 years;
- F. An unborn child, where the mother is at least 28 weeks pregnant and the birth of the child will create a bedroom entitlement / housing need;
- G. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority;
- H. An overnight carer for any usual household member, if the carer isn't a usual household member;
- I. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement;
- J. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time.

6.12. Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for occupation at the date of the letting, or that any repairing obligations imposed on a registered provider, will be met within a reasonable time of commencement of the tenancy.

6.13. The Local Authority and Registered Providers need to keep some flexibility to deal with exceptional circumstances. Direct lettings may be made from time to time.

These may be offered to the following categories of:

- A. Households to whom the Local Authority owes a statutory housing duty but have been unable to access suitable accommodation in the private rented sector who are currently, or would otherwise be, accommodated in temporary emergency accommodation provided by the Local Authority. If the direct let is refused the council will have no further duty to accommodate the household and will cancel the emergency accommodation placement if applicable. The household's banding on the Housing Register will be reviewed and, in most instances, this will result in either a decrease in banding or a removal from the Housing Register.
- B. Applicants who have unusually high ongoing accommodation needs, which cannot be met in the private rented sector. This category will only be used at the discretion of the council in consultation with support agencies. Discretion for a direct let when clients have been there for a set amount of time and assessed as ready to move on, as referenced in 6.14.
- C. Transfer Tenants who need to be temporarily decanted from their existing homes.

- D. Transfer Tenants who need a permanent decant and fail to bid successfully within the timescale given by their landlord. If the direct let is refused the Registered Provider will review and/or begin proceedings for possession.
- E. Non statutory successors. If the direct offer is refused, the Registered Provider will review and/or begin proceedings for possession.
- F. Priority transfers who fail to bid successfully within the prescribed timescale. If the offer is refused, the council or Registered Provider may recommend that their priority is lost.
- G. Under-occupiers who have succeeded to a tenancy. If the offer is refused the Registered Provider will review and/or begin proceedings for possession.
- H. To meet Local Authority's priorities as part of agreed regeneration proposals.
- I. All decisions relating to direct lettings will be agreed between the Local Authority and the Registered Provider prior to any offer of accommodation.

6.14. A summary of the bands is shown below, see [Appendix J](#) for details.

#### **Band A**

- 1. A transfer applicant or someone entitled to a statutory succession who would or is currently under-occupying their accommodation by one bedroom or more.
- 2. A transfer applicant requiring a decant where the property is required for major repair with work planned to start within the next 12 months.
- 3. A transfer applicant living in a 'Mobility 1 or 2' classified adapted property where they no longer require the adaptations, but these could be used by someone else.
- 4. Applicants requiring an urgent move because of a serious imminent personal risk (to be agreed by the council's Housing Options Team Leader).
- 5. Applicants to whom the council owe a statutory duty to house.
- 6. Applicants who are a new (priority need) family unit living within an existing family, who have insecure living arrangements that are not sustainable in the longer term. E.g., where someone is living in the family home who has had a child themselves and this has resulted in overcrowding and tensions in the family home. This is for verified cases following a home visit, consideration of all housing options, and allocated at the discretion of the council. Applicants will also need confirmation from their family that they can reside in the family home for a minimum of one year from the date of application.
- 7. Band A medical will be awarded where a person has a medical condition or disability where their home is unsuitable for their needs and there is an urgent need to move to an alternative home to improve their medical condition or disability; this includes:
  - A. Where they are entirely housebound or unable to access essential facilities.
  - B. Where they cannot return to their home (e.g. from hospital or care).
  - C. Where essential care cannot be provided because the home is unsuitable (e.g. if there is not enough space to store specialist equipment).

- D. Other medical grounds for requiring an emergency move.
- 8. Applicants considered to be in severe housing need because of cumulative circumstances.

**Band B**

- 1. Applicants who have unusually high ongoing accommodation needs, which cannot be met in the private rented sector. This category will only be used at the discretion of the council in consultation with support agencies. Discretion for a direct let when clients have been there for a set amount of time and assessed as ready to move on.
- 2. A transfer applicant requiring a decant where the property is required for major repair with work planned to start within the next 13 to 18 months.
- 3. Applicants assessed as lacking two or more bedrooms.
- 4. Applicants who have been accepted for fostering or adoption by Social Services, but who require additional bedrooms in order for them to proceed.
- 5. An Applicant who has a medical condition or disability where their home is unsuitable for their needs and a move to a more suitable property would significantly improve their health or their ability to cope with their medical condition or disability.
- 6. Successors and non-statutory successors to a Registered Provider tenancy approved by the Registered Provider's Housing Management Team for an offer of smaller and/or suitable accommodation (applies to Hastings residents).
- 7. Management transfers agreed by a Registered Provider's Housing Management Team which are not considered to be at serious imminent personal risk.
- 8. Applicants who have no other housing need and are serving in the Armed Forces (Regular or Reserves). Applicants will also be required to evidence that they are due to be discharged in the near future. This includes:
  - A. Former members of the Regular Armed Forces
  - B. Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
  - C. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
  - D. Bereaved spouses or civil partners of those serving in the Regular Forces where (i) 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 (ii) the death was wholly or partly attributable to their service.

### **Band C**

1. Applicants assessed as lacking one bedroom.
2. Applicants requiring a move because of unsatisfactory housing conditions whereby it would be unreasonable for them to remain.
3. Applicants requiring a move to a particular locality where failure to meet that need would cause hardship e.g. to give or receive support.
4. Households owed a Prevention (s195(2)) or Relief duty (s189B).

### **Band D**

1. Applicants who are eligible for Sheltered Housing or the Housing for Older People Scheme (HOPS), but have no other housing need.
  2. Applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing.
- 6.15. Applicants will only be considered for a new band where there is a significant change in your circumstances. If you move up a band, your priority date will change as follows:
1. Overcrowding due to the birth or adoption of a child: the date will be taken from the child's date of birth or date of adoption;
  2. Overcrowding because a child has turned ten or 18 and can no longer be expected to share with their sibling (or ten of the opposite gender): the date the child becomes ten or 18;
  3. Priority transfer: the date the information is received from the Registered Provider;
  4. Medical priority: the date the additional medical evidence has been submitted;
  5. All other reasons: the date the application is received.

Applicants will keep the same priority date if they move down a band.

- 6.16. Where the Applicant needs to move because their home is subject to a Compulsory Purchase Order or requires major works, their application date will be the date that their tenancy began in their current property. An Applicant who succeeded to a tenancy will be given the date the original tenancy began in their current property.
- 6.17. The Local Authority will use local lettings schemes to achieve a wide variety of housing management and policy objectives subject to agreement with the Local Authority. See **Appendix K** for details.

- 6.18. The Local Authority and Registered Providers need to keep some flexibility to deal with exceptional circumstances. Direct lettings may be made from time to time. These may be offered to the following categories of:
1. Households to whom the Local Authority owes a statutory housing duty but have been unable to access suitable accommodation in the private rented sector who are currently, or would otherwise be, accommodated in temporary emergency accommodation provided by the Local Authority. If the direct let is refused the council will have no further duty to accommodate the household and will cancel the emergency accommodation placement if applicable. The household's banding on the Housing Register will be reviewed and, in most instances, this will result in either a decrease in banding or a removal from the Housing Register.
  2. Transfer Tenants who need to be temporarily decanted from their existing homes.
  3. Transfer Tenants who need a permanent decant and fail to bid successfully within the timescale given by their landlord. If the direct let is refused the Registered Provider will review and/or begin proceedings for possession.
  4. Non statutory successors. If the direct offer is refused, the Registered Provider will review and/or begin proceedings for possession.
  5. Priority transfers who fail to bid successfully within the prescribed timescale. If the offer is refused, the Local Authority or Registered Provider may recommend that their priority is lost.
  6. Under-occupiers who have succeeded to a tenancy. If the offer is refused the Registered Provider will review and/or begin proceedings for possession.
  7. To meet Local Authority priorities as part of agreed regeneration proposals.
  8. Applicants who have unusually high ongoing accommodation needs, which cannot be met in the private rented sector. This category will only be used at the discretion of the council in consultation with support agencies. Discretion for a direct let when clients have been there for a set amount of time and assessed as ready to move on.

All decisions relating to direct lettings will be agreed between the council and the Registered Provider prior to any offer of accommodation.

- 6.19 10% of lettings annually will be made to Applicants who are a new (priority need) family unit living within an existing family, who have insecure living arrangements that are not sustainable in the longer term (Band A, point 7).
- 6.20 When drawing up this Scheme, the Local Authority has taken account of the objectives of its Homelessness and Rough Sleeping Strategy and Tenancy Strategy.

## **7.0. Reviews**

- 7.1. This section sets out the procedure for requesting a review of the following decisions:
1. To exclude someone from the Housing Register (or to exclude them from bidding), or to remove someone from the Housing Register other than at his or her request;
  2. That a household is ineligible for an offer of accommodation;
  3. Where a priority has been removed;
  4. Where a Direct Let has been offered and/or refused;
  5. Priority Band and priority date;
  6. Any other decision in relation to the Homemove Scheme.
- 7.2 An officer of appropriate seniority to the original decision maker and who was not involved in the original decision will be responsible for carrying out the request for a review.
- 7.3 A request for a review must be made within 21 days from the date on which the applicant is notified of the Local Authority's decision and the reasons for it. The Local Authority can extend the time limit in exceptional circumstances.
- 7.4 A request should be made in writing.
- 7.5 The reviewing officer will carry out an investigation and if further information is required, invite the applicant to write or if unable to do this make oral representations. The applicant may also appoint someone on his or her behalf to do this.
- 7.6 If the reviewing officer finds that the officer who made the decision did not take relevant information into account, they will refer the file back to that officer for reconsideration.
- 7.7. The officer will notify the applicant of their decision and the reasons for it within 56 days of the request for a review; there is no right to request a review of the decision unless the applicant's circumstances have significantly changed and supporting evidence is provided.
- 7.8 All requests for a review concerning an applicant's status on the Housing Register should be made in writing to the Local Authority's Housing Options Team. In circumstances whereby the applicant is unable to make a request in writing, alternative arrangements will be considered.
- 7.9 An officer more senior than the original decision maker will be responsible for conducting this review. The applicant will be notified in writing of the outcome within 56 days of their original request.

- 7.10 Any further requests for a review will only be considered where the applicant is able to provide evidence of a material change in their circumstances that was not made available at the time of the original request for a review. The reviewing officer will consider any material change in circumstances and write to the applicant to confirm the outcome within 56 days of the request for a review.
- 7.11 If the applicant is unable to provide evidence of a material change in their circumstances, they will be notified in writing that a further review will not be carried out.
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## **8.0 Information about this Scheme**

- 8.1. The Local Authority will provide a copy of this Scheme to any person who requests one, irrespective of whether they intend to make an application or not. A summary version of this Scheme is also available ([hyperlink to the user manual](#)). Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. A copy of this Scheme is available on the Local Authority's website.
- 8.2 Copies of this Scheme can be requested by:
- A. In person [Muriel Matters House, Breeds Place, Hastings, TN34 3UY];
  - B. In writing [Muriel Matters House, Breeds Place, Hastings, TN34 3UY];
  - C. On the phone [01424 451100];
  - D. By email [homemove@hastings.gov.uk];
  - E. Online [[www.hastings.gov.uk](http://www.hastings.gov.uk)].
- 8.3 Prior to adopting this Scheme, the Local Authority carried out consultation on how it intended to prioritise allocations. Applicants who were members of the Scheme in force at that time and other people, such as advocates for people who have protected characteristics, as the Local Authority deemed appropriate were consulted before finalising this Scheme. Any major changes to this Scheme that will affect the relative priority of a large number of Applicants who were members of the previous Scheme, have been communicated in writing.
- 8.4 When formulating this Scheme, a variety of consultation methods, such as focus groups and online surveys, were used to solicit opinions from interested and relevant parties. The Local Authority took account of the needs of specific groups, such as persons with a disability, or learning and support needs. The Local Authority has published a report on the consultation of this Scheme, on the outcomes of the consultation and changes that have been made to the Scheme.
- 8.5 An Equality Impact Assessment has been completed in conjunction with adopting this Scheme.
- 8.6 This Scheme will be reviewed by the Local Authority whenever required (and more often if required, for example due to legislative or regulatory changes) in conjunction with Applicants and other appropriate persons or organisations.



## **9.0. Fraud**

- 9.1. Every Applicant will be provided with advice about offences in relation to applications, prior to making an application. Applicants will be disqualified, and might be prosecuted, if they deliberately withhold information, provide misleading information, or do not notify the Local Authority of any change in circumstances (eg 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 (with no maximum) and may also face prosecution for fraud which can result in imprisonment.

## **Appendix A – Registered Providers which own stock in the Local Authority area:**

A.1. The Local Authority has copies of the rules and policies for allocating social rented housing for the following Registered Providers, which own and/or manage stock in the Local Authority area. Applicants can request a copy of such rules and policies from the Local Authority or directly from any of the Registered Providers listed below.

- i. Anchor Hanover Group
- ii. BHT Sussex
- iii. Clarion Housing Association Limited
- iv. Home Group Limited
- v. Housing 21
- vi. Southern Housing
- vii. Orbit Housing Association Limited
- viii. Places for People Homes Limited
- ix. Stonewater Limited

## **Appendix B – Cases where provisions about allocations do not apply**

- B.1. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g. a ‘family intervention tenancy’, temporary accommodation provided to homeless households that are owed a duty of assistance, etc).
- B.2. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
- B.3. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
- B.4. The devolution of a fixed term secure tenancy on the death of a tenant.
- B.5. The assignment of a secure tenancy as part of a mutual exchange.
- B.6. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant’s death.
- B.7. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
  - i. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
  - ii. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce);
  - iii. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
  - iv. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
- B.8. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).
- B.10. A transfer initiated by a Registered Provider of a secure or introductory tenancy (i.e. not initiated by an application for a transfer by the tenant).
- B.11. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
- B12. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.

- B.13. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.
- B.14. The granting of a secure tenancy to a person who is already a secure tenant or an assured tenant of a private registered provider of social housing unless the person applies for a transfer and is entitled to a statutory reasonable preference.

## Appendix C – Eligibility for an allocation of social rented housing

- C.1. The following classes of persons, subject to satisfying a habitual residency test, will be eligible to join this Scheme:
- A. British citizens (constituting the nations of England, Scotland and Wales);
  - B. 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);
  - C. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland);
  - D. EEA Nationals (for list of EEA states, click [here](#)) 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”.
  - E. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel);
  - F. Persons granted refugee status by the UK Government;
  - G. 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);
  - H. 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);
  - I. 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);
  - J. Persons who moved to the UK as child seeking asylum and have been given limited leave to remain;
  - K. Persons who have limited permission to enter or remain in the UK, from November 2018 onwards, due to Calais leave;
  - L. Persons who have limited permission to enter or remain in the UK as the family member of a ‘relevant persons of Northern Ireland’;

- M. Persons who have leave to enter or remain in the UK under Appendix Hong Kong British National (Overseas) of the Immigration Rules, and your leave is not subject to a condition requiring you to maintain and accommodate yourself or any person dependent upon you;
  - N. Persons who are a relevant Afghan citizen, such as one who has worked for the UK government in Afghanistan;
  - O. Persons who have permission to enter or remain in the UK and left Afghanistan in connection with the collapse of the Afghan government took place on 15 August 2021 and are allowed to claim housing and welfare assistance from the state;
  - P. Persons who are currently living in the UK and previously was living in Ukraine before 1 January 2022 and left as a result of the Russian invasion which took place on 24 February 2022 and have arrived in the UK under the Ukraine family scheme or the homes for Ukraine scheme and have been granted leave to remain;
  - Q. Persons who have been granted limited leave to remain due to being a victim of human trafficking or slavery;
  - R. Persons who were living in Sudan before 15 April 2023 and left as a result of conflict that commenced on 15 April 2023 and have been granted leave to remain and are allowed to claim housing and welfare assistance from the state and do not have a person that will sponsor your stay in the UK.
- C.2. Eligibility provisions do not apply to Applicants who are already secure or fixed-term tenants (let at social rent or affordable rent) of Registered Providers seeking to transfer.
- C.3. Even when an Applicant is eligible for an allocation of social rented housing, only those who are habitually resident in the United Kingdom, Ireland, the Isle of Mann or the Channel Islands, will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law or statutory guidance).
- C.4. If it is apparent that an Applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an Applicant is habitually resident:
- i. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands;
  - ii. The association between a person and their place of residence;
  - iii. Why a person has come to live in the UK;
  - iv. Whether a person is joining family or friends in the UK;

- v. Whether a person has accumulated a continuous period of residence prior to making their application;
  - vi. The length of residence in another country;
  - vii. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded;
  - viii. A person's future intentions, employment prospects and centre of interest;
  - ix. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.
- C.5. Applicants who are subject to immigration control or are an ineligible person from abroad will not be eligible for an allocation of social rented housing. See Appendix D for details of Applicants who are not eligible for an allocation of social rented housing.
- C.6. Care leavers – Applicants aged 18-21 years (or up to 25 years old if they are pursuing a programme of education agreed in their pathway plan), who are owed a duty under Children Act 1989, section 23C, will be deemed to have a local connection to the Local Authority area.

## **Appendix D – Applicants who are not eligible for an allocation of social rented housing**

D.1 The following classes of person will not be eligible to join the Scheme:

- i. Persons not habitually resident in the Common Travel Area;
- ii. 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 three 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 person's 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).
- iii. Persons whose only right to reside in the UK is an initial right for no more than three months, including those who would become an unreasonable burden on the social assistance system of the UK;
- iv. 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.

D2. Where there is any uncertainty about an Applicant's immigration status, the Local Authority 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. Confirmation of the immigration status of an Applicant from abroad will be obtained, where necessary, from the Home Office.

D3. The Local Authority 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. The Local Authority will only perform checks on the eligibility of any Applicant, as per this section of this Scheme.



## Appendix E – Disqualification criteria

- E.1. An Applicant incapable of holding a tenancy agreement, extends to:
- i. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An exemption will apply to 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)), where a tenancy can be granted to a third party (e.g. an adult relative or friend or social worker, etc), 'a trustee', and held on trust for the child until they reach the age of 18 years. An exemption will also apply if there is a person aged 18 years or over who is willing to enter into a joint tenancy agreement with a child.
  - ii. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. 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 the Local Authority, full regard will be made to any protocol agreed between the Local Authority's Children Services and Housing Services for rehousing care leavers. Former care leavers aged 18 years or older fall outside the scope of this section.
  - iii. Persons lacking mental capacity as defined in the Mental Capacity Act 2005.
- E.2. An Applicant, or a member of their household whose conduct within the last five years amounts to anti-social behaviour that has resulted in intervention and/or action taken against them by the Police, Local Authority or previous landlord. Where a household can demonstrate their circumstances have changed and they have taken action to address the anti-social behaviour they will qualify to join the Housing Register. Anti-social behaviour is any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life (Home Office definition). The Anti-Social Behaviour Act 2003 states that anti-social behaviour is when someone has caused or is likely to cause alarm, harassment or distress to one or more persons, not living in the same households. Anti-social behaviour can be committed by an individual or a group of individuals. Examples of anti-social behaviour could be:
- A. Being threatening or intimidating;
  - B. Verbal abuse;
  - C. Criminal damage, vandalism or graffiti;
  - D. Persistent nuisance behaviour;
  - E. Drunken behaviour;
  - F. Fly tipping;
  - G. Noise nuisance.
- E.3. Any household member owing the equivalent of eight weeks or more rent to a former landlord, mortgage provider or freeholder from any tenancy, mortgage agreement or leasehold agreement in the last five years may be prevented from accessing the Housing Register. Where an applicant can evidence that their circumstances have changed and they can also evidence that they are reducing their arrears through regular payments, however small, and that they have an arrangement in place to continue to pay will be eligible to join the Housing Register. Discretion will be applied in exceptional circumstances.

- E.4. An Applicant or a member of their household who have been found to have breached any of the following tenancy conditions, regardless of tenure:
- A. Purposely failing to report repairs;
  - B. Failing to allow contractors to enter the property to carry out maintenance;
  - C. Running a business from the property without permission from the landlord;
  - D. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.
- E.5. An Applicant or a member of their household who do not have a minimum of three years' continuous connection to the area (at the date of application), due to any of the following factors (exemptions apply to Applicants who are survivors of domestic abuse and Armed Forces personnel):
- A. Residence - a connection is established by being normally resident within the Local Authority area, by their own choice for a minimum period of three years prior to their application and current. 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 Local Authority (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). Exemptions to residence conditions will apply to:
    - I. homeless households owed a relief or full housing duty by the Local Authority;
    - II. care leavers, as defined by The Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025, owed a duty under Children Act 1989, section 23C;
    - III. Transfer Applicants under-occupying and wishing to downsize to a smaller home.
  - B. Employment – a connection established by employment of no less than two years duration (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a fixed-term contract), 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 that is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken

account of. An exemption will apply for Applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the Local Authority will consider evidence (the following list is not exhaustive and the Local Authority will consider any other appropriate factors and local circumstances):

- I. The distance and/or time taken to travel between work and home;
- II. The availability and affordability of transport, taking account the level of earnings;
- III. The nature of the work and whether similar opportunities are available closer to home;
- IV. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place;
- V. The length of the work contract;
- VI. 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;
- VII. 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;
- VIII. 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.

E.6. An Applicant or a member of their household who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home (disregards apply to Applicants who have survived domestic abuse). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:

- i. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made);
- ii. 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;
- iii. Where it is probable that occupying the property will lead to abuse from someone living in the property;

- iv. 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;
  - v. Where the Local Authority 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). The Applicant or a member of their household does not have the financial resources in respect of the value or sale of the property as set out in E.8. below.
- E.7. An Applicant or a member of their household 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).
- E.8. An Applicant whose monthly rent or mortgage payments are less than 32% of the total household taxable income will not be eligible to join the housing register. For example, if the earnings for a household are £2,000 per month, a rent or mortgage payment less than 32% of the household income would be less than £640 per month. This calculation is aligned with the housing charity Shelter's guidance on what should be the maximum proportion of someone's income should be spent on housing.
- E.9. An Applicant whose qualification would solely derive from a household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to public funds, will not qualify to join the Scheme.
- E.10. An Applicant who is a victim of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, 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, plus thresholds for savings and earnings will be assessed on a case-by-case basis.
- E.11. 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 family's 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](mailto:DIORDAccn-LOETeam@mod.gov.uk) with any queries about the status of such Applicants).

- E.12 The following Applicants who are members of the Armed Forces community are exempt from local connection:
- A. An Applicant who is currently serving in the Regular Armed Forces or was serving in the Regular Armed Forces at any time, and their spouses;
  - B. An Applicant who is a bereaved spouse or civil partner, of a person who was 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;
  - C. An Applicant who is a serving or a former member of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their Service;
  - D. An Applicant who is a divorced or separated spouse or civil partner of a Service personnel, who is required to move out of accommodation provided by the Ministry of Defence;
  - E. An Applicant who is an adult child of service personnel who is no longer able to remain in the family home due to the impact of their family moving from base-to-base.
- E.13 Applicants who do not have a need to be allocated social rented housing, due to them not being (exemptions apply to applicants with no housing need who are interested in being allocated sheltered housing):
- A. Homeless;
  - B. Owed a homelessness duty;
  - C. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
  - D. Needing to settled accommodation on medical or welfare grounds (including any grounds relating to a disability);
  - E. Needing to move to a particular locality in the district of the authority, with failure to meet that need would cause hardship (to themselves or others);
  - F. Families with dependent children;
  - G. Households consisting of or including someone who is expecting a child;
  - H. Households who social or economic circumstances are such that they have difficulty in securing settled accommodation.

## **Appendix F – Information provided by the Local Authority to applicants upon receipt of a completed application**

- F.1. Upon receipt of a fully completed application, the Local Authority will provide Applicants, upon request, with the following information, so that they may understand the procedure of the council will follow when they get a determination about their Application and the next steps an Applicant might need to take:
- A. How their application is likely to be treated;
  - B. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible;
  - C. Whether or not they qualify to join the Scheme and, where not, the reasons for being disqualified;
  - D. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have;
  - E. The method that will be used in assessing their needs;
  - F. The number of other Applicants with equal or greater priority;
  - G. An assessment of the likely time that they will have to wait to receive an offer by reference to longest waiting time or the number of allocations of similar properties, based on data available for the most recent 12-month period;
  - H. Any facts about the Applicant's case which have been or will be taken account of when making decisions;
  - I. The right to request a review of any decision that they are not eligible and/or do not qualify to join the Scheme, or concerning an allocation or nomination of social rented housing;
  - J. Any review decision, along with the grounds for that decision in a written acknowledgement.

## **Appendix G – Criteria to determine if a property offered is reasonable for an Applicant to occupy**

- G.1. Regard will be had to the following matters at the date when the offer is made:
- A. 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;
  - B. Affordability of the property when compared to the Applicants' income and expenditure;
  - C. Location of the property in regard to essential journeys the Applicant needs to make;
  - D. Public sector equality duty in Equality Act 2010, section 149;
  - E. 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;
  - F. In respect of school-age children, the duty in the Human Rights Act 1989, 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);
  - G. Space and arrangement of the property (e.g. whether the Applicant and usual household members could access the property and suitably move around inside and use all of its features, in particular taking account of any medical and/or physical needs);
  - H. The general condition of the property (e.g. that it is in a reasonable state of repair, there are suitable fire safety and carbon monoxide precautions and a current gas safety record, the property is free from damp and mould growth, there is reasonable hygiene, sanitation and water supply, etc);
  - I. The specific health needs of the Applicant or their usual household members;
  - J. The proximity and accessibility of family support;
  - K. 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;
  - L. The proximity of alleged perpetrators or victims of domestic abuse, or other types of abuse or harassment.

## **Appendix H – Affordability criteria**

- H.1. An Applicant will be disqualified from joining the Scheme if they have outstanding rent arrears or other property related liabilities above a specified cap.
- H.2. Any household member owing the equivalent of eight weeks or more rent to a former landlord, mortgage provider or freeholder from any tenancy, mortgage agreement or leasehold agreement in the last five years may be prevented from accessing the Housing Register. Where an applicant can evidence that their circumstances have changed and they can also evidence that they are reducing their arrears through regular payments, however small, and that they have an arrangement in place to continue to pay will be eligible to join the Housing Register. Discretion will be applied in exceptional circumstances when granting access to the register to those who are in arrears.



## **Appendix I – Determining an Applicants’ entitlement to bedrooms**

- I.1. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 1 October 2018) or the UK Government’s Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- A. A married couple, cohabiting couple or single parent;
  - B. Adult aged 18 years or more;
  - C. Pair of children under the age of 18 years of the same gender;
  - D. Pair of children aged under 10 years regardless of gender;
  - E. An unpaired child under 18 years;
  - F. An unborn child, where the mother is at least 28 weeks pregnant and the birth of the child will create a bedroom entitlement / housing need.
- I.2. Applicants who receive support from a carer who does not live with them, and who is required to stay overnight, will be allocated a property with one additional bedroom for use by an overnight carer. A health or social care professional with direct knowledge of the Applicant’s condition will be contacted by the Local Authority for an opinion of the Applicant’s health and the impact on their housing needs, when evidence submitted by an Applicant requires clarification on either a point of accuracy or of the prevailing circumstances of their condition.
- I.3. Accessible properties will always be offered to Applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. Unless an applicant is unable to provide evidence themselves, as to the extent of their medical or welfare need or disability, a health or social care professional with direct knowledge of the Applicant’s condition will be contacted by the Local Authority for an opinion of the Applicant’s health and the impact on their housing needs, when evidence submitted by an Applicant requires either clarification on a point of accuracy or of the prevailing circumstances of their condition.
- I.4. Properties purposely built for elderly Applicants, such as sheltered housing, will always be offered to Applicants that are elderly, over those with no such need, even when those with a need might have waited a shorter time than those without a need. A health or social care professional, or other relevant professional, with direct knowledge of the Applicant’s condition may be contacted by the Local Authority for an opinion of the Applicant’s health and the impact on their housing needs, when evidence submitted by an Applicant requires either clarification on a point of accuracy or of the prevailing circumstances of their condition.

- I.5. Properties suitable for Applicants that have been approved by the Local Authority to adopt or foster, who require a larger property for an adoption or fostering placement to commence, may be offered to such Applicants over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. 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.

## **Appendix J - Banding criteria**

### **Band A**

1. A transfer applicant or someone entitled to a statutory succession who would or is currently under-occupying their accommodation by one bedroom or more.
2. A transfer applicant requiring a decant where the property is required for major repair with work planned to start within the next 12 months.
3. A transfer applicant living in a 'Mobility 1 or 2' classified adapted property where they no longer require the adaptations but these could be used by someone else.
4. Applicants requiring an urgent move because of a serious imminent personal risk (to be agreed by the council's Housing Options Team Leader).
5. Applicants to whom the council owe a statutory duty to house (Section 193 Housing Act 1996 (as amended)).
6. Applicants who are a new (priority need) family unit living within an existing family, who have insecure living arrangements that are not sustainable in the longer term. E.g., where someone is living in the family home who has had a child themselves and this has resulted in overcrowding and tensions in the family home. This is for verified cases following a home visit, consideration of all housing options, and allocated at the discretion of the Council. Applicants will also need confirmation from their family that they can reside in the family home for a minimum of one year from the date of application.
7. Band A medical will be awarded where a person has a medical condition or disability where their home is unsuitable for their needs and there is an urgent need to move to an alternative home to improve their medical condition or disability; this includes:
  - a. Where they are entirely housebound or unable to access essential facilities.
  - b. Where they cannot return to their home (e.g. from hospital or care).
  - c. Where essential care cannot be provided because the home is unsuitable (e.g. if there is not enough space to store specialist equipment).
  - d. Other medical grounds for requiring an emergency move.
8. Band A will be awarded when a household is considered to have met three or more Band B categories.

## **Band B**

1. Applicants who have unusually high ongoing accommodation needs, which cannot be met in the private rented sector. This category will only be used at the discretion of the council in consultation with support agencies. Discretion for a direct let when clients have been there for a set amount of time and assessed as ready to move on.
2. A transfer applicant requiring a decant where the property is required for major repair with work planned to start within the next 13 to 18 months.
3. Applicants assessed as lacking two or more bedrooms.
4. Applicants who have been accepted for fostering or adoption by Social Services, but who require additional bedrooms in order for them to proceed. Only Persons approved by the Local Authority 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 the Local Authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order with respect to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise.
5. An applicant who has a medical condition or disability where their home is unsuitable for their needs and a move to a more suitable property would significantly improve their health or their ability to cope with their medical condition or disability. A health or social care professional with direct knowledge of the Applicant's condition may be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires clarification either on a point of accuracy or of the prevailing circumstances of their condition. The Local Authority 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 may 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, including but not limited to current or 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 including those have been provided temporary protection in a refuge or other form of temporary accommodation (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);
  - 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 people at risk;
  - 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.
6. Successors and non-statutory successors to a Registered Provider tenancy approved by the Registered Provider's Housing Management Team for an offer of smaller and/or suitable accommodation (applies to Hastings residents).
7. Management transfers agreed by a Registered Provider's Housing Management Team which are not considered to be at serious imminent personal risk.
8. Applicants who have no other housing need and are serving in the Armed Forces (Regular or Reserves). Applicants will also be required to evidence that they are due to be discharged in the near future. Members of the Armed and Reserve Forces, encompass:
- a. Former members of the Regular Armed Forces;
  - b. Serving members of the Regular Armed forces six months prior to discharge;

- c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (including 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;
- e. 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.

### **Band C**

1. Applicants assessed as lacking one bedroom.
2. Applicants requiring a move because of unsatisfactory housing conditions whereby it would be unreasonable for them to remain. The Environmental Protection Act 1990, Part 3 (in relation to premises which pose a statutory nuisance to the occupant), 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 the Local Authority 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. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
3. Applicants requiring a move to a particular locality where failure to meet that need would cause hardship e.g. to give or receive support. The following list is intended to be illustrative and in no way prescribed or definitive:
  - e. Victims of domestic 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. 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;
  - f. Victims of racial harassment;
  - g. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation;

- h. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes;
  - i. 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.
  - j. Give or receive care;
  - k. Access specialist medical treatment;
  - l. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work;
  - m. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions).
- 3. Applicants owed a duty by Hastings Borough Council under the following:
  - a. Homeless, specifically owed the section 189B Relief duty owed to all eligible persons who are homeless;
  - b. Threatened with homelessness, owed the section 195 Prevention duty.

#### **Band D**

- 1. Applicants who are eligible for Sheltered Housing or the Housing for Older People Scheme (HOPS), but have no other housing need.
- 2. Applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing.

## **Appendix K – Local lettings schemes**

- K.1. A Local Lettings Plan (LLP) is an agreement between the Local Authority and a Registered Provider that can award priority to certain categories of applicant in a particular area or can exclude certain households from bidding on properties e.g. those under 25 or people with children under a certain age. This is sometimes required to tackle a specific issue or problem that has been identified locally at block, street, estate or neighbourhood level.
- K2. LLPs have an important role in widening housing choices for local people and ensuring good housing contributes to regeneration and renewal.
- K.3. The Local Authority will work with Registered Provider partners to develop LLPs for new developments or regeneration areas if needed. These policies will only be agreed in exceptional circumstances and will be carefully considered to make sure they are the best thing for the town as a whole.
- K.4 In some LLPs applicants may be given additional priority within their band if they are working or making a community contribution. Where an applicant is given additional priority, their application may be considered above other applicants in the same band who do not have this priority.
- K.5 LLPs can help towards the development of balanced, sustainable communities and can have a positive impact on education, local businesses and health.
- K.6. LLPs will be available to view online and details of any restrictions to bidding criteria will be evident in property adverts.
- K.7. The council and Registered Providers may adopt a Local Lettings Plan (LLP) for specific areas or particular housing schemes. An LLP can be used to promote social and economic mobility, and address skills shortages and worklessness. Properties subject to an LLP will be clearly marked in the Homemove advert and priority will be determined in accordance with the LLP. A Local Lettings Plan can only be agreed between the landlord of the accommodation and the council in exceptional circumstances.
- K.8. In exceptional cases the council/Registered Provider may decide not to offer the property to the person at the top of the shortlist where they believe to do so would create housing management problems.
- K.9. Some properties are not advertised through Homemove, but offered on a direct let (for example to those who are releasing larger Registered Provider accommodation or to those who need to move urgently because the Registered Provider is undertaking work on a tenant's existing property). In exceptional cases, it may be necessary to remove a property that has been advertised.



- K.10 For properties advertised as Mobility Level 1, 2 or 3 priority will always be given to a candidate requiring that level of adaptation. This may mean that a candidate with a mobility need but a lower band will be given priority over a candidate with a higher band but no mobility need. Mobility properties will be let to applicants who can make the best use of the adaptations available.
- K.11. This is important to minimise rent loss and empty property turnaround time. Applicants must be available and able to accept an offer of accommodation within 24 hours.

## Appendix L – Legislative framework

- L.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
- A. Housing Act 1985;
  - B. Housing Act 1996;
  - C. Homelessness Act 2002;
  - D. Housing and Regeneration Act 2008;
  - E. Localism Act 2011;
  - F. Armed Forces Act 2006;
  - G. Asylum and Immigration Act 1996;
  - H. Immigration and Asylum Act 1999;
  - I. Children Act 2004;
  - J. Equality Act 2010;
  - K. Data Protection Act 2018;
  - L. UK General Data Protection Regulation
  - M. European Union (Withdrawal Agreement) Act 2020;
  - N. Statutory guidance:
    - a. Allocation of accommodation: guidance for local authorities;
    - b. Providing social housing for local people, December 2013;
    - a. Right to Move and social housing allocations, March 2015;
    - b. Improving access to social housing for victims of domestic abuse, November 2018, updated January 2022;
    - c. Improving access to social housing for members of the Armed Forces, 2024.
  - O. The regulatory standards for registered providers of social housing in England:
    - a. Tenancy Standard, published April 2012.
- L.2 Case law from the English and Welsh Courts has also been taken into consideration.
- L.3 An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149 (the “Public Sector Equality Duty”). Regard has been had to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social rented housing 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.

- L.4. This Scheme intends to always ensure that non-discriminatory decisions will be made about the allocation of social rented housing. 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.
- L.5. When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and 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 Scheme will also be subject to an equality impact assessment. For further information, please see [the Scheme's Equality Impact Assessment](#).
- L.6. This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, 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 Procedure 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.
- L.7. The Local Authority will provide regular, accurate and generalised information on how the Scheme is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in the Scheme.
- L.8. Applicants have the right 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 discriminating against them.
- L.9. When formulating this Scheme, the Local Authority has considered and taken full account of the need to safeguard and promote the welfare of children, in accordance with the Children Act 2004, section 11.
- L.10. This Scheme and the administration of it will accord with the objectives and actions discussed on a case-by-case basis between Housing Services and Children Services teams.

- L.11. 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 department may be sought when making decisions about housing allocations where there is involvement with an Applicant or a usual member of their household with the Local Authority's Children Services. If there is some uncertainty about whether an Applicant should qualify specifically due to matters relating to children services' duties, the Children Services team will be consulted.

## **Appendix M – Other matters**

- M.1 A copy of this Scheme will be sent to the Regulator of Social Housing and the Local Government & Social Care Ombudsman as required.
- M.2 The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this Scheme. Where such arrangements have been established, any reference made in this Scheme to the Local Authority automatically extends to any third party appointed to undertake such administration.
- M.3 Elected Councillors of the Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing and can represent their constituents and discuss their cases with Scheme administrators. Elected Councillors shall participate in making decisions about the overall content of this Scheme. Elected Councillors shall consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer shall be obtained. The Local Authority arranges for Elected Councillors to be provided with suitable training in these matters.
- M.4 Registered Providers will decide at the Lettings stage whether an Applicant is allowed to keep pets at the property. Registered Providers will have their own policies on pets.

## **Appendix N – Co-operation with Registered Providers**

- N.1. Arrangements for nominating Applicants for homes owned by Registered Providers, set down in an agreement prescribe the portion of lettings that Registered Providers will make available to the Local Authority. The agreement also has a criterion for how Registered Providers can accept or reject a nomination and describes how any disagreements between the Local Authority and Registered Providers about nominations will be resolved.
- N.2. A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to be satisfied that it is fulfilling its legal obligations to allocate social rented housing.
- N.3. The Local Authority and Registered Providers have agreed an information sharing protocol that accords with the UK 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.
- N.4 Applicants will be informed of their rights to make a complaint to a Registered Provider about a decision to reject a nomination. 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 Registered Providers, and how these affect any nomination made, will be informed of their right to make a complaint directly to the organisation and if still dissatisfied after their complaint has been investigated, to the Housing Ombudsman.