

APPENDIX 1

Organisation	Observations and comments received	Southwark Council's response	Relevant section of the Housing Allocations scheme amended
Peckham Area Housing Forum	The Local Connection criteria before a customer can join the housing register should be 5 years	Southwark Council proposes accepting this consultation contribution and will now propose amending the Housing Allocations scheme to state a 5 year residency qualification	Section 3.3.3
Dulwich Area Housing Forum	The Local Connection criteria before a customer can join the housing register should be 5 years	Southwark Council proposes accepting this consultation contribution and will now propose amending the Housing Allocations scheme to state a 5 year residency qualification	Section 3.3.3
Bermondsey East Area Housing Forum	The Local Connection criteria before a customer can join the housing register should be 5 years	Southwark Council proposes accepting this consultation contribution and will now propose amending the Housing Allocations scheme to state a 5 year residency qualification	Section 3.3.3
Bermondsey West Area Housing Forum	The Local Connection criteria before a customer can join the housing register should be 5 years	Southwark Council proposes accepting this consultation contribution and will now propose amending the Housing Allocations scheme to state a 5 year residency qualification	Section 3.3.3
Peckham Area Housing Forum	A secure or assured tenant that has lived in the property for 5 years or more and has no related housing debts, not breached the terms of the tenancy agreement or committed anti-social behaviour should	Southwark Council proposes to accept this consultation outcome and will propose inserting a new section in the revised housing allocations	Band 2 section new priority status awarded for this group of tenants.

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	be placed in Band 2 as an incentive for all tenants in Southwark.	scheme to comply with this consultation contribution	
Dulwich Area Housing Forum	A secure or assured tenant that has lived in the property for 5 years or more and has no related housing debts, not breached the terms of the tenancy agreement or committed anti-social behaviour should be placed in Band 2 as an incentive for all tenants in Southwark.	Southwark Council proposes to accept this consultation outcome and will propose inserting a new section in the revised housing allocations scheme to comply with this consultation contribution	Band 2 section
Bermondsey East Area Housing Forum	A secure or assured tenant that has lived in the property for 5 years or more and has no related housing debts, not breached the terms of the tenancy agreement or committed anti-social behaviour should be placed in Band 2 as an incentive for all tenants in Southwark.	Southwark Council proposes to accept this consultation outcome and will propose inserting a new section in the revised housing allocations scheme to comply with this consultation contribution	Band 2 section
Bermondsey West Area Housing Forum	A secure or assured tenant that has lived in the property for 5 years or more and has no related housing debts, not breached the terms of the tenancy agreement or committed anti-social behaviour should be placed in Band 2 as an incentive for all tenants in Southwark.	Southwark Council proposes to accept this consultation outcome and will propose inserting a new section in the revised housing allocations scheme to comply with this consultation contribution	Band 2 section
Nunhead and Peckham Rye, Bermondsey East, Bermondsey West, Dulwich and Peckham Area Housing Forums	These forums stated that customers including reasonable preference customers should be demoted to Band 4 if they are in rent arrears that is caused by the deliberate non payment of rent, breach of the tenancy agreement, conviction of illegal or immoral use of the home, nuisance and annoyance, criminal offences in or near the home, violence towards a partner or member of the family, allowing the property to deteriorate, obtaining the tenancy by deception, paying money illegally to obtain the tenancy, convicted	Southwark Council proposes to accept these comments and proposes to amended sections 3.5.13 and 5.23 of the housing allocations scheme.	Section 3.5.13 and section 5.23. Section 3.5.13 now incorporates new sections (L, M, N, O and P) to comply with the consultation outcomes. New sections 5.23.1, 5.23.2, 5.23.3, 5.23.4 and 5.25.2 also included within the new housing

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	of fraud, acts of aggression or violence to employees or partner agencies, the police state unsuitable to be a tenant, or the customer provides false information or committed racial harassment or hate crimes		allocations scheme to clarify matters
Nunhead and Peckham Rye, Bermondsey East, Bermondsey West, Dulwich and Peckham Area Housing Forums	All Forums supported the removal of applicants from the Housing Register if they have not submitted bids for suitable alternative accommodation in the previous 12 month period, due to the demand for accommodation locally.	Southwark Council proposes to agree with these consultation comments and proposes that the new housing allocations scheme incorporates this suggestion.	No changes required to the Housing Allocations scheme.
Nunhead and Peckham Rye, Bermondsey East, Bermondsey West, Dulwich and Peckham Area Housing Forums	All of these Area Housing Forums support the demotion to Band 4 of customers who refuse 3 reasonable offers in a 12 month period.	Southwark Council proposes to agree with these consultation comments and proposes to amend the new housing allocations scheme to incorporate this suggestion.	No changes required to the Housing Allocations scheme.
Nunhead and Peckham Rye, Bermondsey East, Bermondsey West, Dulwich and Peckham Area Housing	All of these Area Housing Forums support the Pre-Tenancy Inspection framework to ensure tenants are only re-housed if they have caused no damage to their existing homes.	Southwark Council proposes to agree with these consultation comments and proposes to amend the new housing allocations scheme to incorporate this suggestion	No changes required to the Housing Allocations scheme.

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Forums			
Anti-Fraud Team Southwark Council	A Housing Applications Officer or Re-Housing Officer who knows an applicant personally or is related to the applicant should not be involved in the assessment of the application, in the allocation of a property to that applicant or in a nomination to a Housing Association. The officer will also be required to notify his/her manager of the situation.	Southwark Council proposes to agree with these consultation comments and proposes to amend the new housing allocations scheme to incorporate this suggestion	New section 3.6.20 now included within the housing allocations scheme
Camberwell East Area Housing Forum	Local Connection should not stop households with statutory rights from accessing the housing register or homeless services from other boroughs.	Southwark Council agrees with this consultation comment	No amendments to the housing allocations scheme required.
Camberwell East Area Housing Forum	There should be no restrictions on the number of refusals of alternative accommodation	Southwark Council proposes not to accept this consultation comment given the rent loss and growing demand for accommodation within Southwark	No amendments to the housing allocations scheme required.
Camberwell East Area Housing Forum	There should be no additional priority awarded to tenants who have not breached the terms of the tenancy, committed anti social behaviour or have a clear rent account	Southwark Council proposes not to accept this consultation comment as this framework would promote positive behaviour within Southwark.	No amendments to the housing allocations scheme required.
Camberwell East Area Housing Forum	There should be no additional priority for customers who undertake voluntary contributions in Southwark.	Southwark Council proposes not to accept this consultation comment as this framework would promote positive behaviour within Southwark and the majority of Area Housing Forums support this approach.	No amendments to the housing allocations scheme required.
Camberwell West Area Housing Forum	The Area Housing Forum would support a 2 year residency qualification before a customer can join the housing register	It appears the clear majority of Area Housing Forums support a 5 year residency qualification.	Section 3.3.3
Camberwell	This forum stated that customers including reasonable	Southwark Council proposes to	Section 3.5.13 and

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West Area Housing Forum	preference customers should be demoted to Band 4 if they are in rent arrears that is caused by the deliberate non payment of rent, breach of the tenancy agreement, conviction of illegal or immoral use of the home, nuisance and annoyance, criminal offences in or near the home, violence towards a partner or member of the family, allowing the property to deteriorate, obtaining the tenancy by deception, paying money illegally to obtain the tenancy, convicted of fraud, acts of aggression or violence to employees or partner agencies, the police state unsuitable to be a tenant, or the customer provides false information or committed racial harassment or hate crimes	accept these comments and proposes to amended sections 3.5.13 and 5.23 of the housing allocations scheme.	section 5.23. Section 3.5.13 now incorporates new sections (L, M, N, O and P) to comply with the consultation outcomes. New sections 5.23.1, 5.23.2, 5.23.3, 5.23.4 and 5.25.2 also included within the new housing allocations scheme to clarify matters
Camberwell West Area Housing Forum	This Area Housing Forum supports the inclusion of the voluntary contribution and agrees people who undertake voluntary contributions should receive additional priority.	Southwark Council proposes to agree with this consultation comment.	No amendments to the housing allocations scheme required.
Camberwell West Area Housing Forum	This Area Housing Forum supports the inclusion of the employment element within the housing allocations scheme and agrees people who are in employment should receive additional priority.	Southwark Council proposes to agree with this consultation comment.	No amendments to the housing allocations scheme required.
Rotherhithe Area Housing Forum	The Area Housing Forum would support a 2 year residency qualification before a customer can join the housing register	It appears the clear majority of Area Housing Forums support a 5 year residency qualification.	Section 3.3.3
Rotherhithe Area Housing Forum	This forum stated that customers including reasonable preference customers should be demoted to Band 4 if they are in rent arrears that is caused by the deliberate non payment of rent, breach of the tenancy agreement, conviction of illegal or immoral use of the home, nuisance and annoyance, criminal offences in	Southwark Council proposes to accept these comments and proposes to amend sections 3.5.13 and 5.23 of the housing allocations scheme.	Section 3.5.13 and section 5.23. Section 3.5.13 now incorporates new sections (L, M, N, O and P) to comply with the consultation outcomes.

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	or near the home, violence towards a partner or member of the family, allowing the property to deteriorate, obtaining the tenancy by deception, paying money illegally to obtain the tenancy, convicted of fraud, acts of aggression or violence to employees or partner agencies, the police state unsuitable to be a tenant, or the customer provides false information or committed racial harassment or hate crimes		New sections 5.23.1, 5.23.2, 5.23.3, 5.23.4 and 5.25.2 also included within the new housing allocations scheme to clarify matters
Rotherhithe Area Housing Forum	This Area Housing Forum supports the inclusion of the employment element within the housing allocations scheme and agrees people who are in employment should receive additional priority.	Southwark Council proposes to agree with this consultation comment.	No amendments to the housing allocations scheme required.
Rotherhithe Area Housing Forum	This Area Housing Forum supports the inclusion of the voluntary contribution and agrees people who undertake voluntary contributions should receive additional priority.	Southwark Council proposes to agree with this consultation comment.	No amendments to the housing allocations scheme required.
Rotherhithe Area Housing Forum	This Area Housing Forum does not support the removal or reduction of priority status on the housing register for customers that do not submit a bid in a rolling 12 month period.	Southwark Council proposes not to agree with this consultation comment given the growing demands for affordable housing customers should be encouraged to bid on a regular basis for alternative accommodation.	No amendments to the housing allocations scheme required.
Councillor Eckersley Southwark Council	There is plenty of evidence that the compensation available for leaseholders/freeholders being displaced by council-driven redevelopment schemes is insufficient to enable such customers to remain in equivalent accommodation in the local area of the redevelopment or in Southwark.	Southwark Council proposes to agree with this consultation comment and it is proposes that section 5.31 be amended to incorporate this change to confirm that this section does not apply to the Council led regeneration schemes, and owner occupiers in these properties would qualify to join	New Section 5.31.5

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		the housing register for consideration for low cost home ownership or for the council to purchase the property and covert the previous owner into a tenant of the council.	
Councillor Bukola	No further comments to be made on the housing allocations scheme.	No amendments to the housing allocations scheme required	No amendments to the housing allocations scheme required
Lynn Heath Team Manager Adult and Children's services	Supports the new housing allocations scheme.	No amendments to the housing allocations scheme required	No amendments to the housing allocations scheme required
Forum for Equalities and Human Rights in Southwark	Local Connection section 3.3.3. This is likely to be discriminatory to black and ethnic minority groups and European nationals as they are the largest groups likely to have recently arrived in the borough. This provision will also adversely affect applicants who have fled from other boroughs because of, for example, domestic or other violence/harassment. This requirement will in particular discriminate against	Southwark Council will comply with the legislative framework relating to Homelessness, in connection with Domestic Abuse and the Human Rights of individuals. Southwark Council local connection framework follows a similar framework adopted in Ealing, Greenwich, Newham, Hammersmith and Fulham, Hounslow, and Slough, etc. The introduction of the local connection framework complies with the Localism Act 2011, and the extension from 2 year to a 5 year local connection framework follows the results of the consultation on the new housing allocations scheme. The local connection criteria	Section 3.3.3

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	<p>refugees who will be less likely to be able to fulfil the residence condition. It will be contrary to the UK's obligations towards refugees under the Directive and Convention.</p> <p>Very recently the DCLG has produced some proposals for new statutory guidance on social housing allocations. This encourages local authorities to have a local connection criteria and suggests two years. It also suggests an employment connection. However, the DCLG proposals are less restrictive in other respects than provided for in the draft policy. For example the DCLG suggests a local association could be demonstrated by simply having close family living in the district for a period of time. The DCLG proposals also suggest exceptions to which are wider than Southwark's draft scheme. See paragraphs 7 to 13 of the DCLG proposals. Southwark's criteria at 3.3.3 what is the definition of 'close relative'? Is the reason mentioned in 3.3.3 (c) as subjective as it sounds; in other words, is Southwark going to accept an applicant's assertion that they want to live near a close relative? Is Southwark going to decide whether what is being received or provided amounts to support or care?</p> <p>At 3.3.3(d) the criteria is extraordinarily uncertain. Who decides whether the reason is 'very specific'? The</p>	<p>has been drafted to award priority to residents of Southwark, and to comply with best practice and the legislative framework. If existing applicants on the housing register do not comply with 5 year residency qualification they will not be in a position to be offered alternative accommodation until the 5 year residency qualification has been met.</p> <p>The Equality Analysis completed reflects the 5 year residency qualification, and the council's recent consultation framework.</p>	

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	<p>applicant – who will always say that his or her reason is very specific- or Southwark, and if Southwark, how will they decide whether a reason is 'very specific'?</p> <p>Conditions such as these do not form part of the DCLG proposals and Southwark's draft scheme goes unnecessarily beyond Government guidance.</p> <p>Some exceptions to the local connection criteria are given in section 5.6. Para 5.6.3 refers to an out of Borough placement by the children's services department but other departments may also arrange placements out of Borough. See the DCLG proposals at paragraph 11 which are wider.</p> <p>Although there is a kind of local connection criteria in the current allocations policy the rules discussed above are new. One concern is how the new policy is going to apply to existing housing register applicants. Are these new local connection rules going to apply immediately to current housing register applicants? If so and if any current applicant fails the local connection criteria how is their case going to be dealt with?</p>		
Forum for Equalities and Human Rights in Southwark	Unacceptable behaviour section 3.5.13. Re rent arrears debt. There is no definition in the policy of significant debt; there may be a dispute as to whether debt owed at all or about the extent of it, especially with private landlords; repayment plans may not always be possible, especially with private landlords; the debt may have accrued through no fault of the	Southwark Council will adopt an assessment on each individual case and not adopt a blanket policy approach across all applicants. This will ensure that arrears that are caused by Housing Benefit delays will not result in the applicant being	Section 3.5.13

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	<p>tenant's – e.g. delay in HB appeal. This may lead Council to make unreasonable decisions.</p> <p>See also para 5.24 Housing-related debts. The proposal to place applicants with housing debts in reduced band 4 appears to be in breach of the duty to give a reasonable preference to all homeless applicants. It also takes no account of applicants evicted because of rent arrears through no fault of theirs – for example, a delayed successful HB appeal.</p>	<p>placed into Band 4 on the Housing Register.</p>	
<p>Forum for Equalities and Human Rights in Southwark</p>	<p>Applicants may have had no choice but to move from a secure tenancy or settled accommodation to less secure accommodation and may not have been aware what they were giving up. For example, applicants in overcrowded accommodation with no prospect of suitable re-housing in the near future who move to a larger private accommodation to be evicted after, say, 6 months because a landlord wants his property back. It would be unreasonable and probably unlawful to penalise them.</p> <p>Re deliberately overcrowding property – this is likely to be in breach of Article 8 Human Rights Act. Southwark Law Centre has examples of applicants who have brought their children to live with them following family reunion applications. In one of our cases, LB Southwark refused to place in band 1 a client on the ground that she had deliberately overcrowded the accommodation by bringing her children to live with her. It was only following a formal complaint which went to the LGO that the Council backed down, on the</p>	<p>The deliberately worsening of a customers housing situation to obtain accommodation with any council is covered in case law and legislation. Consequently, Southwark Council will adopt this approach to ensure applicants are only re-housed in line with the housing allocations scheme. The new Housing Allocations scheme complies with housing legislation and the Human Rights Act, and we acknowledge the previous housing allocations scheme was deficient in this area, and hence the changes introduced through the new housing allocations scheme.</p>	<p>Sections 3.5.20 and 5.24</p>

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	<p>basis that there is no provision in the current scheme for excluding applicants in this situation. In another Law Centre case, the Council refused to place a single man in Band 1 despite the fact that the Environmental Health Service inspected his one room in an HMO and declared it to be statutorily overcrowded. The Council argued that he should not have rented the room. However, he did not know it was statutorily overcrowded, he was working on a low income and it was what he could afford. If the Council adopts a blanket policy, it will fetter its discretion.</p>		
<p>Forum for Equalities and Human Rights in Southwark</p>	<p>The policy now says that the request for review must be made in writing and we believe that it discriminates against applicants who cannot read or write and/or who do not understand English.</p>	<p>The request for a review should be placed in writing to allow the council to consider the relevant facts of the review. The request for a review can be submitted, by the applicant, support agency or family/friend. The existing Lettings Policy section 2.28.2 adopted in 2006, also requires a customer to request a statutory review in writing. This is also common practice across London from other Council's.</p>	<p>Section 3.14</p>
<p>Forum for Equalities and Human Rights in Southwark</p>	<p>The statement of reasonable preference under paragraph 4.1.2 (a) is incorrect. The first category of 166A(3) is:</p> <p style="padding-left: 40px;">(a) people who are homeless (within the meaning of Part 7);</p>	<p>The Council is awarding higher priority to these customers as the customer will be placed into Band 4 with a priority star awarded to provide additional priority, and this complies with the relevant legislative and case law framework.</p>	<p>Sections 4.1, 6.2</p>

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	<p>This means within section 175-177 Housing Act 1996. A person does not need to have a priority need nor does it matter whether the person has been found intentionally homeless. See section 4.66 <i>Housing Allocation and Homelessness, Luba QC and Davies, Jordans 3rd edition.</i></p> <p>As far as we can understand the scheme this error is not carried into the description of the bands. Band 4 includes applicants who are homeless as well as all other applicants but homeless applicants get their reasonable preference by being given a priority star.</p> <p>In section 6.2 band 4, the Council's position is clarified: applicants who are homeless but for whom there is no duty - because, for example, they are intentionally homeless or not in priority need – will be placed in band 4. At present applicants in band 4 very rarely get housed. If this continues to be the case then homeless applicants will not be given a reasonable priority in Southwark if they are not in priority need or if they are intentionally homeless. This is in breach of the Localism Act 2011, s146 which inserts a new s166A.</p>		
Forum for Equalities and Human Rights in Southwark	<p>There is a disparity (perhaps slight) between the wording of the medical criteria at 5.20.4 and the description of the medical criteria in the banding section (6.2):</p> <p style="padding-left: 40px;">5.20.4: severe medical award where it can be demonstrated that, due to an illness or disability, it is unacceptable for the applicant to</p>	Southwark Council is clear on this matter with severe medical needs being awarded Band 2 status and Moderate Medical Needs being awarded Band 3 status. However, if the customer is statutory overcrowded and has a severe medical requirement the housing allocations scheme would	Sections 5.20.4, 6.2

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	<p>remain in their current dwelling;</p> <p>Band 2: applicants who have a severe medical, welfare award or disability (including learning disability) where the current accommodation is unsuitable or it is unreasonable to remain in occupation.</p> <p>5.20.4: moderate medical award where it can be demonstrated that due to an illness or disability the applicant finds living in their current dwelling difficult and it is clear that remaining in that dwelling will contribute to deterioration in their health. Or it would be beneficial for the applicant to move to alternative accommodation but, at present, the applicant can manage in their present dwelling;</p> <p>Band 3: applicants with a moderate medical priority where there is a clear objective need for a move, because they include a person or persons whose illness or disability is either made worse by their present living conditions, or where a move to more satisfactory accommodation is likely to result in an improvement in health.</p> <p>If the intention is that an applicant gets Band 2 if they have a severe medical award (or Band 3 if they have a moderate medical award) then that is what the policy should state. If, in order to get into those bands an</p>	<p>award this customer Band 1 with a priority star.</p> <p>If a severe medical need has been identified then Band 2 status will be awarded. The Council is unable to locate within the Housing allocations a description that would not allow a Band 2 medical status being awarded.</p> <p>The award of a medical priority status for a household will be considered in accordance with the published housing allocations scheme and reflecting local demand for accommodation and available accommodation as per the Localism Act and case law.</p>	

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	<p>applicant with either of those awards has to show other criteria as well, the policy should make this clear.</p> <p>Southwark's arrangement that health problems can get an applicant no higher than band 3 seems to contradict their statement in 1.3.2 of allocating accommodation to those with the greatest need.</p> <p>Paragraph 5.20.5 provides that where more than one member of a household qualifies for medical priority that is reflected only by giving the priority appropriate to the most severely affected member. In other words only one priority star can ever be awarded in such circumstances. Also having three members of the household with moderate medical priority achieves no greater priority than having one member with such priority. This contradicts Southwark's statement in 1.3.2 of allocating accommodation to those with greatest need. It also contradicts paragraph 1.1.3 which implies that the scheme should reflect cumulative needs. In a household where more than one member has medical needs this accumulation of need is not reflected.</p>		
Forum for Equalities and Human Rights in Southwark	Some aspects of the draft scheme dealing with this band are confusing. In section 6.2 where each of the bands is described, band 4 is said to be for applicants who are homeless but to whom Southwark does not owe any duty, as well as for all other applicants. Section 166A(3) requires homeless applicants to be given a reasonable preference and this includes those to whom no duty is owed and this is achieved by giving	Southwark Council is awarding an element of priority towards non priority homeless households placed into Band 4 as these households would be awarded a priority star and hence providing additional priority within this priority needs Band.	Section 6.2

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	<p>them a priority star.</p> <p>However the description of band 4 to be found at paragraph 5.23.1 is confusing. Is this paragraph saying that people with a reasonable preference but who are disqualified are placed in band 4? For example if an applicant has a reasonable preference but does not satisfy the local connection criteria are they put into band 4?</p> <p>Local authorities are entitled within their scheme to have provisions which impose reduced priority. However those with reasonable preference should still be in a better position than those without reasonable preference. If an applicant with reasonable preference comes within the reduced priority rules so that they are placed in band 4 do they retain their priority star, or are they given one if they did not have one before, in order to maintain their preference above 'all other applicants'?</p> <p>Also the reduction of priority appears to entail a blanket move to band 4. The scheme seems to be that whether an applicant is in band 1, 2 or 3, if they fall foul of the reduced priority rules, they end up in band 4. In practice an allocation to anyone in band 4 is extremely unlikely. This blanket demotion to an effective position of no likely allocation fails to give due regard to the individual circumstances of applicants which is something the scheme says is considered: see section 1.1.9. Should the reduced priority</p>	<p>Customers that meet a reasonable preference and comply with the qualification and eligibility criteria may be placed into Band 4 due to any of the reasons described within the qualification criteria sections 3.5.9 and 3.5.13</p> <p>If an applicant is a reasonable preference customer but due to reasons stated in section 3.5.9 and 3.5.13 can not be awarded priority due to circumstances outlined in these sections then the applicant will be placed into Band 4, as per the Housing Allocations scheme and the Localism Act.</p> <p>There will be no blanket approach as stated, but each case will be subject to an individual housing assessment and the housing and medical needs considered alongside the housing allocations scheme. If the applicant remains dissatisfied with the outcome of the housing assessment, the customer will be in a position to seek a review as per section 3.14.</p>	<p>Section 3.5.9 and Section 3.5.13</p> <p>Sections 3.5.9 and 3.5.13</p> <p>Section 3.14</p>

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	<p>provisions not have more flexibility, for example, by demoting someone by 1 or 2 bands depending on their misdemeanour? The scheme should state explicitly that there is a discretion to disapply this provision, and/or that the period or magnitude of sanction be reduced. Again if the scheme purports to consider individual circumstances, sanctions of this nature should be flexible.</p> <p>Determining priority between applicants with reasonable preference section 4.2 and working households section 5.13 and community contribution section 5.16</p> <p>FEHRS believes that this is likely to discriminate against applicants who cannot work or carry out voluntary work because, for example, they are disabled, elderly or simply cannot secure employment. Further, the Council's definition of work (at least 16 hours a week) is likely to be discriminatory to single parents who may work slightly under 16 hours a week so that they can look after their children. These will be, in the main, women.</p> <p>Further, the Council will not necessarily be helping the most disadvantaged in the community with this preference. It appears that the Council will also be failing to give a reasonable preference to all homeless people if it denies them the priority that homeless applicants who are working will receive.</p>	<p>Southwark Council does not believe that this is discriminatory and the Equality Analysis supports this framework. With the introduction of the Welfare Reforms customers and communities are being encouraged to obtain employment or face the prospect of sanctions from the Department for Work and Pensions. This Housing Allocations scheme will help to deliver services and housing to</p>	<p>Sections 4.2, 5.13 and 5.16</p>

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	<p>These rules will put those who are unable to work at a disadvantage. We note that a priority star can be awarded on health grounds only if the highest level of health or welfare criteria is met. This seems to be inconsistent with Southwark's statement at 1.3.2 which says they are committed:</p> <p style="padding-left: 40px;">To allocate accommodation, in the majority of cases, to those households with the greatest need.</p> <p>Experience suggests that some of the bands in Southwark's scheme are likely to contain a large number of applicants and therefore the means of determining priorities within bands is of particular importance. People in housing need but who cannot work because of their disability, illness or caring responsibilities will be given less priority than those who have lesser housing need but who are able to work or volunteer.</p> <p>Should there not be some mechanism for those who cannot work due to illness or disability to put themselves on an equal priority basis as those who can? If Southwark do not think there should be then we would suggest their statement on greatest need (even with the rider about 'majority of cases') is misleading.</p> <p>There are a few more detailed aspects of the work rules that are unclear. Do the rules at 5.14 mean that</p>	<p>customers in the greatest housing need and help to build sustainable communities. The clear majority of the consultation responses support the introduction of this framework for employment and voluntary contributions. This framework is also being adopted across London by other Council's and encouraged by the Department of Communities and Local Government through the framework contained within the Localism Act.</p> <p>The 16 hours per week is directly linked to the Department for Works and Pensions Universal Credit framework and it has been highlighted that to support individuals into work for 16 hours or more would be beneficial to customer's financial position in the future.</p>	

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	<p>the applicant must have been working for at least 16 hours per week for 9 months out of the 12 months preceding both the date of application and the date of offer? Or are the rules saying it is just the 12 months before the application that matters but this must be proved at both application and offer stage?</p> <p>The meaning of the first sentence of 5.14.3 is not clear. Does it mean that the proof of working that was supplied at the application stage has to be verified at the offer stage? Secondly the purpose behind the status change rule in 5.14.3 is unclear. Is an applicant required to inform Southwark every time their employment status changes? What is the purpose of retaining the priority if the rule is that the work criteria has actually to be fulfilled when the offer is made?</p>	<p>To obtain this priority it will be at the time of the Housing Application or if the applicant obtains employment before being re-housed the Band status could change. This will also be verified at the time of the offer of alternative accommodation.</p>	
<p>Forum for Equalities and Human Rights in Southwark</p>	<p>There is no definition of "sufficient resources". if this means anyone with, say, £1,000.00 savings, who can, in theory, use it as a deposit for a flat, then this will be excluding many homeless applicants, in breach of the Localism Act. The references to the effect of an applicant's financial resources within the policy are very confused.</p> <p>Under the sections on who can apply and who might be disqualified (3.3 to 3.5) no mention is made that financial resources might disqualify an applicant from joining the housing register. However when one moves to the section on reasonable preference and determining priority between applicants with reasonable preference (4.2) there is this:</p>	<p>Sufficient resources will be determined on a case by case basis for example someone who has adequate financial resources to purchase a property outright should not be allowed access to the housing register. However, a customer who wishes to access low cost home ownership and has an income below £77,000 would be allowed to join the housing register. To place an artificial income limit or an income threshold similar to other council's would not address the local housing pressures placed on Southwark Council, due to</p>	<p>Section 3.3, 3.5, 4.2, and 5.31</p>

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	<p>If a person has sufficient resources to rent privately or purchase a suitable property for the household within Southwark, then the applicant would not qualify to join the housing register.</p> <p>Then there is further reference to financial resources under the section on the banding system (section 5), where the scheme says this:</p> <p>Applicants will be subject to a financial means test to establish whether they are in need for social housing and their level of need.</p> <p>There is in a reference back to section 4.2.</p> <p>These are the problems:</p> <p>(a) if financial resources disqualifies the person from joining the register, this should be stated explicitly and in the section on who can to join;</p> <p>(b) the criteria that disqualify a person should be set out;</p> <p>(c) if financial resources affect the priority of someone who can join the register this should be explicitly set out and what resources affect the priority in what way should be explained.</p> <p>We note that in section 5.31 it is set out that property</p>	<p>local rent levels and property values. This flexibility would also cover issues were elderly customers may be asset rich but income poor, or customer who are the subject of Council led regeneration schemes and the Compulsory Purchase Order value may be less than available accommodation in the locality.</p> <p>Southwark Council proposes not to support the introduction of an income threshold. Contained within the Housing Allocations scheme.</p>	

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	<p>owners will not be allowed to join the housing register. So that would appear to be at least one of the criterion. However this section goes on to say:</p> <p style="padding-left: 40px;">Applicants who have sold a property in the last seven years will be required to provide the completion statement and proof of capital receipts to determine their priority. This is to enable the London Borough of Southwark to determine whether they are entitled to be registered under this scheme and if so, their level of priority under it.</p> <p>Again the scheme does not explain what level of capital receipts would disentitle the person from registering or how this would affect their priority.</p>		
Forum for Equalities and Human Rights in Southwark	This does not seem reasonable given that applicants have to bid for properties before they view them. Often they are not good at understanding what they have bid for because, for example, they have mental health problems, communication/language problems or are simply not very bright and they panic-bid. The penalty is harsh – and may be unlawful as it deprives homeless applicants of a reasonable preference.	The scheme complies with the legislative framework and case law. This section allows the Council to meet the growing demand for accommodation within the limited availability of new or alternative accommodation.	Section 5.27
Forum for Equalities and Human Rights in Southwark	It appears unreasonable to treat care leavers less favourably than other single homeless applicants who are allowed to bid for a flat and are not restricted to a studio flat or bedsit. There will be applicants approved for the s193 duty because they were 16 or 17 years old and homeless but who were not in care. They will	Southwark Council has to manage the demand for accommodation locally from the available accommodation and growing demands. This section allows the council the ability to meet its statutory duties.	Section 5.32

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	be able to bid for flats.		
Forum for Equalities and Human Rights in Southwark	We have no idea how the Council will assist applicants in these circumstances. A clear and transparent policy is needed.	Southwark Council will work in a seamless framework between Housing and Adult and Children's service to secure accommodation for families who foster and adopt children.	Section 5.9
Forum for Equalities and Human Rights in Southwark	Clarification is required.	Southwark Council will only offer houses to families with children below the age of 16.	Section 8.2.1
Forum for Equalities and Human Rights in Southwark	No mention is made of, say, children under the age of 10 years who cannot share a bedroom because, for example, one is disabled/has behavioural problems.	This section will be amended at the earliest opportunity once the Department for Works and Pensions issues the regulations in this area.	Appendix B Bedroom need
Forum for Equalities and Human Rights in Southwark	Some applicants will be made offers of accommodation in the private sector (not housing associations). There is no provision in the Scheme for deciding which applicants will be made such offers. There needs to be transparency and fairness.	Southwark Council will offer applicants accommodation that meets the housing needs in the Private Sector, Council or Housing Association sector. This framework will comply with section 148 and 149 of the Localism Act	General
Forum for Equalities and Human Rights in Southwark	Applicants who suffer violence and/or harassment will have to make a homeless application rather than apply for a transfer which puts them at risk of a private local connection criteria are they put into band 4?	If a tenant of Southwark Council tenant is suffering from violence, hate crime or harassment the customer can apply for a transfer or approach the council as homeless. This framework complies with the legislative framework. The priority status would then be determined	General

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		following an assessment of the customers housing needs to comply with the housing allocation scheme.	
Forum for Equalities and Human Rights in Southwark	<p>The application to be placed on the housing register must be made on-line. This prevents applicants with learning disabilities and other people (particularly the elderly) who cannot deal with on-line applications making them. This appears to be discriminatory.</p> <p>Another general issue that arises is how the new rules will apply to currently registered applicants. For example, are the new rules on qualification going to be applied to currently registered applicants, with the result that applicants who may have been on the register for many years suddenly find themselves disqualified? If that is Southwark's intention, such drastic changes should either not apply to currently registered applicants, or there should be some kind of transitional arrangement.</p>	<p>The council has operated an on-line housing application framework to join the housing register for 11 months and no difficulties have been experienced by customers. The council provides a wide range of support to allow customers to apply on-line within the One Stop shops, the Homelessness and Housing Options service, outreach work and a wide provision of support from partner agencies.</p> <p>The new housing allocations scheme will determine all new housing allocations from the adopted date. Therefore, customers can not be re-housed outside of the new housing allocations scheme and qualification and eligibility criteria.</p>	General
Nunhead and Peckham Rye Area Housing Forum	The Local Connection criteria before a customer can join the housing register should be 5 years	Southwark Council proposes accepting this consultation contribution and will now propose amending the Housing Allocations scheme to state a 5 year residency qualification	Section 3.3.3
Nunhead and	A secure or assured tenant that has lived in the	Southwark Council proposes to	Band 2 section new

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Peckham Rye Area Housing Forum	property for 5 years or more and has no related housing debts, not breached the terms of the tenancy agreement or committed anti-social behaviour should be placed in Band 2 as an incentive for all tenants in Southwark.	accept this consultation outcome and proposes to insert a new section in the revised housing allocations scheme to comply with this consultation contribution	priority status awarded for this group of tenants.
Nunhead and Peckham Rye Area Housing Forum	This Area Housing Forum supports the inclusion of the voluntary contribution and agrees people who undertake voluntary contributions should receive additional priority.	Southwark Council agrees with this consultation comment.	No amendments to the housing allocations scheme required.
Nunhead and Peckham Rye Area Housing Forum	This forum stated that customers including reasonable preference customers should be demoted to Band 4 if they are in rent arrears that is caused by the deliberate non payment of rent, breach of the tenancy agreement, conviction of illegal or immoral use of the home, nuisance and annoyance, criminal offences in or near the home, violence towards a partner or member of the family, allowing the property to deteriorate, obtaining the tenancy by deception, paying money illegally to obtain the tenancy, convicted of fraud, acts of aggression or violence to employees or partner agencies, the police state unsuitable to be a tenant, or the customer provides false information or committed racial harassment or hate crimes	Southwark Council proposes to accept these comments and proposes to amended sections 3.5.13 and 5.23 of the housing allocations scheme.	Section 3.5.13 and section 5.23. Section 3.5.13 now incorporates new sections (L, M, N, O and P) to comply with the consultation outcomes. New sections 5.23.1, 5.23.2, 5.23.3, 5.23.4 and 5.25.2 also included within the new housing allocations scheme to clarify matters
Nunhead and Peckham Rye Area Housing Forum	This Area Housing Forum does not support the inclusion of the employment element within the housing allocations scheme and disagrees people who are in employment should receive additional priority. This is due to the current economic environment and difficulties obtaining employment.	Southwark Council does not agree with this consultation comment and the clear majority of responses from partner agencies support the inclusion of employment contributions within the housing allocations scheme.	No amendments to the housing allocations scheme required.
Family Mosaic	Family Mosaic appreciate the value of including a	Southwark Council can confirm that	Section 5.11

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Housing Association	degree of discretion here but it's not clear what the term Landlord refers to - does this mean any PRP signed up to the nominations agreement? Is this provision intended to prevent existing social housing tenants from having to present as homeless if their circumstances are such that they are at high risk?	this section applies to all partner Housing Associations that have signed the nominations agreement. Tenants will still have the legal entitlement to apply as homeless, but it is hoped this framework will assist tenants going forward.	
Family Mosaic Housing Association	Family Mosaic is very interested to see this being introduced. We are planning to improve our tenancy sign up processes to make them quicker and more customer-friendly and are considering the use of pre-tenancy training for all new tenants as a better way to communicate key messages about rights and responsibilities, and advice on money management and employment support to replace the plethora of written materials currently given to new tenants as part of sign ups. If Southwark is able to share any information about how these workshops will operate I would be very grateful.	Southwark Council would be delighted to explore a partnership framework for the Tenancy and Money Advice Workshops, and for these workshops to be developed for all Housing Association new tenants in Southwark.	Section 4.8
Family Mosaic Housing Association	Family Mosaic would like to see an explicit acknowledgement that Housing Associations are independent bodies with their own allocation/letting / tenancy policies, often operating across regions or even nationally, and may in some circumstances not approve a nomination provided by Southwark if said nomination does not meet its own policies including an inability to afford the rent, taking into account income and expenditure and eligibility for benefits. The Allocations policy should refer to the Nominations Agreement where the detail of how Housing	Private Registered Providers have a duty under section 170 of the 1996 Housing Act to cooperate with housing authorities to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the housing authority's allocation scheme. Given the growing demand for accommodation in Southwark it is essential Housing Association	Section 7.13

Organisation	Observations and comments received	Southwark Council's response	Relevant section of the Housing Allocations scheme amended
	Associations and the Council work together is set out including circumstances where Housing Associations may not approve a nomination.	partners and Southwark Council work in true partnership to meet the statutory obligations placed on council's. However, Southwark Council's acknowledges that Housing associations are independent bodies.	
Head of Regeneration - Housing Regeneration and Delivery Southwark Council	Direct offers for tenants where Ground 10 action has commenced and the vacant possession date is known to enable the estate regeneration to go forward should be added to this section	Southwark Council proposes to agree with this consultation comments and proposes to insert a new section 3.2 (h) into the housing allocations scheme	Section 3.2 (h)
Head of Regeneration - Housing Regeneration and Delivery Southwark Council	The following should be added to the housing allocations scheme for section 5.20.2 "and other management action or adjustments to property cannot alleviate"	Southwark Council proposes to agree with this consultation comments and proposes to amend the wording for section 5.20.2.	Section 5.20.2
Metropolitan Housing Association	In section 5.4.2, you state that anyone whose Priority Needs Band changes will have their effective application date brought forward to the date of the change. While this is obviously a sensible policy when applied to those who move up a Band, the same logic does not apply to those who move down. Changing their effective date on the waiting list would seem to doubly disadvantage such households. Common practice is to change the effective application date only for those whose priority has increased, and we would	If an applicants circumstances change that result in a higher or lower priority banding being awarded it will be the date of moving in to the higher/lower banding that will be treated as the priority date. The council adopted this approach due to previous complaints from customers who believed they missed out on properties due to the	Section 5.4.2

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	recommend this strategy to you.	backdating of priorities/date when customers moved from Band 1 or 2 to Band 3.	
Metropolitan Housing Association	We note also that section 3.3 means that effectively your minimum residency qualification for all persons except those working in the borough or the Armed Forces is 2 years. Metropolitan has a proud history of making concerted efforts to meet the housing needs of people recently arrived in the UK. We do of course recognise that such residency qualifications are by no means unusual, particularly where the scarcity of housing is as acute as it is in Southwark. Nonetheless, given our long-standing concern for those who are new to the country, we would urge that you try to see whether this section might in some way be mitigated, at least households in truly exceptional circumstances.	The council consulted on a 2 year residency qualification to ensure the council met the needs of the local community. However, the clear majority of consultation responses favoured a 5 year residency qualification, and the council proposes to agree with the responses in this area.	Section 3.3
Metropolitan Housing Association	Your proposal to place statutory homeless households in Priority Needs Band 3 would seem to imply a very heavy reliance on the private rented sector to meet your statutory obligations to such households. Might this not create a risk that substantial resources from your housing services could be diverted towards dealing with legal challenges in the courts?	The council will attempt re-house homeless customers into the Private Rented Sector, Council and Housing Association accommodation. However, it is probable that due to the shortage of affordable housing and the growing demand for housing it will be necessary for the council to re-house homeless customers into the Private Rented Sector.	Band 3 section