

**LONDON BOROUGH OF SOUTHWARK**  
**HOUSING ALLOCATIONS SCHEME**  
**November 2013.**

# SECTION ONE

## 1.1 Introduction

1.1.1 This is the London Borough of Southwark's (hereinafter referred to as the "authority") Choice Based Lettings and Housing Allocation Scheme. Under section 166A of the Housing Act 1996 and Part VI Housing Act 1996 (as amended by the Homelessness Act 2002), and the Localism Act 2011, all Local Authorities need to have a scheme which can determine the allocation of its dwellings, and must give a reasonable preference to certain categories of people.

1.1.2 The scheme has been framed to give additional preference to particular descriptions of people (being descriptions of people with urgent housing needs), as in accordance with section 166A of the 1996 Housing Act, and to armed service personnel under regulations introduced during 2012.

1.1.3 London Borough of Southwark have decided that needs should be reflected cumulatively in the manner set out below.

1.1.4 Section 166A (14) means that the authority may not allocate housing accommodation except in accordance with its allocation scheme. The scheme includes a statement of the authority's policy on offering people who are to be offered housing accommodation:

a) A choice of housing accommodation; or

b) The opportunity to express preference about the housing accommodation to be allocated to them.

1.1.5 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.

1.1.6 Similarly section 213 of the 1996 Housing Act provides that, where a Private Registered Provider has been requested by the London Borough of Southwark to assist in the discharge of our homelessness function under Part 7 of the 1996 Housing Act, it must also cooperate to the same extent.

1.1.7 This Allocation Scheme document sets out in detail the London Borough of Southwark's general policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.

1.1.8 To ensure fairness, the policies described in the document are applied consistently.

1.1.9 The individual circumstances of each applicant are considered in every case using the information provided by the applicant on their Housing Registration

Form and subsequently upon any requests for additional information that may result from the answers that the applicant gives.

1.1.10 Any provision in this scheme may be waived in exceptional and limited circumstances and at the discretion of the appropriate senior officer with delegated authority (as stated in the Department's Scheme of Delegations) a direct offer may be made outside of the Housing Allocations scheme. This would normally require a full report of the circumstances of the individual case to be prepared by the Group Services Manager Homelessness and Housing Options for the consideration of the delegated officer (currently the Head of Customer Experience).

1.1.11 Every local housing authority shall have a scheme (their —allocation scheme) for determining priorities and as to the procedure to be followed in allocating housing accommodation.

1.1.12 For this purpose —procedure includes all aspects of the allocation process, including all the persons or descriptions of persons by whom decisions are to be taken.

1.1.13 The Localism Act 2011 introduces significant amendments to Part 6 of the Housing Act. The main policy objectives behind these amendments are to:

a) Enable housing authorities to better manage their housing registers by giving them power to determine which applicants do or do not qualify for an allocation of social housing. Authorities will be able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people. It will be easier for authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation. The London Borough of Southwark will now operate a managed approach to the Choice Based Lettings scheme and the Housing Allocations scheme.

b) The Localism Act also gave local housing authorities the power to discharge the main homelessness duty with an offer of private rented accommodation, and the London Borough of Southwark will operate this power through this Housing Allocations Scheme. This power came in to force on the 9<sup>th</sup> November 2012, through Statutory Instrument 2012/2599, and the London Borough of Southwark will implement this in accordance with sections 148 and 149 of the Localism Act. It should be understood, however, that such provision does not involve an allocation within the provisions of Part 6 of the Housing Act 1996. Applicants who are housed through sections 148 and 149 of the Localism Act will be placed in priority Band 3.

c) Our priority is to provide suitable, settled accommodation as quickly as possible for homeless households. It is clear the supply of council and housing association rented accommodation is insufficient to meet the requirements of homeless households. It is therefore, our intention to make use of section 148 and 149 of the Localism Act to discharge homelessness duties into the private rented sector.

## **1.2. Scope**

1.2.1 The definition of an allocation for the purposes of Part VI Housing Act 1996 is given below, so far as generally relevant to this Allocation Scheme:

- a) Selecting a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by the London Borough of Southwark).
- b) Nominating a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by another housing authority).
- c) Nominating a person to be an assured tenant of housing accommodation held by a Private Registered Provider.

The term —assured tenant includes a person with an assured shorthold tenancy, including of an Affordable Rent property. Secure tenant includes a person with a flexible (i.e. fixed term) tenancy granted under section 107A of the Housing Act 1985.

1.2.2 The statutory framework under Part VI of the Housing Act 1996 applies to the allocation of accommodation to existing secure or introductory tenants of the London Borough of Southwark and existing assured tenants of Private Registered Providers only in the following circumstances:

- a) the allocation involves a transfer,
- b) the application for the transfer is made by the tenant, and
- c) the housing authority is satisfied that the tenant is to be given local housing priority under the Housing Allocations scheme.

1.2.3 Existing secure, introductory and assured tenants seeking a transfer who are considered to be entitled to such a local housing priority are now accordingly within the scope of this Housing Allocations Scheme. In particular this applies to the following:

- a) an existing tenant occupying an adapted property who no longer requires those adaptations but London Borough of Southwark requires the property for an applicant who does need them
- b) an existing tenant under occupying his/her accommodation
- c) an existing tenant classed to be in housing need locally

1.2.4 The following are not allocations as covered by Part 6 of the Housing Act, and are not covered by this scheme:

- a) mutual exchanges between secure tenants

- b) mutual exchanges between secure and assured tenants, and those with flexible/fixed term tenancies
- c) assignments
- d) renewals/extensions of fixed term/flexible tenancies
- e) transfers to existing tenants that the London Borough of Southwark initiates for management purposes, including temporary decants
- f) conversion of an introductory tenancy to a secure tenancy
- g) succession under S89 of the Housing Act 1985
- h) allocation to a person who lawfully occupies accommodation let on a family intervention tenancy
- i) provision of non secure temporary accommodation in discharge of any homelessness duty or power
- j) transfer of tenancy by a court order under family law or under the provision of the Civil Partnership Act 2004
- k) re-housing due to being displaced from previous accommodation by the London Borough of Southwark or being re-housed by the London Borough of Southwark pursuant to the Land Compensation Act 1973.
- l) re-housing due to the purchase of the former property owned by the London Borough of Southwark through the Home Buy Back Scheme or the Mortgage Rescue Scheme, where the customer remains in the property purchased
- m) Temporary decant to allow repairs to a property to be carried out.

1.2.5 The London Borough of Southwark's aim in producing this scheme is to empower people to make decisions and choices over where they live and exercise choice; to help create sustainable communities and encourage the effective use of the available affordable housing, giving applicants as much opportunity as possible for their views to be taken into account when they are seeking a new home. This will include creating new freedoms and flexibilities for the communities and individuals that will ensure that through Localism a greater number of decisions are made about housing at a local level. The London Borough of Southwark will support applicants to choose the Housing Option which is best for them, including: promoting a wide range of options, such as low cost home ownership, mutual exchanges, and the private rented sector. By providing information and free advice about staying put options such as aids and adaptations, and mobility schemes the London Borough of Southwark can ensure that it promotes independent living for all applicants wishing to be re-housed.

1.2.6 The demand for secure affordable housing in Southwark far outweighs the supply. In the last three years the London Borough of Southwark has let on average 2,500 properties each year. In order to maximise the supply of affordable housing the London Borough of Southwark works closely with a number of PRPs (also known as Housing Associations). PRP landlords provide the London Borough of Southwark with nomination rights for a percentage of their homes.

1.2.7 The London Borough of Southwark is committed to offering choice to all applicants seeking housing. This will be achieved by operating a Choice Based Lettings Scheme. This Choice Based Lettings/Housing Allocation Scheme will also make it as easy as possible for applicants to move between local authority, housing association and privately rented accommodation by encouraging the extension of the London Borough of Southwark's Choice Based Lettings scheme to cover low cost home ownership options and properties for rent from private landlords as well as affordable housing.

1.2.8 Section 160 of the Localism Act 2011 introduced new statutory succession rights to secure tenancies that apply to tenancies entered into after 1 April 2012. These new statutory succession rights are less generous than those previously provided under the law. Consequently, in relation to such tenancies a person is only qualified to succeed if;

- (a) the person occupies the dwelling-house as his/her only or principal home at the time of the tenant's death, and
- (b) the person is the tenant's spouse or civil partner or was living with the tenant as if they were a spouse or civil partner and
- (c) there has been no previous succession in relation to the tenancy.

1.2.9 Statutory succession rights in relation to tenancies entered into before the 1 April 2012 are unchanged.

1.2.10 The London Borough of Southwark may however use its discretion to allocate a new tenancy to a person who had been living with a deceased tenant but who does not have a legal right to succeed. There may be situations where the London Borough of Southwark considers it appropriate to exercise this discretion. The responsibility for approving the use of this discretion in individual cases is to be exercised by the Group Service Manager of the Homelessness and Housing Options Service.

### **1.3 Objectives**

1.3.1 In allocating its vacant properties the London Borough of Southwark seeks to:

- a) Discharge the London Borough of Southwark's statutory duties as contained in Part VI and VII of the Housing Act 1996, as amended by the Homelessness Act 2002, and the Localism Act 2011.
- b) Offer applicants information and free advice to enable them to make informed choices about their housing options

- c) Offer as much choice as possible to customers to create genuine customer choice and empowerment
- d) Create an easy to understand, fair and transparent system
- e) House those in priority need as determined by the law
- f) Help prevent homelessness and increase the housing options for applicants
- g) Make the most effective use of the local housing stock
- h) Support the principles of social inclusion, community cohesion and aim to meet applicant's expectations
- i) Respond to the circumstances of vulnerable individuals which includes joint working with other agencies
- j) Ensure and promote equality of opportunity in accessing the Housing Register based on reasonable preference
- k) Promote sustainable tenancies and communities by acknowledging the support needs where appropriate
- l) Promote low cost home ownership schemes to customers on the Housing Register
- m) Promote Private Rented accommodation to customers on the Housing Register
- n) Encourage residents to access employment and training
- o) Recognise residents who make a contribution to the local community
- p) To ensure the allocation process is open, fair and accountable to applicants
- q) To reduce the time properties are void/empty between lettings

1.3.2 We are committed to providing a fair and transparent service to all persons eligible for registering for housing under the London Borough of Southwark's Housing Allocations scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need.

1.3.3 The London Borough of Southwark is also committed to ensuring that as far as possible the allocation of homes are allocated in such a way so as to promote social cohesion and balanced sustainable communities.

#### **1.4. Advice and Assistance**

1.4.1 Section 166 - Applications for housing accommodation

1.4.2 A local housing authority shall secure that:

a) advice and information is available free of charge to persons in their district about the right to make an application for an allocation of housing accommodation; and

b) any necessary assistance in making such an application is available free of charge to persons in their district who are likely to have difficulty in doing so without assistance.

1.4.3 A local housing authority shall secure that an applicant for an allocation of housing accommodation is informed that he has rights mentioned in section 166A(9) (see paragraph 2.1.4).

1.4.4 Every application made to a local housing authority for an allocation of housing accommodation shall (if made in accordance with the procedural requirements of the authority's allocation scheme) be considered by the authority.

1.4.5 The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without consent) to any other member of the public.

1.4.6 The London Borough of Southwark acknowledges that (except in certain circumstances) this Housing Allocations Scheme and Choice Based Lettings Scheme requires the active participation of housing applicants and to reflect this, the London Borough of Southwark aims to provide free advice and assistance to ensure that no person is disadvantaged by the way the Housing Allocations Scheme and the Choice Based Lettings scheme operates.

1.4.7 General Information about the scheme will be made available as follows:

a) Information about the procedures for applying to go onto the scheme and for applying for advertised vacancies

b) Information about how applicants are prioritised under this scheme

c) How successful applicants will be selected

d) Rules on how properties will be advertised including bidding cycles and restrictive labeling for example, certain properties will only be allocated to customers who meet the mobility requirements of the property,

e) Information about how you can request a review of those procedures

f) Information about the Registered Providers that have vacancies advertised through the Choice Based Lettings scheme as nominations

g) Applicants will also be provided with information regarding their own application which will include:

- (i) What band they are awarded under this scheme
- (ii) What properties they are entitled to bid for
- (iii) What their chances are of bidding successfully on the property types and areas in which they are interested
- (iv) What information they need to supply with regard to verification and references and when this information will need to be provided
- (v) What is the average time to wait for each property type for each priority housing needs group
- (vi) Information will be provided in writing, on DVD, on the web site and via verbal information
- (vii) If they are awarded reduced priority or are found to be ineligible what they need to do to rectify this.

1.4.8 Properties are advertised through the Choice Based Lettings scheme. Information provided in the advertisements will endeavour to be as comprehensive and clear as possible. It is intended that this Choice Based Lettings scheme will promote informed choices and will assist applicants to bid only for properties they can realistically expect to secure.

1.4.9 Advertisements will include as many of the following as possible:

- a) Location
- b) Property type, size and floor level
- c) Type of tenancy to be offered
- d) Amount of rent and other charges payable
- e) Energy Performance Certificate
- f) What type of heating it has and whether it has a heating charge payable that is not covered by housing benefit
- g) Whether such things as a garden or parking are available with the property
- h) Photographs of the property and links to guides about the local area
- i) Display information on adaptations that have been provided to the property to aid mobility within the home.

1.4.10 Applicants who have any difficulty reading or understanding this Allocations Scheme will be offered the following services:

- a) An interpretation service if their first language is not English
- b) Signing if speech or hearing is impaired
- c) A DVD with translations in to the relevant community languages
- d) Provision of documents in large print or braille if an applicant is visually impaired
- e) An interview to explain the content of this document and information about where independent advice can be obtained about the London Borough of Southwark's scheme.

1.4.11 As there are likely to be many more applicants than properties available, the London Borough of Southwark will also provide information about other housing options. This will include:

- a) Advice on Registered Providers, many of which will advertise their vacancies through the choice based lettings scheme
- b) Advice and help on renting in the private rented sector if there are few homes available in the areas where they wish to live
- c) Advice on available low cost home ownership options
- d) Advice on Mutual Exchanges.

#### 1.4.12 Disability

- a) No applicant with a physical or mental disability (which makes it inappropriate for him/her to attend a multiple viewing) will be invited to view a property through the normal multiple viewing framework. Customers with physical or mental disabilities will be allowed to view the property on their own with an Officer from the London Borough of Southwark.
- b) Viewings of the property offered to an applicant will be arranged at a time that is convenient with that applicant and maximum flexibility will be provided to applicants who are disabled
- c) IT kiosks will be provided within the Homelessness and Housing Options offices to assist applicants with bidding
- d) Automatic bidding will be available to those applicants who need help in securing accommodation without the need to bid each week. The automatic bidding will operate with the consent of the applicant who defines the location and property type of the property they would accept as suitable accommodation.
- e) The London Borough of Southwark will participate in the London Accessible Housing Register to promote re-housing opportunities for customers who are disabled

- f) Please refer to section 7.11 of this housing allocations scheme that explains the mobility labeling that will be adopted to advertise all properties that may be suitable for applicants who are disabled.
- g) For disabled applicants who use a vehicle, whether or not adapted, adverts of property available for bidding will contain information as to whether disabled parking is available, or could be made available if the accommodation is accepted by a disabled applicant.

## **SECTION TWO**

### **2.1 The legal framework**

2.1.1 As a result of the Homelessness Act 2002 and the Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012, the London Borough of Southwark will continue to provide a Housing Register and allocations will principally be made through the Choice Based Lettings scheme.

2.1.2 Applications on the housing register have been assessed as being eligible for accommodation and prioritised as set out within this document (The London Borough of Southwark's —Allocation Scheme). The Housing Allocations Scheme is a Common Housing Allocations scheme between all Housing Associations, Accredited Private Landlords and the London Borough of Southwark.

2.1.3 In determining the rules within this Allocation Scheme, the London Borough of Southwark have had regard to: The Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011, the published Tenancy Strategy, the Homelessness Strategy, the London Housing Strategy, the 2012 Code of Guidance and the Regulatory Framework. Additionally, the London Borough of Southwark will have regard to case law, relevant legislation (including any amendments) relevant codes of practice and local policies. See appendix D

2.1.4 When anyone applies to join the Housing Register, the applicant must be informed by the London Borough of Southwark of their relevant statutory rights as follows (see Housing Act 1996 sections 166(1A) and 166A(9)):

- a) The right to request such general information as will enable the applicant to assess how their application is likely to be treated under the allocations scheme to include whether the customer is likely to fall within any of the groups entitled to a reasonable preference;
- b) The right to request such general information as will enable an applicant to assess whether accommodation appropriate to the applicant needs is likely to be made available and if so how long it is likely to be before an offer is made;
- c) The right to ask the London Borough of Southwark to inform the applicant of any decision about the facts of the customer's case which has been, or is likely to be, taken into account when considering whether to allocate accommodation (including any decision that the applicant is ineligible or not qualifying or not to be given any reasonable preference);

d) The right to request a review of any decision in c) above and the right to be informed of the review decision and the grounds of it.

## **2.2 Equality and Diversity**

2.2.1 The London Borough of Southwark is subject to the provisions of the Equality Act 2010, and the London Borough of Southwark has a duty to eliminate unlawful discrimination. In addition the London Borough of Southwark is under a duty to advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy, and maternity, sexual orientation, religion or belief, and gender reassignment.

2.2.2 The diversity of Southwark's community is one of its most valued assets. Strong communities will thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. The London Borough of Southwark aim is to create an environment where this is possible and to put equality and diversity at the heart of everything we do.

## **2.3 Data protection and freedom of information**

2.3.1 The information that applicants provide may be personal and sensitive as defined under the Data Protection Act 1998. Data will only be shared with third parties with the applicant's written permission and then only for the purposes of assisting with their re-housing. Applicants will be asked to sign a consent form on the housing application to enable the authority to share this information. Personal data will also be treated in accordance with the Electronic Communications Act 2000. Applicants have the right to see the information held regarding their application for housing.

2.3.2 The Freedom of Information Act 2000 gives applicants a right to see information on how decisions were arrived at on the scheme.

2.3.3 Applicants rights to see what information is held on them on non- computerised records are governed by the Data Protection Act 1998.

2.3.4 Under the Freedom of Information Act 2000 such requests must be made in writing, must state the applicants name and address for a response and must describe the information requested.

## **2.4 Information on the Housing Register**

2.4.1 Under section 166(1) of the Housing Act 1996 a person on the Housing Register of a local authority is entitled to free advice and information about the right to make an application for housing and accommodation. This will include the ability to request any necessary assistance when completing an application, specifically for those who would normally have difficulty in doing so without assistance.

2.4.2 An applicant is also entitled to be given such general information as will enable him/her to assess how long it is likely to be before housing accommodation appropriate to his/her needs becomes available for allocation (see 2.1.4 above). This will be provided on the Choice Based Lettings website and vacant property advertisements on Homesearch. Information will be provided to each applicant on request at no charge.

## **2.5 False statements**

2.5.1 Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

- a) Knowingly or recklessly make a materially false statement or
- b) Knowingly withhold information which the authority has reasonably required him/her to give in connection with the exercise of those functions.

2.5.2 A person guilty of this offence is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

2.5.3 The circumstances in which an offence is committed could include:

- a) Any false information given on an application form for alternative housing/accommodation
- b) Any false information given in response to subsequent review letters
- c) Any false information given or submitted by customers during the proceedings of a review

2.5.4 Ground 5 in schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Housing Act) enables the London Borough of Southwark to seek possession of a tenancy granted as a result of a false statement made by an applicant or a person acting on the instigation of the applicant.

## **SECTION THREE**

### **3.1 Choice Based Lettings**

3.1.1 The London Borough of Southwark has adopted a Choice Based Lettings Scheme called Homesearch.

3.1.2 Anyone who applies for social housing in Southwark has the opportunity to join a common housing register, called the Southwark Housing Register. This is a common register shared by all of the major social housing providers and accredited private sector rented landlords in Southwark in order to make access to all social housing and affordable housing in Southwark as easy as possible. It provides for

access through one joint application form and register that can be used by partners and the London Borough of Southwark to determine allocations.

3.1.3 The amount of choice that the London Borough of Southwark is able to offer is limited by the acute housing pressures it faces and legal responsibilities it has to some groups in housing need such as those found to be statutorily homeless.

3.1.4 The London Borough of Southwark believes that any applicant considered to be eligible under this Scheme should be able to express a preference/choice over the type of property and the area in which they would like to live. However applicants should be aware that the London Borough of Southwark's ability to satisfy their expressed preference/choice may be severely limited.

## **3.2 Direct offers**

3.2.1 Whilst the majority of applicants will be housed through the Choice Based Lettings Scheme, the London Borough of Southwark may make direct offers in certain circumstances, namely to those applicants who have been assessed in accordance with this Housing Allocations scheme and who are therefore in urgent housing need. This is also explained in section 1.1.10 of this housing allocations scheme.

a) situations where urgent re-housing is required due to an existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty

b) in addition the London Borough of Southwark will consider other urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to take place

c) further in cases where a tenant has died and there is no right of succession where the London Borough of Southwark may consider re-housing an applicant who has resided and who continues to reside in the deceased person's accommodation. To re-house an applicant in these circumstances will be solely at the discretion of the London Borough of Southwark.

d) threat to life in the area in which an applicant currently resides

e) emergency cases whose homes are damaged by fire, flood or other disaster may be provided with other alternative accommodation if it is not possible to repair their existing home

f) households who, on police advice, must be moved immediately due to serious threats to one or more occupants of the household

g) to facilitate a three way (or greater) mutual exchange. Mutual exchanges are not an allocation, but where the Authority is satisfied that to do so would make best use of its housing stock and support the needs of the tenants involved, rather than a

direct swap (assignment) taking place, the London Borough of Southwark may make available a property for a three-way exchange

h) 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.

i) an applicant who has an exceptional need that is not predicted or covered in the Housing Allocations scheme

j) All direct offers of accommodation will be authorised by the Group Services Manager for Homelessness and Housing Options following detailed reports received and produced by the Housing Choice Team Leader

### **3.3 Who is qualified to join Southwark's housing register?**

An applicant must qualify under each of the requirements in section 3.3 below and not be disqualified under any of the relevant provisions in section 3.5 below.

#### **Age**

3.3.1 Anyone who is a United Kingdom resident 16 years or over can apply under this Allocation Scheme, subject to the provisions below. However, this does not guarantee housing under this scheme, and each applicant will be assessed on their individual circumstances, and must satisfy the eligibility and qualification criteria. An applicant's relevant statutory rights will be determined under the Housing Act 1996, the Homelessness Act 2002, and the Localism Act 2011.

3.3.2 Any applicant who is under 18 cannot by law be granted a tenancy but the legal estate can be held on trust until they reach the age of 18. A trustee will be appointed for the minor and will be required to sign the tenancy agreement on their behalf.

#### **Local connection**

3.3.3 With the exception of Armed Forces personnel falling under section 3.3.5 below, any applicant will be required to meet the local connection criteria in order to qualify to join the Housing Register for an allocation. A local connection will be established if:

a) you have lived in Southwark for the last 5 years

b) you work in the area (there is no need for a 5 year working period but must comply with section 5.14 and demonstrate a housing need in accordance with the Housing Allocations scheme)

c) you want to live near to a close relative who has lived in Southwark for more than 5 years and receive or provide support/care or

d) there is another very specific reason why you need to live in Southwark, (for example severe social or medical needs).

e) homeless customers placed in Southwark in temporary accommodation by another local authority, whilst there is still a homeless duty owed by another local authority will not normally be considered as meeting the local connection criteria.

See further section 5.6 below.

3.3.4 In accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the local connection criteria does not apply to the following applicants:

(a) anyone serving in the regular forces or who has served in the regular forces within five years of the date of their application;

(b) anyone who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—

- (i) the spouse or civil partner has served in the regular forces; and
- (ii) their death was attributable (wholly or partly) to that service; or

(c) anyone serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

### **Priority Bands**

3.3.5 Any applicant must fall within the provisions for one or more of the priority Bands under section 6.2 below.

### **3.4 Interpretation / translation & other facilities**

3.4.1 Where a language need is identified, from whatever source, and the applicant has no other means, all written material given to an applicant must be translated into the relevant language. This will be given together with a copy of the English version. The Housing Applications Officer should enter any translation requirements on an applicant's Northgate computer records.

3.4.2 An interpreter must be arranged for any subsequent interviews with an applicant. In addition, where it becomes apparent during the course of an interview that an applicant has language difficulties, the Applications Officer must ask them if they want an interpreter to be present or if they have a member of their family or a friend who can assist them. A record will be made on the file to confirm the applicant's request. The Applications Officer will ensure that the appropriate arrangements are put into place. Whenever an interpreter is present, a note of their name and relationship to the applicant should be noted on the interview notes.

3.4.3 Similar arrangements will be made for applicants with other needs such as Braille or enlarged script etc.

### **3.5 Those applicants who are eligible and are not disqualified**

3.5.1 The London Borough of Southwark shall only allocate housing accommodation to people who are eligible and meet the qualification criteria.

3.5.2 A person may not be allocated accommodation under Part 6 of the Housing Act 1996 if he or she is a person from abroad who is ineligible for an allocation of accommodation under section 160ZA of the 1996 Housing Act. The London Borough of Southwark will ensure compliance with the statutory provisions for eligibility as amended from time to time. Current information as to eligibility may be obtained by reference to the 2012 Code of Guidance or by enquiry to the Authority.

3.5.3 A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority unless he/she is of a class prescribed by regulations made by the Secretary of State.

3.5.4 The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible for an allocation of housing accommodation, either in relation to local housing authorities generally or any particular local housing authority.

3.5.5 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) and (SI 2012/2588).

3.5.6 Regulation 15A(1) and (4A) of the EEA Amending Regulations give effect to the *Zambrano* right by providing for a national from a non-EEA country, who is resident in the UK and is the primary carer of a British citizen, to be granted a right of residence in the UK where not doing so would mean that the British citizen would have to leave the European Union.

3.5.7 The effect of the Eligibility Amendment Regulations is to maintain the Government's policy that non EEA nationals who are normally subject to immigration control should only have access to social housing or homelessness assistance if it accords with the Government's immigration and asylum policy, which broadly means only if they have been granted leave to enter or remain in the UK and this leave is not conditional on the person having no recourse to public funds.

3.5.8 If there is any uncertainty about an applicant's immigration status, the London Borough of Southwark, will contact the UK Border Agency, via e-mail at [LA@UKBA.gsi.gov.uk](mailto:LA@UKBA.gsi.gov.uk) or via telephone on the Enquiry Bureau helpline on 0870 606 7766.

3.5.9 The Localism Act 2011, allowed Local Authorities to establish their own qualification criteria for applicants and the London Borough of Southwark has decided that the following are non-qualifying persons:

(a) an applicant unsuitable to be a tenant of the London Borough of Southwark by reason of unacceptable behaviour;

(b) an applicant who has deliberately worsened their circumstances in order to qualify to join the housing register.

3.5.10 An applicant's eligibility or qualification to join the Allocations Scheme will be kept under review during the application process. Applicants who cease to be eligible or do not meet the London Borough of Southwark's qualifying criteria may be removed from the Register at any time.

3.5.11 Each application will be assessed on its own merits. Any applicant rejected as being ineligible or not meeting the qualification criteria will be provided with a written explanation. The notification must give clear grounds for the decision, which must be based firmly on the relevant facts. This letter will be issued by the Housing Applications Officer. The applicant will have the right to request a review.

3.5.12 Where an applicant is excluded from registration, the Housing Choice and Team Leader enters the appropriate code on the Northgate computer system.

### **Unacceptable behaviour**

3.5.13 An applicant is not qualified to join the Housing Register for an allocation if he/she or a member of his/her household has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the London Borough of Southwark.

Unacceptable behaviour includes the following:

a) Owing a significant housing related debt to the London Borough of Southwark, Registered Landlord or Private Landlord. A repayment plan will also be required to have been approved and the applicant will have to demonstrate that they are making regular payments in accordance with the payment plan.

b) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt

c) Being subject to a court order (including an interim order) for breach of tenancy conditions

d) Conviction for illegal or immoral use of your home

e) Causing nuisance and annoyance to neighbours or visitors

- f) Committing criminal offences in or near the home and still posing a threat to neighbours or the community
- g) Being violent towards a partner or members of the family
- h) Allowing the condition of the property to deteriorate
- i) Obtaining a tenancy by deception, for example giving untrue information
- j) Paying money illegally to obtain a tenancy for example a corrupt payment
- k) Applicants that have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- l) Acts of violence and aggression to employees will not be tolerated by the London Borough of Southwark and any applicant who threatens or uses violence towards any employee, a partner organisation for example a housing association employee, or contractor of the London Borough of Southwark will be removed from the housing register immediately.
- m) Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there
- n) Having unspent convictions where the Police consider an applicant to be unsuitable to be a tenant due to the applicant being a significant risk to potential neighbours and/or communities.
- o) An applicant giving false information on their housing application. This includes information that may be missing from the application. This will be material information that would potentially lead to the applicant being offered a property that they otherwise would not be entitled to.
- p) An applicant or any member of their household has been responsible for any racial harassment or other hate crime. Racial harassment and Hate Crimes is defined as racist, religiously aggravated, faith, gender, age, disability, transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

3.514 An applicant's eligibility to join the Housing Register/Housing Allocations scheme will be kept under review during the application process. An applicant may be rendered ineligible at anytime during the process should the Council become satisfied that they are ineligible.

3.5.15 Applicants who have not been accepted due to unacceptable behaviour as determined by the Head of Operations Services can make an application for housing in the future, but they will have to demonstrate a change of behaviour. The London Borough of Southwark will determine through the Social Welfare Panel if this change makes them qualify under the Scheme.

3.5.16 An applicant to whom the London Borough of Southwark decides a reasonable preference is to be given under s166A(3) of the Housing Act 1996 is also to be included from disqualification on grounds of unacceptable behaviour if the London Borough of Southwark has decided that person became homeless intentionally by reason of that unacceptable behaviour.

3.5.17 Checks will normally be carried out at the visit stage but can be carried out at any time. The Housing Applications Officer will ask the applicant directly if there are any court orders outstanding against them, and record any details given.

3.5.18 The Housing Applications Officer will refer the case to the Housing Choice Team Leader who will then judge whether it is reasonable to cancel the application.

3.5.19 If the Housing Choice Team Leader is satisfied that an applicant is at fault in accordance with the above criteria they will exclude the applicant from the Housing Register using the appropriate code on the Northgate computer IT system. Any such decision is subject to a right of review under paragraph 3.14.

3.5.20 Each applicant will be assessed on its own merits and a decision regarding eligibility will be made accordingly

3.5.21 The applicant must be informed in writing of the London Borough of Southwark's decision to exclude the applicant from the Housing Register. A copy of the letter will be kept on the applicant's file.

### **Deliberately Worsening Housing Circumstances**

3.5.22 Where there is clear evidence and a conclusion can properly be drawn that an applicant has deliberately worsened their circumstances in order to qualify to join the housing register, then that applicant will not qualify to join the housing register. The Group Services Manager for Homelessness and Housing Options will make this decision.

Examples of this include:

- a) Selling a property that is affordable and suitable for the applicant's needs.
- b) Moving from a secure tenancy or suitable private rented tenancy which they are able to maintain to insecure or less settled or overcrowded accommodation creating a situation of overcrowding and sharing of bathroom/kitchen.
- c) Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- d) Deliberately overcrowding property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, then requesting re-housing to larger accommodation.

### **3.6 How to apply**

3.6.1 Applications can be made on line via the on line housing application form, issued by the London Borough of Southwark. Applications can be completed online by accessing the housing allocations section of the website at [www.southwark.gov.uk/housing](http://www.southwark.gov.uk/housing).

3.6.2 Any person who requests housing assistance from the London Borough of Southwark should make an application on line, as this is the quickest and simplest way to apply for alternative accommodation.

3.6.3 An applicant will also be requested to submit a passport size photograph of him/herself and any partner included on their application. The photograph has to comply with current British passport standards.

3.6.4 Upon receipt of the application the Housing Application Officer will check that:

- a) the applicant is at least 16 years of age and a United Kingdom resident.
- b) the applicant does not have an existing application (which is not closed or deleted) registered on the Northgate computer system.
- c) Where a current application already exists the new registration form is linked-up with the previous application
- d) any change in circumstances, e.g. family composition, is updated on the Northgate computer system
- e) full details of the household are available, including the sex, dates of birth and relationship of any household members listed
- f) full accommodation/tenancy details are available
- g) where the applicant states that a member of their household has a tenancy elsewhere, the Applications Team will request full details, which are retained on file
- h) where an applicant is already a tenant of the London Borough of Southwark, the Housing Applications Officer must confirm with the relevant Housing Officer if the applicant is a joint tenant and whether all members of the tenancy are included in the application.
- i) where the applicant indicates that they have medical problems, or any other special housing requirements they will be requested to complete a medical assessment form.

3.6.5 Applications, which do not have the necessary supporting documentation, will not be accepted on to the housing register. If the applicant does not provide the necessary supporting documentation within 28 days from submitting the on-line

housing application the application will be cancelled. The applicant will receive a letter confirming the cancellation of the housing application.

3.6.6 Where an application does not have all the necessary information or has not been correctly completed, and the information cannot be obtained through other sources, the Applications Officer will request for the missing information before completing the assessment of the application to join the Housing Register.

3.6.7 Where the application is complete, the Housing Applications Officer will use the information to assess the application. A copy of the application will be kept on the Northgate computer system.

3.6.8 A computerised acknowledgement letter will be, automatically generated and sent directly to the applicant. This acknowledgement letter will advise the applicant of their application number, registration date, re-housing category and enclose a copy of the London Borough of Southwark's Choice Based Lettings scheme.

3.6.9 Whether an application is accepted and placed on the Housing Register is subject to the eligibility and qualification criteria and the provision of all supporting documentation.

3.6.10 Many of the issues identified by the application form or visit will be factual issues. Some of these may require further investigation e.g. of property ownership or of immigration checks, to establish eligibility.

3.6.11 In many cases, applicants will have provided wrong or inadequate information on their application form but there may not be any reason to suspect deliberate fraud.

3.6.12 It will be for the Housing Applications Officer in the first instance to assess if any errors contained in an application were deliberately made or not. If the Housing Application Officer is satisfied that the errors were not deliberate or that it had no impact on the application, then the applicant's details will be amended on the Northgate computer system and the applicants application will thereafter be processed in the normal manner.

3.6.13 If the Housing Applications Officer has concerns, these should be discussed with the Housing Choice Team Leader who will decide if they:

- a) are satisfied that there is insufficient evidence to cancel the application on these grounds;
- b) want more information to be gathered locally before a decision can be made;
- c) feel that there is insufficient evidence at the moment but want a formal fraud investigation;
- d) are satisfied that the applicant has provided fraudulent information.

3.6.14 The Housing Choice Team Leader may seek advice from the Anti-Fraud Team Manager, and should notify the Group Services Manager for Homelessness and Housing Options in all cases where fraud is suspected.

3.6.15 If an applicant has given incorrect information at the time of the application or visit that subsequently comes to light such as deliberate concealment of a debt, or an eviction, or a deliberate worsening of their circumstances, their application will be cancelled and a letter will be sent to the applicant to notify him/her of the London Borough of Southwark's decision to cancel their application.

3.6.16 In other cases the putative fraud may be reasonably obvious, for example, the applicant may admit that they have tried to claim a priority that they are not entitled to or have included a household member who does not exist. The London Borough of Southwark will consider whether to cancel the applicant's application or not. If the London Borough of Southwark decides not to cancel the applicant's application, the Choice Team Leader will issue the applicant with a warning letter and will thereafter correct the applicant's details on the Northgate computer system.

3.6.17 In other cases where an applicant does not admit to any fraud, but it is still obvious e.g. they have failed to demonstrate that they live where they are supposed to, in such cases, the applicant will be treated as a non-qualifying person, and his/her application will be cancelled from the housing register. If they cannot prove the household membership claimed they will be registered only on the basis of the family members the London Borough of Southwark is willing to accept. If they cannot provide evidence of the existence of the household members on the application, the London Borough of Southwark will not register those family members.

3.6.18 If there is a second offence, or the Housing Choice Team Leader considers that the fraud to be deliberate and serious, and adequately proved, they may reject the application on grounds of fraud. However, this should be done in consultation with the Group Services Manager for Homelessness and Housing Options, and the Anti-Fraud Manager who may also decide on further action that should be taken. This is a permanent exclusion and will apply to any subsequent applications from another address. The applicant must be informed of the decision to permanently exclude him/her from the London Borough of Southwark's Housing Register and the reasons for such decision. In these cases, the applicant's computer records will be updated with a text note that will read —Fraudulent Information Provided. There is no provision for lifting this sanction other than through an exceptional circumstance report.

3.6.19 If information is requested from an applicant and is not received by the Housing Choice Team Leader within 28 days the Housing Applications team will not register the application. The applicant will be notified in writing, of the decision to cancel his/her application due to the failure to provide necessary information within the specified time period. All original documents handed to the London Borough of Southwark by the applicant will be returned by registered post and the application form and photocopies of documents destroyed.

3.6.20 A Housing Applications Officer or Re-Housing Officer who knows an applicant personally or is related to the applicant will 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 be required to notify his/her manager of the situation.

### **3.7 Forms of proof for supporting documents**

3.7.1 The London Borough of Southwark will accept as proof photocopied documents, which should be provided in person if possible or by placing such documents in an envelope and sending them to the London Borough of Southwark, Homelessness and Housing Options Service, 25 Bournemouth Road, London, SE15 4UJ. All documents will be returned by recorded delivery.

3.7.2 If an applicant is subject to immigration control, or is a national of the European Economic Area (EEA) or an Accession State National, additional documents will be required.

3.7.3 Full details of what the London Borough of Southwark will accept as proof, is available in Appendix C. If the applicant does not provide the necessary supporting documentation within 28 days from submitting the on-line housing application the application will be cancelled. The applicant will receive a letter confirming the cancellation of the housing application.

### **3.8 Changes of circumstances.**

3.8.1 Where re-assessments due to a change of circumstances lead to an applicant being awarded a different priority status the Housing Applications Officer must update the applicant's computer records on Northgate.

### **3.9 Who gets visited?**

3.9.1 All Housing Register applicants are subject to a verification visit and/or other appropriate investigations as to their eligibility for housing, by a Housing Applications Officer prior to receiving an offer.

3.9.2 The purpose of a visit is to check that all information relating to the applicant's housing application is properly recorded, and that their housing needs have been correctly assessed, and that they are a —Qualifying Person and otherwise eligible for an offer. All assessments are provisional until verified at a visit. An applicant will be notified in writing of any change in their status or entitlement following a home visit.

### **3.10 The home visit**

3.10.1 The Applications Officer completes a Visiting Form after carrying out the following checks: proof of identity and date of birth for all people on the application, and proof of residency for each household member over 16 included on the application.

### 3.10.2 The Housing Applications Officer will

a) check that the rooms, facilities, and tenure claimed are correct and that the rent is actually being paid at the level required. The applicant will be asked to produce details of rent books/agreements/payments etc. If they are in rent arrears the reason for their rent arrears will need to be checked

b) ask the relevant questions to satisfy themselves that the information being provided supports the application.

c) the Applications Officer will also undertake IT/computer verification audits of the application before the verification of the application is completed.

### **3.11 After the home visit**

3.11.1 The information gathered during the home visit including any documentation is used to confirm the applicant's eligibility for an offer and the visiting form duly completed together with any documents obtained from the applicant will be scanned onto the London Borough of Southwark's Northgate computer system and placed on the applicant's file.

3.11.2 Although an applicant may have been cleared for an offer, the London Borough of Southwark reserves the right to further investigate an application if any information comes to light that questions an applicant's entitlement to an offer. This can be at any stage prior to the applicant signing the tenancy.

3.11.3 If after an applicant has signed up for a tenancy and information comes to light that indicates that the property was obtained through deception, the London Borough of Southwark will take legal action to secure an eviction.

3.11.4 If an applicant is not cleared for an offer the Housing Application Officer will write to the applicant and inform them of the position (see section 7.8.1). It may be that more information is required before a final decision can be made.

3.11.5 Where a decision is made for an applicant to be excluded from the Housing Register or placed in the Reduced Priority Band (Band D), the Housing Applications Officer must inform the applicant of their decision in writing, with details of the reason for the decision. The applicant must also be informed of their statutory right of review.

### **3.12 Review of Register**

3.12.1 Applicants are not required to annually re-register their housing applications after first applying. They are however required to inform the London Borough of Southwark of any changes in their circumstances, which affect their housing application.

3.12.2 However, the London Borough of Southwark will monitor the bidding patterns of applicants and will be able to identify applicants who fail to bid. The London Borough of Southwark will contact registered applicants who have failed to bid for more than twelve months and advise such applicants that their housing application has been removed from the Housing Register. The letter will also advise such applicants that they can request a statutory review of the decision to remove their application from the Housing Register due to their failure to submit any bids whatsoever within the previous 12 month period.

3.12.3 The London Borough of Southwark will check periodically whether there has been a change of circumstances of applicants on the Housing Register. This offers the London Borough of Southwark an opportunity to discuss broader housing options with those applicants who are unlikely to be allocated accommodation in the near future.

### **3.13 Annual Lettings Plan**

3.13.1 The London Borough of Southwark will produce and publish an Annual Lettings Plan; this will set annual targets for property types across priority bands.

3.13.2 The London Borough of Southwark operates a robust monitoring mechanism in order to demonstrate that overall reasonable preference is given to those in the reasonable preference categories.

3.13.3 If monitoring shows that outcomes are not as per the lettings plan the Council reserves the right to implement a quota system and/or restrictive labeling in relation to bidding to ensure that it meets its statutory obligations.

### **3.14 Requests for review**

3.14.1 Section 166A (9) of the Housing Act 1996 includes the following rights for applicants in respect of their application:

a) The right to request the London Borough of Southwark to inform him of any decision about the facts of his case which are likely to be or have been taken into account in considering whether to allocate housing or not and

b) The right to request a review of a decision in relation to (a) above or as to a decision that he is ineligible or not a qualifying person and to be informed of the decision made on review which will contain the reasons behind the London Borough of Southwark's review decision.

3.14.2 Letters notifying an applicant of ineligibility or non-qualification for joining the Housing Register, or about the band that they have been awarded, or about any other decision concerning the facts of an applicant's case, will state that the applicant has a right to request a review of such a decision.

3.14.3 A review should be requested within twenty-one days of the date of the letter advising of the decision. The London Borough of Southwark has a discretion to extend the time limit if it considers this would be reasonable.

3.14.4 Requests for reviews must be in writing. Paragraph 5.21 of the Code of Guidance states that it would be acceptable for the request to be submitted by a representative. The request for review should be made to the Group Services Manager, for Homelessness and Housing Options Service, the London Borough of Southwark, 25 Bournemouth Road, London, SE15 AUJ. If an applicant requires assistance with the process he/she should contact a member of the Homelessness and Options Service at 25 Bournemouth Road, London, SE15 4UJ.

### **3.15 Procedure of review**

3.15.1 The Housing Choice Team Leader in the Homelessness and Housing Options service will undertake a review of any decision that has been requested. This officer will not have been involved in an original decision, and will not sit on the Welfare Panel to review the case.

3.15.2 The review will be carried out and the decision and the reasons for it will be given to the applicant in writing within 28 days of the request being received. There is no right to request a review of this decision unless the customer's circumstances change.

3.15.3 In cases where the London Borough of Southwark believes that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification, then the London Borough of Southwark will make arrangements for the information to be explained to the applicant verbally.

### **Right to Review under Part VII Housing Act 1996**

The right to review under part VI Housing Act 1996 is in addition to the statutory right to review homelessness decisions under Part VII Housing Act 1996. Applicants must request a review under part VII within 21 days of notification of the decision.

Such reviews are conducted by the Homelessness Review Manager rather than the Housing Choice Manager.

### **3.16 Review of the Allocation Scheme**

3.16.1 The Allocations Scheme is monitored to make sure that allocations made reflect the housing need, and meet with the requirements of legislation. This scheme will be reviewed annually to ensure that its aims and objectives are met.

## **SECTION FOUR**

### **4.1 Reasonable Preference**

4.1.1 The London Borough of Southwark is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Southwark, the demand for social housing is greater than the availability of homes.

4.1.2 The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

a) All homeless people as defined in Part VII of the Housing Act 1996. Section 189 and 193 where a duty to accommodate is defined.

b) People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation.

c) People occupying unsanitary, overcrowded or otherwise unsatisfactory housing

d) People who need to move on medical or welfare grounds (including grounds relating to a disability).

e) People who need to move to a particular locality within the district to avoid hardship to themselves or others.

People are to be disregarded for these purposes if they would not have fallen within a) and b) without the local authority having had regard to a restricted person (as defined under s184(7) Housing Act 1996, relating to immigration cases).

## **4.2 Determining priority between applicants with Reasonable Preference**

4.2.1 The London Borough of Southwark determines priority between applicants with Reasonable Preference by taking into account various factors including:

a) The financial resources available to a person to meet their housing costs.

b) The contribution that an applicant makes to Southwark or their local community, for example through working or volunteering

c) If a person has sufficient resources to rent privately or purchase a suitable property for their household within Southwark, then the applicant would not qualify to join the Housing Register.

## **SECTION FIVE**

### **5.1 Assessment and monitoring**

5.1.1 The Banding assessment process, which is explained below, will be applied to all eligible and qualifying applications and an applicant will be informed in writing of the assessment. The London Borough of Southwark aims to carry out such

assessments within 28 working days from the date the housing application is submitted on-line.

## **5.2 Southwark's banding scheme**

5.2.1 An applicant's circumstances are assessed and his/her application placed in either Band, 1 Band 2, Band 3 or Band 4 (the Reduced Priority Band) as explained in section 6.2. Within each Band, priority is accorded by:

- (1) a priority star system and
- (2) the date of registration, as explained below. In broad terms, the greatest priority is awarded to those assessed as having the highest housing need.

### **5.2.2 Priority Star System**

Within each Band, applicants are prioritised, first, by reference to a priority star system. This operates as follows:

One priority star will be awarded for each of the following where applicable

1. People owed a statutory homelessness duty under either s193(2) or s195(2) Housing Act 1996 ,
2. People occupying unsanitary or statutory overcrowded housing (as defined by Part X of the Housing Act1985) or otherwise living in unsatisfactory housing conditions in accordance with hazards identified through the Housing Health Safety Rating Scheme as confirmed by the London Borough of Southwark
3. People who need to move on severe medical or severe welfare grounds
4. People who need to move to a particular locality in the district of the authority where failure to meet their needs would be detrimental to their health and well-being and cause severe hardship
5. A working household as defined in section 5.13, and 5.14 of the Housing Allocations Scheme.
6. Applicants who are undertaking a voluntary contribution as defined by sections 5.16, 5.17 and 5.18 of the Housing Allocations scheme

## **5.3 Registration date**

5.3.1 The registration date is the date a fully completed application is received by the London Borough of Southwark, except where there is a change to the applicant's Band (see section 5.4.2 below). This date affects priority within each band.

## **5.4 Change of circumstances**

5.4.1 Where there is any change in an applicant's circumstances, a change of circumstances form must be completed, and supporting documents must be provided. If there is any change to the banding, applicants will be informed in writing within 28 working days. The onus is on applicants to inform the London Borough of Southwark when there is a relevant change in their circumstances.

5.4.2 If an applicant's 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.

## **5.5 Financial assessment**

5.5.1 Applicants will be subject to a financial means test to establish whether they are in need for social housing, and their level of need. This will enable the London Borough of Southwark to provide, where appropriate, informed advice on, among other things, accommodation that will be affordable for applicants. Please refer to Section 4.2 (c) of this Scheme.

## **5.6 Local connection criteria**

5.6.1 In relation to the local connection criteria, the London Borough of Southwark will need to establish whether or not an applicant or a member of their family has a connection to Southwark: see section 3.3.4.

5.6.2 There is an exception to the local connection criteria for the Armed Forces: see section 3.3.5.

5.6.3 If an applicant has been placed outside of Southwark by the London Borough of Southwark's Children Services Department, but Southwark is the location they would normally live in, they will be considered to have a local connection.

5.6.4 If an applicant resides outside of Southwark in an area not of the applicant's own choice, for example the applicant has been detained in prison or in hospital under the Mental Health Act, then the applicant will still have a local connection and this will not disqualify a person from joining the Choice Based Lettings Housing Register.

## **5.7 Joint Tenancies**

5.7.1 Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners.

5.7.2 Under section 160ZA(1)(b) of the Housing Act 1996, a housing authority must not allocate a joint tenancy to two or more people if they are persons from abroad who are ineligible or if they do not satisfy the London Borough of Southwark's qualifying criteria. However, where two or more people apply and one of them is eligible and meets the qualifying criteria, the London Borough of Southwark may allocate a tenancy to the person who is eligible and meets the qualifying criteria. In

addition, while ineligible and non-qualifying family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

## **5.8 Residence and contact with children**

5.8.1 Where children are subject of Family Law Proceedings resulting in Residency Order being made, they will be considered as permanent household members for the partner having the primary residence and control of the child/children. Where an application is made to the London Borough of Southwark or PRP from the other partner/spouse, it will not always be possible due to the demand on the London Borough of Southwark's housing stock to consider the child/children as part of a housing application. In order for an applicants bed need to be increased, the London Borough of Southwark would need documentary evidence such as a court order or solicitor's letter detailing residence and contact arrangements, and proof of who receives the child benefit, to determine the property size that an applicant can be considered for.

## **5.9 Prospective adopters and foster carers**

5.9.1 The London Borough of Southwark have a duty under section 22G of the Children Act 1989 to ensure sufficient accommodation to meet the needs of the looked after children. The London Borough of Southwark's Homelessness and Housing Options Service will work in partnership with the Children's Services Department to best meet the needs of prospective and approved foster carers and adopters, to enable the London Borough of Southwark to meet its duties.

## **5.10 Transfers**

5.10.1 This scheme will apply to existing social tenants as indicated at section 1.2.2 and 1.2.3.

5.10.2 Existing social tenants who do meet the necessary criteria above will also be referred to the Mutual Exchange programme where they will be encouraged to find a mutual exchange that meets their housing needs.

5.10.3 Social housing tenants applying for a transfer and who are considered by the London Borough of Southwark to be entitled to a reasonable preference for an allocation will be treated on the same basis as new applicants in accordance with the requirements of section 166A(3), and be allowed to join the Housing Register.

5.10.4 A transfers at a tenant's request, where the London Borough of Southwark is satisfied that the tenant is not entitled to a reasonable preference, is not within this Allocation Scheme except as indicated at section 1.2.3 above.

## **5.11 Landlord Request Transfers**

5.11.1 The London Borough of Southwark accepts that there may be exceptional circumstances where the only way an urgent housing need can be resolved is

through management discretion. This type of move will be kept to a minimum, and all such landlord request transfers will be authorised by the Head of Operations. Examples of these cases include, but are not limited to:

a) Threat to life.

b) Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.

c) An applicant who has an exceptional need that is not predicted or covered within the Allocations Scheme.

d) Other circumstances as authorised by the Head of Operations.

5.11.2 These cases will be placed into Band 1 and if all other housing options have been explored may result in a direct offer of accommodation.

## **5.12 Under occupation**

5.12.1 The London Borough of Southwark will run incentive schemes (subject to financial resources being available) aimed at tenants transferring into smaller properties. And this will be subject to the qualification criteria. (Appendix B).

5.12.2 The London Borough of Southwark's scheme is to help people move to smaller properties. An applicant could be entitled to a payment for each bedroom they give up plus a payment to help with the cost of removals.

5.12.3 Applicants who are under occupying will not have reduced priority where there are rent arrears. This will enable properties to be released to assist families on the Housing Register waiting for larger properties.

5.12.4 The Under-Occupation Scheme will be important in light of the measures in the Welfare Reform Act 2012, which will reduce Housing Benefit entitlement for work age social tenants who under-occupy their property (measured in accordance with the Local Housing Allowance size criteria)

5.12.5 All allocations are made in accordance with the Welfare Reform bedroom criteria. This will result in housing allocations being made on the basis of bedroom need, and the previous Housing Allocations scheme of allowing residents to transfer to a property with an extra bedroom surplus to the assessed housing need will be terminated. This will assist the applicant and the London Borough of Southwark to protect the applicant's financial interests due to the Welfare Reform under-occupation penalties introduced by Central Government in April 2013. Applicants who have reached the qualifying age for state Pension Credit will still be allowed to transfer to a property with one additional bedroom through the SMART move scheme.

5.12.6 All applicants who are under-occupying and are below the qualifying age for State Pension Credit are awarded higher/additional priority than all other applicants in Band 1.

This will help to ensure they are re-housed before other applicants in Band 1 through the Choice Based Lettings bidding scheme.

### **5.13 Working households**

5.13.1 The London Borough of Southwark wants to support the growth of its borough and encourage people to work and raise levels of aspiration and ambition. The London Borough of Southwark will therefore offer increased priority to applicants that are working and making a contribution to Southwark's economy. The increased priority gained by being a working household will apply across the borough and is not linked to a specific area.

5.13.2 One priority star will be awarded in respect of being a working household. The allocation of any property would be subject to their eligibility for property size and type.

5.13.3 Applicants who are not in Band 1, Band 2, Band 3, or Band 4 but are in employment will not be qualified to join the Housing Register. The housing priority defines qualification to join the Housing Register, not the employment status.

### **5.14 Definition of Working Household**

5.14.1 The definition of a working household will be where at least one adult member of the household is in employment. Employment for this scheme is described as having:

- a) A permanent contract.
- b) Working as a temporary member of staff.
- c) Self-employed.

5.14.2 Applicants will have to have been working for 16 hours or more per week for 9 out of the last 12 months. Verification will be sought at the point of application, and at the point of offer. Applicants must provide pay slips, P45 and P60, tax returns, bank statements and a verifying letter on headed paper from their employer in order to qualify.

5.14.3 The proof must be supplied at the time of application and verified at the time of offer. If an applicant's employment status changes they may be allowed to retain the priority as long as there is a realistic prospect of re-employment. The decision will take into account their previous employment history, age of the applicant and other relevant factors. However they must satisfy the employment definition at the time of the offer of accommodation.

### **5.16 Community Contribution**

5.16.1 People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play – are valuable

people. They are the backbone of their community, and they need to be recognised for the good they do.

5.16.2 The Community Contribution Priority Scheme is the London Borough of Southwark scheme which gives an applicant increased priority, in addition to any other Reasonable Preference they are entitled to because of housing need.

5.16.3 One priority star is awarded in respect of being a working household. The allocation of any property would be subject to their eligibility for property size and type.

5.16.4 All applicants are given the opportunity to request a Community Contribution award, regardless of which housing partner had originally registered with.

5.16.5 Applicants who are in receipt of a Community Contribution Award and are not in Band 1, Band 2, Band 3, or Band 4 but are actively undertaking community contributions will not be qualified to join the Housing Register. The housing priority defines qualification to join the Housing Register, not the community contributions.

### **5.17 Community Contribution Awards – How they work in practice**

5.17.1 It's important to keep in mind that a Community Contribution award is additional to an applicant's Reasonable Preference status. If an applicant requests a Community Contribution but turns out not to qualify, it won't disadvantage their application or cause it to be ineligible or non-qualifying. It's also important to make clear that only the criteria below can be used to assess whether someone can have a Community Contribution award.

### **5.18 Definition of Community Contribution**

Both of the following criteria need to be satisfied:

5.18.1 Criterion 1 - If an applicant, over the age of 16 has lived in Southwark for five years continuously, now or in the past and can pass the London Borough of Southwark's current positive local residence history' test (no anti-social behaviour, hate crime or convicted criminal activity) they may apply for the Community Contribution award.

5.18.2 Criterion 2 – If an applicant volunteers, a Community Contribution award will be applied. Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application, and the same at point of offer. Volunteering must be for a not-for profit organisation or a charity and must be for a minimum of 10 hours per month. N.B. Tenants and Residents Associations, which are constituted, are classified as not-for-profit organisation. They must be registered with the London Borough of Southwark, or a Registered Provider to qualify.

### **5.19 Evidence required for Voluntary Work**

5.19.1 A letter from a manager responsible for volunteers will suffice to confirm an applicant's involvement and in fact that the applicant had undertaken a minimum of 10 hours voluntary work per month in the requested area for over a period of 6 months. This person must not be related to the applicant in any way.

## **5.20 Medical, Welfare and Disability grounds**

5.20.1 The Housing Act 1996 states that reasonable preference on the Housing Register should be given to applicants who have a need to move on medical or welfare grounds.

5.20.2 This category includes an applicant, or member of that applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage, and other management action or adjustment to the property cannot alleviate the problem.

5.20.3 Where it appears that there is a need to make enquiries into an applicant's medical condition, the London Borough of Southwark will refer the case to an independent medical advisor. The applicant can provide their own medical evidence if appropriate along with a medical/welfare assessment form, which will be sent to the independent advisor.

5.20.4 If the Medical Advisor advises the London Borough of Southwark's Housing Choice Team that reasonable preference should be awarded then the Housing Choice Team Leader will make a decision to award either:

- a) Severe medical award where it can be demonstrated that, due to an illness or disability, it is unacceptable for the applicant to remain in their current dwelling, or
- b) 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, or
- c) Where appropriate, the medical advisor will also recommend the type of property most appropriate to the medical needs.

5.20.5 The medical award made will determine the Band the applicant is placed in. Where two or more members of a household would qualify for medical priority, only the highest priority will be awarded and (if applicable) only one priority star applied.

5.20.6 Medical and welfare priority will be reviewed by the Re-housing Officer prior to allocation if the assessment was made in excess of twelve months previously to ensure that the award is still appropriate.

5.20.7 Welfare grounds may apply to any member of the household and will include situations such as:

- a) Infirmary due to old age
- b) The need to give or receive care
- c) Behavioural difficulties
- d) The need to recover from the effects or threats of violence or physical or emotional abuse
- e) Young people at risk
- f) A mental or physical disorder
- g) A physical or learning disability
- h) Financial hardship.

5.21.8 Where an applicant is likely to need adaptations, an assessment of both current and prospective properties will be completed

5.21.9 The London Borough of Southwark's Medical Adviser does not carry out individual medical examinations. Opinions are based on the information provided by the applicant on the Housing Application Form. Applicants do not have to submit any medical evidence in support of their application. Where required, the Medical Adviser will request the necessary information from the relevant medical professional.

### **5.21 Vulnerable people**

5.21.1 A key requirement for ensuring the success and fairness in general of the Housing Allocation and Choice Based Lettings Scheme is that all customers can access available homes and that relevant support is provided where appropriate.

5.21.2 The London Borough of Southwark will ensure that vulnerable applicants and those disadvantaged by the Choice Based Lettings process will be provided with support and assistance in accordance with the London Borough of Southwark's Access Strategy.

5.21.3 A specialised team within the Homelessness and Housing Options service is available to ensure that the London Borough of Southwark adopts a community based objective in order to tackle worklessness, reducing poverty, promoting financial inclusion and supporting independence. The team will work with partnership agencies to enable all vulnerable clients to receive the personalised care and support necessary to provide better outcomes for all partners in housing and its clients.

### **5.22 Sheltered Housing**

5.22.1 The term Sheltered Housing applies to a range of accommodation and tenancy related support designed to meet the housing and support needs of applicants over the Pension Credit Age or applicants who are in receipt of Disability Living Allowance/PIP.

5.22.2 Before an applicant is accepted for a property that they have expressed an interest in or bid for, they will be visited and assessed to ensure sheltered housing can meet the support needs of that applicant and that the appropriate level of service can be provided. Sheltered Housing will only be allocated to applicants who have housing support needs.

5.22.3 The service is based around each individual's support needs. This service is provided by a team of Sheltered Housing Officers who will ensure the appropriate level of support/service is maintained to meet an individual's housing support needs.

5.22.4 Sheltered Housing Schemes consist of flats or bungalows, some of which are grouped around a community room where residents are able to enjoy social activities. All properties have an intercom system either hardwired or lifeline, or pendant to enable residents to summon assistance in an emergency.

5.22.5 The London Borough of Southwark also has nomination rights to sheltered schemes within the borough, which is managed by PRPs and these properties are allocated through the Choice Based Lettings scheme.

5.22.6 Considering the introduction of the Welfare Reforms and changes to the pensionable credit age, the age for eligibility for sheltered accommodation is not 65 years of age but the relevant pensionable credit age, which will be subject to annual change in the future. This reflects changes to the national pensionable credit age and the fact that many people now work for longer

### **5.23 Reduced Priority Band 4 - general**

5.23.1 The London Borough of Southwark has a right to reduce an applicant's priority under this Housing Allocations scheme.

5.23.2 This part of the Housing Allocations scheme describes those circumstances under which priority will be reduced. In doing so, due regard has been given to the requirements to give Reasonable Preference to those categories outlined in the Housing Act 1996 (as amended).

5.23.3 Where the applicant would have been awarded a specific band due to assessed need but one or more of the factors listed below apply to their case, their application will be given a reduced priority (allocated a lower band) until the issues relevant to their circumstances has been resolved.

5.23.4 Applicants with Reasonable Preference will be subject to reduced priority for re-housing along with all other customers and placed into priority Band 4

5.23.5 This Band comprises a number of categories of applicant who either

(a) would not have qualified under this Policy but for the London Borough of Southwark having decided that they should be given a reasonable preference under s166A(3), or

(b) would otherwise be placed in Band1, Band2, or Band 3, but due to reasons given in sections 3.5.13 to and including 3.5.20 have been placed in the reduced priority Band. Band 4 applicants have significantly reduced prospects for Allocations within this scheme.

5.23.6 The applicant may request that their application be removed from the reduced priority band at any time. The request for removal of the reduced priority must be made in writing and must set out how and why an applicant believes that the removal of the reduced priority is now justified.

## **5.24 Housing-related debts**

**5.24.1** Applicants will have reduced priority if there are housing related debts such as current or former rent arrears (including temporary accommodation arrears), costs of repairing damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy. The London Borough of Southwark will only consider housing related debt accrued within the last 6 years.

5.24.2 Assessment will be carried out at the point when an applicant's priority is initially assessed unless new information comes to the London Borough of Southwark's attention subsequently, and at the time of the offer for alternative accommodation. The following procedure will apply:

a) Applicants who have any property-related debts (such as rent arrears, repair damage debt, or a housing benefit overpayment) which is owed to the London Borough of Southwark or a private landlord and remains outstanding and relates to their existing home or a former home, will be given less priority than other applicants who have no property related debts when being considered for offers of accommodation, or when being considered for a nomination to a PRP for housing, until such time as they clear all debts owed.

b) The decision about whether an applicant owes the London Borough of Southwark or a previous landlord any money relating to any property related debt will normally be made as part of the visit/investigation process. Prior to the actual visit or investigation taking place, the Applications Officer will carry out the following checks:

c) In respect of rent arrears relating to an existing or former tenancy, the Applications Officer will check on the Northgate rent accounting system or directly with the Rent Arrears Team/Formal Tenant Arrears Team to see if any debt exists.

d) Any tenant of the London Borough of Southwark who has breached the terms of a suspended possession order for arrears cannot be made an offer without the express approval of the Head of Operations.

5.24.3 If an applicant was previously evicted from accommodation because of rent arrears, or property related debt as described above, but falls into a reasonable preference group, they will be allowed to register on the Housing Register but will be given less preference by being placed in the Reduced Priority Band (Band 4). Furthermore, only in exceptional circumstances will the London Borough of Southwark consider applicants for an offer of accommodation where outstanding arrears of rent or any other property related debt as described above exists. This may be where a tenant for example is the victim of domestic violence; racial harassment or other hate crime; or has urgent medical need.

5.24.4 A request for a review of the decision can be made to the Group Services Manager for Homelessness and Housing Options in writing. These cases will then be considered by the Social Welfare Panel. If assistance is required an applicant should contact a member of the Homelessness and Housing Options Service who will advise them of the process. Where an applicant has received a reduced priority, the London Borough of Southwark will write to the applicant informing them of the decision and how it was reached

### **5.24 Deliberately Worsening Housing Circumstances**

5.24.1 Where there is clear evidence and a conclusion can properly be drawn that an applicant has deliberately made worse their circumstances in order to achieve higher priority on the register or (in the case of an applicant who has not been disqualified for this reason) to qualify to join the housing register, then reduced priority will be given. The Group Services Manager of the Homelessness and Housing Options service will make this decision. Examples of this include:

- a) Selling a property that is affordable and suitable for an applicant's needs.
- b) Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation.
- c) Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- d) Deliberately overcrowding property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, then requesting re-housing to larger accommodation.

The above list is not exhaustive. This will ensure that households will not be treated as occupying overcrowded accommodation unless the overcrowding has come about by natural increases due to birth/adoption of a child or the addition of other persons to the household with the written consent of the London Borough of Southwark.

### **5.25 Reduced priority due to non-compliance with tenancy agreement and unacceptable behaviour**

5.25.1 This applies where the London Borough of Southwark is satisfied, having considered all available evidence, that an applicant (or a member of their current or

prospective household) has failed to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement terms and conditions. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality where they live or where they had previously lived. In such cases applicants will have their priority reduced, and placed in to the Reduced Priority Band. The Group Services Manager for Homelessness and Housing Options will make this decision following the submission of a report from the Housing Choice Team Leader that will cover the relevant issues. This will apply until an applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the London Borough of Southwark, that circumstances have changed and any previous misconduct is unlikely to reoccur. In some cases this could include demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.

5.25.2 Applicants who have a rent arrears debt, to the Council, either relating to their existing home or a former home, are normally given reduced priority or placed in the reduced priority band 4 when bidding for properties in accordance with this policy or when being considered for direct offers of accommodation, or when being considered for a nomination to a Registered Social Landlord for housing, until such time as they clear all debts owed.

5.25.3 The status will be reconsidered at the request of an applicant and only where there has been no reasonable cause for complaint or concern against an applicant (or members of their prospective household) for a continuous period of one year.

#### **5.26 Reduced priority due to failure of Pre Transfer Inspection (for transfer applicants of the London Borough of Southwark)**

5.26.1 Every home visit made by the London Borough of Southwark must have a Pre-Transfer Inspection carried out before an applicant is allowed to join the Housing Register. A property must meet the standard required so that the property can be re-let within 3 days. The required standard is the void/lettable standard that is applied by the London Borough of Southwark.

5.26.2 At the point of registering the housing application for a transfer a home visit is undertaken by an officer and a decision taken in line with the procedure as to whether the property could be re-let within 3 days. The applicant will be advised accordingly. The inspection will relate to both the inside and outside of the property including the garden.

5.26.2 The onus is on an applicant to contact the London Borough of Southwark should they subsequently resolve any issues identified during the Pre-Transfer Inspection and a further visit will be carried out to verify this.

5.26.3 Once a property meets the correct standard the application can be placed in to the appropriate priority band.

5.26.4 Before a transfer applicant is made an offer, the application will be checked to see when the last Property Transfer Inspection was carried out. If this is more than 6 months ago, then a further Property Transfer Inspection check must be carried out before an offer is made. Should the property on this inspection not pass the Property Transfer Inspection, then no offer will be made and the application will be given reduced priority and placed in to the Reduced Priority Band until any identified issues are rectified. The decision to place an applicant in to the Reduced Priority Band will be made by the Group Services Manager for Homelessness and Housing Options services.

5.26.5 The following reasons allow an exemption from the existing Pre Transfer Inspection procedures:

a) Domestic Abuse.

b) Fear of violence or

c) Where a moving tenant is under-occupying their current home by 2 bedrooms or more and has been given Band 1 priority, and is over the Pension Credit age and has medical or welfare grounds to move which do not enable them to address the outstanding issues identified in the Property Inspection report e.g.; decorating.

### **5.27 Reduced Priority for Refusal of 3 Suitable Offers of Accommodation**

5.27.1 In circumstances where an applicant has successfully bid, but refused 3 reasonable offers of accommodation within 12 months of the date of the first offer, and the applicant had the opportunity to view the properties, their priority for re-housing will be downgraded to the Reduced Priority Band (Band 4) for a 12 month period from the point of third refusal. The exception to this rule relates to Homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996 where only one reasonable offer will be made and refusal of that offer will result in the discharge of the London Borough of Southwark's homelessness duty.

5.27.2 It is difficult to be explicit about the grounds for deciding whether or not the reason for refusing an offer is reasonable, but the following factors will be taken into account:

#### **Reasonable reasons for a refusal of alternative accommodation**

- The property is in the immediate location of someone who could present a danger to the applicant
- The property has stairs which the applicant is unable to manage and this is confirmed by the health/medical assessment
- The applicant needs an adapted property or the adaptations do not satisfy the applicants needs and this is confirmed by a medical/health or Occupational Therapist assessment

- The previous tenant moved out of the property due to Hate Crimes, and the new tenant may also suffer from similar Hate Crimes

### **Unreasonable reasons for a refusal of alternative accommodation**

- The property is too small but meets the applicants housing needs according to the bedroom standard contained within this Housing Allocations scheme
- The applicant would prefer a house or a bungalow, but the property offered meets the applicants needs
- The property is not situated in the applicants specific area of choice but meets the applicants needs
- The property is on the wrong floor level, but the applicant is able to manage the property offered (i.e. would prefer ground floor, would prefer upper floor etc)

### **5.28 Notification of reduced priority**

5.28.1 Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:

- a) The reasons for the decision to reduce priority
- b) The band that their housing circumstances would have warranted and the band that they have been placed in as a result of the London Borough of Southwark's decision
- c) The applicant's right to request a review against the decision
- d) What they have to do before they can be considered again for any higher band warranted by their housing needs.
- e) That any request for review of the decision must be made in writing within 21 days of written notification of the decision.
- f) That any review will be dealt with by a Senior Officer not involved in the original decision. All appeals will be dealt with within 28 days from receipt of the appeal/review, and the applicant advised of the outcome.

### **5.29 National Witness Mobility Scheme (NWMS)**

5.29.1 The London Borough of Southwark participates in the government-funded National Witness Mobility Scheme, which gives local authorities, other social landlords and the police services access to a nationally coordinated fast track witness relocation scheme.

5.31.2 Witnesses, who are intending to give evidence in civil and criminal cases such as cases involving domestic violence, hate crimes, anti-social behaviour, gun crimes, sexual abuse, child abuse and other serious crimes and consider that it is

unsafe to remain in their home, will be assessed by their local authority and a designated police officer.

5.31.3 If there is a serious risk to the witness, and it is unsafe for them to pursue an application through the normal homelessness routes, they can be offered the opportunity to relocate quickly away from the unsafe area. Referrals are made to/from the NWMS office.

5.29.4 This includes Protected Persons as defined in Section 82 and schedule 5 of the Serious Organised Crime and Police Act 2005.

### **5.30 Re-housing residents on regeneration schemes**

5.30.1 The housing allocations scheme includes the provision to:

- Choose to move under Homesearch or move straight to new-build if available at time of decant
- If a new-build property is not available at time of decant, the tenant is given the option to return to a new build replacement property.
- Be prioritised for available lettings within the estate over applicants from outside the estate if this is the applicant's preferred option
- Option to choose an extra bedroom only to be available to under-occupying tenants over the qualifying age for state Pension Credit, which over the next few years is increasing to 65. This will prevent tenants' inability to pay their rent being affected by changes in employment status in their new home given the Government's changes regarding housing benefit reduction for under-occupiers from April 2013. It also helps to maximise effective use of the London Borough of Southwark stock.
- That 50% of all allocations for the 1,000 properties initiative are allocated to existing tenants local to the redevelopment/new build scheme.
- That existing regeneration schemes are not affected by these changes where local agreements have previously been agreed by the London Borough of Southwark.

### **5.31 Property Ownership**

5.31.1 Applicants who own their own property will not be allowed to join the Housing Register. Unless exceptional circumstances apply, applicants who own their homes, or own residential accommodation elsewhere, will not be considered for a housing allocation. These applicants will not be eligible to register. Such applicants will be notified in writing of the London Borough of Southwark's decision not to register their application on to the Housing Register and a copy of such a decision will be retained by the London Borough of Southwark.

5.31.2 Where an owner-occupier requests permanent housing from the London Borough of Southwark, they will be referred to the Homelessness and Housing Options service for advice about how to resolve their housing need. They will also be referred to Southwark's online advice and assessment tool where they can obtain information on a range of options to help resolve their particular housing need.

5.31.3 Applicants who have sold a property in the last 7 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.

5.31.4 Applicants who are owner-occupiers in need of temporary decanting whilst renovation for grant-aided works are being carried out, will be considered for assistance where they are able to demonstrate that they are unable to find their own temporary accommodation.

5.31.5 This section does not apply to council led regeneration schemes, and owner occupiers in these council led regeneration properties would qualify to join the housing register for consideration for low cost home ownership schemes and as per section 1.2.4 (k) and (l) when the council could possibly purchase the property and allow the owner occupier to remain in the property or re-house the owner occupier as a tenant into alternative accommodation following a Compulsory Purchase Order.

### **5.32 Care Leavers**

Southwark care leavers are granted Band 2 priority and permitted to bid for studio flats only. This is due to the high demand for all property types in Southwark. This will apply unless the care leaver has either a medical recommendation for larger accommodation or they have a child residing with them.

### **5.33 Tenancy Successions**

5.33.1 Section 160 of the Localism Act 2011 introduced new statutory succession rights to secure tenancies that apply to tenancies entered into after 1 April 2012. These new statutory succession rights are less generous than those previously provided under the law. Consequently, in relation to such tenancies a person is only qualified to succeed if;

- (a) the person occupies the dwelling-house as his/her only or principal home at the time of the tenant's death, and
- (b) the person is the tenant's spouse or civil partner or was living with the tenant as if they were a spouse or civil partner and
- (c) there has been no previous succession in relation to the tenancy.

5.33.2 Statutory succession rights in relation to tenancies entered into before the 1 April 2012 are unchanged.

5.33.3 The London Borough of Southwark may however use its discretion to allocate an alternative property/ tenancy to a person who had been living with a deceased tenant but who does not have a legal right to succeed. There may be situations where the London Borough of Southwark considers it appropriate to exercise this discretion. The responsibility for approving the use of this discretion in individual cases will be exercised by the Group Service Manager of the Homelessness and Housing Options Service.

5.33.4 The Group Services Manager of the Homelessness and Housing Options service may grant a new introductory tenancy in the following discretionary circumstances:

- To surviving relative/partners of deceased tenants where they are left in a property they occupied for a minimum of 10 years as their principal home with

the deceased tenant, immediately prior to the death of the tenant, and a statutory succession or contractual succession has previously taken place, and the individual is not under-occupying the property.

- To full time live in non-paid carers where verification checks with Adult/Children's services have confirmed the carer's status, and he or she lived in the property as his/her principal home for 2 or more continuous years immediately prior to the death of the tenant.
- Where the applicant is vulnerable (as defined by the homelessness legislation) or has dependent children and a move will cause hardship.

5.33.5 In all cases, members of a deceased tenant's household will not be allowed to remain in the property where the existing home has been specially adapted and they do not need such adaptations or the property is purpose built sheltered accommodation

### **5.34 Families who undertake Fostering and Adoption**

Additional priority will be provided for families undertaking Fostering and Adoption where a spare bedroom is required as per the Welfare Reform bedroom standard before the Fostering or Adoption can take place. These families will be placed in Band 2 of the Housing Allocations scheme.

## **SECTION SIX**

### **6.1 The Structure of the Priority Banding System**

6.1.1 The London Borough of Southwark operates a needs based banding system as described below. The order of the bands is arranged to reflect housing priority.

6.1.2 Applicants within bands are ranked by reference to any priority star award and then in date order. See section 5.2.2 for the priority star system and section 5.3 for the registration date.

### **6.2 Priority Needs Bands**

#### **Band 1**

Applicants who have a statutory right of succession and wish to succeed to a London Borough of Southwark or Housing Association property, but that property is not suitable for their household type due to under-occupation, or being designated as sheltered housing and/or having been adapted and the applicant in question does not qualify for an adapted property.

Residents who have to vacate their homes within six weeks due to a Compulsory Purchase Order or tenants of the London Borough of Southwark who have to move, as their home requires major works within six weeks. This will be determined and managed subject to the London Borough of Southwark's decant procedure

Applicants who are under-occupying their accommodation which is owned by the London Borough of Southwark or Housing Association. The Under-occupation scheme will be important in light of the measures contained in the Welfare Reform Act 2012, which will reduce Housing Benefit entitlement for work age social tenants who under-occupy their property (measured in accordance with the Local Housing Allowance size criteria) It is also recommended that residents who are under-occupying and are below the qualifying age for state Pension Credit are awarded higher/additional priority than all other applicants in Band 1. This will help to ensure they are re-housed before other applicants in Band 1 through the Choice Based Lettings bidding scheme.

Applicants who are statutorily overcrowded as defined by Part X of the Housing Act 1985, and have not caused this statutory overcrowding by a deliberate act.

Emergency Landlord Request Transfer as defined by section 5.11 of this Housing Allocations scheme

Hospital discharge applicants, who have somewhere to live on leaving hospital but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties, or the property cannot be adapted within a reasonable amount of time, or such customers who have nowhere at all to live when they leave hospital

Applicants who are being discharged from the Armed Forces who have sustained serious injury, illness, medical condition, or disability during service which is attributable (wholly or partly) to the person's service. It will also cover serving former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

## **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. This can include where an applicant's condition is terminal and re-housing is required to provide a basis for the provision of suitable care, or the applicant's is life threatening and the applicant's existing accommodation is a major contributory factor, or the applicants health is so severely affected by the accommodation that it is likely to become life threatening for example, where an applicant has significant mental health problems which are exacerbated by their accommodation.

Applicants who have priority on welfare grounds and require to move urgently because of a risk to their well-being or health. This would include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity.

Applicants who permanently lack one or all of these essential facilities – hot

water, heating, a kitchen, internal toilet and bathroom

Private sector tenants who are required to vacate their home as a result of enforcement action by the Local Authority

Southwark care leavers are granted Band 2 priority and permitted to bid for studio flats only. This is due to the high demand for all property types in Southwark This will apply unless the care leaver has either a medical recommendation for larger accommodation or they have a child residing with them.

Applicants who are occupying Partnership Agency accommodation and who have an agreed move on. This is commonly known as Hostel Move On accommodation. This is for the purpose of bringing about the efficient use of such accommodation.

Applicants who no longer require the adaptations in their current home.  
Applicants who release an adapted property where such an applicant no longer requires their current home and will therefore be releasing an adapted property by moving

Applicants who are part of a multi-agency public protection agreement.  
(MAPPA)

Serious threat to the well-being of a child and their accommodation is a contributory factor to the risk. These are cases where an emergency move is required to mitigate the risk to the child as confirmed by the London Borough of Southwark's Children's services. This will also cover Child Protection if there are children who are part of the application who have a need to move and their accommodation is a contributory factor to the risk to the child and there is a child protection plan in place and Children's services recommends the re-housing.

Applicants who have an agreed fostering or adoption agreement in place with the London Borough of Southwark, who need to move to a larger home in order to accommodate a looked after child which will also include special guardians, or holders of a residence order and family and friend carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.

Applicants who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to leave the family home so that they can live independently within the community

Applicants who are in housing need and being discharged from the Armed Forces such as bereaved spouses or civil partners of those serving in the regular forces where the bereaved spouse or civil partner has recently ceased to reside, 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 partly attributable to their service.

Secure or assured tenants who have lived at the tenancy for 5 years or more, have no related housing debt and have not breached the terms of the tenancy agreement will be awarded Band 2 priority status.

### **Band 3**

Those who are homeless and toward whom the London Borough of Southwark has a statutory duty to accommodate pursuant to Part VII of the Housing Act 1996.

Applicants who accept a property in the private rented sector through sections 148 and 149 of the Localism Act.

Overcrowded but not statutorily overcrowded as defined by Part X of the 1985 Housing Act

Applicants with a moderate medical priority where there is 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. However, the housing conditions directly contribute to causing serious ill health

### **Band 4**

Applicants who are homeless, but to whom the Authority does not owe a duty to house under Part VII of the Housing Act 1996. For example they may be intentionally homeless or be without a priority need. Such applicants are to be placed in Band 4, and are given priority by being awarded one star.

All other applicants

## **SECTION SEVEN**

### **Management of the Scheme**

#### **7.1 Introduction**

7.1.1 Void (empty) properties affect the London Borough of Southwark in terms of a loss in rental income, the continuing provision of temporary accommodation for homeless families, the possible deterioration of the property and increased risks of squatting and vandalism, and a poor public image. It is therefore essential that void properties are let quickly and without unnecessary delay.

7.1.2 According to departmental targets 100% of voids that are ready for letting must be allocated within 15 days.

## **7.2 Advertising properties**

7.2.1 Empty properties that are to be offered through the Choice Based Lettings scheme will be advertised on a weekly cycle. Details of available properties are available for collection at various locations around the borough including the London Borough of Southwark offices. Property details are also available on the Internet via the Choice Based Lettings web site.

7.2.2 Each advert will state the eligibility criteria required for individual properties.

7.2.3 The advert will also specify details of the property; its location and the rent to be charged together with the approximate date the property will be available to view.

7.2.4 Properties that will be registered on the Choice Based Bidding Lettings website will be the London Borough of Southwark properties, Private Registered Provider landlord properties, private rented, low cost home ownership and sub-regional properties.

7.2.5 The following action will be taken if it is identified incorrect property details or characteristics relating to the property advertised through the Choice Based Lettings scheme, and this have been brought to the Homelessness and Housing Options service attention before the letting of the property:

- The service will write to the top three priority needs applicants who submitted bids for the property explaining that the allocation of this property will not continue and the property will be re-advertised through the Choice Based Lettings scheme.

## **7.3 Exempt Allocations**

7.3.1 The following are not —allocations under this Scheme:

a) Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985,

b) Assignment of a tenancy by way of mutual exchange,

c) Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenant's death,

d) Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004,

e) An introductory tenancy becoming a secure tenancy,

f) The London Borough of Southwark initiated transfers (e.g. decant to alternative accommodation to allow for major works),

g) Re-housing due to being displaced from previous accommodation by the London Borough of Southwark or being re housed by the London Borough of Southwark pursuant to the Land Compensation Act 1973,

h) An allocation to a person who lawfully occupies accommodation let on a family intervention tenancy,

i) Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.

k) The purchase of a Home Buy Back property or a Mortgage Rescue Scheme property

## **7.4 The Bidding and Nomination Process**

7.4.1 Eligible applicants can make bids for properties up until the advertised deadline for that bidding round. Bids can be made by telephone or text bidding, online via the website, or at the Bournemouth Road Housing One Stop Shop. Full details of how to bid are set out in the scheme Bidding Guide, which will be sent out to all newly registered housing applicants. Bids received after the advertised deadline, will not be considered. Applicants can bid for up to three affordable properties each bidding cycle, and unlimited private rented properties. Bids can be cancelled and reassigned to another property if desired.

7.4.2 All bids for a property are checked by the Re-housing Officer, against the eligibility rules. Ineligible bids are excluded from consideration, by the Housing Choice Team Leader. So far as is possible the London Borough of Southwark will use the Banding system and waiting time within the band to allocate accommodation in accordance with paragraph 7.4.3 below. At times this could result in restrictive labeling of properties through Choice Based Lettings. This is to ensure that the London Borough of Southwark meets its statutory obligations and help to achieve the outcomes of Southwark's Housing Strategy, Homelessness Strategy and Tenancy Strategy and the Annual Lettings Plan. This could apply to properties that have adaptations to meet the needs of disabled applicants or the allocation of sheltered housing accommodation. This restrictive labeling will be applied by the Re-Housing Officer and authorised by the Housing Choice Team Leader

7.4.3 The highest bidder is awarded priority in descending order between Band 1, Band 2, Band 3 and Band 4 the Reduced Priority Band. Within bands, priority is awarded according to the existence and number of an applicant's priority stars and then registration date. However, there may be other reasons why it would be necessary or advisable to reject a bid that would otherwise have been successful: for example where the property would not be suitable for that particular applicant. The Housing Choice Team Leader will decide this.

7.4.4 On rare occasions, the London Borough of Southwark may choose not to advertise a property through the Choice Based Lettings Scheme due to the serious nature and the high level of housing need of the applicants. In these cases, properties will be direct let and remain confidential to protect the applicant. The

Group Services Manager for Homelessness and Housing Options will make these decisions. This will be monitored by the Group Services Manager for Homelessness and Housing Options on a weekly basis to demonstrate transparency.

7.4.5 Applicants who refuse 3 reasonable offers (on viewing) within a 12 month period will have their application given reduced priority from future bidding for a 12 month period, from the date of the third offer. After this 12 months period the applicant will be reinstated in their previous band, unless their circumstances have changed.

7.4.6 The London Borough of Southwark operates multiple viewings and expects all partner agencies to follow a multiple viewing framework and more than one applicant may be invited to view the property. All those invited will be required to bring proof of their identity and original documentation for verification.

7.4.7 The applicant with the highest priority will be able to sign up for the property immediately. At that stage a photograph of the applicant together with his/her National Insurance number will be required as further verification of the applicant's identity.

7.4.8 All applicants who have been allocated a London Borough of Southwark tenancy through the Choice Based Lettings scheme after the 1<sup>st</sup> January 2014 will be required to attend a Tenancy and Money Advice workshop. The attendance at these workshops will be compulsory and failure to attend will result in the offer of accommodation being withdrawn.

7.4.9 All London Borough of Southwark properties let will be habitable to the agreed Lettable Standard (a copy of which accompanies all offer letters).

7.4.10 The new tenant will have to sign the tenancy agreement and the quality standard documentation that confirms the property meets the quality standard framework at the same time of signing the tenancy agreement.

## **7.5 Checks undertaken before an offer is made**

7.5.1 Having decided which applicant will receive an offer the Re-housing Officer will then carry out a series of checks before making the offer. An applicant who is not an existing tenant of the London Borough of Southwark or who is not an accepted homeless case may not be made an offer without first having appropriate investigative checks carried out to verify their circumstances, determine eligibility and to identify any support needs that may be required in order to allow the tenant to live independently.

7.5.2 The applicant's computer records are examined to determine eligibility; that they do not have any outstanding offers; and have not exhausted their entitlement to offers. Family composition details are checked to ensure that the applicant has been awarded the correct bedroom entitlement. Checks are also made to ensure that specific requirements, such as essential factors are also taken into account.

## **7.6 Multiple offers**

7.6.1 Up to 5 applicants may be invited to view a property at a time. This will not apply to applicants who are physically or mentally disabled as detailed in section 1.4.12 of this Housing Allocations scheme.

7.6.2 The purpose of a multiple offer is to reduce the void period, where there have been or are likely to be sequential refusals. The Re-housing Officer having decided on the number of offers to be made (usually three) selects applicants off the top of the shortlist.

7.6.3 The Re-housing Officer checks each applicant and when satisfied, on the information known, that the applicant is suitable (as defined by this policy) creates an offer on the Northgate IT system using the standard procedure.

## **7.7 Accompanied viewing**

7.7.1 For all London Borough of Southwark properties an accompanied viewing is arranged to take place usually within three working days of the offer. However in some cases it may be longer. The Housing Officer for the area carries out the viewings.

7.7.2 The Housing Officer is given the following

- a) list of the applicants and their queue position
- b) details of the special needs of any of the applicants in order for the appropriate arrangements to be organised.
- c) property details as advertised.
- d) family details of each applicant viewing
- e) Any other information necessary.

## **7.8 Withdrawal of offers**

7.8.1 A written offer can only be withdrawn from an applicant, prior to the tenancy being signed, where:

- a) the applicant has made a false declaration, or failed to provide up to date information, and this substantially alters their eligibility for the property offered:
- b) the information available at the time of offer about the vacant property was incorrect, and it is subsequently discovered that the size and type is no longer suitable to the applicant's needs

c) as a result of incorrect information on the applicant's computer records, which means that the applicant's qualification to join the Housing Register and or priority status on the Housing Register is substantially altered.

See also section 3.11.4.

## **7.9 Feedback on Let Properties**

7.9.1 All properties let will be listed in future advertisements showing the number of bidders for each property and the band, number of stars for multiple need within the band, and date of registration of the successful bidder.

## **7.10 Local lettings policies**

7.10.1 Local Lettings policies or plans are a tool, which can be used to stabilise an area that has specific and particular issues. The Government's Sustainable Communities Plan states the key objectives of providing stable, settled, safe communities. This means that there may be rules around child density or number of lettings to key workers. The London Borough of Southwark may decide to operate one or more Local Letting policies within Southwark. The need for such schemes will be clearly defined and relate to specific areas or types of property that will benefit from this type of proactive initiative. The Group Services Manager for Homelessness and Housing Options will be the officer of the London Borough of Southwark that will make these decisions.

7.10.2 50% of all allocations for the new London Borough of Southwark 1,000 properties initiative will be allocated to existing tenants local to the redevelopment/new build scheme.

7.10.3 A Local Lettings policy may be introduced, as part of a multi-agency approach with existing local communities or in partnership with Private Registered Provider landlords to take account of social factors.

7.10.4 Local Lettings policies will be reviewed on a regular basis and equality impact assessments undertaken with consultation undertaken with customers and communities before a Local Lettings Plan is agreed.

7.10.5 All Local Letting Plans will be published and revised or revoked where they are no longer appropriate or necessary.

## **7.11 Adapted/adaptable properties**

7.11.1 The Homelessness and Housing Options service will ensure that when allocating adaptable properties, the London Borough of Southwark will always exercise the best use of the property based on an applicant and his/her household needs and requirements.

7.11.2 Where an applicant or another person on the application has a disability, which causes a mobility problem, then they will be prioritised for accommodation that has been adapted or can be reasonably adapted on the following criteria:

Mobility 1- full wheelchair access. Property will include ramped or level access in and out of the property. Accessible kitchen and level access to the bathroom.

Mobility 2- partial wheelchair access. Property will include ramped or level access. Accessible bathroom facilities.

Mobility 3- assisted access. Property will include level access or shallow steps with handrail. Accessible bathroom facilities.

7.11.3 Where a disabled applicant applies for accommodation which does not meet his or her needs, the London Borough of Southwark will need to take into account whether it is reasonable and practicable to adapt that property when assessing his or her bid (and will do so in accordance with the London Borough of Southwark's duties under the Equality Act 2010, and the Housing Grants, Construction and Regeneration Act 1996.)

7.11.4 Applicants will be re-housed on a priority needs basis as in accordance with this Housing Allocations scheme.

## **7.12 Introductory tenancies**

7.12.1 All new tenants of the London Borough of Southwark will be introductory tenants for the first twelve months of their tenancy. Introductory tenancies can be extended for a further six months provided a Notice of Extension has been served no later than eight weeks before the tenancy ordinarily would become secure.

7.12.2 This will not apply to current secure tenants of the London Borough of Southwark transferring, or to new tenants who are already secure tenants of another authority or an assured tenant of a Private Registered Provider.

## **7.13 Private Registered Provider (PRP) nominations**

7.13.1 PRPs, which are usually known as Housing Associations, are non-profit making organisations providing homes for people in housing need.

7.13.2 The London Borough of Southwark has an agreement with PRPs that own properties in Southwark and that a negotiated percentage of those properties will be made available and let to people on the London Borough of Southwark's Housing Register. The London Borough of Southwark's PRP partners participate in a common housing register and advertise their properties through the Choice Based Lettings scheme, and all nominations to Private Registered Providers are prioritised using this Housing Allocations scheme.

7.13.3 This Housing Allocations Scheme operates in accordance with section 170 of the Housing Act: 1996 the London Borough of Southwark having so requested, its

Housing Association partners have a duty to co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under this scheme.

#### **7.14 Property Letting Criteria**

7.14.1 The table in Appendix B shows the type of property that an applicant can be eligible for. There may be some exceptions for example when an applicant requires an extra bedroom for medical equipment or a live in carer. Some properties will be advertised as only available to certain groups e.g. for pensioners. An applicant will be advised what type of property he/she can bid for when they receive their assessment letter.

#### **7.15 Bed size eligibility**

7.15.1 The maximum number of bedrooms for which applicants are eligible to bid is determined by the size of their household but, as there is a shortage of large homes, applicants may be able to bid for smaller accommodation than they would prefer. Where this is possible this will be indicated on the advert for the property. Women who are pregnant will be classed as having a dependant, but will be allocated a 1 Bedroom property.

7.15.2 In making accommodation available to applicants who receive support from carers who do not reside with them but may need to stay overnight, then the London Borough of Southwark will take into account an applicants need for a spare bedroom.

7.15.3 The maximum bedroom size that applicants can bid for or are allocated are set out in Appendix B.

7.15.4 The London Borough of Southwark has taken in to account the provisions contained in the Welfare Reform Act 2012, which will reduce Housing Benefit to under-occupiers. Social Housing tenants affected by the under-occupation measure may choose to move to more suitable sized accommodation within the London Borough of Southwark, Housing Association or Private Rented Sector.

7.15.5 The Housing Allocations scheme operates within the framework contained within the 1985 Housing Act Part X to determine the size of bedrooms.

#### **7.16 Racial harassment**

7.16.1 Where an applicant refuses the property prior to viewing because the previous tenant was re-housed as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal will be considered as reasonable.

7.16.2 Where an applicant refuses the offer as a result of racial harassment whilst viewing the property, the refusal will be reasonable. This is regardless of the

outcome of any subsequent investigation by the Homelessness and Housing Options service.

### **7.17 Fear of violence**

7.17.1 Where an applicant is being re-housed as a direct result of harassment, an offer can be reasonably refused where:

the applicant:

- a) sees a member or friend of the perpetrator's household when viewing the property; or
- b) learns of their existence within the area subsequent to choosing their area of choice; and fears further violence;
- c) the applicant feels insecure because the property is isolated, for example it has a dark entrance or is end of terrace, and the Group Services Manager for Homelessness and Housing Options in consultation with the Housing Officer, decides, if appropriate, that the property offered cannot be made secure to a satisfactory degree.

## **SECTION EIGHT**

### **Appendix A**

#### **8.1 Terms of Reference for the Social Welfare Panel**

8.1.1 Social welfare grounds are authorised by a Social Welfare Panel, containing senior officers from the Housing Management and Homelessness and Housing Options services at the London Borough of Southwark. The Social Welfare Panel will consist of one chair and at least two other Senior Housing Officers comprised of the following posts:

##### **a) Chair**

- b) Group Services Manager for Homelessness and Housing Options or
- c) Housing Choice Team Leader or
- d) Area Housing Manager

##### **Panel Members**

- e) Senior Housing Choice Officer
- f) Senior Housing Applications Officer or
- g) Senior Housing Officer

8.1.2 The criteria (one or more must apply) for emergency social welfare awards in this Housing Allocations scheme are:

- a) Likelihood of admission to residential care of a family member if re-housing is not made
- b) Likelihood of a child being accommodated by the local authority if re-housing is not made
- c) Discharge from hospital or residential care is required and is prevented by the housing situation
- d) A child experiencing abuse needs to be moved away from the perpetrator
- e) The applicant, or member of their household, is at serious risk of harm either to themselves or to other people in their present accommodation
- f) The housing application does not fall within a single priority need band and could possibly fall into two priority needs bands.

8.1.3 In addition the following conditions also have to be met:

- a) The applicant has severe financial hardship
- b) The applicant's wellbeing is seriously affected by their housing situation
- c) The applicant cannot reasonably be expected to find accommodation for him or herself.

8.1.4 If the referring agency believes that a case does not comply with the above criteria but should be considered by the Social Welfare Panel, then a written submission explaining the urgency of the case should be made to the Group Services Manager for Homelessness and Housing, who will make a decision on this matter. The decision will be communicated to the agency if the Social Welfare Panel will consider the case, and this will be communicated to the referring agency within 48 hours of receipt of the relevant correspondence.

8.1.5 The Social Welfare Panel will consider referrals directly from an applicant, or from any support agency, any statutory agency, any voluntary agency, a Housing Officer, any Officer from the Homelessness and Housing Options team, and, or, from the customer's medical representatives.

8.1.6 At the Social Welfare Panel meeting, the Panel will consider the referral letter and the customer's file, plus a print out of an applicants IT records to ensure a transparent and equitable decision is made on all cases. It is important that only written material is considered at the meeting, and if further information or clarification is required then no decision on that case will be made and the case will be deferred and additional written material sought to allow a correct decision to be made.

8.1.7 Minutes will be produced of each Social Welfare Panel meeting and the outcome of the Social Welfare Panel decision will be recorded onto an applicants IT account within 24 hours. The applicant will be advised within 48 hours in writing of the outcome of the Social Welfare Panel's decision.

8.1.8 Social Welfare Panel meetings will be conducted on the first Monday of every Month at 11.00am.

8.1.9 An applicant will have a statutory right to review the decision made by the Social Welfare Panel and this statutory review will be undertaken by the Head of Housing Operations, or a Senior Officer of the Housing and Community Services Directorate who was not involved with the decision made by the Social Welfare Panel meeting.

## **Appendix B**

8.2.1 When considering applicants bedroom need, a child is someone who is aged 16 and under and therefore will be considered eligible for a house. Applicants with children over this age will only be considered for flats or maisonettes.

8.2.2 Households with children under 16 can place bids for flats on any floor.

8.2.3 The following table confirms that the London Borough of Southwark will only allocate accommodation as follows:

<b>Household Makeup</b>	<b>Bedroom Assessment</b>
Single person	Bedsit/studio flat
	1 bedroom flat
Couple and applicant who is pregnant	1 bedroom flat
Single pensioner or applicant who requires ground floor accommodation	1 bedroom flat or bungalow
Pensioners above the Pension Credit Age who require ground floor accommodation due to supported and proven medical reasons	1/2 bedroom flat or bungalow
1 child family	2 bedroom flat, maisonette or house
2 child family of same sex or opposite sex if child under 10 years of age	2 bedroom flat, maisonette or house
Family with 2 Children of same sex under 16	2 Bedroom flat, maisonette or house
2 child family with children of opposite sex and over the age of 10	3 bedroom flat, maisonette or house
3 child family	3 bedroom flat, maisonette or house
4 child family depending on family	3 bedroom flat, maisonette or house

make up	4 bedroom house
5 child family	4, 5 or 6 bedroom house
6+ child family	4, 5 or 6 bedroom house

## **Appendix C**

### **8.3 Supporting documents checklist**

#### 8.3.1 Proof of identification and eligibility

#### 8.3.2 Please provide one of the following for each of the applicants:

- a) Birth certificate (a secondary form of photo identification will be required if birth certificate is provided)
- b) Current Passport
- c) EU identification card
- d) National Insurance card
- e) Photograph of the customer and all family members

#### 8.3.3 Please note that if you are subject to immigration control, are a national of the European Economic Area (EEA) or an Accession State National, additional documents will be required.

- a) For applicants accepted as a refugee or granted Indefinite, Exceptional, Discretionary or Limited leave to remain in the UK please provide Home Office documentation
- b) Nationals of the EEA, please provide recent pay slips showing that you are currently working (2 months or 6 weekly) to show your eligibility
- c) Accession State Nationals please provide current registration documents and proof of current employment e.g. recent wage slips, contract details, self employment reference number verification

#### **8.3.4 Proof of residence**

#### 8.3.5 Please provide any two of the following for each applicant; documents must be no older than 6 months old:

- a) Recent household bill for example a bill for gas, electricity and water
- b) DWP Benefit document
- c) Current driving licence (Full)

d) Bank, credit card or catalogue statement with current address. The statement should show an active account

e) Tenancy or Licence Agreement

f) Rent book or letter from Landlord (showing address)

g) Section 21 or Section 8 notice from landlord

h) Proof of marriage

i) Proof of name change (if applying in a different name)

j) Proof of pregnancy

k) Child benefit award letter or a recent bank statement showing payment of your child benefits

l) Custody or residency paperwork if access to children applicable

m) Completion statement if you have previously owned a property

n) Proof of income also showing name and address

o) Recent bill for Council Tax

p) Pension details

q) Electoral Register entry

r) Confirmation from employer showing name and address and confirming employment period.

8.3.6 Please note that before you sign your tenancy agreement for your new home you will be required to produce your National Insurance Card with the number clearly shown. Failure to provide the National Insurance Card at the signing of your tenancy agreement will result in the offer of the accommodation being withdrawn.

8.3.7 The London Borough of Southwark will conduct credit reference checks to verify the information provided on an applicants housing application in an attempt to reduce tenancy fraud. If false information has been provided at any stage of an applicants housing application then the offer of accommodation or removal from the Housing Register will be undertaken. Verification audits will be conducted at the point of application, and at the point of offer of alternative accommodation. The Prevention of Social Housing Fraud Act came into force from 15<sup>th</sup> October 2013, and

means anyone found guilty of committing tenancy fraud will face a fine and a custodial sentence of up to 2 years.

## **Appendix D**

Adoption of Children Act 2002  
Allocation of housing (Qualification Criteria for Armed Forces Personnel) (England)  
Anti-Social Behaviour Act 2003  
Asylum and Immigration Act (Treatment of claimants etc) Act 2004  
Child Abduction and Custody Act 1985  
Children Act 1989  
Children (leaving care) Act 2000  
Child Support Act 1991  
Civil Partnership Act 2004  
Crime and Disorder Act 1998  
Code of Practice for Racial Equality in Housing  
Code of Guidance Allocation of accommodation: guidance for local housing authorities in England 2012 and 2013.  
Data Protection Act 1998  
Equality Act 2010  
The Equality Act (Sexual Orientation) Regulation 2007  
Freedom of Information Act 2000  
Gender Recognition Act 2004  
Homelessness Act 2002  
Homeless Code of Guidance  
Homelessness (Suitability of Accommodation) (England) Order 2012  
Housing Act 1996, 1985, 1988 & 2004  
Housing and Regeneration Act 2008  
Human Rights Act 1998  
Immigration and Asylum Act 1999  
Immigration (European Economic Area) Regulations 2006  
Local Government Act 2000  
Localism Act 2011  
Land Compensation Act 1973  
Mental Health Act 1983  
National Assistance Act 1948 Section (21)  
Prevention of Social Housing Fraud Act 2013.  
Protection of Eviction Act 1977  
Rehabilitation of Offenders Act 1974  
Southwark's Domestic violence strategy  
Welfare Reform Act 2012