

6th DRAFT

LONDON BOROUGH OF SOUTHWARK

LETTINGS POLICY

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See also Homelessness, Rent Arrears, Equal Opportunities, Domestic Violence, Harassment and Repairs Policies.

PART I: THE LEGAL FRAMEWORK

1. **THE HOUSING ACT 1996 AND THE HOMELESSNESS ACT 2002**
2. Part VI of the Housing Act 1996, amended by the Homelessness Act 2002 sets the legal framework for the allocation of accommodation by local authorities to applicants other than existing tenants.
3. The Council maintains a Housing List and only 'qualifying persons' are allowed to be registered on it. The Secretary of State may define who are and are not 'qualifying persons'. Subject to the terms of the Act and related Regulations, the Council may determine who may or may not be on the Housing List.
4. The Council has a duty under the Act to ensure that in lettings its property it gives 'reasonable preference' to certain categories of housing need defined in the Act. Subject to this requirement, the Council's allocations scheme also reflects local priorities.
5. The Act requires that the Council publish a summary of its allocations scheme to be available free of charge on request – the Council provides summaries in leaflet form. The scheme is available for inspection at the Council's principal office.
6. **SOUTHWARK'S EQUALITY AND DIVERSITY STATEMENT**
7. **VISION:** We believe that the diversity of our population is one of our most valuable assets. Our vision for Southwark is based on the belief that our community has an entitlement to equality of opportunity and access. This entitlement should be built on shared values of mutual respect and sense of belonging, where every member of the community can exercise their right to fully participate in the range of services and activities to which they are entitled.
8. **LEGAL DUTY:** There is a legal imperative for us to deliver on this agenda too. This legislation is not negotiable: we have to comply with it, and indeed Southwark wishes to exceed it and be an example of best practice where we can. The main legislation that impacts on equality, diversity and social cohesion are:
9. Sex Discrimination Act 1975 (The Sex Discrimination Gender Reassignment) Regulations 1999
Human Rights Act 1998
Disability Discrimination Act 1995
Race Relations Act 1976 / Race Relations Amendment Act 2000
European Directive 2000/43 on Race
European Directive 2000/78 on Employment covering race, sexuality and religion/belief 2003; disability 2004 and age 2006.

10. **GOALS:**
Improve quality of life
Improve social cohesion
Achieve citizenship and compliance
11. **PRIORITIES:** We have identified a number of priorities that will help us deliver the change needed to ensure we achieve the aspirations we are looking for. To facilitate this we will:
- Exercise its role as a community leader, at all levels across the democratic spectrum; working proactively with its partners to develop a common set of values based on basic human rights, tolerance, and shared respect.
 - As an employer, the council will develop and implement strategies that ensure equal access to recruitment, training, career development, promotion and retention and to fair treatment under the disciplinary procedure. The council will review its policies to ensure at the very minimum compliance with legislative requirements and continuously seek to achieve best practice.
 - Ensure that equality and diversity is mainstreamed into access to, and provision of, council services and work with our partners to ensure that services are sensitive to the differing needs of the entire community.
 - Develop channels for participation that ensure that the hardest to reach communities are consulted with, so that their views can inform decision making at all levels within the borough.
12. Southwark Housing Department actively opposes all forms of discrimination and regularly reviews its procedures and policies to ensure that they do not discriminate either directly or indirectly. In the registration for and allocation of housing, the Council complies with the above acts and the Commission for Racial Equality's 'Code of Practice in Rented Housing'.

PART 2: REGISTRATION

INTRODUCTION

13. All approved applications for housing (whether from existing tenants of the Council or new applicants) are entered onto one Housing List, comprising both housing applicants and the transfer list.
14. The Homelessness Service will ensure that homeless households for whom the Council has accepted a duty under Part VII (Homelessness) of the Housing Act 1996 have completed a housing application and that any relevant medical factors are appropriately assessed. Such an application will be added to the Council's Housing List.
15. All other applicants for housing, including existing tenants of Southwark Council requiring a transfer, must apply at one of the local housing offices. Applicants living inside the borough of Southwark must normally apply at the local housing office which covers the area in which the applicant lives. Applicants living outside the borough must apply at the Housing Advice Service.
16. All applicants will be offered advice and assistance in completing the application form, including translation and interpreting facilities where required. A receipt will be provided when the completed application form is returned to the Council.
17. In addition to completing the application form, applicants should also complete a medical assessment form if they, or any person included in the application, have a medical condition which is relevant to their housing need. This also applies where an applicant is seeking to move to look after someone who is ill, disabled, or requires a live-in carer. Medical assessment forms are confidential and should normally be returned to the Medical Assessment Service in a sealed envelope.
18. Sometimes an applicant is not actively considered for an offer of housing. For details of when this happens see paragraph 91 '*Suspensions*'.
19. **WHO CANNOT REGISTER**
20. Under the Housing Act 1996, as amended by the Homelessness Act 2002, certain categories of **persons subject to immigration control and persons from abroad** do not qualify to be allocated housing by a local authority via the Housing List and cannot therefore be registered for housing.
21. Each person who wishes to become a tenant or joint tenant must qualify to register.

22. **Persons subject to Immigration Control**

23. *Definition* - any person who is **not** a British Citizen, or a Commonwealth citizen who has the right of abode in the UK (see [Appendix A](#)), or a citizen of a member country within the European Economic Area (see [Appendix A](#)) is subject to immigration control.

24. Persons subject to immigration control cannot be registered for housing **unless** they are in one of the following categories:

- A person who has been granted **refugee status**
- A person who has been granted **exceptional leave to enter or remain in the UK prior to 1 April 2003** which is not subject to any condition to maintain and accommodate themselves without recourse to public funds
- A person who has been granted **humanitarian protection or discretionary leave** which is not subject to any condition to maintain and accommodate themselves without recourse to public funds
- A person who has **current leave to enter or remain** in the UK **which is not subject to any time limit or condition** and who are habitually resident in the Common Travel Area. However, a person who is a sponsored immigrant, who has been here less than 5 years and whose sponsor is still alive cannot register for housing.

25. **Persons from Abroad**

26. In addition, the following persons who are not subject to immigration control but are persons from abroad **cannot** be registered for housing:

a) a person who is not habitually resident in the Common Travel Area, **unless**

- they are a European Economic Area (EEA) national who is defined as a 'worker' for the purposes of EEC Regulations
- they are EEA nationals who have a right to reside in the UK under an EEC Council Directive

Note: European Union Accession: nationals of the 8 new member countries (Poland, Lithuania, Latvia, Slovenia, Estonia, Slovakia, Hungary and Czech Republic) who are registered with the Home Office and working for a registered employer will have the same rights as EEA nationals only after 12 months continuous work). Nationals of Malta and Cyprus have full treaty rights.

- b) nationals from Turkey, **unless** they are habitually resident in the Common Travel Area
 - c) a person who is a national of a country within the European Economic Area and who is notified by the Home Secretary that they no longer have a right to reside in the UK.
27. From time to time, the Secretary of State may define other categories of person who may or may not register for housing.
28. **Other Exclusions from the List**
29. In addition, the Housing List Inclusion Panel may agree exceptional circumstances that may warrant inclusion on the List. The following persons will not usually be registered for housing:
- a) Persons evicted by Southwark Council or by any other local authority or registered social landlord for rent arrears or other breach of tenancy agreement within the last 5 years. This includes those evicted from temporary accommodation provided for the homeless for these reasons
 - b) Persons who have been convicted in criminal proceedings or found liable in civil proceedings of assaulting any Southwark Councillor, officer or agent of the Council or their family.
30. The Council will of course consider each application on its merits
31. **Housing List Inclusion Panel**
32. The Inclusion Panel may consider applicants to the Housing List in exceptional circumstances who have previously been evicted by Southwark Council or by any other local authority or Registered Social Landlord within the last 5 years for
- rent arrears
 - anti-social behaviour or other breach of tenancy agreement
- The Panel will consider individual cases on their merit for inclusion on the list. The Panel will take account of issues such as rent paying history, repayment of any debt owing, their age and circumstances when the eviction took place.
33. **WHO CAN REGISTER**
34. Subject to the provisions in section 2 above (Who Cannot Register), anyone can register for housing if
- they are age 16 or over, and
 - their current address is their only home, or sole residence, and
 - they are not already registered for housing, either on their own or on someone else's housing application.

35. Southwark Council tenants within the household should be registered either as the applicant or joint applicants, so that when a new tenancy is accepted, their existing home will be vacated.

36. **Applicants Living with Council Tenants**

37. Where an applicant is living with a Southwark Council tenant a check will be made prior to registration that, in accordance with Clause 12 of the [Tenancy Agreement](#), the tenant has advised the Council in writing that the applicant is living there. If this has not happened, signed authorisation must be provided by the tenant, confirming that:

- they have allowed the applicant to live in their home
- OR**
- they are asking permission to sublet part of their home.

38. This also applies to adult children, who were not part of the tenancy agreement, who wish to make a housing application.

39. **EXCEPTIONS AND DEFINITIONS**

40. **Property Ownership**

41. Applicants who own property are allowed to register but are asked to declare any interests in land which they have. Their registration is then suspended pending investigation. They must complete a separate form with all details of their property and resources.

42. Their circumstances will be assessed by the Management Needs Panel, together with any necessary documentation. The Panel will then determine if there are sufficient funds for the applicants to secure housing themselves and assess their eligibility to be activated on the Housing List.

43. The decision as to whether the applicant is eligible to be activated on the housing register is based upon

- whether or not they could reasonably be expected to occupy their property
- their available income and capital to resolve their own housing problems
- their housing needs.

44. Most property owners will be expected to sell their property and use the capital to buy a suitable property for themselves.

45. The priority to be granted to any owner-occupier accepted onto the Housing List is in accordance with the criteria set out in para 122.

46. Normally, elderly/disabled owner-occupiers living in conditions of disrepair or in very unsuitable accommodation would be considered for rehousing, although resources available to them would be taken into account (including grants available for repair etc. and capital value of property). Options other than rehousing by the Council may be more appropriate, and if so they will be

referred to the Private Housing Renewal Section or other appropriate agency. Advice will also be sought from officers who currently assess the housing needs of the elderly/disabled.

47. Holiday Homes: - an applicant is entitled to be active on the Housing List if they own a holiday home. The definition of a holiday home for these purposes is a property not available to the applicant for their normal residence, and that can only be occupied for less than 13 weeks per year. This includes time-shares, caravans, mobile homes and chalets. Otherwise it will be classed as a second home and will need to be taken into account in their needs assessment via the Management Needs Panel.
48. **Residents Living Away from Southwark**
49. Where the applicant has been resident in Southwark but is staying away from their home because of domestic violence, racial harassment etc. the council will seek to verify their circumstances. (may differ for those making a homelessness application).
50. This also applies to applicants who would normally be resident in the borough (see para 67/68) but who, because of circumstances, are not able to: e.g. prisoners who lived in Southwark before they were sent to prison, those in the armed service who lived in Southwark before joining (but see also '[Who Cannot Register](#)' above).
51. The definition of normally resident is having lived in Southwark for at least 3 out of the last 5 years.
52. Applicants should register at the local housing office where they had previously lived.
53. **Non-Southwark Applicants**
54. Applicants not resident in the London Borough of Southwark will be considered for inclusion on the Housing List.
55. Nominations received through the HEMS/HOMES mobility scheme will be included on the list at the discretion of the Housing Options Manager.
56. **Rough Sleepers**
57. Rough sleepers are allowed to register if it can be verified that they are sleeping rough in Southwark. Verification should be by:
 - an emergency hostel, or
 - an agency for rough sleepers, or
 - assessment by the Homelessness Service
 - registration with the DSS, or
 - day-centre or non-mobile soup kitchen

58. Relationship Breakdown

59. Applicants who are left in a Southwark Council property following a **relationship breakdown** but who are not a tenant already, will be registered in the Relationship Breakdown category for the tenancy of the same property, **providing**
- they are a 'qualifying person' under the Homelessness Act 2002, and
 - they qualify to be offered the tenancy under the terms of the [Tenancy Agreement](#).
- See [Relationship Breakdown](#) Policy

60. Carers

61. Where a carer is left in occupation following the death of a terminally ill tenant **and**
- there are no rights of succession (see [Assignment/Succession Policy](#)), **and**
 - the original offer of accommodation was made to provide an extra bedroom for the full-time live-in carer on the recommendation of the Medical Assessment Service, **and**
 - the status of the carer is recorded on file, **and**
 - the carer has no alternative accommodation
- they can apply for registration on the Housing List and bid in the normal way, providing they are a 'qualifying person' (see para 19).

62. Registration Without an Application

63. In exceptional circumstances, the Housing Options Manager may put a person on the Housing List without any application.

64. WHO CAN BE REGISTERED WITH THE APPLICANT?

65. All applicants can register the following people as part of their household:

- anyone who would live with them as a partner
- any children for whom the applicant or their partner have a parental responsibility and who live with the applicant at least 50% of the time
- other dependants
- non-dependants where there is an approved medical or social need (supported by the Medical Assessment Service or Social Services).

66. In addition

- Southwark Council tenants may register any person for whom the tenancy was originally granted, provided they still live there.
- Parents may include on their application non-dependant children normally part of their household in the following circumstances:

67. Where non-dependant children of the household are in prison they may be included if the expected date of release is within 52 weeks of the date of application.

68. Higher Education outside London Borough of Southwark: Where non-dependant children live away from home on a temporary basis because of attendance at college/university they may be included regardless of whether they are residing in Halls of Residence or private rented accommodation. The following information must be provided:
- Confirmation of address and course details
 - A statement of intent to return the parent(s)' home on completion of the course.

69. If the applicant wishes to include other people on their housing application they may only do so where authorisation has been obtained by the Housing Options Manager.

70. Members of the applicant's household must not be registered on another housing application with the Council.

71. **INTERVIEWS, VISITS AND DOCUMENTATION**

72. **Interviews**

73. Each applicant will be interviewed by a housing officer once they have completed their application form, the aim of the interview being to

- assist applicants who have difficulty completing the registration form. An interpreter may be arranged if English is not their first language
- ensure the details provided by the applicant are correct. This includes verifying details through documentation provided in line with current procedures
- assist applicants, if required, in making choices about the need for specialist housing such as sheltered/older person's dwelling.

74. **Home Visits**

75. All applicants who are not Southwark Council tenants will generally receive a home visit and the appropriate form be completed in line with current procedures. The registration cannot generally be entered onto the computer unless a visit form is correctly completed and submitted. The purpose of the visit is to

- check that the applicant (and members of their household) live where they are claiming to live
- check that the details relating to the applicant's present accommodation are correctly recorded on the application form
- check that the form is correctly completed in all aspects
- have the opportunity to offer assistance and advice regarding the applicant's rehousing.

76. The applicant is expected to arrange access to their home.

77. Residents in certain local hostels can have their details verified by the hostel manager instead of having a home visit.
78. **Documentation**
79. Documentation is required from all applicants before they can register to establish:
- the identity of the applicant and other members of the family
 - that the applicant is eligible to register for housing (see '[Who Cannot Register](#)' above)
 - that the applicant and other household members live where they say they do and the terms on which they live there (e.g. licence, tenancy)
 - that children being registered are the responsibility of the applicant or their partner
 - that non-dependants have a medical or social need to live with the applicant
 - proof of pregnancy.
80. One of the documents from each of the following areas is necessary to establish this:
- identity - birth certificate, passport, immigration papers
 - residence - electoral register entry, rent book/card, recent bill or credit payment book for gas, electricity or water supply, pension book, confirmation from employer or DSS, tenancy agreement, full driving licence, recent bill for Council Tax or telephone, recent bank statement
 - qualifying/non-qualifying - passport, national identity papers, Home Office documents, proof of housing benefit
 - children - Child Benefit book, Residence Order, confirmation from DSS, Social Services, Health and Education authorities, full birth certificate. Where children have previously been cared for by another person, including an ex-partner, and in the absence of a Residence Order from the courts, a combination of this evidence must be provided. The Council will consider each case on its merits in order to be satisfied that the child(ren) reside at least 50% of the time with the applicant(s).
 - non-dependants - confirmation from either Medical Assessment service or Social Services
 - pregnancy - antenatal card/book from hospital, doctor's letter
 - in cases of threatened eviction - valid Notice to Quit, Court Order.

81. If an applicant is unable to provide the necessary documents and there appears to be good reason for this, the case should be referred to the Housing Options Manager.
82. Under the Housing Act 1996 and Homelessness Act 2002, on any matter relevant to the Council's duties regarding the allocation of housing, it is a criminal offence for anyone to knowingly give false information to the Council or to withhold relevant information if reasonably required to give it.
83. **ENTRY ON THE HOUSING LIST**
84. Where the Council decides not to register an application for housing, the applicant will be informed in writing of the reasons and of their right to a review of the decision.
85. The Council will inform in writing any person put on the Housing List without an application form having been submitted.
86. The Council will inform applicants in writing when they are entered onto the Housing List. At the same time applicants will be told of their responsibility to inform the Council about any changes in circumstances relevant to their application for housing.
87. Applicants will be notified in writing of any amendments to their entry on the List with the exception of minor changes made at their own request.
88. Applicants will be given information about their relative priority for rehousing when their application is placed on the Housing List and periodically thereafter.
89. Information on the Housing List is confidential. Upon request, applicants will be supplied free of charge with a copy of their own entry on the list.
90. The fact that a person is an applicant on the Council's Housing List shall not be revealed to any other member of the public.
91. **SUSPENSIONS**
92. Suspension is when an applicant is unable to take part in the bidding process or receive direct offers of accommodation. This can happen for a number of reasons, including:
- fulfilling of residence qualification - applicants can register on the housing list immediately they move into the borough but remain suspended until they have lived in Southwark for 6 months
 - pending a medical assessment
 - property owners awaiting a Management Needs Panel decision
 - investigation of inconsistent details on the application
 - awaiting proof of change of circumstances before amending registration details
 - applicant has notified that they are seeking their own accommodation

- applicant is exercising their Right to Buy (the suspension of a transfer application only takes place once an applicant has formally accepted the Council's Right to Buy offer)
 - applicant has rent arrears (see '[Rent Arrears](#)' below)
 - homeless applicants in certain forms of temporary accommodation.
93. **16/17 Year Olds**
94. The registration of 16 and 17 year olds will remain suspended until they have reached the age of 18 unless
- they have a child or are pregnant, or
 - they are accepted as a priority nomination from Social Services
95. **Rent Arrears**
96. In general, no Council or Housing Association tenant in any rent or Council Tax arrears (current or former) is eligible for a transfer. The exceptions to this are tenants who have been assessed as being in urgent housing need and are registered in Bands 1 and 2 (see para 122).
97. If agreed by the Area Housing Manager, any tenant giving up 2 or more bedrooms may be awarded a transfer even if the tenant has arrears. This will only apply where an arrangement to pay off the arrears has been kept for 12 months up to the date of transfer.
98. No application with former tenant arrears or Council Tax arrears from a previous Southwark Council or Housing Association address will be considered for a tenancy until this debt is cleared, unless they have been granted priority for registration in Bands 1 and 2. This includes arrears accrued in temporary accommodation provided by the Council.
99. Tenants who have an outright Possession Order against them for rent arrears (or a Suspended Possession Order where terms are not being kept) will not be transferred or decanted even if they are eligible for inclusion in Bands 1 and 2.
100. Arrears due to Housing Benefit error/delay will not prevent a transfer.
101. **Ex-Tenants of LB Southwark and Housing Associations**
102. Before an application is registered on the system, checks are made to see if the applicant or other members of their household have ever been a tenant of Southwark Council before. If they have, the following applies:
- Applicants who take up and relinquish an LBS tenancy will not be considered for an offer within 12 months of the date of their relinquishment, unless there is a genuine acceptable reason for the relinquishment
 - A check will be made for rent arrears owed if a tenancy was relinquished in the last 5 years. This applies also to Housing Association tenants. Arrears that have been written off will be 'written back on' (where not statute barred). If there are any outstanding arrears an offer of accommodation

will not be made and the registration will be suspended until the arrears are cleared.

103. Difficult or exceptional cases can be referred to the Housing Options Manager including those who may qualify for priority in Bands 1 and 2.
104. **REMOVAL FROM THE HOUSING LIST**
105. Applicants can apply to have their entry removed from the Housing List.
106. The council can, at its own discretion and in line with its normal policies, remove someone from the Housing List. The Council has a legal duty under Part VI of the Housing Act 1996 and Homelessness Act 2002, to remove an applicant from the Housing Register if it appears that they are not 'qualifying persons' under the Act.
107. Before removing someone from the Housing List, the Council will write to the applicant requesting the information necessary to assist a decision. The applicant will be given at least 28 days to respond.
108. From time to time, the Council will review the entries on the Housing List by writing to applicants to establish whether they wish to remain on the List. Applicants who do not respond will be removed from the List.
109. Applications can only be reinstated within a period of 3 months following removal. After this time, a new application has to be made.
110. Where the Council removes an applicant from the List, other than at the applicant's request, the applicant will be informed in writing of the decision and the reasons for it.
111. **RIGHT TO REVIEW**
112. If the Council decides
- not to put someone on the Housing List
 - to remove someone from the List (other than at the applicant's own request)
- the applicant will be informed in writing of the reasons and of their right to a review of the decision and of the procedure to be followed.
113. The applicant, or someone acting on their behalf, may make written representations to the Council for consideration as part of the review.
114. Reviews will be carried out by a Senior Housing Officer who was not involved in the original decision.
115. Applicants will be notified of the results of a review within 8 weeks of the original request for a review unless the applicant has agreed a longer period in writing.

116. **DIFFICULT AND EXCEPTIONAL CASES**

117. Ultimately the Housing Options Services have responsibility for deciding who is or is not entitled to register for housing. Any difficult or exceptional cases should be referred to the Housing Options Manager for a decision.

PART 3: PRIORITY ON THE HOUSING LIST

118. INTRODUCTION

119. The Council is required by the Homelessness Act 2002 to give 'reasonable preference' to certain groups of applicants. The Council puts all applicants for housing onto one Housing List, which comprises both new applicants and transfer applicants. All registered households are grouped together in 4 Bands according to the priority awarded. Band 1 has the highest priority and Band 4 the lowest.
120. The date the relevant priority is awarded becomes the registration date within that Band. Priority for an offer will then be determined by Band and the relevant registration date in that Band. No distinction is made between the different priority reasons within each Band, only the date registered in the said Band.
121. Applicants who are not normally resident in Southwark and who have not lived in the borough for the last 6 months will not normally be considered for inclusion in Bands 1, 2 and 3 (see para 92).

122. PRIORITISING APPLICANTS

BAND 1 includes:
UNDER-OCCUPIERS – See para 126 SOCIAL SERVICES NOMINATIONS (FAMILIES) see 132 PROPERTY FACTORS (NO RIGHT TO RETURN) see 129 TENANTS – FIRE/FLOOD CASES see para 134 SHNAG - SINGLE HOMELESS NOMINATIONS AND ALLOCATIONS GROUP see para 135
BAND 2 includes
STATUTORY OBLIGATION see para 137 URGENT MEDICAL PRIORITY see para 136 SOCIAL SERVICES NOM (CARE LEAVERS) see 132 PERSONAL PROTECTION/HARASSMENT see para 138 MULTIPLE NEEDS see para 139

BAND 3 includes:
HOMELESS WITH DUTY TO ACCOMMODATE see 140
HOMELESS WITHOUT PRIORITY NEED see para 141
OVERCROWDED see para 142
MEDICAL PRIORITY para 136
RELATIONSHIP BREAKDOWN see para 144
INSANITARY CONDITIONS see para 145
BAND 4 includes:
ALL OTHER APPLICANTS

123. Applicants are prioritised in each Band according to the date they became registered in it, irrespective of their priority reason.
124. Applicants for adapted or sheltered property have separate lists. (see para 146 and 149).
125. **EXPLANATION OF PRIORITY REASONS**
126. **Under-occupation**
This priority reason applies to **some** Southwark Council tenants whose present home is too big for the assessed needs of their household. Housing Association under-occupiers may also be eligible for this scheme. Full details are set out in Part VI- Special Allocations Schemes, Section 5- Under-Occupation Initiative.
127. Participation by tenants in this scheme is on a voluntary basis and the following incentives are offered:
- an extra bedroom surplus to needs where the move will mean that the tenant is releasing two or more bedrooms, with the exception of those moving from a three bedroom property to a one bedroom property
 - a grant to assist with reasonable removal expenses (subject to financial availability)
 - a redecoration allowance or re-decorations (subject to financial availability).
128. With the agreement of the Area Housing Manager, a tenant in rent arrears giving up two or more bedrooms may be awarded a transfer, provided an arrangement to pay off the arrears has been adhered to for 12 months up to the date of transfer.
129. **Property Factors**
'Property factors' priority reason applies to applicants who are living in a property, which is subject to:
- Decant as result of a regeneration scheme
 - Closing Order

- Environmental Health Action – as advised by the Environmental Health /Legal Departments

and to individual Council tenants whose properties are subject to

- rehabilitation
- extensive repairs

and who cannot remain in the property for the duration of the works.

130. In addition 'Property Factors' applies to tenants in properties where long leases held by the council are coming to an end e.g. Dulwich College properties.

131. For Council tenants inclusion in this category is decided by the Area Housing Manager and for non-Council tenants by the Housing Options Manager.

132. Social Services Nominations

Social Services priority nominations – applications referred from Social Services on an individual basis, possibly following a Community Care assessment. Inclusion in the category is dependent on the referral being accepted by the Housing Options Manager under the joint Working Arrangements between the two departments, **and** housing being deemed essential within a 6 month or reasonable period.

133. The following households will be accepted for rehousing through this Procedure:

- young people or adults in Council care or placement who are ready to live independently
- families who need rehousing in order to facilitate their caring for an adult previously in residential care, or for a child previously cared for elsewhere
- households who need rehousing due to complex and serious family problems.

134. Tenants – Fire/Flood

Tenants of the Council who are unable to return to their tenancy due to extensive works required following a fire or flood.

135. SHNAG – Single Homeless Nominations and Allocations Group

Arrangement whereby some voluntary sector agencies offering support and resettlement services to single homeless people can refer certain residents to the Council for permanent housing when appropriate

136. Urgent Medical Priority/Medical Priority

Applicants who suffer from an illness or disability will be assessed by the Medical Assessment Service. These applications can be given the following priority:

Band 4

Households which include a person (or persons) with an illness or disability which is not helped by their current home and where a move is desirable (but not necessary) will remain in Band 4

Band 3 - Medical Priority

Households which include a person (or persons) whose illness or disability is made worse by their present home and who need a move to improve the effect on their medical condition will be awarded Medical Priority for registration in Band 3

Band 2 – Urgent Medical Priority

Households which include a person (or persons) whose serious illness or disability is made significantly worse by their current home and where urgent rehousing is assessed as being vital can be awarded Urgent Medical Priority by the Medical Assessment Panel following referral by the Medical Assessment Service. Such applications will be included in Band 2.

137. **Statutory Obligation**

Inclusion applies to

- applicants who are statutorily overcrowded as defined in the Housing Act 1985 (Part X).
- applications where Court Order applies
- other legal obligations the Council has to discharge through urgent rehousing as assessed by the Housing Options Manager.

138. **Personal Protection/Harassment**

This priority reason applies to applicants who have been assessed as being at significant risk in their current home. This can be for reasons of harassment, racial harassment, police witness protection etc. Priority can only be granted by Management Needs Panel. This panel may also consider applicants in other exceptional circumstances for priority with rehousing. For size of property entitlement - see para 170.

139. **Multiple Needs**

Applicants who qualify to be registered in Band 3 for more than one of the following points:

- Homeless or Overcrowded
- Medical Priority
- Insanitary Conditions

will be awarded increased priority for multiple needs and be registered in Band 2.

140. **Homeless with Duty to Accommodate**

Applicants to whom a duty for rehousing has been accepted by the Council under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002.

141. **Homeless without Priority Need**

Applicants assessed under Part VII etc by the Homelessness Services and found to be unintentionally homeless with a local connection but not to be in priority need.

142. Overcrowding

This category applies to all applicants who are short of 1 bedroom or more in their current home.

143. Regard will be taken of accommodation available to all members of the applicant's household:

- Unless exceptional circumstances apply, the household will be assessed as if they were living in the most favourable property available to any member of the household.
- If a member of the household owns a property, they will not be included in the application for housing until they have been assessed as in '[Property Ownership](#)' above.

This also applies where households are living apart.

144. Relationship Breakdown

This only applies to current Southwark Council tenants who have invoked the provisions of the Tenancy Agreement (Sec. 3). If the Area Housing Manager is satisfied that the tenants qualify under the criteria set out in the Tenancy Agreement, then they may be registered in the Relationship Breakdown priority.

145. Insanitary Conditions

Applicants whose current home

- lacks bathroom facilities or kitchen facilities or inside WC
- lacks permanent hot water supply or electrical supply

146. SHELTERED HOUSING APPLICATIONS

There is a separate list for applicants who need sheltered housing.

147. Sheltered Housing vacancies are advertised in the same way as other Council housing. Applicants who have been assessed as needing this type of housing are invited to bid in the normal way.

148. Assessments will be carried out for suitability for sheltered housing before agreeing registration on the Council's Housing List for this type of accommodation. Accepted applications will normally be registered in Priority Band 4 – but the Sheltered Housing Panel may agree additional priority for inclusion in Bands 3 or 2.

149. APPLICATIONS FOR ADAPTED HOMES

150. There is a separate list for applicants who need adapted housing.

151. Adapted Housing vacancies are not normally advertised; and therefore offers will usually be made directly to applicants who need this type of home.

152. An assessment for an adapted home will be carried out by one of the Council's Occupational Therapists or the Medical Assessment Service before agreeing registration on the Council's Housing List for this type of accommodation. Where the assessment confirms the need for adapted housing, offers of such accommodation are decided by the Disability Panel and then normally made direct to the applicant.

PART 4: CHOICE FOR APPLICANTS

INTRODUCTION

153. Southwark Council will normally advertise the vacancies that become available for letting and make these available to applicants registered on the Housing List, apart from the circumstances set out below.
154. In certain circumstances, the Council will make an offer of accommodation directly to an applicant registered on the Housing List. These circumstances will include:
- dwellings adapted for applicants with disabilities
 - National Witness Protection Scheme moves
 - schemes that apply to applicants living outside the borough
 - tenants to be decanted under the current decant policy
 - tenant to be moved temporarily to allow extensive works to take place to their home
 - in certain circumstances, depending on availability of temporary accommodation for homeless households, offers may be made directly to homeless applicants
 - exceptional circumstances which fall outside the normal provisions of the Council's lettings policy, as agreed by the Housing Options Manager.
155. An offer of a new home to a household on the Housing List will depend on:
- an active application on the Housing List i.e. one which is not suspended (see para 91).
 - the composition of the applicant's household
 - choices or bids made by the applicant
 - the priority that Council policy gives to different types of housing need
 - medical recommendations following an assessment by the Medical Assessment Service and specialist assessments by the Disability Panel and Sheltered Assessment Panel (where applicable)
 - the size and availability of properties.
- 156. Successions and Assignments**
157. The Council may from time to time allow for successions and assignments of tenancies in the circumstances set out in sections 14 and 15 of the Tenancy Agreement, and in line with current legislation.
158. **Second Succession:** In the case of an entitlement to a 'second succession' under Southwark Council's Tenancy Agreement, and providing the person is a 'qualifying person' under the Housing Act 1996, the appropriate arrangements will be made.

159. **BIDS**

160. In general, vacant properties will be advertised. Generally, all applicants will be able to bid for the full range of quality and type of property available. Adverts may state though if a property is targeted at certain applicants, e.g. those registered in a specific Band or over a certain age or at households with a specific medical need (for example, ground floor).
161. The Council may allow applicants registered on the Housing List to make more than one bid in every advertising cycle.
162. Sometimes an applicant is suspended and therefore not able to participate in the bidding process. For details of when this happens see para 91 'Suspensions'.
163. From the bids received, the applicant in the highest priority Banding, with the earliest registration date within that Band, will be invited to view the property.
164. Before a bidder is invited to view a property, their rent and Council Tax account will be checked (if they are a Council or RSL tenant) to ensure there are no outstanding arrears. Transfer applicants in arrears will be suspended and the next highest-ranking bidder will be invited to view. The exceptions to this are tenants registered in Priority Bands 1 and 2 (see paragraph 95 'Rent Arrears')

165. **VIEWING A PROPERTY**

166. Viewing takes place after the bidding process.
167. The Council may arrange for multiple viewings. This means that more than one applicant will be invited to view the same property (for example, a shortlist of the first three highest priority bidders). The applicant with the highest priority will be offered the property if they are interested. If refused, the property will then be offered to be next highest priority bidder, and so on.

168. **Change of Circumstances**

169. Checks will also be made at the time of the offer to ensure that the household details are correct and the property is suitable for the household size. If a household's current housing situation is different from their housing registration details, then a housing offer may be withdrawn. The application may be suspended until the applicant provides proof of their change of circumstances (see paragraph 91 'Suspensions').

170. **SIZE OF PROPERTY**

171. Applicants will be expected to bid only for property which suits the size of their household. The Council calculates the suitable size as follows:
- one bedroom for any person 16 or over except for those living as a couple who are given one bedroom between them

- one bedroom for two children under 16 unless they are of opposite sexes and the eldest is 10 or over, in which case they get a bedroom each
- one bedroom for any non-family member, irrespective of age

172. The size of the bedroom is also taken into account:

- rooms of less than 6.5 square metres are not counted as bedrooms
- rooms 6.5 -10 square metres are considered suitable for one person
- rooms bigger than 10 square metres are considered suitable for two people.

173. **Extra Bedroom**

- a) The Medical Assessment Service may recommend the need for an extra bedroom, e.g. where an applicant, on the grounds of their physical disability, requires a carer to live with them.
- b) Southwark Council tenants who are under-occupying large accommodation (4 bedrooms plus) by 2 or more bedrooms will be eligible to an extra bedroom above their housing needs.

174. Households may opt to bid for a property which is smaller than the Council rules as set out in para 170, providing they will not be statutorily overcrowded.

175. **APPLICANTS AT RISK/TENANTS FOLLOWING RELATIONSHIP BREAKDOWN**

176. Applicants who are rehoused as a result of being at risk in their current home due to

- harassment (defined as a deliberate act which interferes with the peace and comfort of an individual to the detriment of that individual's quality of life and where the act has been committed against the individual because of their racial or ethnic origin, age, religion, health, disability, sex, sexual orientation or real or perceived HIV positive status)
- domestic violence
- needing personal protection following a crime
- and Council tenants who need to be rehoused after a relationship breakdown

will only be considered for accommodation of the same size as normally occupied, or smaller if bed need is less.

177. **APPLICANTS WHO FAIL TO BID**

178. The Council may from time to time review applicants in Bands 1, 2 and 3 who have not taken part in the bidding process and arrange an interview if appropriate.

179. **HOUSING ASSOCIATION/CO-OPERATIVES/MANAGEMENT BOARDS**

180. The Council will normally advertise the vacancies that become available for nomination, apart from the circumstances set out in paragraph 154.

181. Applicants on the Housing List will be invited to bid in response to advertisements.
182. Nominations will be forwarded to the organisations as agreed under the relevant nominations agreement.
183. The organisation will normally offer the accommodation to the applicant with the highest priority, under their current nomination agreement.
184. **NOMINATIONS VIA MOBILITY SCHEMES TO OTHER LANDLORDS**
185. For mobility schemes Southwark's normal rules on lettings and rent arrears apply, but in addition the success of any nomination made will be determined by the policies of the receiving landlord.
186. Details of all Mobility Schemes are available at local housing offices.
187. **HOMES/HEMS** (Housing Mobility Exchange Services/Housing Employment and Mobility Services) - those who want to be nominated to another landlord outside of Southwark must register on the Housing List before being nominated via HOMES/HEMS scheme. Offers of Southwark accommodation will be made to a limited number of HOMES/HEMS nominees only at the discretion of the Housing Options Manager in line with availability of properties.
188. **Seaside and Country Homes** – nominations can be made for tenants of pensionable age who wish to move to one of the properties available under this scheme.
189. **Homeswaps** - Council or Housing Association tenants have the right to exchange with a similar tenant and can organise this themselves or can apply through HOMES by completing a HOMESWAP form. The permission of both landlords is required - *see also Mutual Exchange Policy*.
190. **Changing Places** – provides the opportunity for applicants and tenants to move to other parts of the UK, incl the North of England, South Wales and Scotland. These arrangements are negotiated separately from the HOMES/HEMS (Housing Mobility Exchange Services/Housing Employment and Mobility Services) schemes.
191. **SELPP (South East London Partnership Programme)** – Registered Social Landlords operating in Bexley, Bromley, Greenwich, Lewisham and Southwark are developing a limited number of homes for tenants who have expressed an interest in being housed outside of their own borough.

PART 5: OFFERS AND REFUSALS

192. Once an offer has been made and accepted, the new tenancy offered must be the sole residence of all members of the household - any existing tenancy must be relinquished (checks will be made following acceptance of an offer to ensure that other tenancies are relinquished).
193. **LETTABLE STANDARD**
194. Applicants must be advised of the minimum lettable standard at the time of receiving an offer of a property.
195. The lettable standard is the minimum required condition for properties offered for letting.
196. No property shall be let or offered unless it is/has:
- secure with at least two sets of keys provided
 - free of all rubbish
 - in a reasonable state of repair, meeting the Council's statutory and contractual obligations (see also *Repairs Policy*)
 - facilities for preparing food cleaned to a hygienic standard
 - space and water heating which is safe and ready to use
 - an electricity supply which has been tested prior to letting and is safe
 - gas appliances that are safe and have been serviced within the last 12 months, or will be serviced within four weeks of letting
 - suitable provision for either a gas or electric cooker
 - easy to operate stopcocks
 - sanitary ware which is clean functional and hygienic and the toilet has a seat
 - in a reasonable state of cleanliness and any offensive graffiti removed
 - polystyrene ceiling tiles removed and any severe damage made good
 - internal doors which fit and open and close easily.
197. Where the applicant advises that the lettable standard has not been reached, the applicant should be offered a joint inspection with a housing officer.
198. **REFUSAL FOLLOWING A SUCCESSFUL BID**
199. Where an applicant does not keep an appointment to view a property, or refuses it, the next highest-ranking bidder will normally be offered the property. (See paragraph 167 multiple viewings).
200. Where an applicant has successfully bid for a property and then refuses it, generally no penalty will apply. In most cases, the applicant will be free to bid again according to the normal bidding process.

201. **REFUSALS FOLLOWING A DIRECT OFFER**

202. If a direct offer of a property is refused unreasonably, sanctions will be applied as follows:

- Adapted dwellings – no penalty
- Decants – possession proceedings will be considered
- Mobility scheme applicants – will not normally be considered for further offer
- Homeless – discharge duty under Part VII and applicants will lose their homeless priority
- Exceptional Circumstances: each case will be considered on merit

203. A refusal is considered unreasonable if the property offered

- Is the correct size for the households needs as per Council policy
- Takes into account any medical recommendations

204. **APPEALS**

205. Applicants made a direct offer can appeal against a decision of ‘unreasonable refusal’ on the following grounds only:

- where a change in the applicant’s circumstances has not been accepted as grounds for reasonable refusal
- if there are new medical factors not previously assessed by the Medical assessment Service
- personal safety: where there is evidence that it would be unsafe for the applicant to live in the area for which the offer was made, or upon viewing the offered property the applicant or a member of their household had personal experience of an event which has caused the lack of safety
- other exceptional circumstances – for example, where there is documented evidence that it is essential that the person lives in a different area or type of property
- all homeless applicants have a right to appeal should they so wish, regardless of the reason. (This does not preclude their right to request a review of any decision that the Council has discharged its homeless duty by making an offer of permanent housing.)

206. All appeals should be accompanied by documentary evidence unless there is a good reason it cannot be provided. The applicant may have up to a maximum of 72 hours to gather their documentary evidence, the actual time allowed being at the discretion of the local housing officer and taking into account all relevant circumstances.

207. The appeal form should be completed and submitted at the time of refusal, or within 24 hours in exceptional cases.

208. Where there appear to be grounds for appeal, the appeal will be heard by an Appeal Panel whose decision will be final. However, if new information becomes available which was not available at the Panel, the Housing Options

Manager may refer the matter to the Head of Community Housing Services for consideration.

209. Offers are held open during the appeals process only for applicants accepted as homeless under Part VII Housing Act 1996. Where the Panel reject an appeal from a homeless applicant, and the applicant continues to refuse, the property will be re-offered and held for a period of 48 hours in order for the applicant to re-consider their decision in the full knowledge of the consequences. For all other categories of applicant the offer will not be held open during the appeals process, other than under exceptional circumstances.
210. Where an applicant does not keep an appointment to view a direct offer of accommodation or otherwise indicate their intention as to the offer this will be treated as an unreasonable refusal. However, if the applicant can prove good reason for failure to keep the appointment, the offer can be reinstated at the discretion of the Housing Options Manager.
211. Applicants being offered housing association or co-operative housing have the same right of appeal as those offered Council properties.