



FOLKESTONE & HYTHE DISTRICT COUNCIL

HOUSING ALLOCATION POLICY

This document sets out how Folkestone & Hythe District Council will let properties through the Choice Based Lettings Scheme from 2017

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1. Introduction

This document describes the criteria and procedure that the Council uses to prioritise applications registered on the Folkestone & Hythe Housing List for affordable accommodation and should be considered in conjunction with the Choice Based Lettings Scheme (CBL) known as Kent Homechoice.

Local Authorities are required by virtue of Section 167 of the Housing Act 1996 to have an allocation policy for determining priorities and the procedure to be followed in allocating housing accommodation.

1.1 Definition of an 'allocation'

For the purposes of Part 6, a housing authority allocates accommodation when it:

- selects a person to be a secure or introductory tenant of accommodation held by that authority
- nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominates a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales) (s.159(2))

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 tenancy granted under s.107A of the Housing Act 1985.

The Council recognises that the availability of affordable rented accommodation will never meet the demand in the district. At the time of drafting this policy, the district had approximately 5,044 units of social housing of which there are 3,420 Council and 1,624 Registered Providers Landlord properties.

We expect that approximately **370** of these properties will be available for letting each year. At any time we have approximately 3,000 households registered on the Folkestone & Hythe Housing List.

Folkestone & Hythe District Council in partnership with Canterbury, Dover and Thanet delegated the management of its housing stock to East Kent Housing (EKH) who manages, maintains and improves the stock on behalf of the four Councils.

This Allocation Policy guides the principles of how Folkestone & Hythe District Council's properties will be allocated in a fair and transparent manner, of the Council's duty to take account of housing need and of its wish to offer as much choice as possible.

Folkestone & Hythe District Council has written and published this policy so everyone can be clear about:

- How to apply for housing
- Who will qualify to be accepted onto the housing list
- How council houses are allocated
- How the homes we are offered by Private Registered Providers (Housing Associations) are allocated
- How applicants on the Folkestone & Hythe Housing List have a choice about the home they are offered
- How priority for housing applicants will be given
- How decisions are made
- How we make the best use of the available housing stock within the District
- How we give preference to those applicants who have a local connection to the District

This Housing Allocation Policy has been written in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, and has regard to the Allocation of Accommodation: Choice Based Lettings Code of Guidance 2008, Statutory Guidance on the Allocation of Social Housing 2009, Localism Act 2011 and The Allocation of Accommodation: Guidance for Local Housing Authorities England 2012.

The Council's recently adopted Tenancy Strategy and Tenancy Policy, which introduced flexible/fixed term tenancies in the district, proposed a number of changes to the Allocation Policy, which are considered vital to ensure that the policy is fully in line with the provisions of the Localism Act. Therefore the following changes are proposed to our allocation policy and the priority awarded to certain groups of applicants:

Extra priority should be given to households who are in permanent paid employment. Paid employment will be any paid employment of 16 hours per week or more for a current duration of at least 6 months or more. (Documentary evidence will be required. The evidence will also be verified prior to any allocation being made to an applicant).
Extra priority should be given to former members of the armed forces/current members of the armed forces (including members of their household) who are imminently due to be discharged from the services, (not including those dishonourable discharged from the Armed forces).
The introduction of a priority system based upon 5 broad bands, A to E, in place of the existing points based system. Applicants with the highest level of housing need will be placed in band A and those with the lowest level of housing need will be placed in band E. Applicants within a band will be ranked in date order of the application.
New local connection arrangements.

1.2 Legal context

Folkestone & Hythe District Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important in Folkestone & Hythe, as the demand for social housing is greater than the

availability of homes. 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:

- All homeless people as defined in Part VII of the Housing Act 1996 (*whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with*).
- People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (*or under section 65 (2) or 68 (2) of the Housing Act 1985*) or who are occupying accommodation secured by any housing authority under section 192 (3).
- People owed a Prevention and or Relief duty under Section 195 (2) of the Homeless Reduction Act 2017.
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds (*including grounds relating to a disability*).
- People who need to move to a particular locality within the district to avoid hardship (to themselves or to others).

The Council determines priority between people with 'Reasonable Preference' by taking into account various factors including:

- The financial resources available to a person to meet their housing costs
- Any behaviour of a person (*or member of their household*) which affects their suitability to be a tenant (*which can include both good and bad behaviour*)
- Any local connection (*as set out in s199 of the Housing Act 1996 as amended*) that a person has with the District

1.3 The Application of Additional Preference

In addition, the scheme also grants "Additional Preference" to certain people if the Council is satisfied that these applicants also have other exceptional or urgent housing needs for example Former/Current Armed Forces Personnel.

1.4 Monitoring and reviewing the allocation policy

Folkestone & Hythe District Council will monitor the operation of the Allocation Policy by regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.

The Cabinet Member for Housing is able to make any minor amendments to the Allocation Policy as and when required.

2. Choice Based Lettings through Kent Homechoice

Folkestone & Hythe in partnership with the other 11 Local Authorities in Kent and Medway Council together with 24 Housing Association partners participates in

Kent Homechoice. Kent Homechoice enables applicants to bid (express an interest) for properties that are suitable for their housing need.

Once applicants are registered on the Folkestone & Hythe Housing List and are eligible for an offer of accommodation they will be provided with detailed information explaining how Kent Homechoice operates.

Applicants can only bid for properties in the local authority area(s) where they are registered. Up to three bids can be placed within each advertising cycle.

2.1 Withdrawing Properties

It is sometimes the case that properties may be withdrawn from Kent Homechoice CBL scheme for strategic purposes. These properties will always be advertised prior to withdrawal and the direct allocations are recorded and monitored (See Section 2.2 below).

2.2 Direct Lets that will not be part of the choice based lettings scheme.

Direct Lets may apply in the following circumstances:

- If a property is needed temporarily for someone who is homeless
- Where someone has to be moved immediately
- Where a property has been specially adapted/built for a specific person
- Will be subject to one reasonable offer of accommodation to existing council or housing association tenants needing to move out of their home for a specific purpose where a direct let applies

2.3 Sensitive Lettings

Occasionally a property becomes available for letting that is particularly sensitive, for example the frailty and vulnerability of neighbours.

In these circumstances applicants will have to provide evidence of all of their tenancy history within the last 5 years prior to the allocation of a property

Where a sensitive letting is required, the tenancy will not be offered to the prospective tenant until it is confirmed that neither they nor any member of their household who will be living with them has:

- A history of anti-social behaviour or nuisance;
- Any history of relevant criminal behaviour
- Caused housing management problems in previous accommodation, including bed and breakfast or temporary accommodation

Other factors may be taken into account where justifiable. For example due to the nature of the sensitivity a letting should be made to a male or female applicant.

The occupier of a neighbouring property to the one being let may have a history of anti-social behaviour or nuisance which means it may be necessary to avoid letting the property to a person who is vulnerable to harassment or other behaviour. In these circumstances the property may be allocated to another applicant who is less vulnerable.

In these circumstances applicants will have to provide evidence of all of their tenancy history within the last 5 years prior to the allocation of a property

3. The Allocation Policy

Allocation of accommodation will be through the Folkestone & Hythe Housing List in accordance with the provisions of the Allocation Policy.

The Council recognises that there may be some exceptional circumstances not covered by the Allocation Policy. In such instances, the Head of Service will have delegated authority to make decisions, as he considers appropriate and they will be fully documented.

The Policy will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to Private Registered Providers (also known as Housing Associations) for which the council is required to make nominations.

The provisions of this Allocation Policy will apply to applicants on the Council's Housing List at the effective date of this Allocation Policy, as well as those who apply after the effective date.

3.1 The Allocation Policy will not apply in the following cases:

- Where a tenant succeeds to a secure tenancy on the death of a tenant.
- Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant.
- Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant or PRP (Housing Association) assured tenant.
- Where a tenancy is disposed through the courts (under matrimonial and family proceedings).
- Where a property has been identified as temporary accommodation.
- Where the council needs to provide alternative accommodation for a council tenant in order to carry out repairs or improvements to their property.
- Where the council has a duty to re-house homeowners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. (if it is not possible to provide a permanent tenancy immediately, the applicant will be registered within band A of the policy).
- Where the council grants a secure tenancy to a former owner of a defective home under the Housing Act 1985, s554 or s555.
- Where a Court makes an order about who is to be the secure tenant under:

- (a) s24 of the Matrimonial Causes Act 1972 (property adjustment orders In connection with matrimonial proceedings);
- (b) s17(1) of the Matrimonial and Family Proceedings Act 1984, (property adjustment orders after overseas divorce); or
- (c) Clause 1 of Schedule 1 of the Children Act 1989, (orders for financial relief against parents).
- (d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership etc).

3.2 Information on the Allocation Policy

The Council will:-

- Publish a summary of its Allocations Scheme in a leaflet and provide copies free of charge on request to any member of the public.
- Provide copies of the Allocations Scheme free of charge at the Civic Centre, Castle Hill Avenue, Folkestone.
- Enable copies of the Allocations Scheme to be downloaded on the Internet from the Council's website: www.folkestone-hythe.gov.uk.

Within a reasonable period of time, the Council will notify applicants on the Folkestone & Hythe Housing List of an alteration to the Allocation Policy reflecting a major change of policy, explaining in general terms the effect of the change.

3.3 Consultation on Changes to the Allocation Policy

Before adopting a new Allocation Policy or making an alteration reflecting a major change of policy in an existing Allocation Policy, the Council will notify

- East Kent Housing
- Private Registered Provider social landlords with whom it has nomination arrangements
- All Applicants currently on the Folkestone & Hythe Housing List
- All its statutory partner and voluntary agencies
- All Local Authorities in Kent and Medway Council

affording them a reasonable opportunity to comment on the proposals.

4. Applying for Housing through the Folkestone & Hythe Housing List

The Folkestone & Hythe Housing List will be maintained by the Council.

The Housing List will be open to:

- Applicants of 16 years of age and over.
- Current Council or Private Registered Provider (Housing Association) tenants within Folkestone & Hythe.

- Applicants where their current home is their only home, or sole residence, unless proven otherwise with reason, and
- They do not have access to a suitable home elsewhere, and
- They are not already on the housing list, either on their own or with someone else, and
- They are not ineligible for housing assistance under section 160A(10 and (3), and 185(2) of the Housing Act 1996 (as amended) or any regulation prescribed by the Secretary of State. In general terms a person from abroad who is subject to immigration control is ineligible for housing assistance, and
- They, or a member of their household, have not been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- A person who is on the National Witness Mobility Scheme (NWMS).

Those identified as ineligible, as defined at Paragraph 5 below, will not be able to join the Folkestone & Hythe Housing List.

4.1 Financial Eligibility

Section 167 (2A) of the Housing Act 1996, allows the council to give less priority to an applicant who has financial resources available to them to meet their own housing need. This is because they have the financial resources to purchase a property, rent privately or access shared ownership for a period of two years or more.

Income and resources to be taken into consideration are:

- A single or joint income which falls within the criteria of the Help to Buy schemes including shared ownership, taking into account the ability to obtain a mortgage and the mix and type of property required.
- Savings, sufficient to pay for private rented accommodation for a period of two years (if an applicant has owned a property in the last 5 years and has sold it, the council will ask for proof of sale and any proceeds from the sale will be taken into account).
- Sufficient equity in an applicant's current home to enable them to repurchase a suitable home.

However, the council will disregard any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

We will ask applicants about their income and savings and other assets when they apply to join the housing list. We have to assess whether they can afford to privately rent in the district. Income assessments will take into account the incomes of both the main applicant and their partner, (or joint applicants). The income used will include both gross earned income and income from benefits and child maintenance and any other relevant income (excluding disability benefits). Households will not normally be placed on the housing list or offered affordable housing if their total income is above the income level set.

Applicants who deliberately deplete savings or move them into the accounts of other family members may be disqualified under the financial qualification criteria.

An applicant who chooses not to complete the savings and income questions on the on-line application form will be treated as having sufficient resources to rent privately in the district and will not be accepted on the housing list.

Any lump sums received as compensation for injury or disability sustained on active service by either, members of the Armed Forces, former service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded.

Owner-Occupiers or applicants who own other residential property either in this country or abroad, this includes former own-occupiers who have gifted or assigned to another person their property at any time during their lifetime without receiving any money and are still living in the property, will no longer be accepted onto the housing list unless:

- They are over the age of 60 and would be suitable for sheltered housing accommodation, and
- Have a medical priority, **and**
- **Have exceptional circumstances**

4.2 Applicants in ‘tied’ accommodation which is suitable for their needs

Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee.

Applicants in ‘tied’ accommodation will be placed in Band E. They will be moved to band C if:

- They are six months away from retirement **or**
- They have received a legally binding notice asking them to leave their accommodation.

4.3 Applicants in Prison

A band cannot be awarded until the day of release and upon confirmation of an applicant’s living circumstances. If an applicant is to be homeless upon release the agreed homeless protocol should be followed by the prison relocation officer prior to the date.

4.4 High Risk Offenders – Special Arrangements

The housing of High Risk Offenders will be carried out as part of a multi-agency arrangement with the police, probation services, social services, health professionals and other relevant bodies. An area and type of property acceptable to the council, taking into account the advice from all other agencies, will be agreed and a High Risk Offender will be offered a limited amount of choice via Kent Homechoice. The address of the Offender will be disclosed to the relevant agencies.

5. Eligibility categories

The following categories of applicant are not eligible to join the Housing List:

- Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
- Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)

Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. Folkestone & Hythe District Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

5.1 Notifying an ineligible applicant

Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

5.2 Applicants with a history of unacceptable behaviour

Under Sections 160A (7) and (8) of the Housing Act 1996 (amended by the Homelessness Act 2002) the Council can decide to treat persons as ineligible for an allocation of accommodation if they or a member of their household have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

The Act says that the council may only regard a person as unacceptable if the behaviour is sufficient to entitle the council to a court order for possession under s 84 Housing Act 1985 on any grounds mentioned in Part 1, Schedule 2 of that Act (other than Ground 8) and if they are, at the time of the application, still unsuitable. There is no need for the applicant to have been a council/housing association tenant when the unacceptable behaviour occurred. This relates to an entitlement to possession on the following grounds:

- Rent arrears
- Breach of tenancy agreement
- Nuisance or annoyance to neighbours
- Conviction for using their home for immoral or illegal purpose
- Damage or neglect of their home
- Conviction for a serious arrestable offence in the locality of their home
- Domestic violence causing another household member to leave the home
- False statement to induce grant of tenancy
- Premium paid for assignment
- Tied accommodation when dismissed for misconduct

Where a person has been previously found not eligible due to unacceptable behaviour, but now believes this should no longer be held against them, the applicant

can make a fresh application. The local authority can allow an application if they are satisfied that the person's behaviour has improved. This would be accepted, where an applicant had held a tenancy and a good tenancy reference was received or if specific satisfactory documentation was received upon Folkestone & Hythe District Council's request.

- Folkestone & Hythe District Council may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour. The Council will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions.
- Behaviour may not be considered serious enough for example if, rent arrears have resulted from factors outside the applicant's control, e.g. delays in Housing Benefit payments or liability for a partner's debts.

The decision to exclude someone from the housing list will in the first instance be made by the Housing Options Manager

When making decisions regarding unacceptable behaviour, Folkestone & Hythe District Council will consider when the unacceptable behaviour took place and whether there has been any change in circumstances. In most cases applicants responsible for unacceptable behaviour will be excluded from the Folkestone & Hythe Housing List for a period of 2 years.

The Council may decide to exclude existing applicants from the Housing List where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.

All decisions made by Folkestone & Hythe District Council in relation to excluding applicants from the housing list are subject to review if requested by the applicant (see Section 16 Reviews).

6. Application to the Folkestone & Hythe Housing List

The Council will ensure that advice and information is available free of charge to persons in the District about the right to make an application for housing.

The advice and information can be provided by the Council's website; on the phone; by letter/e-mail or in person at the Council Offices. They may also seek advice from other agencies such as the Citizens Advice Bureau.

Applicants will be required to complete an on-line application form for inclusion on the Housing List and to provide supporting documentation as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made.

6.1 Joint Applicants

Applicants with children, who live separately from their partner, should complete their application form using the address at which the children normally live.

They may include on their application, anyone who could be reasonably expected to live with them. Where an applicant is in a permanent relationship and wishes to have a shared application they may be a joint applicant with another person although for a joint application, they must both satisfy the conditions on eligibility stated in Section 4 above.

6.2 Supporting Evidence

All supporting evidence, if applicable, must be provided to the council within 28 days of the on-line application.

All Applicants and joint Applicants must provide a current photo e.g. passport size in addition to Adults (over 18) providing 1 form of identity as requested below.

ADULTS

Identity

Must provide 1 form of identity for each adult (over 18)

- Photo Identification – Passport, Driving Licence
- Birth Certificate – Either British or non-British (non-British must be accompanied by a copy of settlement/immigration document), or
- Worker Registration documents / If self-employed must provide Inland Revenue tax return details Residence Permit Current Passport and Immigration Documents Non-EU passports must show immigration visa stamp

Residence

Provide 2 different proofs from the following list of current address for each adult (over 18).

Full driving licence	Pension Details
Confirmation of benefits from DWP	Confirmation from employer
Rent Book/Card	Tenancy Agreement
Recent Bank Statement	Recent bill for telephone/mobile
Recent bill for Council Tax	Electoral Register Entry
Recent bill for Gas/Electricity/Water Supply	
Payslip showing name and current address	
College /University details showing name and current address	

CHILDREN

Identity

For each child under 18 years, provide

- Birth certificate for each child, and
- Proof of receipt of child benefit or child tax credits
- Non-British birth certificate must be accompanied by a copy of settlement/immigration document and Child Benefit details – giving

child/children name(s), Child Tax Credit – details giving child/children name(s)

Pregnancy

Provide one of the following showing Expected Due Date (EDD)

- Ultrasound/Obstetricians report
- Certificate of Confinement/MATBI

We may require additional information according to their circumstances and may sometimes need to contact third parties to verify the information given to us. By completing the application form applicants are giving consent for us to do this.

If all the required supporting documents are not received within 28 days the application will be cancelled.

If assistance is needed in making an application to the Housing List help will be available at the Council Offices.

6.3 Member of the council, staff members and their relatives

To ensure that we are seen to be treating all applicants fairly, any application from members of the council, employees of the council or associated persons must be disclosed on the application form. Such applicants will be assessed in the normal way but in addition will be passed to the council's Monitoring Officer for sign off and audit purposes. In order to ensure public confidence, any accommodation allocated to the applicant under the policy must be approved by the Monitoring Officer.

6.4 Folkestone & Hythe Housing List Information Booklet

Once applicants have been found eligible to join the Housing List, we will assess the application and they will receive a letter of confirmation, and access to an **on-line Housing List Information Booklet**, which will tell them:

- Their Kent Homechoice application number;
- The band that their application has been placed in and the date from which this takes effect
- The size of home for which they are eligible

6.5 Renewal of applications

In order to keep the Housing List up to date, it is the intention of Folkestone & Hythe District Council to review all applications annually; this will be on the anniversary of the application date. Applicants will be required to renew their application when requested by the Council. A letter will be sent to the registered address on the application, correspondence address, or by e-mail to the registered e-mail address.

Failure to respond to correspondence in relation to the review will result in the application being removed from the Housing List. Applicants who are removed

will be notified in writing. If good reason can be shown why there was a failure to respond to the review within 6 months of the application being closed then the application may be reinstated.

6.6 Changes of Circumstances

Once placed in a priority band, applicants should notify the Council of any change in their circumstances that will affect their priority for housing, for example:

- A change of address, for themselves or any other person on the application.
- Any additions to the family or any other person joining the application (Please note it is for Folkestone & Hythe District Council to decide whether they will allow a person/s to join the application). **(ID will be required as it would if new application in 6.3 above).**
- Any member of the family or any other person on the application who has left the accommodation.
- The health of any member of the family or any other person on the application, getting better or worse.
- A change in the applicant(s) income, assets, savings or employment status.

Applicants will normally be required to complete a Change of Circumstances form. Applications will be temporarily suspended from bidding while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary. The council will carry out an assessment of each applicant's entitlement and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the application.

6.7 Deliberately worsening your housing circumstances

If the Council believes that an applicant has deliberately made their housing circumstances worse, for example by:

- Moving to a home that is less suitable for their housing need.
- Deliberately damaging their home.
- Asking their landlord to serve them with a notice to quit.
- Giving up secure accommodation.

without reasonable cause, their application will be placed in band D for a period of 12 months. This would also include homeless applicants who have been declared intentionally homeless.

The assessment will be reviewed after 12 months, on request by the applicant. If the restriction is removed, the application will be placed in the band that reflects current circumstances. The effective date will be the date they moved to the new band

6.8 Cancelling applications

We will only cancel an application if the applicant has:

- Written to us to ask us to cancel it, or
- Not responded to our renewal of application request (See paragraph 6.6 above), or
- Accepted an offer of accommodation through the choice based lettings scheme
- Completed a mutual exchange within the preceding 12 month period
- Not responded to letters or phone calls from us, when we are either seeking information from them or trying to contact them to discuss their application
- Ceased to be eligible (see Section 5 above), or
- Made false or deliberately misleading statements in connection with their application (see Section 15 below)
- Not provided documentary proofs for their application within 28 days of completing the on-line form

If applicants are offered and have accepted accommodation through the Allocation Policy their application will be cancelled from the Folkestone & Hythe Housing List. They will need to make a new application if they wish the Council to consider a further request for re-housing from them.

However, tenants of the Council or of a Registered Provider will only be eligible to apply for a transfer on the Folkestone & Hythe Housing List if they have lived in their current accommodation for at least 12 months.

7. Access to Information

Upon written request, applicants will be able to;

- Receive a copy of their details entered on the Housing List
- Receive copies of documents provided by them
- Have access to their file in accordance with the provisions of the Data Protection Act 1998
- Ask for a formal review of any decisions about the facts of their case
- Be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision
- Receive general information to enable them to assess;
 - a) how their application is likely to be treated
 - b) whether accommodation appropriate to their needs is likely to be available, if so when

8. Moving from a Pointing system to Banding

In line with good practice the main advantage of introducing a banding system is its simplicity; applicants are more able to understand the time they can expect to wait before a property suitable to their needs might become available to them. It is considered to be fairer than a points system; whilst applicants can move

between bands as their needs change, they cannot “leapfrog” over those who have been waiting in the band for longer as applications are prioritised in strict date order.

8.1 Assessment of Housing Need

Applicants housing circumstances are assessed and their application placed in one of five Bands. These Bands ensure that we give a higher priority to those in the greatest housing need, so that we make the most effective use of available homes. The law also requires us to give preference to certain categories of housing need, and these have been included within the banding priority criteria.

Band A is considered the highest priority of housing need; Band B the next highest etc with Band E being the lowest priority.

Within each Band, the applicant with the greatest priority is the applicant who has spent the longest time in that band.

Some allocations will be dealt with outside the policy; these are explained in paragraphs 2.0 & 3.1.

Their application will be assessed and placed in a band based on an individual’s circumstances.

Tenants of Folkestone & Hythe District Council will be visited by East Kent Housing at their home address before their application is assessed and if the property does not meet the standards required in the Tenancy Conditions Agreement, they will not be placed in a Band until all matters have been addressed.

Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.

Further details of how each band has been assessed are provided below:

BAND PLACEMENT	ASSESSED HOUSING NEED IN BAND
<u>Band A</u> – urgent housing needs	<ol style="list-style-type: none"> 1. Applicants with acute medical or welfare needs (Kent Agency Assessment High Priority) 2. Applicants in need of a management transfer 3. Accepted Homeless Households in severe need
<u>Band B</u> – serious housing needs	<ol style="list-style-type: none"> 1. Applicants with serious medical or welfare needs (Kent Agency Assessment Medium Priority) 2. Applicants occupying very overcrowded housing or otherwise living in very

	<p>unsatisfactory housing conditions (Category 1 hazard) 3. Council or Housing Association Tenants in Folkestone & Hythe who are under-occupying or overcrowded by one bedroom or more 4. Council or Housing Association Tenants in Folkestone & Hythe occupying an adapted property that is no longer required 5. Former and current members of the Armed Forces 6. Applicants needing to move on from supported accommodation within the Folkestone & Hythe district to live independently</p>
<p><u>Band C</u> – reasonable preference</p>	<p>1. Applicants with significant medical and welfare need 2(a) People owed a prevention and/or relief duty under Section 195(2) of the Homeless Reduction Act 2017 2.(b) Applicants who are homeless 3. Applicants who are occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions (Category 2 hazard) 4. Applicants who need to move on medical or welfare grounds, including grounds relating to a disability 5. People who need to move to a particular locality within the district to avoid hardship (to themselves or to others) 6. Applicants who are in permanent paid employment of 16 hours per week or more and working in Folkestone & Hythe for a current duration of at least 6 months or more 7. Right to Move</p>
<p><u>Band D</u> – general housing needs</p>	<p>1. Applicants with low medical or welfare need 2. Applicants who are intentionally homeless, or who have deliberately worsened their housing circumstances 3. Applicants who are homeless by another local authority</p>
<p><u>Band E</u> – general without priority</p>	<p>1. Applicants who are adequately housed. 2. Applicants with no local connection with the District, and/or 3. Applicants that meet or exceed the financial threshold for Help to Buy</p>

8.2 Medical Assessment

Applicants who indicate in their application form that they consider their health or disability is affected by their current housing conditions will be asked to complete a Medical form describing their medical problems. Additional information, such as from a medical professional, may also be submitted

Applicants should be made aware that even if they provide supporting documents stating that a move to alternative accommodation is essential, it is for the council to determine the appropriate level of priority in accordance with the Allocation Policy.

The Council's Housing Options Team does not contact doctors or specialist workers directly. We may contact the applicant to request more information or supporting documentation. The Council will not pay any fee that the doctor(s) may ask for.

The table below is used to act as a guide to priority:

Effect on Housing	Medical Problem			
	Acute	Serious	Significant	Low
Acute	Band A	Band B	Band C	No award
Serious	Band B	Band B	Band C	No award
Significant	Band C	Band C	Band C	No award
Low	No award (or Band D)	No award (or Band D)	No award (or Band D)	No award (or Band D)

Definition of the banding awarded for medical or welfare needs:-

- Acute – for example, a worsening or terminal illness, severe chronic illness, severe physical or mental disability.
- Serious - for example, a serious medical or degenerative illness, physical or mental disability
- Significant - for example, a medical condition, physical or mental disability significantly worsened by current housing condition
- Low - for example, any other medical condition, physical or mental disability where current housing conditions have a less significant effect

Assessments of medical priority will be carried out by the Council's Medical Panel which consists of two senior officers and using all information available at the time and using the above guide.

Cases that are unable to be determined due to their complexity will be advised of the Kent Agency Assessment process. Where appropriate we can request further medical information from the applicant.

Where other members of the household who are on the application have medical/welfare problems we award the band based on the individual in the highest need.

Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the Council will first look to see if alternative temporary accommodation can be found before medical assessment may be considered. Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

Applicants will be advised by letter of the medical priority awarded and the type of accommodation identified as being suitable for their needs.

If we determine that a particular type of property is required on medical grounds; for example a home with no internal stairs, the applicant will be expected to bid for accommodation matching that criteria. Bids placed on accommodation that does not meet the required criteria will be bypassed. If the applicant continues to bid on accommodation that does not meet their medical requirements any priority awarded on medical grounds will be reviewed and may be removed.

If an applicant's medical circumstances improve, any priority awarded on medical ground will be reviewed.

8.3 Kent Agency Assessment

The Kent Agency Assessment is an easy referral process for Health, Social Services (or their Agents) or other statutory sector agencies where their service user requires re-housing due to health/support needs that cannot be met, or are being exacerbated by their current accommodation. The referral provides all the information required to assess an applicant's housing need which should be accompanied by supporting documents where necessary.

8.4 Management Moves

Where the Housing Options Manager has approved an urgent move for a tenant living in Folkestone & Hythe council or housing association home for a specific purpose and the tenant has refused all reasonable offers of alternative council or housing association accommodation, the council will limit the number of offers to any one applicant to two reasonable offers of alternative accommodation. After 2 refusals the council will review and reassess the applicant's urgent need to move/granting of the management move and whether the urgency to move has now passed. The council will discuss the tenant's circumstances with them and any agencies that are working with them.

8.5 Assessing Local Connection

Applicants with no local connection will be placed in band E, unless the council has accepted a homelessness duty to them. Local connection will be assessed using the following criteria:

- Have lived in the district of Folkestone & Hythe continuously for two years immediately prior to date of application.
- Have been resident in the district of Folkestone & Hythe for 3 years out of the last 5 years, even when they currently live outside of the district, for example people in hospital, HMP, temporary lodgings, women in refuges. Time spent away at University or college will count as living continuously within the district providing the applicant had previously lived in the district immediately prior to the start of their course and being part of household currently living in the district.
- Applicants serving in the armed forces and who had previously lived in the district immediately prior to commencing their service and being part of a household currently living in the district will count as living continuously within the district.
- Have close relatives aged 18 years or more (parent, son, daughter, sister, brother) who presently live in the district of Folkestone & Hythe and who have lived in the district of Folkestone & Hythe for at least the previous 5 years immediately prior to date of application.
- Have special circumstances which the Council considers give rise to a local connection e.g. grew up in the area but moved away and no longer meet the normal residence conditions, or need to move to the district for urgent social reasons such as to receive/give support or to escape violence.
- Households who can evidence 16 hours per week or more of permanent employment (not casual) for a current duration of at least 6 months or more within the district and require to live in the district of Folkestone & Hythe due to their job can also be considered.
- The Government has issued Right to Move – statutory guidance on social housing allocations for local housing authorities in England. The Right to Move is intended to allow existing social tenants to apply to move across local authority boundaries and not be disadvantaged by local connection criteria with the intention of preventing hardship and encouraging tenants into work. Applicants under the Right to Move criteria will be placed in Band C and will receive one reasonable offer of accommodation (More information is provided in Appendix 2)

The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 require that local housing authorities do not use local connection (within the meaning of section 199 of the Housing Act 1996) to decide whether the following classes of persons qualify for an allocation of housing accommodation:

- Persons who are serving in the armed forces or have done so in the five years preceding their application of an allocation of housing accommodation (excluding those that have been dishonourably discharged).

- Bereaved spouses or civil partners of those serving in the armed forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases.
- Is 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 and the application is made within five years of discharge

Folkestone & Hythe District Council's Armed Forces Community Covenant supports the government's Armed Forces Covenant.

8.6 Supported Accommodation

Applicants who have been and are currently residing in supported accommodation, including Care Leavers, with the Folkestone & Hythe district and who are ready to move on into independent accommodation will be placed in Band B. If their application is supported by a Kent Agency Assessment housing referral and accompanied by relevant care and risk assessment information applicants will be placed in Band A.

8.7 Joint Tenants and Relationship Breakdown

Where there has been a relationship breakdown or other instances where a joint tenancy has come to an end, following a notice to vacate by the other tenant, Folkestone & Hythe may consider awarding the same property to the remaining tenant. This would apply where the applicant meets a priority need group under the Housing Act 1996, Part VII (as amended). Such an allocation should not have an adverse implication for the good use of housing stock and meeting housing need.

This type of letting is authorised as an exception to normal letting arrangements under s167 (2e) of the Housing Act 1996 and would allow the remaining tenant to apply for a fresh tenancy to be granted.

Where it is considered that an allocation of a property would not be a good use of housing stock and would affect our ability to meet a housing need, the existing tenant will be allowed eight weeks to bid for a property considered suitable in accordance with this policy. This period can be extended only if a property of a suitable size does not become available on the Kent Homechoice CBL scheme website during this period and if Folkestone & Hythe approves of this. This application will be placed in Band A plus any medical priority. Note: Applicant maybe eligible for Discretionary Housing payment.

8.8 Staying contact with children

A child, or children, living between parents at separate addresses will only be considered as having one main home unless there are exceptional circumstances that mean that both parents should provide a home. A Court

Order allowing access to children, or confirming residence between separated parents does not mean that the council must consider that the child is part of an applicant's household for the purposes of a housing list application.

An assessment will be made by the council as to which parent's property is considered as the child's main home. If the council considers that an applicant does not provide the child with his or her main home then the child will not be considered as part of the registered application. The child would then not be considered as part of the bedroom requirements when assessing overcrowding or under-occupation. They would also not be considered when assessing the size of property (number of bedrooms) that the application would be eligible to bid for and offered through the letting process.

9. Housing Priority - Deciding who has priority on the register

Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference is awarded in accordance with the legal duties of the Council.

9.1 Overcrowding

Applicants will be placed in band B if they are overcrowded by one or more bedrooms and live in Council or Housing Association homes.

Applicants will be placed in band C if they are overcrowded in private rented accommodation or living with relatives or friends.

Overcrowded applicants with a local connection to Folkestone & Hythe, but living in Council or Housing Association properties outside the District will be band C.

Overcrowded applicants with no local connection to Folkestone & Hythe living in either private rented or social housing will be placed in Band E.

Homeless applicants will not be included in this category. The priority of homeless applicants is considered separately in section 9.7 below.

Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.

Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.

Where an applicant is pregnant and they are entitled to a larger property they will receive overcrowding priority within 3 months of confirmation of pregnancy

This will be subject to providing the following information:

- Anti-natal card/book/scan report
- Certificate of Confinement/MATBI
- GP confirmation
- Hospital Book

9.2 Children sharing bedrooms

Children of the same sex are expected to share a bedroom until one of them reaches the age of 16.

Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the children named on the application. Welfare or medical grounds may be considered in other circumstances.

Applicants who have two children of opposite sex where one is over 10 years of age in a two bedroom council or Housing Association property that need a three bedroom property will be placed in Band B.

9.3 Extra Bedrooms on Medical grounds

The Social Size Criteria restrict the amount of Housing Benefit paid to families who are considered to have spare bedrooms in their council or housing association home. This does not apply tenants over the age of 60. The implications of this change are that if you have one 'spare' bedroom your housing benefit will be reduced by 14% of the rent you are charged every week. If you have two or more spare bedrooms, it will be a 25% reduction.

It does not matter how the 'spare' bedroom is used, the criteria apply even if you and your partner need to sleep apart because of a medical condition or need to have a room to store medical equipment.

Folkestone & Hythe District Council can allow an extra bedroom for children who are unable to share because of their severe disabilities. It is your responsibility to check with the Housing Benefit department if you are eligible for this provision. If you are not eligible it is your responsibility to pay any rent top up.

9.4 Applicants without children

Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person studio flat. Young adults living with their parents, or people temporarily sharing with friends will not be awarded overcrowding priority.

9.5 Disrepair, poor design and lacking facilities

Any complaint about disrepair within Council or Private Register Provider (Housing Association) properties must be reported to the applicant's landlord's repairs service.

Applicants living in private sector accommodation who are complaining about poor condition will be referred to the Council's Private Sector Housing Team who will assess the situation and then make recommendations about the award of priority under the Banding Scheme.

In order to investigate the matter on the applicant's behalf, they will be required to complete the Private Sector Housing Service request form and return it to the Private Sector Housing Team. All the information requested on the form is required; if the form is incomplete it will be returned to the applicant for completion and may delay the progress of their enquiry.

Please be aware that the Private Sector Housing Team will notify their landlord that they have contacted the Team before they visit the property. They are required by law to inform the landlord before they carry out an inspection. If the applicant has not contacted their landlord already, they must do so before returning the form.

A member of the Private Sector Housing Team will inspect the property. They will inform the Landlord of the defects on an informal basis and give them the opportunity to carry out remedial works. If the Landlord fails to carry out the works within a reasonable timescale enforcement action may be taken; after which reassessment of an application will be carried out which may award higher priority in accordance with the report given by the Private Sector Housing Team under the hazard rating system.

If an applicant refuses to allow access to a Landlord's contractor to carry out remedial work then any priority awarded due to the condition of the property will be removed.

Once the works required have been carried out to a satisfactory standard by the landlord and confirmed by Private Sector Housing, any priority awarded due to the condition of the property will be removed.

If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or adequate heating (Category 1 hazard) they will be placed in Band B.

9.6 Sharing with another household

Applicants will be placed in Band C if they share any of the following facilities with either people they are not related to or their family if they are wishing to live separately from them.

- Living room
- Kitchen
- Bathroom or toilet

Single applicants under the age of 35 who are sharing will generally be considered as adequately housed. Consideration will be given for applicants in special circumstances.

9.7 Homelessness and temporary or insecure accommodation

Accepted homeless households are applicants to whom:

- The Council has accepted a duty under Part V11 of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless), **and**
- The Council accepts a duty to provide suitable accommodation

In the first instance the Council will look to discharge its homelessness duty for all accepted homeless applicants within the private rented sector. The Council will ensure that any offer of private rented housing is appropriate to the needs of the household, that the length of any tenancy is a minimum of 12 months and that the property meets the Homelessness (Suitability of Accommodation) (England) order 2012. We will also assess the affordability of the property.

All accepted homeless applicants housed in temporary accommodation provided by the Council, including Bed and Breakfast accommodation will be placed in Band C. Accepted homeless applicants in severe need will be placed in Band A.

Whilst the Council is looking for suitable accommodation within the private sector applicants will be allowed to make expressions of interest on suitable properties advertised through Kent Homechoice the choice based letting scheme. If after a period of 8 weeks from when the applicant received their S.184 decision letter they have either not been offered a suitable private sector property or been unsuccessful in bidding for a council or housing association home, the Council will make the applicant one final offer of suitable accommodation. This will be in whichever tenure is available first. If this offer is refused, the council's homelessness duty under the Housing Act 1996 to provide accommodation will come to an end.

Homeless applicants will be expected to actively seek a property using Kent Homechoice. If an applicant does not successfully bid for a property, which would have been suitable for the household size, within the first 8 weeks then the council will bid on their behalf.

People who are homeless but not in priority need will be placed in Band C regardless if they have made a formal homeless application or not.

9.8 Accepted homeless households in severe need

These are applicants who:

- The council has accepted a duty under the Homelessness legislation **and**
- Are elderly and vulnerable due to frailty***or**
- Have a terminal or long-term illness **or**

- Have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act **or**
- Are permanent wheelchair users **or**
- Are council or RP tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk **or**
- The council is unable to provide any suitable temporary accommodation for.

*Where the above circumstances apply these applicants will be placed in Band A

The Council will decide who will be placed in Band A. Recommendations will be made by the officer dealing with the case because they have the most accurate and up-to-date information on the applicant, due to the investigations carried out before an applicant is accepted as homeless.

Elderly non-frail homeless applicants may still be placed in Band A, however clear supporting evidence will be required to support their application.

10. Deciding the effective date

Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except;

- Where an applicant is moved from one band to a higher band, their new effective date will be the date their circumstances changed.
- Where an applicant receives priority on medical or welfare grounds their effective date will be the date they applied for this award.
- Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for band B with an earlier date.
- In cases where people move down a band their list date in the lower band will be their original application date.

11. Offers

Prior to an offer of accommodation being made, Folkestone & Hythe District Council will check an applicant's circumstances and ensure all the details given at the time of the application are correct. If the check is satisfactory their application will be verified to either East Kent Housing or the Housing Association whoever manages the property they have been successful in bidding for.

If, on making the check, it is found the applicant is not eligible for the offer, no offer will be made.

Photo ID will be required on sign up for the property offered and if an applicant refuses to provide this the offer of accommodation will be withdrawn.

Applicants will only be made one offer at a time. If they have been made an offer of housing, they will not receive any further offers - even if they continue to bid for properties whilst they are 'under offer'.

11.1 Debts – Rent Arrears and Former Tenant Arrears

Applicants with housing related debt will generally not be eligible to join the housing list.

Housing related debt includes rent arrears to the Council, housing associations, other local authorities or private landlords, also Council Tax and any monies given through the Council's Rent Deposit Guarantee Scheme and the Rent Deposit and/or Rent in advance paid for by the Housing Options Team (not DWP Department of Works and Pensions) and any outstanding temporary accommodation costs payable to the council.

Applicants will become eligible to join the housing list as and when the debt has been cleared in full.

Council and Housing Association tenants who have been accepted onto the housing list but have accrued rent arrears on their current property since applying will not be offered another tenancy until all rent arrears have been cleared in full.

Accepted homeless applicants who have rent arrears on their current temporary accommodation will not be offered accommodation that would discharge the council's homelessness duty until the rent arrears are cleared in full.

In cases of extreme hardship the Head of Service will give consideration for an offer of accommodation to be made.

11.2 Types of Tenancies

The type of tenancy you will be offered will be in accordance with the tenancy policy of the landlord of the property. Tenancy policies will be set having regard to the Folkestone & Hythe Tenancy Strategy.

The Council will offer joint tenancies to adult partners where there is a need for a long term commitment to a joint home, except where one of the prospective joint tenants is excluded from or ineligible to join the housing list.

Generally applicants, including homeless applicants residing in homeless accommodation (including the Council's managed short stay accommodation) or bed and breakfast accommodation, if offered Council

accommodation, will be offered an Introductory Tenancy followed by a 3 year flexible/fixed term tenancy.

11.3 Gardens

If Applicants have any children 15 years of age or under on the date of offer, they will have priority over applicants without children of that age in the same band for homes with private gardens.

11.4 Adaptations

If an applicant has an established need for certain types of adaptations (including stair lifts, level-access showers, ramping, widened doorways) and an assessment by an Occupational Therapist has been carried out and submitted in support of their application, they will be given preference over people who do not need these adaptations when we offer homes which already have such features (in accordance with **the Physical and Sensory Disability Housing Protocol**).

Homes particularly designed for, or accessible to, people with disabilities will be advertised in Kent Homechoice as such to help applicants with those needs identify them.

We will usually offer bungalows and other level access accommodation first to people who need this type of housing due to their health.

If an applicant needs adaptations but they move to a different home an Occupational Therapist may have to decide what works need to be carried out. These adaptations will not usually be carried out until sometime after the applicant moves-in. The timing of adaptations will depend on an assessment of their priority for adaptations and the availability of resources.

If a tenant has a home with significant adaptations that they no longer need we may be able to place them in a higher priority band to make it easy for them to move to a different home of their choice and release the adapted home for someone who needs it.

Adaptations installed in a Folkestone & Hythe District Council property will not be removed in the event of no longer being required by the current tenant, or even if a new tenant does not require them.

Properties which have been adapted to a very high standard may not be included in Kent Homechoice and may be directly allocated.

12. Pets

Some housing providers do not allow pets in their properties. We will ask applicants if they would be prepared to make other arrangements for their pets to increase their choice of properties.

13. Designation of Property Type

To make best use of housing stock properties are designated as being for:

- General needs use.
- Older persons.
- People with disabilities

Older person's properties, such as bungalows, will normally be allocated to the following categories of person:-

- Those aged 50 or over.
- Those under 50 with Band B medical assessment for mobility who require this type of accommodation. In these circumstances applicants will only be considered for 1 bedroom properties if they are a single person or couples and will not be able to express interest in general needs properties.

In areas of lower demand some properties designated for older people may be advertised without an age restriction, however, in the first instance preference will still be given to applicants over 50 expressing interest.

General needs properties such as houses or flats will be allocated to persons under 60 unless there are special circumstances which indicate that a particular general needs property is suitable for an older person.

13.1 Sheltered housing

When allocating sheltered housing the same general principles as for other property types will apply, with the following exceptions:

- An assessment of an applicant's suitability and need for support must be completed before any tenancy is offered. If an applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.
- When assessing an applicant's suitability for sheltered housing they will also be given advice about the allocation policy and how to bid. If they need help this will be noted and appropriate arrangements made.

In order to be eligible for sheltered housing, applicants must be over 50 years old or registered disabled. Some sheltered units have two bedrooms for other household members or carers; the youngest member of the household must be over 45 years old to be considered suitable for this type of accommodation. If the tenant dies the family member or carer cannot succeed to the tenancy unless they would qualify for sheltered housing in their own right. They will be offered suitable alternative accommodation if they have a right to succeed to the Tenancy.

13.2 Extra Care housing

Extra care housing is for older people where additional support and social care services are provided in accordance with assessed need. This type of accommodation is intended to enable an older person to live as independently as possible for as long as possible and to improve the quality of their life and choice that an older person can expect as they become less able. Extra care housing will be advertised through Kent Homechoice but a dedicated allocation panel for the scheme/schemes, consisting of representatives from the Council and Social Services, will make the allocation. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

14. Local Lettings Plans

Local lettings plans are used to help create balanced and sustainable communities. Where a local lettings plan applies, it will be stated in the property details when advertised through Kent Homechoice.

Some local lettings plans may ask for an applicant to have a local connection to a specific parish or village. In those cases, the connection criteria will be stipulated in the legal agreement for that development.

Details of Local Lettings Plans will be agreed by Head of Service in consultation with the Cabinet member with responsibility for housing.

15. False or misleading Information

It is an offence to make a false statement and/or knowingly withhold information. The maximum fine for this is £5,000. Anyone who gives false information may be excluded from the Folkestone & Hythe Housing List.

Tenants are at risk of losing the property if they do not comply with their tenancy agreement and criminal prosecution if they illegally sublet the property.

16. Reviews

If an applicant considers they have been unfairly or unreasonably treated having regard to the provisions of the Allocation Policy they have the right to request a review of their case.

In the first instance, they must appeal in writing to the Housing Options Manager and they will receive a written response within 20 working days.

If, having received this response they wish to make a further appeal they will have to write to the Head of Service who will then appoint another officer who has not been directly involved with their case.

Following this second stage appeal the applicant will be signposted to contact the Local Government Ombudsman (contact details in section 20 below)

17. Equality and Diversity

We will treat everyone we deal with fairly and decently taking into account their needs as an individual. We will monitor access to the housing list, and the assessment of need in accordance with our equality impact assessment.

We will pay particular attention to the needs of people who may be disadvantaged by virtue of their:-

- age
- disability
- sex (gender)
- race
- religion or belief
- pregnancy and maternity
- sexual orientation
- gender reassignment
- marriage and civil partnership

We can arrange for support in completing the various forms referred to in this policy for applicants who may have difficulty, for example if English is not their first language, or if they have a learning disability. If an applicant requires assistance, they should contact the Council.

18. Personal Data

All the information given to us is treated confidentially under the terms of the Data Protection Act 1998 and will be kept on file all the time they are an applicant or become a tenant with the council. Any additional information an applicant gives us will be treated in the same way. We will share the information with East Kent Housing and any of the Private Registered Provider Landlords (who are listed in the Kent Homechoice Scheme User Guide) in the interests of an applicant's housing need. We have an information-sharing protocol with the Police and the NHS under the Crime and Disorder Act 1998 that is strictly controlled under our statutory obligations.

19. National Fraud Initiative

From January 2007 the council is obliged to participate in the National Fraud Initiative (NFI) data matching exercise under Section 6 of the Audit Commission

Act 1998. Data held by the Authority in respect of a tenancy or housing application will be used for cross-system and cross-authority comparison purposes for the prevention and detection of fraud. This does not affect the declaration and authorisation clauses on the application form.

20. Complaint to the Local Government Ombudsman

The Local Government Ombudsman investigates complaints of injustice and unfairness resulting from maladministration by local authorities and other organisations. They can be asked to investigate complaints about most council matters, including housing.

The Local Government Ombudsman can be contacted at:
PO Box 4771,
Coventry
CV4 0EH

Telephone 0300 061 0614 or 0845 602 1983
Email: advice@lgo.org.uk

You can also text 'call back' to 0762 480 4299

The Ombudsman will normally only investigate a case where the complaints procedure has been followed first and will not become involved where an applicant disagrees with a decision that has been correctly made.

APPENDIX 1

Size of Accommodation Allocated

Housing Size	Number of Rooms
1 Adult	Studio Flat/ 1 bedroom flat
2 Adults living together as a couple	1 Bedroom
2 Adults aged 16 years+ (not married/not cohabitating)	2 Bedrooms
1 Adult (or 2 Adults living together as a couple) expecting baby and the pregnancy is within 3 months of confirmation of pregnancy	2 Bedrooms
1 Adult (or 2 adults living together as a couple) with 2 children of different sexes where neither child is over 10 years of age*	2 Bedrooms
1 Adult (or 2 adults living together as a couple) with 2 children of the same sex under 16 years*	2 Bedrooms
1 Adult (or 2 adults living together as a couple) with either: <ul style="list-style-type: none"> • 3 children* • 2 children of different sexes where the oldest child is over 10 years of age* • 2 children of the same sex where the eldest child is 16 years* 	3 Bedrooms
1 Adult (or 2 adults living together as a couple) with 4 children*	3 Bedrooms
1 Adult (or 2 adults living together as a couple) with 4 or more children where 1 child is 16 years*	4+ Bedrooms

***Parents with 'staying access' to dependent children or shared residence orders**

Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

Applicants with a medical or social need for a larger property

Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

It is an applicant's responsibility to check with the Housing Benefit department if they are eligible for this provision. If they are not eligible it is the applicant's responsibility to pay any rent top ups.

Extra Rooms for carers

If an applicant needs an extra room for a carer, the council will investigate and offer advice on the need for an extra room. The council will make the decision. The guidelines are as follows:

- Social Services should be able to give supporting evidence (through the Kent Agency Assessment referral procedure) that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a 'live in' carer
- If one person has two carers working on a rota to cover 24 hours we would assume that they only needed one bedroom
- In most cases only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependants cannot usually be considered.

If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered, however, an individual assessment will be made.

Folkestone & Hythe District Council tenants

If a Folkestone & Hythe District Council tenant moves to smaller accommodation or moves from an adapted home they may receive a cash incentive payment.

We can help them move from their family home into smaller accommodation if their home becomes too big for them, also known as an under-occupation move. Their removal will be arranged and paid for in addition to a cash incentive they may receive once the tenant has moved.

This will be subject to a clear rent account and the property left in a good state of decorative order and any repairs required by the tenant being completed. A final inspection of the property will be carried out before the cash incentive payment monies are released.

We can also help the applicant to move from a home that has been specially adapted for someone with a disability and no longer need the adaptations.

APPENDIX 2

Right to Move

In April 2015, the Government established a Right to Move for certain social tenants who need to move to take up a job or live closer to employment in another district of England.

The Right to Move regulations prevent local authorities applying their usual local connection criteria to existing social tenants who work in the district or need to take up an offer of work where hardship would be experienced if they continued to live in their current location. Existing local connection criteria for Folkestone & Hythe states that the applicant must have lived here for a minimum of two years or who are in permanent paid employment of 16 hours per week or more and working in Folkestone & Hythe for a current duration of at least 6 months and so this will be expanded for Right to Move applicants with the removal of these two timescales and to include those that have offers of work.

When considering the definition of work for this purpose, the guidance document sets out what should be considered and the authority will satisfy itself that the work is genuine and appropriate.

You must live outside of the Folkestone & Hythe district.

Who qualifies for the Right to Move?

You must live in England and either be a secure or introductory tenant of a local authority or an assured tenant of a private registered provider (housing association tenant).

You must be able to show that you need to move to the Folkestone & Hythe district because failure to meet that need would cause hardship to someone within your household and you must need to move because either:

- You work in the Folkestone & Hythe district
- Or you have been offered work in the Folkestone & Hythe district and can demonstrate to the satisfaction of the Council that there is a genuine intention to take up the offer of work

Do you need to move?

We must be satisfied that you need to move because failure to do so will cause hardship. In making our assessment, we will take into account the following:-

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account the level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors such as medical conditions and child care, which would be affected if the tenant could not move
- The length of the work contract
- Whether failure would result in the loss of an opportunity to improve their employment circumstances or prospects, for example by taking up a better job, a promotion or an apprenticeship

What type of work qualifies?

A need to move connected with short term and marginal work, work that is ancillary to work in another district and voluntary work does not qualify.

In deciding whether work is short term, the Council will take into account whether the work is regular or intermittent. This is likely to be particularly relevant in the case of the self-employed.

The Council will also take into account the period of employment and whether or not the work was intended to be short term or long term at the outset. A contract of employment that was intended to last for less than 12 months may be considered to be short term.

In deciding whether work is marginal, the Council will take into account the number of hours worked and the level of earnings. Employment of less than 16 hours a week may be considered to be marginal in nature.

Where the tenant works occasionally in the Folkestone & Hythe district but their main place of work is in a different district, the work is considered to be ancillary and does not qualify.

Work that is subject to an apprenticeship agreement in the form of an employment contract, does qualify.

Information required in support of an application for the Right to Move:

- A copy of your contract of employment
- Wage/salary slips for six months (or for the full period of employment where this less) or in the absence of wage slips, copies of bank statements (for example in the case of zero contracts) if you are already working in the district
- A formal offer of a job letter and copy of your written acceptance of the offer if you are seeking to move in order to work here

In terms of the priority awarded to such applicants the guidance advises that existing social tenants should be given reasonable preference. Band C will be awarded to those meeting the Right to Move criteria only. If they have additional housing needs, they will be able to attain the higher bands if appropriate.

However, Band C would result in a two to three year wait for rehousing due to low supply and so the hardship experienced could result in loss of the employment or inability to take up the offer.

Therefore, to assist such applicants the government advises a Right to Move quota be implemented whereby a small proportion of properties per year (1% equating to approximately 3 properties for Folkestone & Hythe) are set aside and prioritised for these applicants.

The Right to Move quota will be reviewed and monitored.