

Agenda Item 8



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Date	28 November 2017

Ward (s) affected	All	Key Decision	Yes
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Subject	Housing Allocations Scheme Review and Homelessness Reduction Act 2017
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RECOMMENDATIONS

To approve the amended Housing Allocations Scheme attached at Appendix 1 in preparation for the implementation of the Homelessness Reduction Act 2017 and to provide improved clarity.

EXECUTIVE SUMMARY

The current Housing Allocations Scheme was last reviewed and approved by the Executive on 16 January 2016, following an extensive review in 2014.

Amendments are required to ensure the Housing Allocations Scheme is compliant with the Homelessness Reduction Act 2017, and to provide improved clarity. A summary of the requirements of the Homelessness Reduction Act can be found in section 2 of this report.

A tracked changed copy of the Housing Allocations Scheme can be found at Appendix 1 and a clean copy at Appendix 2.

CORPORATE PRIORITIES:

PROSPERITY

Look for innovative ways to minimise the cost to taxpayers of Mole Valley District Council whilst protecting the standard of services

- The strengthened qualification criteria of the current Housing Allocations Scheme along with an improved verification process of housing applicants have reduced the numbers on the Housing Register. This in turn has improved the efficiency of the service and the detection of fraud, which overall improves the cost to taxpayers and protects the standard of service.

COMMUNITY WELLBEING

Active communities and support for those who need it.

- The Housing Allocations Scheme is framed in accordance with legislation and the accompanying codes of guidance. Its aim is to support the community by prioritising households with a housing need and a local connection to Mole Valley for affordable homes with housing associations.

The Executive has the authority to determine the recommendations as set out in the Part 3 of the Council's Constitution.

1.0 INTRODUCTION

1.1 The current Housing Allocations Scheme was reviewed and approved on 4 February 2014. The key changes made in 2014 were:

- to strengthen the qualification criteria for the Housing Register in respect of local connection, owner occupiers, people with significant income and savings, people with no housing need and people who owe the Council money;
- to provide additional preference to those with strong local connections to rural areas;
- the transfer of households living in one bedroom homes, but needing two bedroom homes from Band 3 to Band 2, to reflect the level of overcrowding;
- the removal of Bands 4 and 5 that were made up of applicants with no local connection, no housing need, that did not meet the current income and savings criteria, owe the Council money or are guilty of unacceptable behaviour; and
- the bedroom size criteria were amended to reflect new Housing Benefit regulations.

1.2 In 2016 the following changes were made:

- Council Tax owed to Mole Valley District Council (MVDC) was included in the category of debts that prevent applicants from qualifying for the Housing Register; and
- the rural local connection criterion that specified 'villages' and 'settlements' were amended to apply to the area of a parish council.

1.3 Statistics

The tables below show how the Housing Register has changed since the 2014 scheme was implemented.

Applicants on the Housing Register by Bedroom Size Required and Band - Before the Implementation of the New Scheme 31 August 2014

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Band 1	54	12	7	3	76
Band 2	78	97	42	17	234
Band 3	312	154	68	12	546
Band 4	103	30	10	4	147
Band 5	174	43	13	2	232
Total	721	336	140	38	1235

Applicants on the Housing Register by Bedroom Size Required and Band - New Scheme 31 August 2017

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Band 1	11	8	6	2	27
Band 2	50	99	33	11	193
Band 3	155	57	33	10	255
Total	216	164	72	23	475

A key aim of the changes implemented was to ensure that only those in housing need were registered and to achieve this, the bands for priority were reduced from five to three. This, along with the strengthened local connection criteria, reduced the number on the Housing Register to around 475 applicants and whilst the verification process has become more complex staff have more time to advise those in need rather than administering 1,200 applications, of which the majority would, realistically, never be housed. The reduced manageable numbers and increased verification also improves the detection of potential fraud.

Housing Association Homes Total Lettings

Bed size	2014/2015	2015/16	2016/17	1 April - August 31st 2017
OAP/Sheltered	71	91	53	23
1 bed	83	98	75	26
2 bed	81	47	40	13
3 bed	35	35	23	3
4 bed +	0	0	3	0
Total	270	241	194	65

The table above shows the number of applicants that have been housed with local housing associations per year and the number housed ranges from the 190 to 270 households. When there were about 1,200 applicants on the Register

approximately 22% were housed per year, with the reduced Register this has increased to 40%.

2.0 Homelessness Reduction Act 2017

A summary of the requirements of the Act are explained below.

- The Homelessness Reduction Act 2017 (HRA), received Royal Assent on 27 April 2017, and will place increased duties on local housing authorities to prevent and relieve homelessness. It will amend the current duties under the Housing Act 1996.
- The changes will not come into effect immediately as councils will need time to prepare. The Government also has to issue comprehensive new guidance on how to deliver the duties as well as publish a commencement order. The government has confirmed that the Act will commence from 1 April 2018, with a new Code of Guidance being issued later this year.
- The HRA transforms the help councils are expected to provide to all homeless people. It aims to ensure provision of new support to people who aren't entitled to help under the current system. Councils are required to try to prevent people from becoming homeless in the first place, intervening early and encouraging other public sector bodies to actively assist in identifying and referring those at risk of homelessness.

The key provisions include:

- **A prevention duty:** This is a continuation of the current duty to prevent homelessness although the time period for this to be triggered has increased from 28 days before a household is homeless to 56 days, provided they are eligible for assistance on the basis of their immigration status. This duty will arise irrespective of their connection to the area.
- **A relief duty:** a new duty for councils to try and resolve the homelessness of people who are already homeless by helping them to secure accommodation. To qualify for help they must be eligible for assistance on the basis of their immigration status **and** have a connection to the local area, otherwise they can be referred to another local authority where they have a connection.
- **Measures to incentivise cooperation:** People being helped under the prevention and relief duties will be expected to take reasonable steps to resolve their own homelessness and cooperate with the Council's attempts to assist them. Should they deliberately and unreasonably refuse to cooperate the duty owed to them by the Council at any given stage of the process may end.
- **A duty to refer:** a new duty on other public services to refer people to the local housing authority if they are working with people who are homeless or at risk of homelessness.

- **Continued temporary accommodation protection for families:** councils are required under existing law to accommodate homeless families, if they meet a number of tests and the HRA maintains these protections in cases where councils are unable to help families under the new prevention and relief duties.

3.0 Required Amendments to the Housing Allocations Scheme

3.1 There are numerous actions that are needed to implement the Act and details can be found in the 14 November report to the Scrutiny Committee on the review of the Homelessness Strategy Action Plan and implementation of the Act. One of these actions is to amend the Housing Allocations Scheme to ensure it is fit for purpose when the Act is implemented in April 2018. The key changes are explained below with the paragraph reference, which can be found in the tracked changed Housing Allocations Scheme attached at Appendix 1 and clean copy at Appendix 2.

- 7.3.4 A care leaver, who is the responsibility of Surrey County Council, will be exempt from the local connection criteria contained in the Housing Allocations Scheme until they reach the age of 21, once they are over 21 Surrey County Council no longer has a responsibility and the Allocations Scheme usual local connection criteria will apply. Currently a Surrey care leaver's local connection is specific to a district or borough and the Act requires that this is widened to the whole of Surrey.
- 7.3.4 Where a household has approached the local authority as homeless and has been accepted as being owed by the Council the full housing duty, they will be able to join Housing Register if they don't have a local connection and will be placed in Band 3. Currently these applicants cannot join the Housing Register until they have established a local connection with Mole Valley and their needs are usually met in the private rented sector. The amendment is needed to meet the legal requirements of the Homeless Reduction Act and in recognition of them being in a reasonable preference group under the Housing Act 1996 Part 6 (housing allocations).
- 9.1 Criteria to be added to Band 3 to cross reference with 7.3.4 mentioned in the above paragraph *'Households who are homeless and owed a full duty under the meaning of the Housing Act Part 7 (homelessness) but do not have a local connection with the Council'*
- 9.1 Households who are homeless, and are accommodated in interim accommodation provided by the Council pending a decision being made on their homelessness application and where they have a local connection will be placed in Band 2. ('Interim' is the term for emergency accommodation provided before a decision is made on a household's homelessness application. After a duty has been accepted, the emergency accommodation provided is referred to as 'temporary' accommodation.) This is to meet the new relief and prevention duties of the Homelessness Reduction Act and compliance with the reasonable preference categories of the Housing Act 1996 Part 6 (housing allocations).

- 9.1 The Band 3 criteria bullet point eleven to be amended to '*Households who are homeless, but who are not owed the full housing duty within the meaning of Housing Act 1996 Part 7 (homelessness) because they are intentionally homeless (this criteria will apply only to households residing in accommodation provided by the Council).*' This is because those accommodated under an interim duty have been included in the new Band 2 criteria shown in the above paragraph.
- 9.1 Households who are being considered under the 'Relief' function of the Homelessness Reduction Act where they are not being accommodated in interim accommodation and they have a local connection will be placed in Band 2. This is to meet the new relief and prevention duties of the Homelessness Reduction Act and compliance with the reasonable preference categories of the Housing Act 1996 Part 6 (housing allocations).

3.2 Other Required Amendments

There are a number of other amendments proposed to the scheme to ensure clarity on how it is implemented as follows:

- 7.3.9 The current policy allows those over 55 who own a property and have savings and assets over £16,000 to be accepted on to the Housing Register, but those who do not own a property and had the same value of savings or assets cannot join the Register. The amendment proposed will enable the latter category to join the Housing Register and provide improved equity and clarity.

9.1 Mole Valley District Council's Housing Allocation Scheme provides a mechanism to take into account a number of factors when assessing need, thereby giving additional priority to those households who have 'cumulative' need. At the current time, if a household has three separate criteria within Band 3 this will passport them into Band 2. Likewise, three separate criteria in Band 2 will equate to a Band 1 criteria. An amendment is required to increase the cumulative criteria needed to access Band 1 from three to four criteria in Band 2. This will ensure that only those households with a truly exceptional or emergency need reach Band 1. Those applicants currently placed in Band 1 where they meet three Band 2 criteria will remain in Band 1 and the amendment will only apply to new cases.

9.3 An amendment to the Band 3 criteria is required regarding the refusal of housing offers because there is currently no sanction for the refusal of multiple offers. The number of suitable offers will be restricted to three and applicants will be removed from the Register for 12 months from the date of their third refusal.

- 10. The section on 'What size of property is a household eligible for?' to be amended to provide greater clarity for nominations to larger properties. There is

an acute shortage of larger properties and applicants who are eligible for 4 bedroom properties may also be offered large 3 bedroom properties with two reception rooms under the current scheme. In view of the shortage it is proposed that they may also request to be considered for three bedroom properties, which may be preferable to those who are living in overcrowded smaller properties than waiting for a 4 bedroom home.

4.0 Financial Implications

4.1 The proposed amendments and required software changes can be made within the existing budget.

5.0 Legal Implications

5.1 The changes are in keeping with the main legislation (Housing Act 1996 Part 6 (housing allocations) and Homelessness Reduction Act 2017) and the current code of guidance on Housing Allocations Schemes and other relevant legislation.

6.0 Options

6.1 There are three options the Executive is asked to consider.

Option 1

Approve the amended Housing Allocations Scheme shown at Appendix 1.

Option 2

Do not approve the amended Housing Allocations Scheme shown at Appendix 1 and request further work to be undertaken.

Option 3

Do not approve the amended Housing Allocations Scheme shown at Appendix 1.

7.0 CORPORATE IMPLICATIONS

7.1 Monitoring Officer Commentary

The Monitoring Officer confirms that all the relevant legal implications have been taken into account.

7.2 S151 Officer Commentary

The S 151 Officer confirms that all the relevant financial implications have been taken into account.

7.3 Risk Implications

Option 1

Approve the amended Housing Allocations Scheme shown at Appendix 1 – approval of this report will ensure that the Council is prepared in good time for the Homelessness Reduction Act and will assist in establishing best practice. It will also provide the opportunity to ensure housing and homelessness applicants and partners are fully of the changes.

Option 2

Do not approve the amended Housing Allocations Scheme shown at Appendix 1 and request further work to be undertaken – should further work be required to the Housing Allocations Scheme preparation for the Homelessness Reduction Act will be delayed and this work could become be rushed as the implementation date of April 2018 approaches. In addition time to communicate with applicants and partners will also be reduced.

Option 3

Do not approve the amended Housing Allocations Scheme shown at Appendix 1 – if the amendments are not approved the Council will not be compliant with the Homelessness Reduction Act when it is implemented in April 2018.

7.4 Equalities Implications

An Equalities Impact Assessment was carried out for the new scheme in 2014 and there are no significant changes brought about by the recommended amendments.

7.5 Employment Issues

There are no employment issues relating to this report.

7.6 Sustainability Issues

There are no sustainability issues relating to this report.

7.7 Consultation

Our three main housing associations have been consulted and the Scrutiny Committee was consulted on 14 November 2017.

7.8 Communications

Housing applicants and prospective applicants will be advised of the amendments on the Home Choice website. Information will also be posted on the Council's website and socials media. A press release will also be issued.

8.0 BACKGROUND PAPERS

- Legislation and codes of guidance on Housing Allocations Schemes and homelessness.
- Department of Communities Local Government Consultation paper: Providing Social Housing for Local People Strengthening Statutory Guidance on Social Housing Allocations, October 2013

- Department of Communities and Local Government. Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England, December 2013
- Right to Move Statutory guidance on social housing allocations for local Housing authorities in England, March 2015
- Homelessness Reduction Act 2017
- Statistics relating to the Mole Valley District Council Housing Allocations Scheme
- Statistics from Circle Housing Mole Valley

Appendix 1

HOUSING ALLOCATIONS SCHEME

Version 4.2

February 2014

**Amended June 2015, January 2016, ~~and~~
March 2017 and November 2017**



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1. Introduction

This document sets out Mole Valley District Council's Housing Allocation Scheme, as required by section 166A of the Housing Act 1996 Part 6. It identifies the priorities that the Council will follow in the letting of Private Registered Providers (referred to as housing associations in this document) properties for rent, to which it has nomination rights.

In drawing up this scheme the Council has consulted with the housing associations with which the Council has nomination arrangements, local voluntary and statutory agencies, housing applicants and residents of Mole Valley.

2. Aims of the Scheme

The aims of the Allocation Scheme are to:

- provide an allocation scheme for housing applicants with a local connection to Mole Valley who are in housing need;
- maintain an appropriate balance between the needs of homeless households and others in housing need;
- make best use of the affordable housing stock, which is in short supply in Mole Valley;
- ensure that difficult to let properties are managed and re-let times are minimised;
- reduce under-occupation; and
- nominate households for housing association homes for rent in a way that is fair and transparent.

3. The Legal Background

The Housing Allocation Scheme has regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, Housing and Regeneration Act 2008 and other relevant legislation
- Homelessness Reduction Act 2017
- Allocation of Accommodation: guidance for Local Authorities in England, 2012

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- Housing Allocations – Members of the Armed Forces (circular 04/2009), April 2009
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England December 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Localism Act 2011
- ~~Equality Act 2010 and the Council's Equality Strategy~~
- ~~_____~~
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- Welfare Reform Act 2012
- Existing case law
- The Council's Housing Strategy 2009-13
- The Council's Tenancy Strategy 2012-15
- The Council's Homelessness Strategy 2015-20

References in the Housing Allocation Scheme to statute and case law, regulations, and ministerial guidance are necessarily limited. They are not intended as a substitute for the original sources, which should be consulted where necessary.

4. The Scope of the Scheme

The Council maintains a single list of applicants in need of affordable rented social housing known as the Housing Register and the applicants are assessed and prioritised in accordance with the Council's Housing Allocation Scheme. The

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housing register is used by the Council for allocating all housing for rent and applies where the Council nominates an applicant to be offered a:

- secure, fixed term or introductory tenancy by another Council (or another body able to grant a secure tenancy); or
- fixed term tenancy, assured tenancy or assured shorthold, or starter tenancy from a housing association.

Lettings that are not covered under the scheme are described below.

The sale of shared ownership homes - information on sales can be found at <http://keyhomes-east.org.uk/register.asp>

Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part 6 of the Housing Act 1996. Offers of tied accommodation (service tenancies or service licences) made to Council employees.

Referrals made to any private landlord for an assured shorthold tenancy made under the Council's rent deposit bond scheme or by the Council's Housing Options team.

Mutual exchanges between housing association and local authority tenants.

Succession of tenancies by household members of housing association and local authority tenants.

Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

5. The Type of Scheme

The Council's Housing Allocation Scheme is a banding scheme. Applicants who are eligible and qualify will be placed in one of three bands ranging from 1 (highest need) to 3 (lower need), which reflect their housing need in accordance with the 'reasonable preference categories' in the Housing Act 1996 Part 6 and the Council's local priorities for housing allocation.

All applicants who apply to join Mole Valley's housing register will also be assessed and banded according to the jointly agreed criteria set out in the East Surrey Home Choice Allocation Policy Appendix 1. This banding will be used when allocating properties made available through the East Surrey Home Choice Scheme. These homes are generally for people over 55 years old.

6. Who can join the Housing Register?

6.1 When applicants apply to join the Housing Register, the Council will first consider:

- whether someone is eligible to apply for housing, and; if they are;
- whether they qualify under the scheme rules.

6.2 To be Eligible Applicants must be:

- 16 years of age or older; and
- resident in the United Kingdom

6.3 To Qualify Applicants must:

- have a local connection to the geographic area covered by Mole Valley District Council;
- have a housing need that has been assessed in accordance with the Housing Allocation Scheme;
- not be an owner occupier, unless they are over 55 years old¹;
- have an annual household gross income under £50,000;
- have combined savings and assets under £16,000, unless they are over 55;
- not owe this Council, another Council, housing association or private landlord money for housing debts; and
- not be guilty of unacceptable behaviour.

Detailed information on eligibility and qualification can be found in section 7 of this document.

¹ Owner occupiers over 55 years old with a gross annual income of over £50,000 and combined savings and assets of over £16,000 will not qualify to join the housing register.

6.4 Applicants Aged 16 or 17 years

Applicants aged 16 or 17 years will be accepted onto the housing register providing they do not fall within the groups below of applicants who are not eligible or do not qualify. Their application will be jointly assessed by the Council and Surrey County Council's Children's Services before any offer of accommodation is made. A suitable guarantor will need to be identified if the young person is offered a tenancy, which will need to continue until the applicant reaches the age of 18 years.

6.5 Changes in the Law

The Secretary of State may from time to time amend the classes of person eligible to be considered for housing. The Allocation Scheme will automatically be amended to reflect any such changes from the date of implementation.

7. Who cannot join the Housing Register?

7.1 Who is not Eligible?

In accordance with legislation the following people are not eligible to join the housing register:

- those under 16 years of age; and
- persons from abroad and this is explained in section 7.2 of this document.

7.2 Persons from Abroad

Persons from abroad are not eligible to join the housing register. This means persons from abroad who are:

- subject to immigration control and have no recourse to public funds; or
- excluded by regulations made by the Secretary of State; or
- not habitually resident in the United Kingdom (UK); or
- who are required to leave the UK by the Secretary of State.

Specifically, the Secretary of State has determined that the following groups are not eligible to join the Council's housing register because of their immigration status.

- A person registered with the Home Office as an asylum seeker
- A visitor to the UK (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that they will not have recourse to public funds
- A person who has valid leave to enter or remain in the UK, which includes a condition that there will be no recourse to public funds
- A person who has valid leave to remain in the UK, which carries no limitation or condition and who is not habitually resident in the Common Travel Area. The Common Travel Area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland
- A sponsored person who has been in this country less than 5 years (from date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is/are still alive
- A person who is a national of an European Union (EU) country that is subject to immigration control
- A person who is a national of a non European Economic Area country that has ratified the European Convention on Social & Medical Assistance (ECSMA) and/or the European Social Charter (ESC), but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with a temporary admission) and/or is not habitually resident in the Common Travel Area
- A person who is in the UK illegally or who has overstayed their leave to remain

7.3 Who does not Qualify?

The following people do not qualify to join the housing register, those:

- with no local connection (go to sections 7.3.1 to 7.3.5)
- with no housing need (go to section 7.3.6)
- who own their home, except those over 55 (go to section 7.3.7)
- with an annual household gross income of over £50,000 (go to sections 7.3.8 and 7.3.9)
- with combined savings and assets of over £16,000, except those over 55 (go to sections 7.3.8 and 7.3.9)

- those who owe the Council money (go to section 7.3.10)
- those guilty of unacceptable behaviour (go to section 7.3.11)

7.3.1 Persons with No Local Connection

People who do not have a local connection to the geographic area covered by Mole District Valley Council will not qualify to join the Housing Register. The Council has determined that for a local connection to be established with Mole Valley the applicant must provide written evidence that:

- they live in the district and have had residence in the district for the last two years; or
- their place of paid employment is in the district and they have been employed for more than 16 hours per week for the last two years; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years and on welfare and or health grounds the applicant needs the support of the close family or the close family need the support of the applicant and if not provided hardship would be caused. Evidence will be required from both the applicant and close family in addition to supporting evidence from at least one supporting agency of the welfare or health need of either party.

7.3.2 Exceptions to the Local Connection Criteria - British Armed Forces

British Armed Forces personnel who fall within the categories below are exempt from the local connection qualifying criteria under the *Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)*:

- Those who are serving in the regular forces or have done so in the five years preceding their application
- Bereaved spouses or civil partners of those serving in the regular 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
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

- In keeping with the terms of the Mole Valley Armed Forces Community Covenant September 2013, members of the wider British Armed Forces community, past and present, may also be exempt from the local connection criteria where the household is in housing need and it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. This may include veterans (those who have served as a regular or reservist in the armed forces). Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

7.3.3 Exceptions to the Local Connection Criteria – Social Housing Tenants – The Right to Move

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the district of Mole Valley, will have a local connection if:

- they need to move to Mole Valley to avoid hardship; and
- their work is located in the district of Mole Valley; or
- they have an offer of work in the district of Mole Valley that they have a genuine intention to accept.

The Council will require documentary evidence to confirm work or an offer of work. Their employer will also be contacted. This will be checked again before an offer of social housing is made.

To assess whether they need to move to avoid hardship the Housing Options Manager will make an assessment and will take into account the following factors:

- the distance and/or time taken to travel between their work in Mole Valley and their current home;

- the availability and affordability of transport from their current home to their work in Mole Valley taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and child care, which would be affected if they could not move;
- the length of their work contract; and
- whether failure to move 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.

This clause (7.3.3) will also apply to apprenticeships and offers of apprenticeships.

This clause (7.3.3) does not apply to work that is short-term or marginal in nature, or ancillary to work in another district. Voluntary work is also excluded.

Persons who qualify under this clause (7.3.3) will be assessed in accordance with the 'Banding Scheme' (9.1) and with the section on 'Special Circumstances' (14.14).

7.3.4 Other Exceptions to the Local Connection Criteria

Exceptions may include, for example, and not exclusively, the situations described below.

- Applicants placed outside the district by the Council into accommodation with a supported housing provider will retain any local connection for the purposes of qualifying for the Housing Register.
- Applicants placed outside the district by the Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Register.
- Where an applicant has been assisted by the Council with privately rented accommodation through the Rent Deposit Bond Scheme (to prevent homelessness) and that accommodation is outside of the district, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.
- Where someone is in an institution outside of the district they will be treated as having a local connection if they can show that they were

placed there from an address in Mole Valley and documentary evidence can be provided to support this.

- Where, for example, applicants are fleeing domestic abuse or are other vulnerable people for whom returning to their area of origin would place them at risk, and there is third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc. The information will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.
- Where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the district. This will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether a connection has been established. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision.
- A Surrey care leaver, who is the responsibility of Surrey County Council, is exempt from the local connection criteria of this scheme policy until they reach the age of 21.
- Where a household has approached the Council as homeless and has been accepted as being owed the full duty under the homelessness legislation, they will be able to join the housing register if they do not have a local connection. They will be placed in Band 3.
- ~~Where an household have approached the local authority as homeless and have been accepted as being owed the full duty under S193, they will be allowed on to the housing register if they do not have a local connection. They will be placed in Band 3.~~

7.3.5 A Local Connection will not be Established

- Where the applicant has been placed in temporary accommodation within the district by another local authority in the discharge of their homelessness duties.
- Where the applicant has been placed in supported housing within the district by another local authority and has no qualifying local connection to this district. Time spent living in the supported housing in Mole Valley will not count as a local connection.
- Where the applicant is living in a night shelter, hostel accommodation or supported housing in the district they will not be considered to have any local connection unless previous residence or other qualifying local connection in the district can be proved. Time spent living in this

accommodation in Mole Valley cannot count as a local connection unless a previous local connection can be proved.

- Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the housing register.

7.3.6 Persons with No Housing Need

Persons who do not have a housing need that would place them in bands 1, 2 or 3 will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley. The criteria for the bands can be found in section 9.1 of this document.

7.3.7 People who Own Residential Property

Persons who are under 55 years and own or jointly own any residential property either outright or mortgaged will not qualify to join the housing register regardless of whether they have a local connection. The age is set at 55 because it is the qualification age to be considered for older persons' housing association accommodation and this type of accommodation in Mole Valley is in reasonable supply.

Exceptions will require documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exception should be made. Exceptions may include, for example, and not exclusively, the situations described below.

- There is a member of a household who is disabled and their home cannot be adapted to meet their needs, which has been confirmed by an Occupational Therapist and the proceeds from the sale combined with income and savings is insufficient to buy an alternative suitable property.
- There is a lack of bedroom space or medical, welfare or disrepair reasons and the household does not have sufficient income or savings to purchase alternative accommodation suitable to their needs, or to repair their property.
- The applicant is unable to reside at the property due to a relationship breakdown, but is still having to maintain the home for dependent children.
- The applicant is unable to reside at the property because they are the victim of violence or threats of violence, including domestic violence.

- An applicant who has a shared interest in a property with a person not included on their application may be required to resolve the ownership issue before an application will be considered and an exemption granted. Affected applicants will be referred to the Housing Options Team in order to address these issues and look at all available options. The assessment may include referring the applicant for money advice.
- The applicant is in shared ownership accommodation and needs to move or downsize due to affordability or health issues, and does not have the financial means to be able to achieve this.

7.3.8 People with Income and Savings

The Council has set financial qualifying criteria so that people with sufficient household income and/or savings and/or assets will not qualify to join the Housing Register.

All applicant households will be required to supply evidence of their income, savings and assets at the point of application and nomination.

The following applicant households will not qualify to join the housing register regardless of whether they have a local connection:

- those with an annual household gross income in excess of £50,000
- those under 55 years with combined savings and assets in excess of £16,000.

The state retirement pension will be disregarded as part of annual household gross income, as will accrued contributions to a pension that cannot be accessed until retirement age.

The following benefits will be disregarded for the calculation of income: Personal Independence Payments; Carers Allowance; and Disability Living Allowance.

Lump sums received by a 'regular' or 'reservist' member of the British Armed Forces, as compensation for an injury or disability sustained on active service will be disregarded. This is in keeping with the Mole Valley Armed Forces Community Covenant September 2013. For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

Exceptions may include, for example, and not exclusively, the situations described below.

- When in the view of the Council it is in its strategic interest to do so for example, and not exclusively, a housing association tenant living in Mole

Valley with savings in excess of £16,000, in a three bedroom property who is assessed as needing to move to one bedroom accommodation. Documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether the exception should be made.

Proof of income and savings will need to be provided and details can be found in section 8 below.

Households who do not qualify to join the Housing Register as a result of the financial qualifying criteria will be provided with advice and information regarding alternative housing options, such as low cost home ownership products (<http://keyhomes-east.org.uk/register.asp>) and private rented sector accommodation.

7.3.9 People Over 55 who are Owner Occupiers with Income and Savings, or have Income and Savings over £16,000

For clarity people who are over 55 that:

- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income under £50,000 **will qualify** to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for [accommodation specifically for those over the age of 55](#)).

- ~~have a combined income, savings and/or asset over £16,000, will qualify to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation specifically for those over the age of 55.)~~

- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income in excess of £50,000 **will not qualify** to join the housing register

- ~~have a combined income, savings and/or asset over £16,000 will qualify to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or~~

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~~another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation for those over the age of 55.)~~

7.3.10 People who owe the Council, a Housing Association or a Private Landlord Money

The following persons will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley and meet other eligibility and qualification criteria:

- those who currently owe the Council money for: rent arrears from the Council's emergency accommodation; rent deposit bond claim; or have not made regular payments for a loan for rent in advance;
- those with current or former rent arrears with another Council or housing association or private landlord; or
- owe Council Tax to Mole Valley District Council.

Applicants with these debts will qualify to join once they have paid the debt in full. Where 12 regular payments have been made towards the debt the Housing Options Manager, on a case by case basis, will take into account the remaining debt and will decide whether the applicant may join the register. 12 regular payments will be defined as 12 consecutive weekly payments or three consecutive monthly payments. Applicants who then qualify to join the housing register because they have made the required regular payments must continue to make regular payments until the debt is paid, should payments either cease or become irregular the application will be temporarily suspended. If regular repayments have not commenced within 28 days the housing application will be closed.

Where an applicant has been accepted onto the housing register and a new debt is accrued a payment plan and first payment must be made within 28 days of notification to the Housing Team or the application will be closed. During the 28 days the housing application will be suspended in accordance with section 14.18 of this document.

7.3.11 People Guilty of Unacceptable Behaviour

People considered guilty of unacceptable behaviour will not qualify to join the housing register and this applies where any member of a household has behaved in such a way that their behaviour would have entitled the Council to a Possession Order had they been a secure tenant of the Council.

Examples of such unacceptable behaviour would include:

- significant rent arrears or breach of tenancy obligations;
- serious nuisance or annoyance to neighbours;
- a conviction for using accommodation, or allowing it to be used, for immoral or illegal purposes, such as drug dealing;
- serious damage or neglect of the property; and/or
- applicants and any member of the household who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this provision may re-apply once the conviction is spent.

Each application will be considered on its own merits, but where the Council is satisfied that these conditions apply, the applicant will not qualify to join the housing register. The Council will also take into account whether the applicant or any member of the household has been served with a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014.

Where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as not qualifying without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Adult Social Care and Children's Services, the Council's independent Health Adviser and local providers of support services.

7.4 Deliberately Worsening Circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority under the scheme, they will not be able to join the housing register for 12 months from the date the Council has informed the applicant of this decision.

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to express an interest in suitable accommodation that is advertised each week and/or refusal of suitable accommodation that has been offered.

7.5 False or Misleading Information

It is an offence to make a false statement and/or knowingly withhold information in connection with an application to join the Housing Register. The maximum fine for this is £5,000. Anyone who gives false information may be removed from the housing register.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is not eligible or does not qualify, it will inform the applicant in writing and suspend the application in accordance with section 14.17 of this document. The applicant will be given 21 days to provide information showing that they are eligible and or qualify. If they do not reply within this period, or if they reply but the Council remains of the view that they are not eligible or do not qualify, they will be removed from the housing register.

7.6 Right of Review

The Council is required to provide advice, information and assistance to all applicants, even if they are likely to be unsuccessful with their application.

The Council will write to anyone who is told that they cannot join the housing register giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Register. Section 21 of this document provides further details on how to request a review.

7.7 Re-Applications from Non-Qualifying Persons

Applicants who have applied to join the housing register, but were not considered to be qualifying persons may make a fresh application if they consider that their circumstances have changed so that they should be treated as a qualifying person. It is the applicant's responsibility to satisfy the Council that their circumstances have changed.

8. How to Join the Housing Register?

There are a number of ways an applicant can join the Housing Register and the first step will be to assess that the applicant is eligible and qualifies. The ways to join are described below.

- The applicant may go to the following on-line link <https://www.molevalley-homechoice.org.uk/Data/ASPPages/1/701.aspx> and use the Mole Valley Housing Options Wizard that will tell the applicant their housing options and if they qualify for the housing register. If the applicant qualifies and wishes to join they may contact the Housing Options Team to discuss their housing options and, if appropriate, the application will be completed with the applicant. Further advice may also be offered.
- The applicant may make an appointment with the Housing Options Team at the Council's office in Dorking. An assessment will be made of the

housing options available and if the applicant qualifies an application will be made. Further advice may also be offered.

- If the applicant does not have on-line access to the Housing Options Wizard and cannot visit the office a telephone interview or, where necessary, a home visit will be offered.

The following documents must be provided for all members of an applicant's household to not only assess an applicant's qualification for the Housing Register, but also to meet the requirements of the law on the Right To Rent. A full checklist of documents that must be provided for the Right to Rent can be found in Appendix 3 of this document. -

- identification: preferably photo id that must be either a passport or drivers licence or birth certificate, preferably the long version
- immigration status: passport and for non UK and EU applicants an Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating whether the applicant is allowed to stay in the UK
- income and savings: pay slips; if self employed annual earnings and tax certificate from HM Revenue and Customs; statements for bank and savings accounts, bonds, equity and shares statements showing balance and interest and dividends; royalties statements; welfare benefit letters and statements; and any other document showing annual income and savings
- assets: ownership of any residential or commercial property in the UK or elsewhere; commodities (precious metals, nonferrous metals, agriculture, energy or others) Real Estate Investment Trusts; insurance products (annuity, life settlements, catastrophe bonds and personal life insurance); derivatives; collectibles such as art, coins, or stamps; foreign currency; venture capital; private equity; distressed securities; and any other document to confirm the applicant's assets
- local connection: bank statements, utility bills or Council Tax bills showing the applicant's current address; letter from the applicant's employer on their headed paper to confirm they are employed in Mole Valley, the date they commenced employment and number of hours worked per week; name and address of close family members living in Mole Valley; and any other document to confirm the applicant's local connection to Mole Valley and to a rural village or electoral ward

The contact details for the Housing Options Team are given below.

The Housing Options Team
Mole Valley District Council
Pippbrook
Dorking
Surrey
RH4 1SJ
Telephone: 01306 879396

The application process should be completed within 21 working days provided that the documentary evidence required has been received. If it has not been received within 28 days of a reminder being sent, the application will be cancelled. The date that the application will be effective from will be the date that the application and all relevant evidence of proof of income; identification and local connection to the district was received by the Council.

The Housing Options Team will undertake an assessment of the application against this scheme. Applicants may be asked to provide additional information and/or supporting documentation to verify their situation and or eligibility and qualification.

From the time that all relevant information has been received and assessed, the Council will then write to the applicant to confirm their application reference number and banding under both the Mole Valley scheme and the East Surrey Home Choice scheme that can be found at Appendix 1 of this document. This letter will also contain information that will enable the applicant to access the Mole Valley Home Choice web-site to place bids on properties and state the number of bedrooms that they have been assessed as needing for the size of their household.

If an applicant has the income to pursue shared ownership they will be directed to the following website <http://keyhomes-east.org.uk/register.asp>, where they can register their interest.

9. How are Applications Assessed?

Every application will be assessed using the banding scheme. This is intended to ensure that some priority is awarded to all applicants who are entitled to reasonable preference, in accordance with section 166A of the Housing Act 1996 (as amended by the Homelessness Act 2002). These categories are listed below.

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996); this includes people who are intentionally homeless and those who are not in priority need

- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996, as amended by the Homelessness Act 2002 and Housing and Regeneration Act 2008
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- 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 in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

9.1 The Banding Scheme

Applicants' needs will be assessed in accordance with this scheme and their application will be placed in one of three bands by the date that they have joined the register. Should they move up a band they will start that band on the date that they move into that band. If they move down a band, the original date for being in that band will be restored. The bands are explained below.

Band 1 Exceptional Need

- Households who cannot occupy their current accommodation because of a medical problem or disability, and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift. An independent Health Adviser will normally have recommended that the application should be awarded band 1. See section 14.9 of this document.
- An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated by other agencies. E.g. victims of domestic violence, racial harassment and applicants accepted under the National Witness Protection Scheme.
- Other cases recognised as exceptional and/or emergencies but not fitting into the above. These are defined under special circumstances in section 14.14 of this document.

- Applicants who are under occupying a property and are a successor or a tenant of a local authority or housing association and Mole Valley District Council would be able to nominate to the resulting vacancy.
- Applicants who are occupying a property, which is subject to a compulsory purchase order and/or where the Council has a statutory duty to move the applicant or they need to move because their home is to be demolished or redeveloped within 6 months.
- Applicants who occupy a property that has been assessed by an Environmental Health Officer of the Council to have one or more category 1 hazards under the Housing Health and Safety Rating System and it is necessary for them to leave the property urgently due to safety concerns and the landlord has been informed of the hazard.
- Applicants whose needs fit into three-four or more categories in band 2 (with the exception of households being accepted under the homeless legislation), and this will be confirmed by Housing Options Manager.

Band 2 High Need

- Households with an urgent or high need to move for medical or welfare reasons. For more information see sections 14.9 and 14.14 of this document.
- Households moving from supported accommodation where the original referral to that accommodation was made by Mole Valley District Council.
- Households for whom the Council has accepted an obligation to provide housing under Part 7 of the Housing Act 1996 from the date that they went into emergency accommodation provided by the local authority – *People meeting this criteria do not benefit from cumulative need.*
- Households for whom the Council has arranged an Assured Shorthold Tenancy in the private rented sector in order to prevent their homelessness and they have been living in that accommodation for 12 months.
- Victims of proven anti-social behaviour or any form of abuse, harassment or hate crime that has been directed at them, where there life is not in immediate danger.
- Applicants who are considered to have special circumstances requiring

them to move where this is substantiated by three or more agencies. Special circumstances are described in section 14.14 of this document.

- Applicants with one or more dependent children who are living in accommodation that is a bedsit or has only one bedroom.
- Vulnerable applicants who are retiring or whose contract is terminated on health grounds from tied accommodation.
- Vulnerable applicants who are receiving a discharge from the British Armed Forces because of redundancy and/or end of service.
- Applicants who are care leavers and who have been referred by Surrey County Council Children's Services. These applicants will be included in band 2 when they are within 12 months of having to leave their care placement.
- Applicants who are foster carers approved by Surrey County Council Children's Services who need larger accommodation. This will be subject to a joint assessment with the County's Children's Services.
- Applicants who need a larger home to accommodate a fulltime (24 hour) carer, who is not a member of their family. This will be subject to a joint assessment with Surrey County Council's Adult Social Care.

- Households who at their current home are short of two or more bedrooms in accordance with this policy on the number of bedrooms a household may be considered for (sections 10, 14.1 and Appendix 2 of this document)
- Households who are short of one or more bedroom of the correct bedspace size and have children with more than a 10 years age gap sharing a room.
- Households who are short of one or more bedroom of the correct bed space size and have children of opposite sex sharing a room where the oldest child is 10 years old or older.
- Households whose accommodation lacks basic facilities (i.e. a kitchen, bathroom or WC) and this cannot be provided by the owner at reasonable cost.

- Applicants who are roofless or sleeping rough and whose circumstances are confirmed by the Housing Options Team.

- Households who are homeless, and are accommodated in interim accommodation provided by the ~~Council local authority~~ pending a decision being made on their case where they have a local connection as defined by the ~~Housing Allocations Scheme~~.~~per the Allocations Policy.~~
- Households who are being considered under the 'Relief' function of the Homelessness Reduction Act 2017, where they are not being accommodated in interim accommodation and they have a local connection under the ~~Housing Allocations Scheme~~~~Policy.~~
- Applicants whose needs fit into three or more categories in band 3 with the exception of households being accepted under the homelessness legislation and this will be confirmed by the Housing Options Manager. *This cannot be cumulative with any other medical criteria within this band.*

Band 3 – Medium/Low Need

- Households who are short of one bedroom of the correct bed space size according to the policy
- Households with dependent children where the facilities are shared with others who are not members of the applicant's household
- Households with a need to move for an identified medical or welfare reason which is not considered an emergency or urgent – *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households containing one or more people who have health problems which may be improved by moving to alternative accommodation - *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households who need to move on welfare grounds including giving or receiving care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
- People given notice to quit from tied accommodation, but not considered to be vulnerable.

- Households with no living room or those sharing a bathroom, living room or kitchen with another household.
- Households who are renting accommodation with limited security of tenure e.g. Assured Shorthold Tenancies.
- Households who have been assisted through the Council's rent deposit bond scheme and have not completed the first 12 months of the tenancy they have been assisted with.
-
- Households who are homeless, but who are not owed the full housing duty within the meaning of Part 7 of the Housing Act 1996 because they are due to being intentionally homeless (this criteria will apply only to households residing in accommodation provided by the Council). (this criteria will apply only whilst the household are residing in accommodaiotn provided by the local authority under its previous S188 duty) . (this may be due to being intentionally homeless or through being in interim accommodation awaiting a decision being made on their application)
- Households who are homeless and owed a full S193 duty under the homelessness legislation and meaning of the Act but do not have a local connection with the Council, Mole Valley DC as defined in the Housing Allocation Scheme Policy.
- Applicants who are no fixed abode and whose circumstances are confirmed by a Home Options Team.
- Households who are considered to be a split family unit.
- Qualifying current and former British Armed Forces households - *please see section 9.2 of this document on when this will apply.*
- Households whose accommodation is assessed as being in disrepair and this has been verified by an Environmental Health Officer, and this priority will remain until the works to repair the property are completed by the landlord.

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9.2 British Armed Forces

This section explains how the priority band will be awarded once it has been established that an applicant meets the British Armed Forces and local connection criteria in accordance with section 7.3.2 of this document.

Members of the British Armed Forces who have been living in any accommodation provided by the Armed Forces, and who were living in the Mole Valley district prior to joining the Armed Forces, or who have acquired a connection with Mole Valley through residence or employment whilst serving, or are serving and are exempt from having a local connection in accordance with section 7.3.2 of this document will be assessed as living in 'tied accommodation' and will therefore be placed in band 3 until such time as their discharge date is known. Once the Council has been made aware of this date they will be assessed as living in insecure accommodation within the district and will be moved to Band 2.

For other qualifying British Armed Forces households the following criteria for Band 3 will be used and can be used as a cumulative factor within that band to give additional preference to the household's application.

- Former members of the Armed Forces as a regular or reservist
- Serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses or civil partners of those serving in the regular 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
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

Members of the wider British Armed Forces community, past and present, may also be considered where it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether priority should be granted. This may include, but not exclusively:

- Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

9.3 Reduced Priority

Band 1

The supply of rented affordable housing within the district is limited and the Council cannot provide rented accommodation to everyone who requests it. Reduced priority for housing will, therefore, be given to applicants where they are in band 1 and have:

- refused at least three suitable nominations offered to them by the Council where they have freely bid upon the properties through the Mole Valley Council Home Choice scheme and in these cases the household will be moved to band 2 and will remain there unless their circumstances change; or
- refused at least three suitable **nominations** offered to them by the Council on Mole Valley Council Home Choice, where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location, have been pre-agreed and met the applicant will be moved to band 2 and will remain there unless their circumstances change;
- not bid upon any suitable properties that have become available within a 6 month period – in these cases the household will be moved down to band 2 and will remain there unless their circumstances change.

Band 2

Reduced priority will also be given to an applicant in band 2 (except homeless household's whose choice is restricted, see section 11.4 of this document) that refuse a third **offer** of suitable accommodation, which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met. the applicant will be moved to band 3 for a period of 12 months from the date of their third refusal.

Band 3

Where a ~~applicant person~~ refuses **three offers** of suitable accommodation which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met had an autobid placed for them (in accordance with their size requirements and pre-agreed location preferences) on through Mole Valley Home Choice the applicant household will be removed from the housing register for a period of 12 months from the date of their third refusal.

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9.4 Restricted Persons

Where an applicant has been accepted by this, or any other housing authority as homeless because a priority need has been conferred to an 'eligible person' by a 'restricted person', they will not be given priority for an allocation of housing from the register. In these circumstances the household will be awarded band 3, as living in interim accommodation provided by this Council. Section 14.11 of this document explains who is a 'Restricted Person'.

10. What Size of Property is a Household Eligible for?

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household. The size of property that a typical household will normally be allocated is shown in Appendix 2.

Households with 2 children of the same sex where there is less than a 10 year age difference and no proven medical need for them to have separate rooms will only be eligible for 2 bedroom properties.

Households who have two children of the same sex will only be considered for 2 bedroom properties until the eldest child is 16.

Households who have opposite sex children will automatically be considered for 3 bedroom properties when the eldest child is 10 years old.

Due to a shortage of larger properties, applicants who are eligible for 4 bedroom properties may also be offered large 3 bedroom properties with two reception rooms. They may also be considered for three bedroom properties if they request this. Those eligible for 5 bedroom properties, which rarely become available, may be offered large 4 bedroom properties.

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and that it is reasonable for them to reside with them.

In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be authorised by the Housing Options Manager following advice from the Council's Health Adviser or support from other statutory agencies.

Any decision to offer a larger property based on health or welfare grounds will not automatically mean that any claim for assistance with rent through Housing Benefit will be agreed on a larger property than the Housing Benefit regulations allow. This may result in a refusal by the housing association landlord if they feel that the property would be unaffordable for the household.

11. How are Homes Allocated?

All vacancies that are available to the Council will be allocated from the housing register in accordance with the following procedure.

11.1 Advertising Properties

When a property with a housing association becomes available the Council will advertise the details of that property. Those details are available on a dedicated web-site, Mole Valley Home Choice, on display at the Council offices, newsletters sent electronically to external agencies such as local Citizens Advice Bureaux, housing associations, Community Mental Health Teams and Surrey County Council's Children's Services and Adult Social Care.

The majority of the properties advertised will only be available for Mole Valley Council housing register applicants to bid on. Some vacancies will be made available for the sub-regional scheme, East Surrey Home Choice. These properties will usually be sheltered, special sheltered or age restricted properties, though other properties may sometimes be included. Applicants can access these advertisements through the Mole Valley Home Choice website <http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>

Properties advertised will be described and labelled that will typically include:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Floor level
- Availability of a lift
- Any special features
- If pets are allowed
- If there is a garden
- Weekly rent including any other charges
- Where properties are, for example, restricted to families with dependent children, adapted for people with disabilities, within supported housing schemes, housing for older persons, where a local lettings plans applies or in rural areas and local connection restrictions apply. See section 11.4 of this document.

11.2 Bidding for Properties

Properties will be advertised and available for bidding for a six day period from midnight on Thursday nights through to midnight on Wednesday nights. This is the bidding cycle.

Applicants can place bids using the website (<http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>), have a friend/family member/advocate etc bid for them, ask a member of the Housing Options Team to place bids for them or the Housing Options Team can arrange for the system to automatically bid on the applicant's behalf in exceptional circumstances.

11.3 Applicant Choice

Applicants who have an active application will be able to place bids on up to three properties per week.

Most applicants are able to choose the type of accommodation that they wish to be considered for and this includes:

- the types of property applicant may want to live in eg. a bungalow, house, maisonette, flat, studio flat or sheltered accommodation;
- where applicable, the floor level of property they want to live in; and/or
- the location of property that they want to live in.

These choices are subject to some restrictions, which are described in section 11.5 of this document

Homeless households have restricted choice, which is explained in section 11.4 of this document.

11.4 Statutory Homeless Households

Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended) will be made one suitable offer of accommodation. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

Offers to these applicants will generally be flats, however, in determining the suitability of a property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

If a suitable offer of accommodation is refused by these applicants the Council may end its duty under homelessness legislation and possession proceedings will commence for their emergency accommodation. Their housing register

application will be temporarily suspended until they have vacated the emergency accommodation provided for them. After leaving the accommodation a change of circumstances must be reported to the Council within 28 days to activate the application and if not received the application will be closed. Applicants in this situation who no longer meet the qualifying criteria will have their applications closed.

Applicants affected by the above paragraphs will be advised of their right to request a review of the suitability of the accommodation offered. This advice will be provided prior to the applicant making a decision to refuse the property, so that they are aware that they can accept the property and request a review. Information on how to request a review can be found in section 21 of this document.

11.5 Eligibility for Vacancies

The Council aims to make the best use of the housing stock and the following eligibility criteria will apply to the types of vacancies described below. This information will generally be included on the advert for each property.

- **Houses**

Priority for houses will be given to households with at least one dependent child under 16 years of age. This means that households with older children still living at home will not be considered for a house while there are qualifying households with younger children, unless there are exceptional needs or circumstances.

- **Ground Floor Properties**

Priority for ground floor properties will be given to applicants who have been assessed by the Council's Health Advisor as having a need for this type of property, unless there is no suitable applicant with medical priority; or where the property although ground floor, is not suitable for someone who needs ground floor accommodation due to stairs or an inability to be adapted; or where such an allocation would be significantly disproportionate.

- **Sheltered Housing**

. Applicants for sheltered housing (and if applicable their partner) must normally be aged 55 or over, or have a disability. All applicants for this type of housing will be assessed to determine the applicant's suitability for sheltered housing before being made an offer.

There are some sheltered schemes in Mole Valley where a daily lunch is provided. The cost of the lunch is included in the weekly service charge and it must be paid even if the applicant chooses not to use the lunch service.

- **Properties for the Over 55's**

Some blocks of flats are designated for people aged 55 and over or 60 and over. Allocations of these properties will only be made to applicants who meet the age criteria. Applicants and their partner, if included on the application must be aged 55 or over, or have a disability. In exceptional circumstances someone under the age of 55 may be considered for a tenancy unless there are local planning conditions restrictions that prevent this. . Before a nomination is made applicants will be assessed to determine their suitability for this type of accommodation.

- **Supported Housing**

Vacancies with housing associations that provide accommodation with support will not normally be advertised. Before an allocation of a supported housing unit is made, consideration will be given to each applicant's housing need, their need for support and their suitability for a particular vacancy. Nominations will then be made in accordance with an agreed priority order, in discussion with the housing association and other relevant agencies as appropriate.

- **Local Lettings Plans**

On new build housing schemes there is often a need to ensure that there is a mixed and balanced community. This is difficult to achieve if all the allocations are made to people in high need. The possibility of adopting a local lettings plan for initial lettings on some new schemes will be considered. This means that applicants in the highest band may not be considered first for the new properties and preference may be given to applicants for example with lower need, with a local connection to the village or town where the new scheme is located and/or to applicants who are working.

The Strategic Housing Manager will agree a lettings plan following discussion with the Portfolio Holder for Customer Services and Wellbeing. Lettings plans will be consulted on with applicants and published.

In any situation where a local lettings plan is adopted all properties advertised will clearly show that this is the case and may include some guidelines from the plan for applicants information.

- **Vacancies on Rural Exception Sites**

From time to time the Council will work with housing associations to provide new affordable housing in rural areas. Some of these sites will be 'rural exception' sites, which are sites where planning permission has been granted, as an exception to planning policy, because there is an identified level of housing need. The planning conditions on these sites will require that the properties are allocated to housing applicants in the highest need, who have a local connection to the local parish. The Council has determined that for a local connection to be established with a parish in Mole Valley the applicant must provide written evidence that:

- they live in the parish and have done so for the last five years; or
- their place of paid employment is in the parish for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish as their main place of residence for the last consecutive ten years.

If there are no suitable applicants in the parish then applicants from the adjacent neighbouring parishes will be considered.

Where a rural area does not have a parish the local connection will be with the electoral ward for that area.

The above criteria may be varied in the planning conditions to reflect the needs of a parish or electoral ward.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish or electoral ward. If an applicant has a local connection to a parish or electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision. Further information regarding the documents required for this assessment can be found in section 8 of this document.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

- **Vacancies in Rural Settlements or Villages**

For offers of nomination vacancies that occur in rural areas where there is an applicant, who has provided the Council with written proof of one of the local connections below to a parish council or rural electoral ward, who has a priority for housing and whose choice is to remain in the parish council or rural electoral ward, then they will be preferred over another applicant who, although perhaps with a higher priority is not connected with the parish council or rural electoral ward, but had a wider choice of area where they would like to live. The Council has determined that for a local connection to be established to a parish council or rural electoral ward the applicant must provide written evidence that:

- they live in the parish council area or rural electoral ward and have done so for the last five years; or
- their place of paid employment is in the parish council area or rural electoral ward for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish council area or rural electoral ward for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish council area or rural electoral ward as their main place of residence for the last consecutive ten years; or
- they have special circumstances through which a local connection has been established with the parish council area or rural electoral ward. This will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether a connection has been established.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish council or rural electoral ward. If an applicant has a local connection to a parish council or rural electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision. Further information regarding the documents required for this assessment can be found in section 8 of this document.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

The above clause will apply to the following Mole Valley District Council rural parish council areas: Abinger; Betchworth, Brockham and Buckland (will be considered as one parish council area for the purposes of this scheme);

Capel; Charlwood; Holmwood; Leigh; Newdigate; Ockley; Wotton and the rural electoral wards of Boxhill and Headley; Westcott; and Mickleham, Westhumble and Pixham, but excluding the urban settlement of Pixham (the boundary is the Denbies roundabout). The exception to the above will be where there is:

- a band 1 applicant in very urgent need of housing, whose needs can only be met by a vacancy that has arisen in a rural village or settlement;
- a property advertised, which is a bungalow or ground flat, that is all on one level, and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement; and
- a property advertised, which is a property that has been adapted for a person with a disability and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement.
- a property is a ground floor property and there are Band 1 applicants who the property will be offered to in the following order;
 - People with a ground floor need **if** they are higher than someone with a local connection, followed by;
 - People in Band 1, followed by
 - Households with a proven local connection

11.6 The Selection Procedure

At the end of the bidding cycle a list will be generated of all the applicants who have placed bids on individual properties. The qualifying applicants in band order, starting with the applicant who has been in the band for the longest period of time will be nominated to the housing association.

Where an applicant is successful with a bid, but the Council has not yet visited them at home, no offer of nomination will be made until this has taken place. If the Council has been unable to make contact with the applicant to arrange the visit within five working days, the offer of nomination will be made to the next qualifying applicant.

Eligibility for different sized properties is determined according to the Council's matching criteria. This information can be found in section 10 and Appendix 2. Where a property has been advertised sub-regionally the property size eligibility may be slightly different, and is shown in the East Surrey Home Choice Allocation Policy at Appendix 1.

Not all applicants are eligible for certain types of properties. Specific eligibility criteria that apply to these properties are shown in section 11.5 of this document.

The Council reserves the right annually to hold back up to five percent of properties (not including sheltered, special sheltered or age restricted properties) for direct nominations to certain classes of applicant where it would not be practicable for those applicants to use the scheme because of an identified risk to the applicant. These direct nominations will only be made following consultation with other relevant agencies.

The Council will set aside annually one per cent of properties (not including sheltered, special sheltered or age restricted properties) for the 'Right to Move' target. This is for social housing tenants who qualify under section 7.3.3 above. This target is implemented from June 2015, and is set at one per cent so that the Council can establish the demand. The target will be reviewed from time to time. Where sheltered, special sheltered or age restricted properties have been advertised for a number of weeks with no qualifying applicants bidding on them, the Council may seek to find qualifying applicants through other means and make direct matches to those applicants. The Council would do this in order to assist the housing associations in minimising vacancy periods.

11.7 Exceptions to the Standard Selection Procedure

In certain circumstances it may not be appropriate to offer a property to the applicant with the highest priority. Examples of such situations, but not exclusively, are detailed below.

- The applicant at the top of the list does not yet have sufficient support to live independently.
- The applicant at the top of the list is not suited to, or is not eligible for, the vacant property. See section 11.5 of this document.
- The applicant at the top of the list has rent arrears that they are unable to pay and may be temporarily suspended or removed from the housing register, see section of this document 7.11.
- The allocation of the tenancy is likely to result in serious estate management difficulties.
- A mix of applicants is required to establish a balanced mix of people with different levels of support needs.
- The housing association may have eligibility criteria that the Council will need to apply when selecting a suitable applicant for the vacancy.

- The vacancy is subject to a local lettings plan, is on a rural exception site or is in a rural village. See section 11.5 of this document.

Offers made under one of the above exceptions, or any other, exceptions will be approved by the Housing Options Manager and a record will be made to confirm why the exception was made.

11.8 Offers of Nomination

An offer of nomination is where an applicant is put forward for a housing association vacancy and this will be made to the applicant verbally by the Housing Team. The applicant will be told the address, type, number of bedrooms and name of landlord of the property being offered.

Where the nomination is made to a homeless applicant to discharge the Council's legal duty, the nomination offer will be made in writing. The applicant's details will then be verified again and will then be passed to the relevant housing association, which will then make an offer of accommodation to the applicant and make arrangements for the applicant to view the property. The Right to Rent documents detailed in Appendix 3 must be made available for all members of the households members for the housing association to view.

Once an applicant has been nominated for a property they will be able to continue to bid for properties, although they will not be considered for them until they have accepted or refused the property they have been nominated for. Applicants who refuse offers should read section 11.9 of this document.

Where an applicant is found at the nomination stage to owe the Council, housing association or a private landlord money, as explained in in section 7.3.10 of this document, the applicant will be referred to the Housing Options Manager, who will make a decision to either give the applicant a short time period to repay the money owed or to allow the nomination to proceed. This will be dealt with on a case by case basis.

Applicants accepted as legally homeless by the Council who are nominated for an offer under Part 7 section 193 of the Housing Act 1996 as amended by the Homelessness Act 2002 will have their application temporarily suspended until they have made a decision as to whether or not they will accept that offer. Further information can be found in section 14.17 of this document. If they decide to accept the offer their application will remain temporarily suspended until they have signed a tenancy agreement, at which point their application will be cancelled.

11.9 Refusals of Offers and Refusals of Nominations of Accommodation

Applicants in band 1, that refuse a third offer of accommodation after viewing the property offered, or in Bands 2 and 3 that refuse a third nomination of accommodation will be invited to discuss their reasons for those refusals with the HomeChoice Officers. The offers or nominations will then be reviewed to determine whether they were suitable and whether the refusals were reasonable in the circumstances. If the refusals were found to be reasonable then the applicant will be able to carry on bidding with their current banding position. If the refusals are found to be not reasonable then section 9.3 of this document will apply.

In determining the suitability of property the Council will take into account the shortage of housing association accommodation in the area balanced against the applicant household's medical needs, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment. Given the shortage of accommodation it cannot always be possible to ensure that these needs are met

The above clauses do not apply to homeless households, which is explained in section 11.4 of this document.

12. Keeping an Application Up to Date

12.1 How to Renew an Application

Applicants will be asked to renew their application annually on the anniversary of their application date and must provide details of their current circumstances and financial situation.

Applicants who do not renew their application within 28 days of receiving the invitation to renew will be assumed to no longer require housing and their application will be closed.

Where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties) the application will be closed unless there are exceptional circumstances. See section 12.4 of this document.

Applicant's who are no longer eligible or qualify to be on the housing register will be told in writing and their right of review will be explained. Section 21 of this document explains review rights.

12.2 Changes in Circumstance

Applicants who move to a new address, or whose circumstances change after they have been accepted onto the housing register (e.g. someone joining or leaving the household, or a change in income or employment etc.) should immediately contact the Council and arrange to update their application on line or complete any necessary forms. Applicants are advised of this requirement in their initial acceptance letter.

12.3 Home Visits

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation made. At this visit the Council's officer will complete a home visit form which the applicant will be expected to sign to confirm that the information is correct and to give consent for the information to be shared with relevant housing associations where they may be considered for a tenancy. Where it is not possible to carry out a home visit, e.g. where applicants are of no fixed abode or living outside of the district, they will be asked to attend at the Council offices so that these checks can be carried out.

Where practicable, applicants who are currently in an institution (prison or hospital etc) will be visited by a Housing Options Team. Where this is not possible, those applicants will be invited to attend an options interview within a week of their release/discharge.

Applicants who are already tenants of a housing association within the district can expect that their landlord will be contacted by the Council, prior to any formal offer of accommodation being made, to ensure that the landlord is satisfied with the tenants' rent account and condition of the property.

Applicants who qualify for the Housing Register and are living in caravans or mobile homes will be visited when they first apply to the Housing Register to assess the priority band they should be placed in.

12.4 Removal or Cancellation of Applications

If information is obtained that gives the Council reason to believe that an applicant who has already been accepted onto the housing register is, in fact, not eligible to be on the register, they will be informed in writing and given 28 days to provide information to show that they are eligible. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible, they will be removed from the housing register.

Applications will be closed:

- when an applicant fails to respond to correspondence sent to them by the Housing Options Team where a response is required, applicants will be given notice that this will be the case and will be given 28 days to respond;

- at an applicant's written or verbal request, in these cases the Housing Options Team will confirm the cancellation in writing;
- if the Housing Options Team is made aware that an applicant has moved and that applicant has not provided a forwarding address, in these cases no written notice or confirmation will be given; and
- once an applicant has been offered and accepted a housing association tenancy; and
- where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties.).

Applicants who are removed from the housing register may request a review of the Council's decision and information can be found in section 21 of this document.

13. Engagement with the Housing Options Team

An applicant who is not engaging with the Housing Options Team will have their housing register application temporarily suspended until the Council is satisfied that they are engaging.

To not engage means:

- Not actively bidding for properties for one year
- Bidding for suitable properties and then withdrawing the bids over the period of one year
- Failing to attend three consecutive appointments with the Housing Options Team
- Not contacting Housing Options Team when a Housing Options Officer has written or called to discuss their case on three consecutive occasions
- Breaching the tenancy agreement or house rules for emergency accommodation provided by the Council under the homelessness legislation

Applicants temporarily suspended under the above clause will be required to attend an interview with the Housing Options Team and a recommendation for the suspension may or may not be made to the Housing Options Manager for the suspension to be lifted.

14. Definitions of Terms

14.1 Bedroom Space

In assessing the application the will Council consider how many bedrooms are needed for the household and how many they actually have. We also look at the size of each bedroom.

Where more than one living room is available, this will be considered as an alternative bedroom as long as the applicant does not need to walk through it to access another room.

Bedroom size	Equivalent bed space
4.6 m ² - 6.5 m ²	½
6.5 m ² – 10.2 m ²	1
More than 10.2 m ²	2

To determine how much bedroom space is needed by a household, the following amount of space per person is allowed. Only people who are permanently resident as part of the household will be included for this purpose.

Person under 10 years old	½ bedspace
Person age 10 and over	1 bed space

A separate bedroom is allowed for each of the following groups:

- Each adult couple living together as partners
- Each single adult who is not a child of the applicant and is not living as a partner of another person
- Children of opposite sex where one of them is over 10 years of age
- Children of the same sex where one of them is over 16 years old
- Furthermore a separate bedroom **may** be allowed where a person of any age who has to sleep alone on certified medical grounds. This will not necessarily mean however that the property would be affordable if Housing Benefit were to be required for as the payment of Housing Benefit is regulated by separate guidelines. On this basis a housing association may refuse the nomination if they felt that it was not going to be affordable for the household.

All households of more than one person should have a living room in addition to any bedrooms needed.

Where a household has two children of opposite sex sharing a bedroom and the oldest is 10 years or older they will be placed in Band 2.

Where a household has two children with a 10 year age gap they will be placed in Band 2.

14.2 British Armed Forces

For the purposes of this policy the definition of 'regular' and 'reserve' armed forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

14.3 Cumulative Need

This occurs where an applicant has one or more factors in the banding criteria explained in section 9.1 of this document, unless it is stated that cumulative need does not apply.

14.4 Health Housing and Safety Rating System

This is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales. The assessment method focuses on the hazards that are present in housing.

14.5 Household

The household, for the purposes of this policy, will be regarded as:

- a sole applicant;
- any two persons who wish to live together as a couple;
- any parent(s)/guardian(s) and dependent children, permanently residing with them or who would reasonably expect to be permanently residing with them;
- any parent(s)/guardian(s) and adult children who are not dependent but have not yet left the family home;
- any parent(s)/guardian(s) and adult children who are still living at home because of a care need; or
- any adult siblings who wish to live together and have done so for more than 12 months.

As there is such high demand on family sized accommodation in Mole Valley, for the purposes of this policy, the Council will not accept the following situations of persons as being a “household”, unless there are special circumstances, which will be considered on request by the Housing Options Manager.

- Where two persons are not married, are not currently living together, have not previously lived together and have no children together and are applying for more than one bedroom accommodation, unless there is a proven need for one party to have 24 hour or overnight care.
- Where a father or mother is living separately from their children and the other parent or another party has residence of those children and the home that any children are living in is adequate for their needs. This is unless it would be in the best interest of the child/children to live with the absent parent. This would be subject to appropriate evidence being made available to the Council for consideration by the Housing Options Manager.
- Where a sibling, parent or other relative other than dependent children is residing with the applicant and has lived there for less than 12 months.

In a situation of joint residence the Council will also have regard to the housing situation in the Mole Valley area when making their decision, the shortage of housing stock and any under occupation which would result for part of the week.

14.6 Housing Options Manager

The Housing Options Manager is responsible for making discretionary decisions on the implementation of the Housing Allocations Scheme. In their absence these decisions will be made by the Strategic Housing Manager or Corporate Head of Service.

14.7 Lacking or Sharing Basic Amenities

For the purpose of this policy, facilities will include bathrooms, toilets and kitchen amenities. If more than one facility is lacking the household will be placed in band 2.

14.8 Medical Need

An applicant can apply to have medical priority awarded to their case. They may be required to complete a self-assessment medical form. The Council may seek

specialist opinion from its Health Advisor to assess whether or not the application should be given one of the following:

a) Emergency Medical Need

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on medical grounds. This level of priority may only be awarded by the Housing Options Manager, following a recommendation from the Health Advisor. An example of such a situation is where:

- an applicant cannot occupy their property because of a medical problem or disability and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift; or

an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively, to an emergency/urgent need

b) Households with an Urgent or High Need to Move for Medical or Welfare Reasons

This will be awarded where an applicant's health, or that of a member of the household, is likely to decline very rapidly and lead to a life threatening situation if they are not moved from their current accommodation within the next six months. Examples of this might include:

- an elderly applicant who lives above ground floor without a lift and who has had a series of heart problems; or
- where an applicant's continued occupation of their current home is likely to cause a marked deterioration in their health e.g. severe clinical depression or mental illness; or
- an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively to a high need.

c) Households with a Need to Move for an Identified Medical or Welfare Reason which is not considered an Emergency or Urgent

This level of priority will be awarded where it is recognised that the applicant's health is being affected by their current accommodation, but their health is unlikely to deteriorate significantly within a short period of time or full recovery is

likely within one year, or where there is more than one member of a household who have a non-urgent or Emergency Medical Need

d) No Medical Need

Where rehousing is unlikely to improve the applicant's health or where accommodation in itself is not affecting the illness then no medical need will exist and no priority will be given on this basis.

In certain circumstances where there are a number of household members who have health problems related to their current accommodation the Housing Options Manager may award a higher banding following a recommendation from the Health Advisor.

14.9 No Fixed Abode, Roofless and Sleeping Rough

An applicant will be held to be of no fixed abode when they are staying with various friends; family members etc, and have no permanent home, which includes people who are living in an institution where they will have no accommodation available for them to occupy when they are discharged/released. This includes prison, mental health units and accommodation; rehabilitation units and respite placements. It also includes people resident in a direct access night hostel where they otherwise have a local connection with the Mole Valley area.

An applicant will be considered to be Roofless when it has been verified that they are unable to stay with any friends, family members, or at hostels, night shelters etc, and the Council has reason to believe that they are permanently sleeping rough, in a tent or car and with no immediate access to any essential facilities.

14.10 Restricted persons

A 'restricted person' is some one who is not 'eligible' for housing assistance under the law on homelessness or to join the housing register because they require immigration leave, or who has leave with a condition of no recourse to public funds, who then jointly applies with a person who is 'eligible' to join the housing register and confers on that 'eligible' person a 'priority need' under the law on homelessness.

14.11 Shared Ownership

There are a variety of shared ownership schemes available in Surrey and detailed information on eligibility and how to apply can be found on the following website <http://keyhomes-east.org.uk/register.asp>

14.12 Social Housing Tenants

Social housing tenants are either tenants of a local authority or housing association.

14.13 Special Circumstances

Additional priority on this basis may be awarded where there are welfare or social factors, or exceptional circumstances not covered elsewhere. These will need to be substantiated by other agencies e.g. the Police, Children's Services or Adult Social Care, etc. The information will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether priority should be granted.

Priority may be awarded, but not exclusively, in the following circumstances.

- Where an applicant is a relative of a housing association tenant in Mole Valley who has died and they were residing with them for at least 12 months immediately prior to their death, but they do not have the right to succeed to the tenancy. In these cases additional priority will be awarded if the applicant does not have sufficient income, funds or assets to purchase or rent alternative accommodation suitable to their needs privately or by using a shared ownership scheme.
- Where an applicant has had to give up an existing housing association tenancy to receive long-term treatment or rehabilitation. Priority may be awarded following confirmation that the applicant has completed the treatment and is in housing need.
- Where a person needs to move to a different locality in order to give or receive care, to access specialist medical treatment, or to take up particular employment or training. Furthermore that hardship would be caused to themselves or others if they were unable to do so.
- Where an applicant has a particular special need that causes them to be considered vulnerable, other than on medical grounds. Examples of such applicants would include those with a learning disability; a care leaver aged 18-21 etc. Priority may be awarded following an assessment of an applicant's case at a Multi-Agency Special Needs Panel.
- Reciprocal arrangements between housing associations. These apply where one landlord rehuses an applicant from another housing association on the understanding that the housing association who has given up a property will, at some stage, be offered a property for someone from their waiting lists. At Mole Valley a reciprocal will be considered in the following circumstances.

- Where the applicant is fleeing violence, including domestic abuse.
- Where supported accommodation is vacant and there is no one on Mole Valley's housing register in need of the type of accommodation in question.
- Where there are exceptional management reasons requiring a move e.g. when a tenant from another authority area is to be a witness in criminal proceedings and needs to be moved for their own protection.
- Where a request for assistance is made through the mobility scheme for the rehousing of victims of violence in accordance with procedures agreed by the Surrey District and Borough Housing Authorities.
- Where a request for assistance is made through the mobility scheme for the rehousing of offenders in accordance with the current protocol agreed by the Surrey District and Borough housing authorities and partner agencies.

Before any agreement is given to a reciprocal arrangement a full written report of the circumstances is required. The Housing Options Team may also need to be satisfied that an applicant in housing need from the Council's list can be housed by the housing association or Council within a reasonable time. A written commitment is also required.

If additional priority is regarded as appropriate the Housing Options Manager will decide which of the following awards should be given as described below.

- Band 1 will be awarded where, in very exceptional circumstances an applicant is assessed as needing an emergency move, e.g. an applicant's life would be in immediate danger if they continued to live in their current property, or an applicant is unable to occupy their current property due to severe medical problems.
- Band 2 will be awarded where an applicant has an urgent need to move on welfare grounds or because of other special circumstances, or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agency.
- Band 3 will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

14.14 Split Family

Where a household with dependent children is unable to reside together. For the purposes of considering a household as a split family, the Council will only consider this to be the case where:

- a married couple or a couple in a civil partnership are unable to live together because of the lack of accommodation;
- a couple who are not married or in a civil partnership have previously lived together for a minimum of 6 months and are unable to continue to live together because of the lack of accommodation;
- a couple who have had children together but cannot live together because of the lack of accommodation; or
- any children of a parent or parents who could reasonably be expected to need to live with that parent but cannot because of the lack of accommodation.

14.15 Sheltered Housing with a Lunch Service

These are sheltered housing schemes owned by Circle Housing Mole Valley. The schemes offer self contained accommodation for independent living as in regular sheltered and there is a daily lunch service..

14.16 Suitable Offer

The Council will seek to take into account applicants' particular or special needs, but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of housing association accommodation and the demands placed upon it by those applicants with the highest needs. See also sections 9.3, 11.4 and 11.9 of this document.

14.17 Temporarily Suspended

Applications may be temporarily suspended for certain reasons. This means that an applicant will not be able to bid for a home whilst they are temporarily suspended. The reasons an application may be temporarily suspended are:

- an applicant owes the Council, housing association or private landlord money and has ceased making regular repayments, see section 7.11 of this document

- homeless households who have refused an offer of accommodation and the Council has discharged its responsibility to them and are living in the Council's emergency accommodation, see section 11.4 of this document
- an applicant who is homeless and has been nominated for or offered accommodation by a housing association as a discharge of duty under section 193 of the Housing Act 1996 Part 7, see section 11.8 of this document
- the applicant has not engaged with the Housing Options Team, see section 13 of this document
- the applicant is being investigated for suspected fraud or misleading information under section 7.5 of this scheme.
- the Council has been advised that there has been a change in a member of the household's circumstances and an update or supporting information is awaited (i.e. change of address, change of salary or income etc)

14.18 Under-occupation

Where a household have more bedrooms than they require under this policy and for more information go to Appendix 2.

14.19 Victim of Proven Anti-social Behaviour, or any Form of Abuse, Harassment or Hate Crime)

Evidence must be provided from the police and confirmed by the housing association or landlord where appropriate, which will be authorised by Housing Options Manager.

14.20 Vulnerable

When considering whether an applicant or member of their household is vulnerable, the Council will consider if someone will be considered vulnerable in accordance with the homelessness legislation Housing Act 1996 Part 7.

15. Members of the Council, Staff Members and their Relations

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be

assessed in the normal way, but any nomination of housing will require specific approval by a Corporate Head of Service.

16. Changes to the Scheme

The Housing Options Manager is authorised to make minor changes to this Allocations Scheme. These may be needed from time to time to ensure that the policy remains lawful following new statutory guidance or case law. However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public. Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will be approved by the Council's Executive.

17. Monitoring and Reviewing the Scheme

To ensure that the day to day tasks of assessment of applications and nominations to housing associations are made in accordance with this policy the Housing Options Manager will make random checks and take corrective action if required.

The Council has agreed to review this scheme annually.

18. Who is on the Housing Register and Who Gets Housed?

The Council will publish annually on its main website and the Mole Valley Home Choice website anonymised information on the numbers and types of households on the housing register and of the households who have been housed.

19. Equal Opportunities

The Council is committed to the aims in the public sector Equality Duty of giving applicants equality of opportunity and ensuring that it does not discriminate on grounds of sex or sexual-orientation, trans-gender status, marital status, race, religion or belief, age, disability, pregnancy or maternity. It will not discriminate on the basis of HIV status, social or economic status, responsibility for dependents, trade union membership or unrelated criminal conviction.

This does not mean that the Council is required by the Equality Duty to treat everyone the same. Rather, it requires the Council to think about people's different needs and how these can be met.

To ensure that the Council is administering the Housing Allocations Scheme fairly, applicants will be asked to complete a monitoring questionnaire. This information will be treated in the strictest confidence and it will not affect

applications in any way. Applicants do not have to answer any of these questions if they do not wish to.

This Allocations Scheme is compatible with the Council's equality obligations and an Equality Impact Assessment has been undertaken.

20. Data Protection

All information held by the Council is subject to the Data Protection Act 1998 and all personal information must be treated in strictest confidence.

Applicants are entitled to request a copy of the information held about them, for which they may be charged an administration fee.

By completing a Housing Register application the applicant provides their consent to the Council processing sensitive personal data about them, and consenting to the Council requesting and sharing information about them with and/or from other agencies and organisations.

The Council also reserves the right to check information provided by applicants with data matching and credit checking services.

21. Right to Information and Request a Review

Every applicant has the following rights regarding the provision of information.

- The right to request general information that will enable them to assess how their application will be treated including whether they are likely to be eligible for reasonable preference.
- The right to request general information that will enable them to assess whether housing appropriate to their needs is likely to be made available and if so how long it is likely to be before such accommodation becomes available.
- The right to be informed of the any decision about the facts of their case which are likely to be taken into account in considering whether to allocate housing to them.
- The right to be informed of any decision that they are unsuitable to be a tenant which is likely to be taken into account in considering whether to allocate housing to them.

All applicants have a right to ask for a review of any decision made regarding their application for housing including where: they have been found not eligible or

do not qualify to join the housing register; and their application has been cancelled.

A review request should be submitted to the Council in writing within 21 days of receiving the Council's decision. The applicant may ask a representative to submit the written request and may ask to meet with the Council with or without their representative. The review will be considered by a more senior officer to the officer who made the original decision and will not have been previously involved in the applicant's case. The Council will reach a decision within eight weeks and will notify the applicant if there will be a delay in issuing the decision. Once the decision has been issued the applicant cannot ask the Council for another review, but they may contact the Local Government Ombudsman www.lgo.org.uk







22. How to Comment or Complain













If an applicant wishes to comment or is unhappy with the service that we provide they may request a copy of our comments and complaints procedure. Details are available from:

The Complaints Officer
Mole Valley District Council
Pippbrook
Reigate Road
Dorking
Surrey
RH4 1SJ
Telephone 01306 885001 Minicom 01372 819094
Website www.molevalley.gov.uk Fax 01306 876821

Appendix 1
East Surrey Home Choice Policy

**Appendix 2
Mole Valley District Council Bedroom Standard**

Household Type	Bedroom Requirement					
	Bedsit	1	2	3	4 (also 3 bed 2 living room)	5 (also 4 bed 2 living room)
Single person						
Couple (including pregnant couple until 6 weeks before EDD)						
Parent(s) with 1 child or 6 weeks before EDD						
Parent(s) with 1 girl and 1 boy under 10						
Parent(s) where two children of the same sex where both are under 16						

Parent(s) with 1 girl and 1 boy where the eldest is over 10						
Parents(s) with two children where one child is over 16						
Parent(s) with two children (under 16) of same sex where this is more than a 10 year age gap						
Parent(s) with two children of separate sex where this is more than a 10 year age gap						
Parent(s) with three children depending on age and sex						
Parent(s) with four children depending on age and sex						
Parent(s) with 5 or more children						

Appendix 3

Right to Rent Checklist

<u>List A Acceptable Single Documents</u>	<u>Household Member</u>	<u>Date Seen</u>
<u>A passport (current or expired) showing that the holder is a British Citizen, or a citizen of the UK and Colonies having the 'right of abode' in the UK</u>		
<u>A passport or national identity card (current or expired) showing that the holder is a national of the EEA or Switzerland</u>		
<u>A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of the EEA country or Switzerland</u>		
<u>A biometric residence permit card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite@ leave in the UK, or has 'no time limit' on their stay in the UK</u>		
<u>A passport or other 'travel document' (current or expired) endorsed to show that the holder is either 'exempt from immigration control' has indefinite leave in the UK, has the right of abode' in the UK or has 'no time limit' on their stay in the UK</u>		
A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder is either 'exempt from immigration control', has 'indefinite' leave in the UK, has the 'right of abode' in the UK, or has 'no time limit' On their stay in the UK.		
A certificate of registration or naturalisation as a British citizen.		

<u>List A (Group 2): Acceptable Documents (any 2)</u>	<u>Household Member</u>	<u>Date Seen</u>
---	-------------------------	------------------

<p>A full birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's Parents or adoptive parents.</p>		
<p>A current full or provisional photo card UK driving Licence.</p>		
<p>A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service In the 6 months prior to the check.</p>		
<p>A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service In the 6 months prior to the check.</p>		
<p>A letter issued within the 3 months prior to the check by a UK government department or Local Authority and signed by a named official (giving their name and professional address), confirming the holder's name and that they have previously been known to the Department or local authority.</p>		
<p>A letter issued within the 3 months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that</p>		

<p>the holder is the subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or, from an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an Order requiring supervision by that officer.</p>			
<p>Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or Current service in any of HM's UK armed forces.</p>			
<p>A letter from a UK police force confirming that the holder is a victim of crime and has reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued Within the 3 months prior to the check.</p>			
<p>A letter issued within the 3 months prior to the check signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or Resolve homelessness.</p>			
<p>A letter issued within the 3 months prior to the check confirming the holder's name signed by the person</p>			

who employs the holder (giving their name and business address) confirming the holder's status as employee and employee reference number or their National Insurance number.			
A letter issued within the 3 months prior to the check from a UK further or higher education institution confirming the holder's acceptance on a current Course of studies. This letter should include the name of the educational establishment, as well as the name And duration of the course.			
A letter issued within the 3 months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons at Annex A. The letter should confirm the holder's name, and confirm that the acceptable professional person has Known the holder for longer than three months.			
Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued Within the 3 months prior to the check.			

<u>List B: Time Limited Documents</u>	<u>Household Member</u>	<u>Date Seen</u>
Disclosure and Barring Service Certificate (criminal record check) issued within the 3 months prior to the		

Check.		
A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in The UK for a time-limited period.		
A current biometric 'residence permit' card issued by the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for A time-limited period.		
A current 'residence card' (including an accession residence card or a derivative residence card) issued by the Home Office to a non-EEA national who is either a 'family member' of an EEA or Swiss national Or has a 'derivative' right of residence.		
A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK For a time-limited period.		

Appendix 2

HOUSING ALLOCATIONS SCHEME

Version 4.2

Last updated	Approved February 2014, Updated June 2015, January 2016, March 2017, 28 November 2017
Responsible Officer	Kirsty Jones Housing Options Manager
Approved by	Executive
Next update due	January 2019

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1. Introduction

This document sets out Mole Valley District Council's Housing Allocation Scheme, as required by section 166A of the Housing Act 1996 Part 6. It identifies the priorities that the Council will follow in the letting of Private Registered Providers (referred to as housing associations in this document) properties for rent, to which it has nomination rights.

In drawing up this scheme the Council has consulted with the housing associations with which the Council has nomination arrangements, local voluntary and statutory agencies, housing applicants and residents of Mole Valley.

2. Aims of the Scheme

The aims of the Allocation Scheme are to:

- provide an allocation scheme for housing applicants with a local connection to Mole Valley who are in housing need;
- maintain an appropriate balance between the needs of homeless households and others in housing need;
- make best use of the affordable housing stock, which is in short supply in Mole Valley;
- ensure that difficult to let properties are managed and re-let times are minimised;
- reduce under-occupation; and
- nominate households for housing association homes for rent in a way that is fair and transparent.

3. The Legal Background

The Housing Allocation Scheme has regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, Housing and Regeneration Act 2008 and other relevant legislation
- Homelessness Reduction Act 2017

- Allocation of Accommodation: guidance for Local Authorities in England, 2012
- Housing Allocations – Members of the Armed Forces (circular 04/2009), April 2009
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England December 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- Localism Act 2011
- Equality Act 2010
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- Welfare Reform Act 2012
- Existing case law
- The Council's Housing Strategy 2009-13
- The Council's Tenancy Strategy 2012-15
- The Council's Homelessness Strategy 2015-20

References in the Housing Allocation Scheme to statute and case law, regulations, and ministerial guidance are necessarily limited. They are not intended as a substitute for the original sources, which should be consulted where necessary.

4. The Scope of the Scheme

The Council maintains a single list of applicants in need of affordable rented social housing known as the Housing Register and the applicants are assessed and prioritised in accordance with the Council's Housing Allocation Scheme. The housing register is used by the Council for allocating all housing for rent and applies where the Council nominates an applicant to be offered a:

- secure, fixed term or introductory tenancy by another Council (or another body able to grant a secure tenancy); or
- fixed term tenancy, assured tenancy or assured shorthold, or starter tenancy from a housing association.

Lettings that are not covered under the scheme are described below.

The sale of shared ownership homes - information on sales can be found at <http://keyhomes-east.org.uk/register.asp>

Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part 6 of the Housing Act 1996. Offers of tied accommodation (service tenancies or service licences) made to Council employees.

Referrals made to any private landlord for an assured shorthold tenancy made under the Council's rent deposit bond scheme or by the Council's Housing Options team.

Mutual exchanges between housing association and local authority tenants.

Succession of tenancies by household members of housing association and local authority tenants.

Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

5. The Type of Scheme

The Council's Housing Allocation Scheme is a banding scheme. Applicants who are eligible and qualify will be placed in one of three bands ranging from 1 (highest need) to 3 (lower need), which reflect their housing need in accordance with the 'reasonable preference categories' in the Housing Act 1996 Part 6 and the Council's local priorities for housing allocation.

All applicants who apply to join Mole Valley's housing register will also be assessed and banded according to the jointly agreed criteria set out in the East Surrey Home Choice Allocation Policy Appendix 1. This banding will be used when allocating properties made available through the East Surrey Home Choice Scheme. These homes are generally for people over 55 years old.

6. Who can join the Housing Register?

6.1 When applicants apply to join the Housing Register, the Council will first consider:

- whether someone is eligible to apply for housing, and; if they are;
- whether they qualify under the scheme rules.

6.2 To be Eligible Applicants must be:

- 16 years of age or older; and
- resident in the United Kingdom

6.3 To Qualify Applicants must:

- have a local connection to the geographic area covered by Mole Valley District Council;
- have a housing need that has been assessed in accordance with the Housing Allocation Scheme;
- not be an owner occupier, unless they are over 55 years old¹;
- have an annual household gross income under £50,000;
- have combined savings and assets under £16,000, unless they are over 55;
- not owe this Council, another Council, housing association or private landlord money for housing debts; and
- not be guilty of unacceptable behaviour.

¹ Owner occupiers over 55 years old with a gross annual income of over £50,000 and combined savings and assets of over £16,000 will not qualify to join the housing register.

Detailed information on eligibility and qualification can be found in section 7 of this document.

6.4 Applicants Aged 16 or 17 years

Applicants aged 16 or 17 years will be accepted onto the housing register providing they do not fall within the groups below of applicants who are not eligible or do not qualify. Their application will be jointly assessed by the Council and Surrey County Council's Children's Services before any offer of accommodation is made. A suitable guarantor will need to be identified if the young person is offered a tenancy, which will need to continue until the applicant reaches the age of 18 years.

6.5 Changes in the Law

The Secretary of State may from time to time amend the classes of person eligible to be considered for housing. The Allocation Scheme will automatically be amended to reflect any such changes from the date of implementation.

7. Who cannot join the Housing Register?

7.1 Who is not Eligible?

In accordance with legislation the following people are not eligible to join the housing register:

- those under 16 years of age; and
- persons from abroad and this is explained in section 7.2 of this document.

7.2 Persons from Abroad

Persons from abroad are not eligible to join the housing register. This means persons from abroad who are:

- subject to immigration control and have no recourse to public funds; or
- excluded by regulations made by the Secretary of State; or
- not habitually resident in the United Kingdom (UK); or
- who are required to leave the UK by the Secretary of State.

Specifically, the Secretary of State has determined that the following groups are not eligible to join the Council's housing register because of their immigration status.

- A person registered with the Home Office as an asylum seeker
- A visitor to the UK (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that they will not have recourse to public funds
- A person who has valid leave to enter or remain in the UK, which includes a condition that there will be no recourse to public funds
- A person who has valid leave to remain in the UK, which carries no limitation or condition and who is not habitually resident in the Common Travel Area. The Common Travel Area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland
- A sponsored person who has been in this country less than 5 years (from date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is/are still alive
- A person who is a national of an European Union (EU) country that is subject to immigration control
- A person who is a national of a non European Economic Area country that has ratified the European Convention on Social & Medical Assistance (ECSMA) and/or the European Social Charter (ESC), but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with a temporary admission) and/or is not habitually resident in the Common Travel Area
- A person who is in the UK illegally or who has overstayed their leave to remain

7.3 Who does not Qualify?

The following people do not qualify to join the housing register, those:

- with no local connection (go to sections 7.3.1 to 7.3.5)
- with no housing need (go to section 7.3.6)
- who own their home, except those over 55 (go to section 7.3.7)
- with an annual household gross income of over £50,000 (go to sections 7.3.8 and 7.3.9)
- with combined savings and assets of over £16,000, except those over 55 (go to sections 7.3.8 and 7.3.9)

- those who owe the Council money (go to section 7.3.10)
- those guilty of unacceptable behaviour (go to section 7.3.11)

7.3.1 Persons with No Local Connection

People who do not have a local connection to the geographic area covered by Mole District Valley Council will not qualify to join the Housing Register. The Council has determined that for a local connection to be established with Mole Valley the applicant must provide written evidence that:

- they live in the district and have had residence in the district for the last two years; or
- their place of paid employment is in the district and they have been employed for more than 16 hours per week for the last two years; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years and on welfare and or health grounds the applicant needs the support of the close family or the close family need the support of the applicant and if not provided hardship would be caused. Evidence will be required from both the applicant and close family in addition to supporting evidence from at least one supporting agency of the welfare or health need of either party.

7.3.2 Exceptions to the Local Connection Criteria - British Armed Forces

British Armed Forces personnel who fall within the categories below are exempt from the local connection qualifying criteria under the *Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)*:

- Those who are serving in the regular forces or have done so in the five years preceding their application
- Bereaved spouses or civil partners of those serving in the regular 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
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

- In keeping with the terms of the Mole Valley Armed Forces Community Covenant September 2013, members of the wider British Armed Forces community, past and present, may also be exempt from the local connection criteria where the household is in housing need and it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. This may include veterans (those who have served as a regular or reservist in the armed forces). Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

7.3.3 Exceptions to the Local Connection Criteria – Social Housing Tenants – The Right to Move

Persons, who at the date of their application, are social housing tenants with an assured, introductory or secure tenancy and do not reside in the district of Mole Valley, will have a local connection if:

- they need to move to Mole Valley to avoid hardship; and
- their work is located in the district of Mole Valley; or
- they have an offer of work in the district of Mole Valley that they have a genuine intention to accept.

The Council will require documentary evidence to confirm work or an offer of work. Their employer will also be contacted. This will be checked again before an offer of social housing is made.

To assess whether they need to move to avoid hardship the Housing Options Manager will make an assessment and will take into account the following factors:

- the distance and/or time taken to travel between their work in Mole Valley and their current home;

- the availability and affordability of transport from their current home to their work in Mole Valley taking into account the level of their earnings;
- the nature of their work and whether similar opportunities are available closer to their current home;
- other personal factors, such as medical conditions and child care, which would be affected if they could not move;
- the length of their work contract; and
- whether failure to move 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.

This clause (7.3.3) will also apply to apprenticeships and offers of apprenticeships.

This clause (7.3.3) does not apply to work that is short-term or marginal in nature, or ancillary to work in another district. Voluntary work is also excluded.

Persons who qualify under this clause (7.3.3) will be assessed in accordance with the 'Banding Scheme' (9.1) and with the section on 'Special Circumstances' (14.14).

7.3.4 Other Exceptions to the Local Connection Criteria

Exceptions may include, for example, and not exclusively, the situations described below.

- Applicants placed outside the district by the Council into accommodation with a supported housing provider will retain any local connection for the purposes of qualifying for the Housing Register.
- Applicants placed outside the district by the Council into temporary accommodation under the homelessness legislation will retain a local connection for the purposes of qualifying for the Housing Register.
- Where an applicant has been assisted by the Council with privately rented accommodation through the Rent Deposit Bond Scheme (to prevent homelessness) and that accommodation is outside of the district, the applicant will be assessed as still having a local connection whilst they remain in that accommodation.

- Where someone is in an institution outside of the district they will be treated as having a local connection if they can show that they were placed there from an address in Mole Valley and documentary evidence can be provided to support this.
- Where, for example, applicants are fleeing domestic abuse or are other vulnerable people for whom returning to their area of origin would place them at risk, and there is third party evidence of the risk e.g. from the Police, Probation, Adult Social Care and Children's Services etc. The information will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exemption should be granted.
- Where the applicant provides documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the district. This will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether a connection has been established. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision.
- A care leaver, who is the responsibility of Surrey County Council, is exempt from the local connection criteria of this scheme until they reach the age of 21.
- Where a household has approached the Council as homeless and has been accepted as being owed the full duty under the homelessness legislation, they will be able to join the housing register if they do not have a local connection. They will be placed in Band 3.

7.3.5 A Local Connection will not be Established

- Where the applicant has been placed in temporary accommodation within the district by another local authority in the discharge of their homelessness duties.
- Where the applicant has been placed in supported housing within the district by another local authority and has no qualifying local connection to this district. Time spent living in the supported housing in Mole Valley will not count as a local connection.
- Where the applicant is living in a night shelter, hostel accommodation or supported housing in the district they will not be considered to have any local connection unless previous residence or other qualifying local connection in the district can be proved. Time spent living in this accommodation in Mole Valley cannot count as a local connection unless a previous local connection can be proved.

- Where the applicant qualified for registration because the Council owed them the main homelessness duty and the Council has ceased to be subject to that duty because of the refusal of a suitable offer, and the applicant does not have any other qualifying local connection for the housing register.

7.3.6 Persons with No Housing Need

Persons who do not have a housing need that would place them in bands 1, 2 or 3 will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley. The criteria for the bands can be found in section 9.1 of this document.

7.3.7 People who Own Residential Property

Persons who are under 55 years and own or jointly own any residential property either outright or mortgaged will not qualify to join the housing register regardless of whether they have a local connection. The age is set at 55 because it is the qualification age to be considered for older persons' housing association accommodation and this type of accommodation in Mole Valley is in reasonable supply.

Exceptions will require documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether the exception should be made. Exceptions may include, for example, and not exclusively, the situations described below.

- There is a member of a household who is disabled and their home cannot be adapted to meet their needs, which has been confirmed by an Occupational Therapist and the proceeds from the sale combined with income and savings is insufficient to buy an alternative suitable property.
- There is a lack of bedroom space or medical, welfare or disrepair reasons and the household does not have sufficient income or savings to purchase alternative accommodation suitable to their needs, or to repair their property.
- The applicant is unable to reside at the property due to a relationship breakdown, but is still having to maintain the home for dependent children.
- The applicant is unable to reside at the property because they are the victim of violence or threats of violence, including domestic violence.

- An applicant who has a shared interest in a property with a person not included on their application may be required to resolve the ownership issue before an application will be considered and an exemption granted. Affected applicants will be referred to the Housing Options Team in order to address these issues and look at all available options. The assessment may include referring the applicant for money advice.
- The applicant is in shared ownership accommodation and needs to move or downsize due to affordability or health issues, and does not have the financial means to be able to achieve this.

7.3.8 People with Income and Savings

The Council has set financial qualifying criteria so that people with sufficient household income and/or savings and/or assets will not qualify to join the Housing Register.

All applicant households will be required to supply evidence of their income, savings and assets at the point of application and nomination.

The following applicant households will not qualify to join the housing register regardless of whether they have a local connection:

- those with an annual household gross income in excess of £50,000
- those under 55 years with combined savings and assets in excess of £16,000.

The state retirement pension will be disregarded as part of annual household gross income, as will accrued contributions to a pension that cannot be accessed until retirement age.

The following benefits will be disregarded for the calculation of income: Personal Independence Payments; Carers Allowance; and Disability Living Allowance.

Lump sums received by a 'regular' or 'reservist' member of the British Armed Forces, as compensation for an injury or disability sustained on active service will be disregarded. This is in keeping with the Mole Valley Armed Forces Community Covenant September 2013. For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

Exceptions may include, for example, and not exclusively, the situations described below.

- When in the view of the Council it is in its strategic interest to do so for example, and not exclusively, a housing association tenant living in Mole Valley with savings in excess of £16,000, in a three bedroom property who is assessed as needing to move to one bedroom accommodation. Documentary evidence, which will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether the exception should be made.

Proof of income and savings will need to be provided and details can be found in section 8 below.

Households who do not qualify to join the Housing Register as a result of the financial qualifying criteria will be provided with advice and information regarding alternative housing options, such as low cost home ownership products (<http://keyhomes-east.org.uk/register.asp>) and private rented sector accommodation.

7.3.9 People Over 55 who are Owner Occupiers with Income and Savings, or have Income and Savings over £16,000

For clarity people who are over 55 that:

- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income under £50,000 **will qualify** to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation specifically for those over the age of 55).
- have a combined income, savings and/or assets over £16,000 **will qualify** to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation specifically for those over the age of 55.)
- own or jointly own any residential property either outright or mortgaged, have combined savings and assets of in excess of £16,000 and an annual household gross income in excess of £50,000 **will not qualify** to join the housing register

- have a combined income, savings and/or assets over £16,000 will qualify to join the housing register, as long as they have a local connection to Mole Valley, do not owe the Council housing or Council Tax debts, or another Council, housing association or private landlord money for housing debts and are not guilty of unacceptable behaviour; (This clause only applies for applicants who are applying for accommodation for those over the age of 55.)

7.3.10 People who owe the Council, a Housing Association or a Private Landlord Money

The following persons will not qualify to join the housing register regardless of whether they have a local connection to Mole Valley and meet other eligibility and qualification criteria:

- those who currently owe the Council money for: rent arrears from the Council's emergency accommodation; rent deposit bond claim; or have not made regular payments for a loan for rent in advance;
- those with current or former rent arrears with another Council or housing association or private landlord; or
- owe Council Tax to Mole Valley District Council.

Applicants with these debts will qualify to join once they have paid the debt in full. Where 12 regular payments have been made towards the debt the Housing Options Manager, on a case by case basis, will take into account the remaining debt and will decide whether the applicant may join the register. 12 regular payments will be defined as 12 consecutive weekly payments or three consecutive monthly payments. Applicants who then qualify to join the housing register because they have made the required regular payments must continue to make regular payments until the debt is paid, should payments either cease or become irregular the application will be temporarily suspended. If regular repayments have not commenced within 28 days the housing application will be closed.

Where an applicant has been accepted onto the housing register and a new debt is accrued a payment plan and first payment must be made within 28 days of notification to the Housing Team or the application will be closed. During the 28 days the housing application will be suspended in accordance with section 14.18 of this document.

7.3.11 People Guilty of Unacceptable Behaviour

People considered guilty of unacceptable behaviour will not qualify to join the housing register and this applies where any member of a household has behaved in such a way that their behaviour would have entitled the Council to a Possession Order had they been a secure tenant of the Council.

Examples of such unacceptable behaviour would include:

- significant rent arrears or breach of tenancy obligations;
- serious nuisance or annoyance to neighbours;
- a conviction for using accommodation, or allowing it to be used, for immoral or illegal purposes, such as drug dealing;
- serious damage or neglect of the property; and/or
- applicants and any member of the household who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this provision may re-apply once the conviction is spent.

Each application will be considered on its own merits, but where the Council is satisfied that these conditions apply, the applicant will not qualify to join the housing register. The Council will also take into account whether the applicant or any member of the household has been served with a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014.

Where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as not qualifying without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Adult Social Care and Children's Services, the Council's independent Health Adviser and local providers of support services.

7.4 Deliberately Worsening Circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority under the scheme, they will not be able to join the housing register for 12 months from the date the Council has informed the applicant of this decision.

This includes failure to take reasonable actions or follow advice which would prevent them becoming homeless or improve their housing circumstances, for example, accept an offer of suitable private rented or housing association accommodation which, given their situation, would be reasonable to do so. This may also include failure to express an interest in suitable accommodation that is advertised each week and/or refusal of suitable accommodation that has been offered.

7.5 False or Misleading Information

It is an offence to make a false statement and/or knowingly withhold information in connection with an application to join the Housing Register. The maximum fine for this is £5,000. Anyone who gives false information may be removed from the housing register.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is not eligible or does not qualify, it will inform the applicant in writing and suspend the application in accordance with section 14.17 of this document. The applicant will be given 21 days to provide information showing that they are eligible and or qualify. If they do not reply within this period, or if they reply but the Council remains of the view that they are not eligible or do not qualify, they will be removed from the housing register.

7.6 Right of Review

The Council is required to provide advice, information and assistance to all applicants, even if they are likely to be unsuccessful with their application.

The Council will write to anyone who is told that they cannot join the housing register giving its reasons. Applicants have the right to ask for a review of a decision to exclude them from the Housing Register. Section 21 of this document provides further details on how to request a review.

7.7 Re-Applications from Non-Qualifying Persons

Applicants who have applied to join the housing register, but were not considered to be qualifying persons may make a fresh application if they consider that their circumstances have changed so that they should be treated as a qualifying person. It is the applicant's responsibility to satisfy the Council that their circumstances have changed.

8. How to Join the Housing Register?

There are a number of ways an applicant can join the Housing Register and the first step will be to assess that the applicant is eligible and qualifies. The ways to join are described below.

- The applicant may go to the following on-line link <https://www.molevalley-homechoice.org.uk/Data/ASPPages/1/701.aspx> and use the Mole Valley Housing Options Wizard that will tell the applicant their housing options and if they qualify for the housing register. If the applicant qualifies and wishes to join they may contact the Housing Options Team to discuss their housing options and, if appropriate, the application will be completed with the applicant. Further advice may also be offered.
- The applicant may make an appointment with the Housing Options Team at the Council's office in Dorking. An assessment will be made of the housing options available and if the applicant qualifies an application will be made. Further advice may also be offered.
- If the applicant does not have on-line access to the Housing Options Wizard and cannot visit the office a telephone interview or, where necessary, a home visit will be offered.

The following documents must be provided for all members of an applicant's household to not only assess an applicant's qualification for the Housing Register, but also to meet the requirements of the law on the Right To Rent. A full checklist of documents that must be provided for the Right to Rent can be found in Appendix 3 of this document. -

- identification: preferably photo id that must be either a passport or drivers licence or birth certificate, preferably the long version
- immigration status: passport and for non UK and EU applicants an Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating whether the applicant is allowed to stay in the UK
- income and savings: pay slips; if self employed annual earnings and tax certificate from HM Revenue and Customs; statements for bank and savings accounts, bonds, equity and shares statements showing balance and interest and dividends; royalties statements; welfare benefit letters and statements; and any other document showing annual income and savings
- assets: ownership of any residential or commercial property in the UK or elsewhere; commodities (precious metals, nonferrous metals, agriculture, energy or others) Real Estate Investment Trusts; insurance products (annuity, life settlements, catastrophe bonds and personal life insurance); derivatives; collectibles such as art, coins, or stamps; foreign currency; venture capital; private equity; distressed securities; and any other document to confirm the applicant's assets

- local connection: bank statements, utility bills or Council Tax bills showing the applicant's current address; letter from the applicant's employer on their headed paper to confirm they are employed in Mole Valley, the date they commenced employment and number of hours worked per week; name and address of close family members living in Mole Valley; and any other document to confirm the applicant's local connection to Mole Valley and to a rural village or electoral ward

The contact details for the Housing Options Team are given below.

The Housing Options Team
Mole Valley District Council
Pippbrook
Dorking
Surrey
RH4 1SJ
Telephone: 01306 879396

The application process should be completed within 21 working days provided that the documentary evidence required has been received. If it has not been received within 28 days of a reminder being sent, the application will be cancelled. The date that the application will be effective from will be the date that the application and all relevant evidence of proof of income; identification and local connection to the district was received by the Council.

The Housing Options Team will undertake an assessment of the application against this scheme. Applicants may be asked to provide additional information and/or supporting documentation to verify their situation and or eligibility and qualification.

From the time that all relevant information has been received and assessed, the Council will then write to the applicant to confirm their application reference number and banding under both the Mole Valley scheme and the East Surrey Home Choice scheme that can be found at Appendix 1 of this document. This letter will also contain information that will enable the applicant to access the Mole Valley Home Choice web-site to place bids on properties and state the number of bedrooms that they have been assessed as needing for the size of their household.

If an applicant has the income to pursue shared ownership they will be directed to the following website <http://keyhomes-east.org.uk/register.asp>, where they can register their interest.

9. How are Applications Assessed?

Every application will be assessed using the banding scheme. This is intended to ensure that some priority is awarded to all applicants who are entitled to reasonable preference, in accordance with section 166A of the Housing Act 1996 (as amended by the Homelessness Act 2002). These categories are listed below.

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996); this includes people who are intentionally homeless and those who are not in priority need
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996, as amended by the Homelessness Act 2002 and Housing and Regeneration Act 2008
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- 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 in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

9.1 The Banding Scheme

Applicants' needs will be assessed in accordance with this scheme and their application will be placed in one of three bands by the date that they have joined the register. Should they move up a band they will start that band on the date that they move into that band. If they move down a band, the original date for being in that band will be restored. The bands are explained below.

Band 1 Exceptional Need

- Households who cannot occupy their current accommodation because of a medical problem or disability, and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift. An independent Health Adviser will normally have recommended that the application should be awarded band 1. See section 14.9 of this document.
- An application where the life of a household member would be in immediate danger if they continued to live in their current accommodation and this has been substantiated by other agencies. E.g. victims of domestic violence, racial harassment and applicants accepted under the National Witness Protection Scheme.
- Other cases recognised as exceptional and/or emergencies but not fitting into the above. These are defined under special circumstances in section 14.14 of this document.
- Applicants who are under occupying a property and are a successor or a tenant of a local authority or housing association and Mole Valley District Council would be able to nominate to the resulting vacancy.
- Applicants who are occupying a property, which is subject to a compulsory purchase order and/or where the Council has a statutory duty to move the applicant or they need to move because their home is to be demolished or redeveloped within 6 months.
- Applicants who occupy a property that has been assessed by an Environmental Health Officer of the Council to have one or more category 1 hazards under the Housing Health and Safety Rating System and it is necessary for them to leave the property urgently due to safety concerns and the landlord has been informed of the hazard.
- Applicants whose needs fit into four or more categories in band 2 (with the exception of households being accepted under the homeless legislation), and this will be confirmed by Housing Options Manager.

Band 2 High Need

- Households with an urgent or high need to move for medical or welfare reasons. For more information see sections 14.9 and 14.14 of this document.

- Households moving from supported accommodation where the original referral to that accommodation was made by Mole Valley District Council.
- Households for whom the Council has accepted an obligation to provide housing under Part 7 of the Housing Act 1996 from the date that they went into emergency accommodation provided by the local authority – *People meeting this criteria do not benefit from cumulative need.*
- Households for whom the Council has arranged an Assured Shorthold Tenancy in the private rented sector in order to prevent their homelessness and they have been living in that accommodation for 12 months.
- Victims of proven anti-social behaviour or any form of abuse, harassment or hate crime that has been directed at them, where their life is not in immediate danger.
- Applicants who are considered to have special circumstances requiring them to move where this is substantiated by three or more agencies. Special circumstances are described in section 14.14 of this document.
- Applicants with one or more dependent children who are living in accommodation that is a bedsit or has only one bedroom.
- Vulnerable applicants who are retiring or whose contract is terminated on health grounds from tied accommodation.
- Vulnerable applicants who are receiving a discharge from the British Armed Forces because of redundancy and/or end of service.
- Applicants who are care leavers and who have been referred by Surrey County Council Children's Services. These applicants will be included in band 2 when they are within 12 months of having to leave their care placement.
- Applicants who are foster carers approved by Surrey County Council Children's Services who need larger accommodation. This will be subject to a joint assessment with the County's Children's Services.
- Applicants who need a larger home to accommodate a fulltime (24 hour) carer, who is not a member of their family. This will be subject to a joint assessment with Surrey County Council's Adult Social Care.

- Households who at their current home are short of two or more bedrooms in accordance with this policy on the number of bedrooms a household may be considered for (sections 10, 14.1 and Appendix 2 of this document)
- Households who are short of one or more bedroom of the correct bedspace size and have children with more than a 10 years age gap sharing a room.
- Households who are short of one or more bedroom of the correct bed space size and have children of opposite sex sharing a room where the oldest child is 10 years old or older.
- Households whose accommodation lacks basic facilities (i.e. a kitchen, bathroom or WC) and this cannot be provided by the owner at reasonable cost.
- Applicants who are roofless or sleeping rough and whose circumstances are confirmed by the Housing Options Team.
- Households who are homeless, and are accommodated in interim accommodation provided by the Council pending a decision being made on their case where they have a local connection as defined by the Housing Allocations Scheme.
- Households who are being considered under the 'Relief' function of the Homelessness Reduction Act where they are not being accommodated in interim accommodation and they have a local connection under the Housing Allocations Scheme.
- Applicants whose needs fit into three or more categories in band 3 with the exception of households being accepted under the homelessness legislation and this will be confirmed by the Housing Options Manager.
This cannot be cumulative with any other medical criteria within this band.

Band 3 – Medium/Low Need

- Households who are short of one bedroom of the correct bed space size according to the policy
- Households with dependent children where the facilities are shared with others who are not members of the applicant's household

- Households with a need to move for an identified medical or welfare reason which is not considered an emergency or urgent – *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households containing one or more people who have health problems which may be improved by moving to alternative accommodation - *This cannot be cumulative with any other medical criteria within this band.* See section 14.9 of this document.
- Households who need to move on welfare grounds including giving or receiving care or support, to take up a particular employment, education or training opportunity, to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
- People given notice to quit from tied accommodation, but not considered to be vulnerable.
- Households with no living room or those sharing a bathroom, living room or kitchen with another household.
- Households who are renting accommodation with limited security of tenure e.g. Assured Shorthold Tenancies.
- Households who have been assisted through the Council's rent deposit bond scheme and have not completed the first 12 months of the tenancy they have been assisted with.
- Households who are homeless, but who are not owed the full housing duty within the meaning of Part 7 of the Housing Act 1996 because they are intentionally homeless (this criteria will apply only to households residing in accommodation provided by the Council).
- Households who are homeless and owed a full duty under the homelessness legislation and do not have a local connection with the Council, as defined in the Housing Allocation Scheme.
- Applicants who are no fixed abode and whose circumstances are confirmed by a Home Options Team.
- Households who are considered to be a split family unit.
- Qualifying current and former British Armed Forces households - *please see section 9.2 of this document on when this will apply.*

- Households whose accommodation is assessed as being in disrepair and this has been verified by an Environmental Health Officer, and this priority will remain until the works to repair the property are completed by the landlord.

9.2 British Armed Forces

This section explains how the priority band will be awarded once it has been established that an applicant meets the British Armed Forces and local connection criteria in accordance with section 7.3.2 of this document.

Members of the British Armed Forces who have been living in any accommodation provided by the Armed Forces, and who were living in the Mole Valley district prior to joining the Armed Forces, or who have acquired a connection with Mole Valley through residence or employment whilst serving, or are serving and are exempt from having a local connection in accordance with section 7.3.2 of this document will be assessed as living in 'tied accommodation' and will therefore be placed in band 3 until such time as their discharge date is known. Once the Council has been made aware of this date they will be assessed as living in insecure accommodation within the district and will be moved to Band 2.

For other qualifying British Armed Forces households the following criteria for Band 3 will be used and can be used as a cumulative factor within that band to give additional preference to the household's application.

- Former members of the Armed Forces as a regular or reservist
- Serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses or civil partners of those serving in the regular 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
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service

Members of the wider British Armed Forces community, past and present, may also be considered where it can be shown on the grounds of health and welfare that to do otherwise would cause hardship. Documentary evidence will be required, which will be reviewed on a case by case basis by the Housing Options Manager, who will make a decision on whether priority should be granted. This may include, but not exclusively:

- Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in section 374 of the Armed Forces Act 2006.

9.3 Reduced Priority

Band 1

The supply of rented affordable housing within the district is limited and the Council cannot provide rented accommodation to everyone who requests it. Reduced priority for housing will, therefore, be given to applicants where they are in band 1 and have:

- refused at least three suitable nominations offered to them by the Council where they have freely bid upon the properties through the Mole Valley Council Home Choice scheme and in these cases the household will be moved to band 2 and will remain there unless their circumstances change; or
- refused at least three suitable **nominations** offered to them by the Council on Mole Valley Council Home Choice, where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location, have been pre-agreed and met the applicant will be moved to band 2 and will remain there unless their circumstances change;
- not bid upon any suitable properties that have become available within a 6 month period – in these cases the household will be moved down to band 2 and will remain there unless their circumstances change.

Band 2

Reduced priority will also be given to an applicant in band 2 (except homeless household's whose choice is restricted, see section 11.4 of this document) that refuse a third **offer** of suitable accommodation, which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met. the applicant will be moved to band 3 for a period of 12 months from the date of their third refusal.

Band 3

Where a applicant refuses **three offers** of suitable accommodation which they have freely bid on Mole Valley Home Choice or where they have agreed for the Council to bid for properties on their behalf and their preferences for the size and location of properties have been pre-agreed and met the applicant will be removed from the housing register for a period of 12 months from the date of their third refusal.

9.4 Restricted Persons

Where an applicant has been accepted by this, or any other housing authority as homeless because a priority need has been conferred to an 'eligible person' by a 'restricted person', they will not be given priority for an allocation of housing from the register. In these circumstances the household will be awarded band 3, as living in interim accommodation provided by this Council. Section 14.11 of this document explains who is a 'Restricted Person'.

10. What Size of Property is a Household Eligible for?

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household. The size of property that a typical household will normally be allocated is shown in Appendix 2.

Households with 2 children of the same sex where there is less than a 10 year age difference and no proven medical need for them to have separate rooms will only be eligible for 2 bedroom properties.

Households who have two children of the same sex will only be considered for 2 bedroom properties until the eldest child is 16.

Households who have opposite sex children will automatically be considered for 3 bedroom properties when the eldest child is 10 years old.

Due to a shortage of larger properties, applicants who are eligible for 4 bedroom properties may also be offered large 3 bedroom properties with two reception rooms. They may also be considered for three bedroom properties if they request this. Those eligible for 5 bedroom properties, which rarely become available, may be offered large 4 bedroom properties.

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and that it is reasonable for them to reside with them.

In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be authorised by the Housing Options Manager following advice from the Council's Health Adviser or support from other statutory agencies.

Any decision to offer a larger property based on health or welfare grounds will not automatically mean that any claim for assistance with rent through Housing Benefit will be agreed on a larger property than the Housing Benefit regulations allow. This may result in a refusal by the housing association landlord if they feel that the property would be unaffordable for the household.

11. How are Homes Allocated?

All vacancies that are available to the Council will be allocated from the housing register in accordance with the following procedure.

11.1 Advertising Properties

When a property with a housing association becomes available the Council will advertise the details of that property. Those details are available on a dedicated web-site, Mole Valley Home Choice, on display at the Council offices, newsletters sent electronically to external agencies such as local Citizens Advice Bureaux, housing associations, Community Mental Health Teams and Surrey County Council's Children's Services and Adult Social Care.

The majority of the properties advertised will only be available for Mole Valley Council housing register applicants to bid on. Some vacancies will be made available for the sub-regional scheme, East Surrey Home Choice. These properties will usually be sheltered, special sheltered or age restricted properties, though other properties may sometimes be included. Applicants can access these advertisements through the Mole Valley Home Choice website <http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>
Properties advertised will be described and labelled that will typically include:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Floor level
- Availability of a lift
- Any special features
- If pets are allowed
- If there is a garden

- Weekly rent including any other charges
- Where properties are, for example, restricted to families with dependent children, adapted for people with disabilities, within supported housing schemes, housing for older persons, where a local lettings plans applies or in rural areas and local connection restrictions apply. See section 11.4 of this document.

11.2 Bidding for Properties

Properties will be advertised and available for bidding for a six day period from midnight on Thursday nights through to midnight on Wednesday nights. This is the bidding cycle.

Applicants can place bids using the website (<http://www.molevalley-homechoice.org.uk/Data/ASPPages/1/115.aspx>), have a friend/family member/advocate etc bid for them, ask a member of the Housing Options Team to place bids for them or the Housing Options Team can arrange for the system to automatically bid on the applicant's behalf in exceptional circumstances.

11.3 Applicant Choice

Applicants who have an active application will be able to place bids on up to three properties per week.

Most applicants are able to choose the type of accommodation that they wish to be considered for and this includes:

- the types of property applicant may want to live in eg. a bungalow, house, maisonette, flat, studio flat or sheltered accommodation;
- where applicable, the floor level of property they want to live in; and/or
- the location of property that they want to live in.

These choices are subject to some restrictions, which are described in section 11.5 of this document

Homeless households have restricted choice, which is explained in section 11.4 of this document.

11.4 Statutory Homeless Households

Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended) will be made one suitable offer of accommodation. The Council will arrange for automatic bids to be made for these applicants from the date the Council accepts their homelessness application.

Offers to these applicants will generally be flats, however, in determining the suitability of a property, consideration will be given to any medical needs that the household has, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment.

If a suitable offer of accommodation is refused by these applicants the Council may end its duty under homelessness legislation and possession proceedings will commence for their emergency accommodation. Their housing register application will be temporarily suspended until they have vacated the emergency accommodation provided for them. After leaving the accommodation a change of circumstances must be reported to the Council within 28 days to activate the application and if not received the application will be closed. Applicants in this situation who no longer meet the qualifying criteria will have their applications closed.

Applicants affected by the above paragraphs will be advised of their right to request a review of the suitability of the accommodation offered. This advice will be provided prior to the applicant making a decision to refuse the property, so that they are aware that they can accept the property and request a review. Information on how to request a review can be found in section 21 of this document.

11.5 Eligibility for Vacancies

The Council aims to make the best use of the housing stock and the following eligibility criteria will apply to the types of vacancies described below. This information will generally be included on the advert for each property.

- **Houses**

Priority for houses will be given to households with at least one dependent child under 16 years of age. This means that households with older children still living at home will not be considered for a house while there are qualifying households with younger children, unless there are exceptional needs or circumstances.

- **Ground Floor Properties**

Priority for ground floor properties will be given to applicants who have been assessed by the Council's Health Advisor as having a need for this type of property, unless there is no suitable applicant with medical priority; or where the property although ground floor, is not suitable for someone who needs ground floor accommodation due to stairs or an inability to be adapted; or where such an allocation would be significantly disproportionate.

- **Sheltered Housing**

Applicants for sheltered housing (and if applicable their partner) must normally be aged 55 or over, or have a disability. All applicants for this type of housing will be assessed to determine the applicant's suitability for sheltered housing before being made an offer.

There are some sheltered schemes in Mole Valley where a daily lunch is provided. The cost of the lunch is included in the weekly service charge and it must be paid even if the applicant chooses not to use the lunch service.

- **Properties for the Over 55's**

Some blocks of flats are designated for people aged 55 and over or 60 and over. Allocations of these properties will only be made to applicants who meet the age criteria. Applicants and their partner, if included on the application must be aged 55 or over, or have a disability. In exceptional circumstances someone under the age of 55 may be considered for a tenancy unless there are local planning conditions restrictions that prevent this. . Before a nomination is made applicants will be assessed to determine their suitability for this type of accommodation.

- **Supported Housing**

Vacancies with housing associations that provide accommodation with support will not normally be advertised. Before an allocation of a supported housing unit is made, consideration will be given to each applicant's housing need, their need for support and their suitability for a particular vacancy. Nominations will then be made in accordance with an agreed priority order, in discussion with the housing association and other relevant agencies as appropriate.

- **Local Lettings Plans**

On new build housing schemes there is often a need to ensure that there is a mixed and balanced community. This is difficult to achieve if all the allocations are made to people in high need. The possibility of adopting a local lettings plan for initial lettings on some new schemes will be considered. This means that applicants in the highest band may not be considered first for the new properties and preference may be given to applicants for example with lower need, with a local connection to the village or town where the new scheme is located and/or to applicants who are working.

The Strategic Housing Manager will agree a lettings plan following discussion with the Portfolio Holder for Customer Services and Wellbeing. Lettings plans will be consulted on with applicants and published.

In any situation where a local lettings plan is adopted all properties advertised will clearly show that this is the case and may include some guidelines from the plan for applicants information.

- **Vacancies on Rural Exception Sites**

From time to time the Council will work with housing associations to provide new affordable housing in rural areas. Some of these sites will be 'rural exception' sites, which are sites where planning permission has been granted, as an exception to planning policy, because there is an identified level of housing need. The planning conditions on these sites will require that the properties are allocated to housing applicants in the highest need, who have a local connection to the local parish. The Council has determined that for a local connection to be established with a parish in Mole Valley the applicant must provide written evidence that:

- they live in the parish and have done so for the last five years; or
- their place of paid employment is in the parish for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish as their main place of residence for the last consecutive ten years.

If there are no suitable applicants in the parish then applicants from the adjacent neighbouring parishes will be considered.

Where a rural area does not have a parish the local connection will be with the electoral ward for that area.

The above criteria may be varied in the planning conditions to reflect the needs of a parish or electoral ward.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish or electoral ward. If an applicant has a local connection to a parish or electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision. Further information regarding the documents required for this assessment can be found in section 8 of this document.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

- **Vacancies in Rural Settlements or Villages**

For offers of nomination vacancies that occur in rural areas where there is an applicant, who has provided the Council with written proof of one of the local connections below to a parish council or rural electoral ward, who has a priority for housing and whose choice is to remain in the parish council or rural electoral ward, then they will be preferred over another applicant who, although perhaps with a higher priority is not connected with the parish council or rural electoral ward, but had a wider choice of area where they would like to live. The Council has determined that for a local connection to be established to a parish council or rural electoral ward the applicant must provide written evidence that:

- they live in the parish council area or rural electoral ward and have done so for the last five years; or
- their place of paid employment is in the parish council area or rural electoral ward for more than 16 hours per week for the last five years; or
- they were born and brought up in the parish council area or rural electoral ward for eighteen years, but now live elsewhere; or
- they have close family, defined as parents, siblings and or adult children, who have lived in the parish council area or rural electoral ward as their main place of residence for the last consecutive ten years; or

- they have special circumstances through which a local connection has been established with the parish council area or rural electoral ward t. This will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether a connection has been established.

It is the responsibility of applicants to provide the Council with the documentary evidence of their local connection to a parish council or rural electoral ward. If an applicant has a local connection to a parish council or rural electoral ward and has not provided the evidence as required, the above clause will not apply to them. Where the evidence is unclear and or ambiguous a Corporate Head will review the evidence and make a decision. Further information regarding the documents required for this assessment can be found in section 8 of this document.

Where there is more than one applicant meeting the above criteria for a nomination, applicants will be considered in order of the priority that they have been assessed in accordance with the housing allocation scheme.

The above clause will apply to the following Mole Valley District Council rural parish council areas: Abinger; Betchworth, Brockham and Buckland (will be considered as one parish council area for the purposes of this scheme); Capel; Charlwood; Holmwood; Leigh; Newdigate; Ockley; Wotton and the rural electoral wards of Boxhill and Headley; Westcott; and Mickleham, Westhumble and Pixham, but excluding the urban settlement of Pixham (the boundary is the Denbies roundabout). The exception to the above will be where there is:

- a band 1 applicant in very urgent need of housing, whose needs can only be met by a vacancy that has arisen in a rural village or settlement;
- a property advertised, which is a bungalow or ground flat, that is all on one level, and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement; and
- a property advertised, which is a property that has been adapted for a person with a disability and there is an applicant or applicants with higher priority than those with a verified local connection to the rural village or settlement.
- a property is a ground floor property and there are Band 1 applicants who the property will be offered to in the following order;
 - People with a ground floor need **if** they are higher than someone with a local connection, followed by;

- People in Band 1, followed by
- Households with a proven local connection

11.6 The Selection Procedure

At the end of the bidding cycle a list will be generated of all the applicants who have placed bids on individual properties. The qualifying applicants in band order, starting with the applicant who has been in the band for the longest period of time will be nominated to the housing association.

Where an applicant is successful with a bid, but the Council has not yet visited them at home, no offer of nomination will be made until this has taken place. If the Council has been unable to make contact with the applicant to arrange the visit within five working days, the offer of nomination will be made to the next qualifying applicant.

Eligibility for different sized properties is determined according to the Council's matching criteria. This information can be found in section 10 and Appendix 2. Where a property has been advertised sub-regionally the property size eligibility may be slightly different, and is shown in the East Surrey Home Choice Allocation Policy at Appendix 1.

Not all applicants are eligible for certain types of properties. Specific eligibility criteria that apply to these properties are shown in section 11.5 of this document.

The Council reserves the right annually to hold back up to five percent of properties (not including sheltered, special sheltered or age restricted properties) for direct nominations to certain classes of applicant where it would not be practicable for those applicants to use the scheme because of an identified risk to the applicant. These direct nominations will only be made following consultation with other relevant agencies.

The Council will set aside annually one per cent of properties (not including sheltered, special sheltered or age restricted properties) for the 'Right to Move' target. This is for social housing tenants who qualify under section 7.3.3 above. This target is implemented from June 2015, and is set at one per cent so that the Council can establish the demand. The target will be reviewed from time to time. Where sheltered, special sheltered or age restricted properties have been advertised for a number of weeks with no qualifying applicants bidding on them, the Council may seek to find qualifying applicants through other means and make direct matches to those applicants. The Council would do this in order to assist the housing associations in minimising vacancy periods.

11.7 Exceptions to the Standard Selection Procedure

In certain circumstances it may not be appropriate to offer a property to the applicant with the highest priority. Examples of such situations, but not exclusively, are detailed below.

- The applicant at the top of the list does not yet have sufficient support to live independently.
- The applicant at the top of the list is not suited to, or is not eligible for, the vacant property. See section 11.5 of this document.
- The applicant at the top of the list has rent arrears that they are unable to pay and may be temporarily suspended or removed from the housing register, see section of this document 7.11.
- The allocation of the tenancy is likely to result in serious estate management difficulties.
- A mix of applicants is required to establish a balanced mix of people with different levels of support needs.
- The housing association may have eligibility criteria that the Council will need to apply when selecting a suitable applicant for the vacancy.
- The vacancy is subject to a local lettings plan, is on a rural exception site or is in a rural village. See section 11.5 of this document.

Offers made under one of the above exceptions, or any other, exceptions will be approved by the Housing Options Manager and a record will be made to confirm why the exception was made.

11.8 Offers of Nomination

An offer of nomination is where an applicant is put forward for a housing association vacancy and this will be made to the applicant verbally by the Housing Team. The applicant will be told the address, type, number of bedrooms and name of landlord of the property being offered.

Where the nomination is made to a homeless applicant to discharge the Council's legal duty, the nomination offer will be made in writing.

The applicant's details will then be verified again and will then be passed to the relevant housing association, which will then make an offer of accommodation to the applicant and make arrangements for the applicant to view the property. The Right to Rent documents detailed in Appendix 3 must be made available for all members of the households members for the housing association to view.

Once an applicant has been nominated for a property they will be able to continue to bid for properties, although they will not be considered for them until they have accepted or refused the property they have been nominated for. Applicants who refuse offers should read section 11.9 of this document.

Where an applicant is found at the nomination stage to owe the Council, housing association or a private landlord money, as explained in section 7.3.10 of this document, the applicant will be referred to the Housing Options Manager, who will make a decision to either give the applicant a short time period to repay the money owed or to allow the nomination to proceed. This will be dealt with on a case by case basis.

Applicants accepted as legally homeless by the Council who are nominated for an offer under Part 7 section 193 of the Housing Act 1996 as amended by the Homelessness Act 2002 will have their application temporarily suspended until they have made a decision as to whether or not they will accept that offer. Further information can be found in section 14.17 of this document. If they decide to accept the offer their application will remain temporarily suspended until they have signed a tenancy agreement, at which point their application will be cancelled.

11.9 Refusals of Offers and Refusals of Nominations of Accommodation

Applicants in band 1, that refuse a third offer of accommodation after viewing the property offered, or in Bands 2 and 3 that refuse a third nomination of accommodation will be invited to discuss their reasons for those refusals with the HomeChoice Officers. The offers or nominations will then be reviewed to determine whether they were suitable and whether the refusals were reasonable in the circumstances. If the refusals were found to be reasonable then the applicant will be able to carry on bidding with their current banding position. If the refusals are found to be not reasonable then section 9.3 of this document will apply.

In determining the suitability of property the Council will take into account the shortage of housing association accommodation in the area balanced against the applicant household's medical needs, the location of employment, schooling and support networks, mobility and transport issues and any proven issues of violence or harassment. Given the shortage of accommodation it cannot always be possible to ensure that these needs are met

The above clauses do not apply to homeless households, which is explained in section 11.4 of this document.

12. Keeping an Application Up to Date

12.1 How to Renew an Application

Applicants will be asked to renew their application annually on the anniversary of their application date and must provide details of their current circumstances and financial situation.

Applicants who do not renew their application within 28 days of receiving the invitation to renew will be assumed to no longer require housing and their application will be closed.

Where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties) the application will be closed unless there are exceptional circumstances. See section 12.4 of this document.

Applicant's who are no longer eligible or qualify to be on the housing register will be told in writing and their right of review will be explained. Section 21 of this document explains review rights.

12.2 Changes in Circumstance

Applicants who move to a new address, or whose circumstances change after they have been accepted onto the housing register (e.g. someone joining or leaving the household, or a change in income or employment etc.) should immediately contact the Council and arrange to update their application on line or complete any necessary forms. Applicants are advised of this requirement in their initial acceptance letter.

12.3 Home Visits

Where practicable, applicants will be visited at home to verify their circumstances prior to any offer of accommodation made. At this visit the Council's officer will complete a home visit form which the applicant will be expected to sign to confirm that the information is correct and to give consent for the information to be shared with relevant housing associations where they may be considered for a tenancy. Where it is not possible to carry out a home visit, e.g. where applicants are of no fixed abode or living outside of the district, they will be asked to attend at the Council offices so that these checks can be carried out.

Where practicable, applicants who are currently in an institution (prison or hospital etc) will be visited by a Housing Options Team. Where this is not possible, those applicants will be invited to attend an options interview within a week of their release/discharge.

Applicants who are already tenants of a housing association within the district can expect that their landlord will be contacted by the Council, prior to any formal offer of accommodation being made, to ensure that the landlord is satisfied with the tenants' rent account and condition of the property.

Applicants who qualify for the Housing Register and are living in caravans or mobile homes will be visited when they first apply to the Housing Register to assess the priority band they should be placed in.

12.4 Removal or Cancellation of Applications

If information is obtained that gives the Council reason to believe that an applicant who has already been accepted onto the housing register is, in fact, not eligible to be on the register, they will be informed in writing and given 28 days to provide information to show that they are eligible. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible, they will be removed from the housing register.

Applications will be closed:

- when an applicant fails to respond to correspondence sent to them by the Housing Options Team where a response is required, applicants will be given notice that this will be the case and will be given 28 days to respond;
- at an applicant's written or verbal request, in these cases the Housing Options Team will confirm the cancellation in writing;
- if the Housing Options Team is made aware that an applicant has moved and that applicant has not provided a forwarding address, in these cases no written notice or confirmation will be given; and
- once an applicant has been offered and accepted a housing association tenancy; and
- where there has been no activity on an applicant's housing register application for 12 months (activity is considered to be updating an application and/or bidding for properties.).

Applicants who are removed from the housing register may request a review of the Council's decision and information can be found in section 21 of this document.

13. Engagement with the Housing Options Team

An applicant who is not engaging with the Housing Options Team will have their housing register application temporarily suspended until the Council is satisfied that they are engaging.

To not engage means:

- Not actively bidding for properties for one year
- Bidding for suitable properties and then withdrawing the bids over the period of one year
- Failing to attend three consecutive appointments with the Housing Options Team
- Not contacting Housing Options Team when a Housing Options Officer has written or called to discuss their case on three consecutive occasions
- Breaching the tenancy agreement or house rules for emergency accommodation provided by the Council under the homelessness legislation

Applicants temporarily suspended under the above clause will be required to attend an interview with the Housing Options Team and a recommendation for the suspension may or may not be made to the Housing Options Manager for the suspension to be lifted.

14. Definitions of Terms

14.1 Bedroom Space

In assessing the application the will Council consider how many bedrooms are needed for the household and how many they actually have. We also look at the size of each bedroom.

Where more than one living room is available, this will be considered as an alternative bedroom as long as the applicant does not need to walk through it to access another room.

Bedroom size	Equivalent bed space
4.6 m ² - 6.5 m ²	½
6.5 m ² – 10.2 m ²	1
More than 10.2 m ²	2

To determine how much bedroom space is needed by a household, the following amount of space per person is allowed. Only people who are permanently resident as part of the household will be included for this purpose.

Person under 10 years old	½ bedspace
Person age 10 and over	1 bed space

A separate bedroom is allowed for each of the following groups:

- Each adult couple living together as partners
- Each single adult who is not a child of the applicant and is not living as a partner of another person
- Children of opposite sex where one of them is over 10 years of age
- Children of the same sex where one of them is over 16 years old
- Furthermore a separate bedroom **may** be allowed where a person of any age who has to sleep alone on certified medical grounds. This will not necessarily mean however that the property would be affordable if Housing Benefit were to be required for as the payment of Housing Benefit is regulated by separate guidelines. On this basis a housing association may refuse the nomination if they felt that it was not going to be affordable for the household.

All households of more than one person should have a living room in addition to any bedrooms needed.

Where a household has two children of opposite sex sharing a bedroom and the oldest is 10 years or older they will be placed in Band 2.

Where a household has two children with a 10 year age gap they will be placed in Band 2.

14.2 British Armed Forces

For the purposes of this policy the definition of ‘regular’ and ‘reserve’ armed forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

14.3 Cumulative Need

This occurs where an applicant has one or more factors in the banding criteria explained in section 9.1 of this document, unless it is stated that cumulative need does not apply.

14.4 Health Housing and Safety Rating System

This is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales. The assessment method focuses on the hazards that are present in housing.

14.5 Household

The household, for the purposes of this policy, will be regarded as:

- a sole applicant;
- any two persons who wish to live together as a couple;
- any parent(s)/guardian(s) and dependent children, permanently residing with them or who would reasonably expect to be permanently residing with them;
- any parent(s)/guardian(s) and adult children who are not dependent but have not yet left the family home;
- any parent(s)/guardian(s) and adult children who are still living at home because of a care need; or
- any adult siblings who wish to live together and have done so for more than 12 months.

As there is such high demand on family sized accommodation in Mole Valley, for the purposes of this policy, the Council will not accept the following situations of persons as being a “household”, unless there are special circumstances, which will be considered on request by the Housing Options Manager.

- Where two persons are not married, are not currently living together, have not previously lived together and have no children together and are applying for more than one bedroom accommodation, unless there is a proven need for one party to have 24 hour or overnight care.
- Where a father or mother is living separately from their children and the other parent or another party has residence of those children and the home that any children are living in is adequate for their needs. This is unless it would be in the best interest of the child/children to live with the absent parent. This would be subject to appropriate evidence being made available to the Council for consideration by the Housing Options Manager.

- Where a sibling, parent or other relative other than dependent children is residing with the applicant and has lived there for less than 12 months.

In a situation of joint residence the Council will also have regard to the housing situation in the Mole Valley area when making their decision, the shortage of housing stock and any under occupation which would result for part of the week.

14.6 Housing Options Manager

The Housing Options Manager is responsible for making discretionary decisions on the implementation of the Housing Allocations Scheme. In their absence these decisions will be made by the Strategic Housing Manager or Corporate Head of Service.

14.7 Lacking or Sharing Basic Amenities

For the purpose of this policy, facilities will include bathrooms, toilets and kitchen amenities. If more than one facility is lacking the household will be placed in band 2.

14.8 Medical Need

An applicant can apply to have medical priority awarded to their case. They may be required to complete a self-assessment medical form. The Council may seek specialist opinion from its Health Advisor to assess whether or not the application should be given one of the following:

a) Emergency Medical Need

In very exceptional circumstances an applicant may be assessed as requiring an emergency move on medical grounds. This level of priority may only be awarded by the Housing Options Manager, following a recommendation from the Health Advisor. An example of such a situation is where:

- an applicant cannot occupy their property because of a medical problem or disability and the property cannot be adapted e.g. a wheelchair user who lives in a first floor flat with no lift; or

an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively, to an emergency/urgent need

b) Households with an Urgent or High Need to Move for Medical or Welfare Reasons

This will be awarded where an applicant's health, or that of a member of the household, is likely to decline very rapidly and lead to a life threatening situation if they are not moved from their current accommodation within the next six months. Examples of this might include:

- an elderly applicant who lives above ground floor without a lift and who has had a series of heart problems; or
- where an applicant's continued occupation of their current home is likely to cause a marked deterioration in their health e.g. severe clinical depression or mental illness; or
- an applicant and members of their household have a number of assessed medical needs that when considered together they amount cumulatively to a high need.

c) Households with a Need to Move for an Identified Medical or Welfare Reason which is not considered an Emergency or Urgent

This level of priority will be awarded where it is recognised that the applicant's health is being affected by their current accommodation, but their health is unlikely to deteriorate significantly within a short period of time or full recovery is likely within one year, or where there is more than one member of a household who have a non-urgent or Emergency Medical Need

d) No Medical Need

Where rehousing is unlikely to improve the applicant's health or where accommodation in itself is not affecting the illness then no medical need will exist and no priority will be given on this basis.

In certain circumstances where there are a number of household members who have health problems related to their current accommodation the Housing Options Manager may award a higher banding following a recommendation from the Health Advisor.

14.9 No Fixed Abode, Roofless and Sleeping Rough

An applicant will be held to be of no fixed abode when they are staying with various friends; family members etc, and have no permanent home, which includes people who are living in an institution where they will have no accommodation available for them to occupy when they are discharged/released. This includes prison, mental health units and accommodation; rehabilitation units and respite placements. It also includes people resident in a direct access night hostel where they otherwise have a local connection with the Mole Valley area.

An applicant will be considered to be Roofless when it has been verified that they are unable to stay with any friends, family members, or at hostels, night shelters etc, and the Council has reason to believe that they are permanently sleeping rough, in a tent or car and with no immediate access to any essential facilities.

14.10 Restricted persons

A 'restricted person' is some one who is not 'eligible' for housing assistance under the law on homelessness or to join the housing register because they require immigration leave, or who has leave with a condition of no recourse to public funds, who then jointly applies with a person who is 'eligible' to join the housing register and confers on that 'eligible' person a 'priority need' under the law on homelessness.

14.11 Shared Ownership

There are a variety of shared ownership schemes available in Surrey and detailed information on eligibility and how to apply can be found on the following website <http://keyhomes-east.org.uk/register.asp>

14.12 Social Housing Tenants

Social housing tenants are either tenants of a local authority or housing association.

14.13 Special Circumstances

Additional priority on this basis may be awarded where there are welfare or social factors, or exceptional circumstances not covered elsewhere. These will need to be substantiated by other agencies e.g. the Police, Children's Services or Adult Social Care, etc. The information will be reviewed on a case by case basis by the Housing Options Manager, who will, make a decision on whether priority should be granted.

Priority may be awarded, but not exclusively, in the following circumstances.

- Where an applicant is a relative of a housing association tenant in Mole Valley who has died and they were residing with them for at least 12 months immediately prior to their death, but they do not have the right to succeed to the tenancy. In these cases additional priority will be awarded if the applicant does not have sufficient income, funds or assets to purchase or rent alternative accommodation suitable to their needs privately or by using a shared ownership scheme.
- Where an applicant has had to give up an existing housing association tenancy to receive long-term treatment or rehabilitation. Priority may be awarded following confirmation that the applicant has completed the treatment and is in housing need.
- Where a person needs to move to a different locality in order to give or receive care, to access specialist medical treatment, or to take up particular employment or training. Furthermore that hardship would be caused to themselves or others if they were unable to do so.
- Where an applicant has a particular special need that causes them to be considered vulnerable, other than on medical grounds. Examples of such applicants would include those with a learning disability; a care leaver aged 18-21 etc. Priority may be awarded following an assessment of an applicant's case at a Multi-Agency Special Needs Panel.
- Reciprocal arrangements between housing associations. These apply where one landlord rehuses an applicant from another housing association on the understanding that the housing association who has given up a property will, at some stage, be offered a property for someone from their waiting lists. At Mole Valley a reciprocal will be considered in the following circumstances.
 - Where the applicant is fleeing violence, including domestic abuse.
 - Where supported accommodation is vacant and there is no one on Mole Valley's housing register in need of the type of accommodation in question.
 - Where there are exceptional management reasons requiring a move e.g. when a tenant from another authority area is to be a witness in criminal proceedings and needs to be moved for their own protection.
 - Where a request for assistance is made through the mobility scheme for the rehousing of victims of violence in accordance with procedures agreed by the Surrey District and Borough Housing Authorities.

- Where a request for assistance is made through the mobility scheme for the rehousing of offenders in accordance with the current protocol agreed by the Surrey District and Borough housing authorities and partner agencies.

Before any agreement is given to a reciprocal arrangement a full written report of the circumstances is required. The Housing Options Team may also need to be satisfied that an applicant in housing need from the Council's list can be housed by the housing association or Council within a reasonable time. A written commitment is also required.

If additional priority is regarded as appropriate the Housing Options Manager will decide which of the following awards should be given as described below.

- Band 1 will be awarded where, in very exceptional circumstances an applicant is assessed as needing an emergency move, e.g. an applicant's life would be in immediate danger if they continued to live in their current property, or an applicant is unable to occupy their current property due to severe medical problems.
- Band 2 will be awarded where an applicant has an urgent need to move on welfare grounds or because of other special circumstances, or needs to move urgently to a particular locality to avoid hardship to themselves or others and written support for this has been received from an appropriate agency.
- Band 3 will be awarded where an applicant has a less urgent need to move on welfare grounds or needs to move to a particular locality to avoid hardship to themselves or others.

14.14 Split Family

Where a household with dependent children is unable to reside together. For the purposes of considering a household as a split family, the Council will only consider this to be the case where:

- a married couple or a couple in a civil partnership are unable to live together because of the lack of accommodation;
- a couple who are not married or in a civil partnership have previously lived together for a minimum of 6 months and are unable to continue to live together because of the lack of accommodation;
- a couple who have had children together but cannot live together because of the lack of accommodation; or

- any children of a parent or parents who could reasonably be expected to need to live with that parent but cannot because of the lack of accommodation.

14.15 Sheltered Housing with a Lunch Service

These are sheltered housing schemes owned by Circle Housing Mole Valley. The schemes offer self contained accommodation for independent living as in regular sheltered and there is a daily lunch service..

14.16 Suitable Offer

The Council will seek to take into account applicants' particular or special needs, but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of housing association accommodation and the demands placed upon it by those applicants with the highest needs. See also sections 9.3, 11.4 and 11.9 of this document.

14.17 Temporarily Suspended

Applications may be temporarily suspended for certain reasons. This means that an applicant will not be able to bid for a home whilst they are temporarily suspended. The reasons an application may be temporarily suspended are:

- an applicant owes the Council, housing association or private landlord money and has ceased making regular repayments, see section 7.11 of this document
- homeless households who have refused an offer of accommodation and the Council has discharged its responsibility to them and are living in the Council's emergency accommodation, see section 11.4 of this document
- an applicant who is homeless and has been nominated for or offered accommodation by a housing association as a discharge of duty under section 193 of the Housing Act 1996 Part 7, see section 11.8 of this document
- the applicant has not engaged with the Housing Options Team, see section 13 of this document
- the applicant is being investigated for suspected fraud or misleading information under section 7.5 of this scheme.
- the Council has been advised that there has been a change in a member of the household's circumstances and an update or supporting information is awaited (i.e. change of address, change of salary or income etc)

14.18 Under-occupation

Where a household have more bedrooms than they require under this policy and for more information go to Appendix 2.

14.19 Victim of Proven Anti-social Behaviour, or any Form of Abuse, Harassment or Hate Crime)

Evidence must be provided from the police and confirmed by the housing association or landlord where appropriate, which will be authorised by Housing Options Manager.

14.20 Vulnerable

When considering whether an applicant or member of their household is vulnerable, the Council will consider if someone will be considered vulnerable in accordance with the homelessness legislation Housing Act 1996 Part 7.

15. Members of the Council, Staff Members and their Relations

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way, but any nomination of housing will require specific approval by a Corporate Head of Service.

16. Changes to the Scheme

The Housing Options Manager is authorised to make minor changes to this Allocations Scheme. These may be needed from time to time to ensure that the policy remains lawful following new statutory guidance or case law. However, these changes should not significantly affect large numbers of applicants. The reasons for making any changes will be documented and available to the public. Where the Council is considering making significant changes to the policy it will consult with all necessary statutory and voluntary agencies. Any significant changes to the policy will be approved by the Council's Executive.

17. Monitoring and Reviewing the Scheme

To ensure that the day to day tasks of assessment of applications and nominations to housing associations are made in accordance with this policy the Housing Options Manager will make random checks and take corrective action if required.

The Council has agreed to review this scheme annually.

18. Who is on the Housing Register and Who Gets Housed?

The Council will publish annually on its main website and the Mole Valley Home Choice website anonymised information on the numbers and types of households on the housing register and of the households who have been housed.

19. Equal Opportunities

The Council is committed to the aims in the public sector Equality Duty of giving applicants equality of opportunity and ensuring that it does not discriminate on grounds of sex or sexual-orientation, trans-gender status, marital status, race, religion or belief, age, disability, pregnancy or maternity. It will not discriminate on the basis of HIV status, social or economic status, responsibility for dependents, trade union membership or unrelated criminal conviction.

This does not mean that the Council is required by the Equality Duty to treat everyone the same. Rather, it requires the Council to think about people's different needs and how these can be met.

To ensure that the Council is administering the Housing Allocations Scheme fairly, applicants will be asked to complete a monitoring questionnaire. This information will be treated in the strictest confidence and it will not affect applications in any way. Applicants do not have to answer any of these questions if they do not wish to.

This Allocations Scheme is compatible with the Council's equality obligations and an Equality Impact Assessment has been undertaken.

20. Data Protection

All information held by the Council is subject to the Data Protection Act 1998 and all personal information must be treated in strictest confidence.

Applicants are entitled to request a copy of the information held about them, for which they may be charged an administration fee.

By completing a Housing Register application the applicant provides their consent to the Council processing sensitive personal data about them, and consenting to the Council requesting and sharing information about them with and/or from other agencies and organisations.

The Council also reserves the right to check information provided by applicants with data matching and credit checking services.

21. Right to Information and Request a Review

Every applicant has the following rights regarding the provision of information.

- The right to request general information that will enable them to assess how their application will be treated including whether they are likely to be eligible for reasonable preference.
- The right to request general information that will enable them to assess whether housing appropriate to their needs is likely to be made available and if so how long it is likely to be before such accommodation becomes available.
- The right to be informed of the any decision about the facts of their case which are likely to be taken into account in considering whether to allocate housing to them.
- The right to be informed of any decision that they are unsuitable to be a tenant which is likely to be taken into account in considering whether to allocate housing to them.

All applicants have a right to ask for a review of any decision made regarding their application for housing including where: they have been found not eligible or do not qualify to join the housing register; and their application has been cancelled.

A review request should be submitted to the Council in writing within 21 days of receiving the Council's decision. The applicant may ask a representative to submit the written request and may ask to meet with the Council with or without their representative. The review will be considered by a more senior officer to the officer who made the original decision and will not have been previously involved in the applicant's case. The Council will reach a decision within eight weeks and will notify the applicant if there will be a delay in issuing the decision. Once the decision has been issued the applicant cannot ask the Council for another review, but they may contact the Local Government Ombudsman www.lgo.org.uk

22. How to Comment or Complain



















If an applicant wishes to comment or is unhappy with the service that we provide they may request a copy of our comments and complaints procedure. Details are available from:

The Complaints Officer
Mole Valley District Council
Pippbrook
Reigate Road
Dorking
Surrey
RH4 1SJ
Telephone 01306 885001 Minicom 01372 819094
Website www.molevalley.gov.uk Fax 01306 876821

23. Appendix 1

East Surrey Home Choice Policy

**24. Appendix 2
Mole Valley District Council Bedroom Standard**

Household Type	Bedroom Requirement					
	Bedsit	1	2	3	4 (also 3 bed 2 living room)	5 (also 4 bed 2 living room)
Single person						
Couple (including pregnant couple until 6 weeks before EDD)						
Parent(s) with 1 child or 6 weeks before EDD						
Parent(s) with 1 girl and 1 boy under 10						
Parent(s) where two children of the same sex where both are under 16						
Parent(s) with 1 girl and 1 boy where the eldest is over 10						
Parents(s) with two children where one child is over 16						
Parent(s) with two children (under 16) of same sex where this is more than a 10 year age gap						
Parent(s) with two children of separate sex where this is more than a 10 year age gap						
Parent(s) with three children depending on age and sex						
Parent(s) with four children depending on age and sex						
Parent(s) with 5 or more children						

25. Appendix 3

Right to Rent Checklist

List A Acceptable Single Documents	Household Member	Date Seen
A passport (current or expired) showing that the holder is a British Citizen, or a citizen of the UK and Colonies having the 'right of abode' in the UK		
A passport or national identity card (current or expired) showing that the holder is a national of the EEA or Switzerland		
A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of the EEA country or Switzerland		
A biometric residence permit card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite' leave in the UK, or has 'no time limit' on their stay in the UK		
A passport or other 'travel document' (current or expired) endorsed to show that the holder is either 'exempt from immigration control' has indefinite leave in the UK, has the right of abode' in the UK or has 'no time limit' on their stay in the UK		
A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder is either 'exempt from immigration control', has 'indefinite' leave in the UK, has the 'right of abode' in the UK, or has 'no time limit' On their stay in the UK.		
A certificate of registration or naturalisation as a British citizen.		

List A (Group 2): Acceptable Documents (any 2)	Household Member	Date Seen
A full birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's Parents or adoptive parents.		
A current full or provisional photo card UK driving Licence.		

<p>A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service In the 6 months prior to the check.</p>		
<p>A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service In the 6 months prior to the check.</p>		
<p>A letter issued within the 3 months prior to the check by a UK government department or Local Authority and signed by a named official (giving their name and professional address), confirming the holder's name and that they have previously been known to the Department or local authority.</p>		
<p>A letter issued within the 3 months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that the holder is the subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or, from an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an Order requiring supervision by that officer.</p>		
<p>Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or Current service in any of HM's UK armed forces.</p>		
<p>A letter from a UK police force confirming that the holder is a victim of crime and has reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued Within the 3 months prior to the check.</p>		
<p>A letter issued within the 3 months prior to the check</p>		

signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness.		
A letter issued within the 3 months prior to the check confirming the holder's name signed by the person who employs the holder (giving their name and business address) confirming the holder's status as employee and employee reference number or their National Insurance number.		
A letter issued within the 3 months prior to the check from a UK further or higher education institution confirming the holder's acceptance on a current Course of studies. This letter should include the name of the educational establishment, as well as the name And duration of the course.		
A letter issued within the 3 months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons at Annex A. The letter should confirm the holder's name, and confirm that the acceptable professional person has Known the holder for longer than three months.		
Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued Within the 3 months prior to the check.		

List B: Time Limited Documents	Household Member	Date Seen
Disclosure and Barring Service Certificate (criminal record check) issued within the 3 months prior to the Check.		
A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in The UK for a time-limited period.		
A current biometric 'residence permit' card issued by		

<p>the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for A time-limited period.</p>		
<p>A current 'residence card' (including an accession residence card or a derivative residence card) issued by the Home Office to a non-EEA national who is either a 'family member' of an EEA or Swiss national Or has a 'derivative' right of residence.</p>		
<p>A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK For a time-limited period.</p>		