



**Harlow Council
Housing Allocations
Scheme
(Allocations Policy)**

September 2020

**Housing Options & Advice Team
Civic Centre The Water Gardens
Harlow Essex CM20 1WG**

Harlow
Council
Working together for Harlow

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1. Introduction to Harlow District Council Housing Allocations Scheme

This policy replaces the previous version of the Housing Allocations Scheme produced in March 2018. It has been updated in order to take account of new duties, legislation and arrangements and to provide additional clarity in certain areas of the policy.

Part 6 of the Housing Act 1996, as amended (“the Act”) requires all local authorities to have an allocation policy for determining the priorities and for defining the procedures to be followed in the allocation of housing accommodation.

The purpose of this document is to set out Harlow District Council’s (the council) housing allocations policy, by setting out the general policies relating to the allocation of social housing and the procedures and processes used by Officers to implement those policies.

In framing the allocations policy the council had regard to the Localism Act 2011, the Allocation of Accommodation: guidance for local housing authorities in England (DCLG June 2012), the council’s Homelessness Strategy 2015 to 2020, and the Tenancy Strategy. Recent legislation that has been taken into account includes the Homelessness Reduction Act 2017 along with updated statutory guidance.

This Housing Allocation Scheme has considered:

The council’s statutory obligations and discretion as to who is eligible for a housing allocation.

- The council’s statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law (i.e. those who must be given a head start under the council’s Housing Allocation Scheme.
- The council’s statutory discretion to grant “additional preference” and/or to determine priority between applications with Reasonable Preference.
- The general and specific statutory discretions the council can exercise when allocation housing in support of its Housing Strategy.
- The local flexibility offered through the Localism Act 2011.

The Localism Act 2011 has given the council greater freedom to set its own rules on who can join the Housing Needs Register and what priority the council can award on applications for housing. The council is no longer required to have an open register to which any person can apply. The Act also introduced a new power that allows local authorities to make a private rented sector offer in place of an allocation of social housing to end the main homelessness duty.

In 2015 the council completed a review, or ‘health-check’, of the current Housing Allocations Scheme in line with a commitment given in 2013 that this would be done. This included a desktop review of the policy itself, a workshop with staff at Harlow Council and a workshop with partner agencies. As a result of this a number of revisions to the existing policy were identified and views on these were sought in a further stakeholder consultation exercise that took place in 2016.

In writing this updated policy, the council would like to acknowledge the contribution and commitment of its partners. The development of this policy has been strengthened by the support of registered provider partners for a Common Housing Register, with an increasing number agreeing to provide 100% nominations to the council. Associated work

on delivering the Homelessness Strategy has been driven by the ongoing work of organisations operating through the Homelessness Partnership.

A summary of the Housing Allocation Scheme must be published and made available free of charge to any person who asks for a copy. A Summary of the Scheme and general principles is available through Harlow District Council offices, and on the council's website www.harlow.gov.uk

This document is the full version of the Allocations Scheme and is available for inspection at:

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1.1 Statement on choice and the expression of preference

The council's ability to offer choice to housing needs applicants is severely limited by the acute pressure on social housing in Harlow. In order to maximise choice and mobility for applicants within Harlow, the council will only let properties to applicants who have a strong residence connection.

Applicants will be given the opportunity to express their preferences for location and the type of property. The council can offer no guarantee that it will be able to meet any such expressions of preference. In certain circumstances the council will place time limits under which an applicant may bid for their preferred property, after which an offer will be made. In addition, the council may, under certain circumstances, make direct offers in order to make best use of its stock and/or enable it to effectively discharge its statutory duties.

To help applicants make informed choices about their future housing the council will provide wherever possible accurate and relevant information about the supply and demand of housing in Harlow and their prospects for being housed in the area they wish to live.

The council operates a bidding system in which applicants are encouraged to actively search for a property. Vacant social rented housing including Registered Providers is advertised and applicants are able to express an interest or "bid" for properties they are entitled to.

The council will also make available information about, and access to, other affordable housing options: for example affordable housing schemes are advertised through the website and a matching service is available through a nationwide internet site (currently Homeswapper) for current social housing tenants wishing to explore the option of mutual exchange.

1.2 Equalities

The Housing Allocation Scheme is drafted and framed to ensure that it is compliant with the council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

A copy of the Corporate Equality Policy, Putting People First can be accessed by the website www.harlow.gov.uk.

1.3 Statement on the Protection of Public Funds and Data Protection

The council is committed to the protection of public funds entrusted to it. The allocation of social housing in Harlow through the Housing Allocations Scheme is considered to be the allocation of a public fund. The council will seek to ensure that all allocations (under Part 6 of the Act) are in accordance within this policy and that all applicants on the Housing Needs Register are subject to thorough verification and identity check to minimise losses to fraud and corruption.

All information given, or obtained, in connection with a housing needs application will be held in confidence in accordance with the Data Protection Act 1998. Such information may however be used for the prevention and detection of fraud and crime, including a fraudulent application for housing. Consent is given by the applicant on the initial application form.

1.4 Types of Tenancies

This policy sets out how the council selects applicants to make an offer of a Harlow Council tenancy to them or selects applicants to nominate them to be a tenant of another Registered Provider. (Previously called Housing Association).

The council believes that a social housing tenancy should be for as long as the tenant wishes to live in their home and will offer lifetime tenancies for its own stock. The council also believes that it wishes to offer security for its tenants to be able to build their lives and play a positive role in the local community then this is essential.

All offers of council owned property with the exception of temporary accommodation will be on the basis of an introductory tenancy for 12 months, at the end of the introductory period, the tenancy will be made secure, subject to the tenancy being conducted to a satisfactory manner. If the applicant is already a secure tenant a secure tenancy will be offered.

1.4.1 Properties purchased or developed by the Harlow Trading Services (HTS) Housing & Regeneration Company.

Harlow Council has also established its own housing company, Harlow Trading Services (Housing and Regeneration) Ltd (HTS (H&R)), with the objective to utilise the business to further help and support the council in its delivery of housing and supporting other regeneration schemes within the town. The council wholly owns the company

The need for more housing of all tenures is acutely apparent with the council's Corporate Plan identifying that the top priority for the council is the delivery of 'More and Better Housing'.

The local Housing Needs Register currently has around 4,500 people and families waiting to be suitably housed and there is a growing issue locally in respect of homelessness. Housing and social issues created through the use of the conversion of commercial properties to residential accommodation through the Permitted Development planning regulations has been a particular problem for Harlow in recent years.

Allocating housing accommodation for the purposes of Part 6 of the Housing Act 1996 is defined by section 159(2) to mean only one of the following 3 circumstances:

- a) The selection of a person to be a secure or introductory tenant of the local authority's stock, or
- b) A nomination of a person to be a secure or introductory tenant of another person's stock (in practice of another authority) or
- c) A nomination of a person to be an assured tenant of a Private Registered Provider (more commonly known as housing associations)

Part 6 of the Housing Act 1996 therefore do not apply to any letting made to properties acquired by Harlow Trading Services (HTS).

However, for administrative purposes, and to ensure that the HTS properties are let to residents in housing need, the council has chosen to let properties acquired by HTS through the rules adopted in the Housing Allocations Policy. This is regardless of the fact that it is not required to do so under housing legislation.

In applying the Allocations Policy to HTS lettings the council is mindful that within the rental portfolio rents will need to be set commensurate with the companies need to remain financially viable in the long term. The aim is to achieve a balanced mix of social, affordable and market rents, as required, and influenced by the costs to the company of acquiring, preparing the properties and the ongoing management and maintenance costs. The variation in rent levels means there will need to be some flexibility in applying the letting rules for selecting tenants.

Properties may be let through choice based lettings, or through the direct lettings process set out in the policy.

It is expected that the majority of lettings will be made using the housing need band and date order procedure. However, there may be operational or policy reasons when this may not apply. For example where the rent level set for the property means it is not affordable for any household whose income is below the average household income level applicable to the Harlow area.

The letting method chosen will depend on what is considered appropriate after considering a number of factors with the prime factor being affordability based on the rent level required for the property. Where a property is let through the choice based lettings process any rules or restrictions will be set out clearly in the advertisement for that property including the key information that the property is to be let as a 'fixed term' assured shorthold tenancy and is not let as any form of 'secure' social housing tenancy.

Any HTS property may be offered as a 'final offer' for a household owed a statutory homelessness duty (defined as the section 189B relief of homelessness duty or the section 193 main housing duty). This is as long as the rent required has been assessed as affordable for the household selected and this decision will be based on the rent level to be charged and the financial circumstances of the household being considered for the property.

For all other households on the housing register, a refusal of a HTS property will not be counted in as one of the reasonable refusals a household is allowed before a penalty is imposed. This is because any household refusing a HTS property will not be refusing an offer of social housing as defined by section 159(2) Housing Act 1996.

1.5 How does the council allocate?

The council will continue with a single allocation policy for both transfer and homeseeker applicants.

The Housing Act states that a local authority allocates housing accommodation when they:

- Select a person to be a secure or introductory tenant of housing accommodation held by them; or
- Nominate a person to be a secure or introductory tenant of housing accommodation held by another housing provider; or
- Nominate a person to be an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord

The council allocates properties in one or two ways: either through the Housing Allocation Scheme or by a direct let. This is explained in detail further on in this policy.

1.6 Applicants not included in the Housing Allocation Scheme

The following situations are not included in the Housing Allocation Scheme and therefore outside of the scope of this policy:

- In exceptional cases there may be a need for allocating a property to an applicant who needs an urgent move on harassment or management grounds (including temporary moves)
- A need for urgently allocating an adapted property to an applicant who is not able to cope with the usual requirements of the bidding system.
- A Notice to Quit is served on the council by one party to a secure tenancy, the former joint tenant left in occupation will be offered the tenancy providing the home is not larger than required. This will be determined using the property entitlement criteria within this policy.
- When the remaining occupant is under-occupying the property, they will be considered for a suitable alternative property. This will not apply if the remaining occupant has been in breach of their conditions of tenancy to an extent that the council had already secured a Possession Order, or where the departing tenant had been forced to leave due to domestic abuse.
- The council agrees to a joint tenancy being granted in place of an existing sole tenancy providing the home is not larger than required. This will be determined using the property entitlement criteria within this policy.
- Allocation of a property for older people at Sumners Farm Close Extra Care Scheme will be made where the applicant has been assessed with care needs by Social Services.
- Harlow Council tenants who are required to move on a temporary basis whose current homes requires major refurbishment. Households will be required to return to their original homes upon completion of repairs.
- Households requiring an alternative home through the Witness Protection Scheme, a maximum of two units of accommodation per annum may be allocated.

In all of these situations a suitable property will be identified by the council or in some cases an Occupational Therapist and matched to the applicant outside of this policy.

1.7 The Allocations Policy and the Housing Needs register

The council maintains a register of applicants who are interested in being accommodated by either Harlow Council or other landlords. The council operates one combined Housing Needs Register. This includes people who are current social tenants and who want to transfer to another property and those that are not.

The purpose of this policy is to set out:

- Who is eligible to join the Housing Needs Register
- Who is eligible for an allocation and who are qualifying persons
- How the Housing Needs Register is maintained
- How the council determines priorities within the policy using bands

- How applicants are allocated properties (through the Housing Allocations Scheme and by a direct let)
- How applicants can request a review of certain decisions made on their application.

2 The Housing Needs Register

In order to be offered an allocation under this scheme, an applicant must be on the council's Housing Needs Register. Only applicants who are both eligible for an allocation and qualify may join Harlow Council's Housing Needs Register.

2.1 Joining the Housing Needs Register

Applicants can apply to join the scheme, subject to meeting the qualifying conditions. The council will assess the application and make an initial assessment of need and issue an application form.

Before an application can be processed, applicants will be asked to provide proof to support their application. For example, they may be asked to provide proof of income, benefits, care of children or levels of capital, this list is not exhaustive.

The council will make any other enquiries deemed necessary in order to verify the application. This may involve contacting previous landlords, health or medical advisors, police etc.

The information given on the form must be correct. Harlow Council reserves the right to disqualify any applicant from joining the register, withdraw any offer of tenancy or recover possession of an existing tenancy if a person knowingly withholds information.

It is the responsibility of all applicants to advise the council of any changes in their circumstances.

The council will, wherever possible give advice to applicants who wish to join the register, regarding their prospects for re-housing and how to complete a form. Housing advice will be given on alternative options that maybe available so that potential applicants can make an informed decision as to whether they wish to join the register.

2.2 Definition of a Household

Applicants should only include persons on their application who will be a permanent member of their household and occupying the accommodation offered as their only or principal home.

Joint Applicants Married, civil partners and cohabiting couples who wish to live together can make a joint application, providing they have been in a permanent relationship for 12 months or more.

**Shared Care In order for dependent children to be included in the application „only the applicants own children aged below 16 where they are the sole legal guardian will be accepted as part of the household. Where there is another Legal guardian a decision will be made whether it is reasonable to accept the child as part of the application.

Dependent Children Dependent Children are those aged below 18 years

Non Dependent Children Will only be considered where they have continually resided with the applicant without previously leaving the parental family unit.

Live in Carer The applicant requires full time care for medical or social needs where it has been agreed by the Senior Officer through assessment.

**Applicants who take over principal responsibility for a child will be suspended from the Housing Needs Register if accommodation occupied by the other parent or guardian is capable of being pursued by the applicant under the Family Law Reform Act or the Children's Act. Flexibility will inform Officers' decisions on this matter where there is a concern about issues such as domestic abuse.

2.3 Who can apply to join the Housing Needs Register?

Anyone aged 16 or over who is eligible and meets the qualifying conditions can apply to join the Housing Needs Register.

Existing Social Housing Tenant in Harlow

Applicants who have a permanent tenancy provided by Harlow Council or a Registered Provider in Harlow may apply and are defined as transfer applicants for housing.

All household members must be leaving the property for an application to be considered as a transfer.

Non Social Housing Tenant in Harlow

Applicants who are not current social housing tenants in Harlow are defined as new applicants for housing.

2.3.1 Right to Move

The Right to Move applies to transferring tenants who have reasonable preference, that is to say the local authority is satisfied that they need to move to a particular locality in the area of the housing authority where failure to meet that need would cause hardship (to themselves or others).

The council must be satisfied that the tenant does not simply need to move for work, but that, if they were unable to do so, it would cause them hardship. The council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons. A number of factors will be taken into account in determining this including:

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- The length of the work contract
- Whether failure 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 is not an exhaustive list.

The tenant will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded. In determining short term, the council will consider the following:

- Whether work is regular or intermittent - This is likely to be particularly relevant in the case of the self-employed
- The period of employment and whether or not work was intended to be short-term or long-term at the outset. A contract of employment that was intended to last for less than 12 months could be considered to be short-term

The council will take account of the following in determining whether the work is marginal:

- The number of hours worked. Less than 16 hours a week is likely to be considered to be marginal in nature
- The level of earnings

Voluntary work does not count. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the council's satisfaction that they have a genuine intention to take up the offer. The council will ask to see a letter of acceptance and may wish to contact the employer to verify the position.

In line with the statutory guidance, the council is required by law to agree a reasonable preference when awarding priority; therefore any approved "Right to Move" applications will be awarded a Band 3 position.

2.4 Eligible and Qualifying Persons

2.4.1 Applicants ineligible to join the Housing Needs Register

- Applicants housed by the council or Registered Provider in Harlow on an introductory or Starter tenancy.

People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996, unless they are:-

- Already a secure or introductory tenant of this council or an assured tenant of a Registered Provider living in Harlow or in a class prescribed by regulations made by the Secretary of State.

Any applicant making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. The council reserves the right to seek independent advice and assistance to resolve issues of eligibility.

2.4.2 Qualification

A decision that an applicant is not a qualifying person may be made at the time the applicant applies to join the Housing Needs Register; at any time the applicant notifies the Housing Options and Advice Team of a Change of Circumstances through a review of the application or during short listing for an offer of accommodation. This may also depend on when the relevant information came to the council's attention.

To decide whether an applicant or a member of their application is a qualifying person, the applicant must meet the qualifying conditions as detailed below:

2.4.3 Local Connection

Local Connection is defined as follows:

- The applicant must reside continually in Harlow for a minimum of five years
- Parent/s, adult siblings and non-dependent children who have continually resided in Harlow for a minimum of five years
- Permanently employed in Harlow previously for a minimum of 12 months working at least 24 hours per week
- Other special reason (for example where the applicant has no safe connection in another area due to violence or need to be near special
- Medical or support services.

Residence will not be considered to be by choice if the person has been placed in temporary accommodation in Harlow by another local authority in discharge of its homelessness duties, or because a facility is available to offer accommodation with support.

The applicant must continue to meet the qualifying conditions to maintain their priority on the Housing Needs Register. If the applicant no longer meets these conditions their application will be cancelled and removed from the register.

Applicants who are **exempt** from meeting the local connection are:

- Existing social housing tenants residing in Harlow.
- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
- Bereaved spouses and civil partners of members of the Armed Forces leaving services family accommodation following the death of their spouse or partner.
- Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service where the application is made within five years of discharge

The Head of Housing has the discretion to accept other family associations as constituting a „local connection“ in exceptional circumstances.

2.4.4 Financial Resources

With regard to finances, single and joint applicants will not qualify to join the register if:

Applicant/s have a total household income of £50,000 gross per year.

And/or

Have resources of over £50,000 from equity or savings or other means.

These financial limits will be reviewed every two years in line with the financial market. Non-dependent children's incomes are not considered as part of the application and will not form part of the household's income assessment.

Applicants who are **exempt** from meeting the financial resources criteria are:

- Existing social housing tenants in Harlow.
- Applicants who require sheltered accommodation where it has been identified through a medical or social need assessed by the Senior Officer.

2.4.5 Housing Related Debt

Single and joint applicants who owe a housing debt from a current or former tenancy, including those from the private sector and social housing tenants who owe debts totalling more than £1,000 do not qualify to join the Housing Needs Register. Debts considered are:

- Rent arrears current and former.
- Arrears of other housing costs where the applicant is contractually liable under their tenancy agreement.
- Housing related Court costs.
- Housing Benefit Overpayment.
- Debt owed to the council to applicants that have accessed the Rent Deposit Guarantee Scheme and a claim has been made on the Bond by the landlord

Applicants who are **exempt** are:

- If the applicant has sustained a repayment plan over a 12 month period to reduce their debt.
- Applicants with mortgage arrears.

2.4.6 Behaviour

Applicants will not qualify to join the housing register where their behaviour, or that of a member of their household, is serious enough to make them unsuitable as a tenant, or where they are currently involved in committing anti-social behaviour or criminal activity whilst living in social housing or elsewhere, to include the following:

- With a current Anti-Social Behaviour Order.
- With an outstanding injunction.
- With a recent conviction related to Domestic Abuse or Hate Crime.
- Loss of a previous settled home due to anti-social behaviour.
- Where their current or previous address was closed by the Police due to direct involvement with drugs or drug abuse.
- Behaviour where the council would have been entitled to obtain a possession order under Schedule 2 of the Housing Act 1985. ***
- Behaviour that is serious enough to make the applicant or member of their household unsuitable as a tenant.
- Providing false information in order to obtain a social housing tenancy.
- ***An applicant (or member of his/her household) who has been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of this authority, who remains unsuitable to be a tenant and where a possession order was not or would not have been obtained with be placed in band four.

The council will not allow an applicant to qualify if it considers it proportionate and reasonable to do so. In deciding this council will take into account:

- Whether the circumstances that caused the behaviour have changed; for example, if the nuisance was caused by drug or alcohol problems that the applicant or member of their household has since successfully resolved.
- Whether the member of the household responsible for the behaviour is still a member of the household.
- Whether the council can accept any assurances from the applicant as to future behaviour
- If the unacceptable behaviour is believed to be due to physical, mental or learning difficulties or with appropriate support the applicant could maintain a tenancy.
- The applicant's current circumstances, for example health needs, dependents, and other relevant factors.

2.4.7 Repeat Applications

A repeat application following a decision to make an applicant either ineligible or considered as non-qualifying will only be considered if there has been a material change in the applicant's circumstances. In the instance where there has been no material change, the council will rely on its previous decision. If the applicant believes there is a material change of circumstances, this must be put in writing to the council, together with sufficient supporting evidence.

Where a decision has been made that an applicant does not qualify on the grounds of bad behaviour or housing-related debt, they will be excluded from the register for a minimum of 12 months before they can reapply.

When applicants reapply they will need to demonstrate that their behaviour has improved or that they have reduced their housing-related debt to an appropriate level.

2.5 Assessing Housing Needs Register Applications

The council will make an assessment of the applicant's eligibility to join the register and their housing needs based on the information provided and other documentation and references provided to the council. The applicant will be placed into one of the four priority bands.

Band One -	Urgent need to move
Band Two -	High priority
Band Three -	Identified housing need
Band Four -	Other housing requirements

A priority date will be given to each new application processed which will be the date the application was received **except**:

- Where an applicant is moved from one band to a higher band. The new priority date will be either the date the circumstances changed or the date the applicant has notified the council.
- Where an applicant receives priority on medical or social grounds their priority date will be the date the medical form received.
- Where an applicant has been accepted as homeless their priority date will be the date they were accepted as homeless, unless they already qualify for band two.
- Where an applicant is moved to a lower band, the priority date will revert to the first priority housing date which the applicant had in that band.

Should the initial assessment identify factors requiring further information, appropriate follow up action may be taken.

The housing need of each person or household applying will be considered on a case by case basis dependent on circumstances. The council will offer support and assistance to all applicants who are not eligible or do not qualify to join the register.

2.6 Notification of registration

Once an applicant has been accepted on the Housing Needs Register, a letter will be sent to the applicants last known contact address. This letter will set out:

- Their priority date
- Their priority housing band and reason for it. The type and size of property they can bid for How to access the Housing Allocations Scheme
- Their right to request a review if they do not agree with the assessment

2.7 False Information

Any applicant who deliberately attempts to deceive or defraud the council in order to secure a tenancy to which they are not entitled, may lose any property provided for them and may also be prosecuted.

It is an offence, under Section 171 of the Housing Act 1996, for anyone seeking assistance from the council under the Housing Allocation Scheme to:

1. Knowingly or recklessly give false information, and
2. Knowingly withhold information reasonably required in respect of the application

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level five on the standard scale (currently £5,000).

Additionally, where applicants are found to have provided incorrect information or withheld information in order to gain advantage through this policy, they will be disqualified from the Housing Needs Register.

If accommodation has been provided and the tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant or a person acting at the tenants instigation, the council or Registered Provider can seek possession of the property through the Courts.

2.8 Review of the Housing Needs Register

The council will undertake regular reviews of the Housing Needs Register. All applicants on the register will be contacted and asked to confirm whether they want to remain on the register and whether their circumstances have changed.

The review will take the form of a letter. Households will be expected to respond within 28 days. Failure to respond will result in a follow up letter being sent advising the applicant that their registration will be cancelled within 14 days unless there is a response.

It is the applicant's responsibility to respond to the review letter. Failure to respond within 14 days will normally result in the registration being cancelled. Any subsequent application will be treated as a new application.

2.9 Responsibility of the applicant

It is the responsibility of the applicant to inform the Housing Options and Advice Team of any changes to their circumstances and to complete a "Change of Circumstances" form.

Failure to do so may result in action being taken by the council.

On allocation of accommodation, or being successfully shortlisted through the Housing Allocations Scheme, verification checks into the applicant's circumstances will be made to ensure that the allocation is made in accordance with this scheme. Any material changes in circumstances, which may impact on eligibility for an allocation, eligibility for a particular size or type of property or level of priority on the register, may result in the allocation being withdrawn and the application being reassessed.

3 Assessment and priority for housing

The council operates a banding scheme to assess the priority of applicants on the Housing Needs Register. The council uses the bandings to ensure that, priority is given to the reasonable preference groups as set out in Part 6 of the Housing Act.

- People who are homeless (within the meaning of Part 7 of the Housing Act)
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under section 192(3) of the Act.
- 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 disability; and
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

The council uses the banding scheme to give reasonable preference.

3.1 Priority/Bandings

The following sets out the description of the type of categories and priority applied to housing need for each band subject to applicant being eligibly and meeting the qualifying conditions:

Band One – Urgent Need to move

- i. Member of the household has a life threatening medical condition which has been assessed as a „Special“ medical priority, which is seriously affected by current housing.
- ii. Harlow Council agrees to a recommendation by Essex County Council Social Care Services that there is an urgent need for the household to be provided with alternative accommodation.
- iii. A tied tenant towards whom Harlow Council has a contractual obligation to re-house upon termination of employment.
- iv. A Harlow Council tenant who needs to move because their home is about to be demolished or developed.
- v. A Harlow Council tenant living in an adapted property that no longer requires adaptations and the property could be used by another applicant with such a need.
- vi. A successor to a Harlow Council tenancy who is required to move.
- vii. An adult son/daughter of a deceased tenant who is identified within the councils “Succession” policy as eligible to an offer of accommodation following a previous succession between parents.
- viii. A household occupying a property which is subject to a compulsory purchase order and/or Harlow Council has a statutory duty to move.
- ix. A person or household that has a need to move from care or supported housing and rehousing has been agreed under a special quota scheme.
- x. A council or Registered Provider tenant of a Harlow property who is willing to move by giving up all surplus bedrooms.
- xi. An applicant that is statutory overcrowded unintentionally and residing in self-contained accommodation.
- xii. Exceptional circumstances agreed by Head of Housing recommendation by the Housing Options and Advice Manager.
- xiii. An agreed recommendation from Essex County Council Social Services (Children Services) of three nominations per annum or prospective adopter carers.
- xiv. An agreed recommendation from Essex County Council Social Services (Children Services) of two nominations per annum for prospective foster carers.

Band Two – High need to move

- i. Homeless household towards whom the full duty has been accepted by Harlow Council.
- ii. The household has a high need to move for medical or social reasons (assessed as a “high” priority) as defined by Harlow Council.

- iii. Potentially homeless household who has accepted prevention of homelessness through the councils Rent Deposit Guarantee Scheme, and who are conducting their private sector tenancy to an acceptable standard.
- iv. Household with no security of tenure with dependent child (or children and sharing facilities within their accommodation).
- v. Former Harlow Council tenant, whom the council, at the time the former tenancy was relinquished, undertook to re-house at a future date.
- vi. A council or Registered Provider tenant of a Harlow property who is willing to move to smaller accommodation and still under occupy by a maximum of one bedroom.
- vii. An occupant of a one bedroom self-contained property where parent/s have to share their bedroom with a child aged three or older.
- viii. The household is considered as overcrowded and deficient of two or more bedrooms.

Band Three –Identified housing need

- i. A person or household who has a need to move for medical or social reasons, assessed a „moderate“ medical priority, or because of unsatisfactory housing conditions such as insanitary conditions.
- ii. The household considered as overcrowded and deficient of one bedroom.
- iii. Any household with a dependent child/ren, occupying a flat above the ground floor.
- iv. A person or household who has a need to move as identified by Essex County Council Social Care Services care plan or has been agreed with Social Care as a means of relieving hardship.
- v. A homeless person or household that does not qualify for band two (a person or household towards whom Harlow Council does not have a statutory duty to house under the homelessness legislation).
- vi. The Right to Move applies to transferring tenants who have reasonable preference, that is to say the local authority is satisfied that they need to move to a particular locality in the area of the housing authority where failure to meet that need would cause hardship (to themselves or others).

Band Four – Other housing requirements

- i. All other applicants who do not meet the priority in bands one, two or three.

3.2 Medical assessments

Priority for medical conditions affected by an applicant’s existing accommodation will be considered by a suitably trained Senior Officer. Consultation with an applicant’s GP, surgeon etc., and the opinion of an independent medical service will be sought where required.

Any applicant who bids for accommodation other than identified as suitable on medical grounds will be considered at the band position they would have without medical priority.

3.3 Applicants with a disability

If an applicant or a member of the household indicates they have a disability and/or require an adapted property to meet their housing needs they will be assessed by the council.

The assessment will determine how their condition is related to their housing need, i.e. their level of priority and also their requirement for an adapted property to meet their needs. These properties are placed in categories by the council and the person will be notified of these.

People with a disability will be placed into one of the following categories:

- Band one - life threatening condition which is seriously affected by current housing.
- Band two - the applicant is experiencing considerable difficulty and has a an high need to move
- Band three - A move is not essential, but would enhance the Applicant's ability to cope.

People will also be awarded a mobility level to provide them with a guide to bidding for properties that are advertised and maybe suitable to meet their housing need:

Mobility Level One- Suitable for wheelchair users for full time indoor mobility

Mobility Level Two- Suitable for people who do not use a wheelchair indoors, but cannot climb steps or stairs

Mobility Level Three-Suitable for people who do not use a wheelchair, but have limited mobility.

A successful accommodation bid will not be offered if, in the opinion of a suitably qualified officer, it is unsuitable for medical/mobility reasons and is not capable of being adapted or cannot be adapted at reasonable cost.

Any applicant who bids for a property other than identified as suitable on medical or social grounds will be considered at the band position they would have without priority.

3.4 Members of the Armed Forces

Members of the Armed Forces who meet the local connection qualification as 2.4.3 will be awarded additional priority of one band. Defined as:

- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
- Bereaved spouses and civil partners of members of the Armed Forces leaving services family accommodation following the death of their spouse or partner.
- Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service where the application is made within five years of discharge.

This will **not** apply if the applicant is an existing social housing tenant in Harlow.

3.5 Prospective Adopter and Foster Carers

For prospective adopters and foster carers Harlow Council shall make available five nominations per year, with a maximum of three nominations for prospective Adopters and 2 nominations for foster carers to be placed into Band one to encourage households to adopt or foster. They will be offered one extra bedroom to accommodate additional children. Social Care Children Services will be responsible for prioritising clients to go into Band one. The definition of foster carers includes kinship carers.

3.6 Relocation

Relocation applies to Harlow Council tenants whose homes are to be demolished or re-developed and their move will be a permanent one; households being housed through this route will be subject to the Housing Allocation Scheme and properties will be advertised.

Applicants who are identified as being part of a relocation programme due to re-development will be placed in Band 1 and be subject to time limited bidding. In such cases, households will only be eligible to bid on a like-for-like basis unless they would, as a standard transfer applicant, be eligible for band one or two. Applicants who would qualify for band one or two under normal circumstances will be able to bid for any property for which they are entitled. This may differ where a separate relocation policy per area has been agreed where large scale re development applies.

3.7 Exceptional circumstances

Applicants are assessed on a case by case basis and exceptional cases cannot always be dealt with within existing policy. Applicants who are considered to have an urgent need to move and do not meet a defined criteria within the existing policy are dealt with under delegated powers granted to Head of Housing following recommendation from the Housing Options and Advice Manager.

3.8 Move-on from supported housing

A maximum of 36 units of bedsit accommodation shall be made available each financial year to ensure the efficient use of supported housing schemes in Harlow. Quota numbers and distribution of move-on accommodation will be determined on an annual basis by the council's Head of Housing Service in conjunction with the Housing Portfolio Holder, taking into account performance against the previous year's quota and other housing demand factors.

For 2018/19, the quotas distribution is:

Target Group	Nominating Agency	Quota
Single homeless non-priority clients	Streets2Homes	5
Nacro – Mental Health clients	NACRO	5
Mental Health Clients	CMHT via JRP	4
Young people aged between 16 to 21 including clients via Leaving and Aftercare	Essex Young People Partnership	10
Homeless households residing in TA, who would otherwise not move on through the allocations policy (includes applicants with rent arrears but who can prove they can sustain a tenancy)	Harlow Council – approval by Senior Housing Operations Manager and Housing Options & Advice Manager	12

Allocations shall be made by agreeing with either the respective landlord (in respect of Streets2Homes or NACRO), or the statutory agency (in respect of Mental Health) to the applicant who is to be provided with move-on accommodation through this section.

3.9 Time limited bidding

To ensure the council meets its statutory duty and other obligations, certain categories of applicants will be given a limited time within which they may bid for properties. These are as follows:

- Homeless households towards whom the council is under a duty to secure accommodation. Bidding time is limited to three months. If no bid or no successful bid is received within the first two months the applicant will be contacted, advice given, area requirements discussed and a further four weeks for bidding allowed.

If no subsequent successful bid is received, the council will make one offer of accommodation without further consultation with the applicant. The offer will be made by the council placing bids on behalf of the applicant and amending bids placed by the applicant if the bid is not reasonable to secure a property quickly.

An offer will be made in accordance with the Housing Allocation Scheme. The Housing Options and Advice Manager has discretion to extend a homeless applicants bidding period if no suitable property could have been accessed during the initial bidding period.

- Tenants who need to be moved because their home is about to be demolished or redeveloped - bidding time limited to three months. If no bid or no successful bid is received within the first two months the household would be interviewed and a further four weeks for bidding allowed. If no subsequent successful bids are received, the council would make one offer of accommodation. The offer will be made by the council placing bids on behalf of the applicant and amending bids placed by the applicant if the bid is not reasonable to secure a property quickly. An offer will be made in accordance with the Housing Allocation Scheme
- Successor to a council tenancy and required to move - bidding time limited to three months. If no bid or no successful bid is received within the first two months the household would be interviewed and a further four weeks for bidding allowed. If no subsequent successful bids are received, one offer of accommodation would be made. The council's succession policy states that an offer must be made within 12 months of death of tenant. The offer will be made by the council placing bids on behalf of the applicant and amending bids placed by the applicant if the bid is not reasonable to secure a property quickly. An offer will be made in accordance with the Housing Allocation Scheme.
- Adult son or daughter of a deceased Harlow Council tenant who is eligible for an offer of accommodation under the council's „Succession Policy“ following a previous succession between parents – bidding time limited to three months. If no bid or no successful bid is received within the first two months the individual would be interviewed and a further four weeks for bidding allowed. If no subsequent successful bids are received, one offer of accommodation would be made. The offer will be made by the council placing bids on behalf of the applicant and amending bids placed by the applicant if the bid is not reasonable to secure a property quickly. An offer will be made in accordance with the Housing Allocation Scheme.

- Bidding time will only be extended beyond three months in exceptional circumstances as determined by the council.

3.10 Bidding for homeless applicants occupying temporary accommodation

Council officers will make bids for homeless applicants placed in bed and breakfast or shared temporary accommodation as and when necessary, in order to reduce time spent in shared housing (in line with government requirements) and to ensure that a supply of accommodation continues to become available for newly homeless households. Any such successful bids will constitute the „one reasonable offer“ made to homeless applicants.

4 Allocation criteria

This section sets out how the council determines who can be allocated certain types of property and the size an applicant may be allocated.

4.1 Property entitlement

Properties will be allocated on the basis of type and size. The council considers exceptional circumstances, whereby people who are ineligible for certain property types or schemes can be considered as eligible. In making this decision, the council takes into consideration the needs of each household and the needs of each landlord to make best use of their housing stock.

The number of bedrooms allowed per member of the applicant’s household will be:

Each adult single or couple	One bedroom
Any other person aged 16 or over	One bedroom
Two children of the same sex under the age of 16	One bedroom
Two children under the age of 10 regardless of their sex	One bedroom
Any other child	One bedroom
A full time carer if you or your partner need overnight care	One bedroom

A household may choose to opt for a smaller accommodation so long as it does not result in statutory overcrowding as defined by the Housing Act 1985 part 10.

4.2 Exceptions

4.2.1 Applicants with particular medical needs

Larger accommodation may be bid for by people who require an additional bedroom to cater for a medical or social need. This would include for example, the need to accommodate live in carers who are not part of the application, or where a couple needs to sleep separately because of a medical condition. An applicant will only be entitled to a property with an additional bedroom if agreed by the Senior Officer in relation to a medical or social needs assessment.

4.2.2 Hard to let properties

Flexibility will inform the letting of those properties, which are defined hard to let, for example two bed flats above the second floor. Where a property advert designates a property as „Hard to Let“, the property sizes outlined above will not apply and any person can bid, providing they would not statutorily overcrowd the property.

4.2.3 Accepted homeless households

To ensure the council meets its statutory duty towards homeless households to secure a property and to reduce time spent in temporary accommodation, the council may offer a property that is considered suitable to meet the immediate need and does not result in statutory overcrowding as defined by the Housing Act 1985 part 10.

4.2.4 Sheltered housing schemes

Properties within schemes designated as „sheltered housing“ will only be offered to people aged 65 and over. Flexibility on the minimum age is permitted where there is a defined medical and support need.

4.2.5 Allocation of de-commissioned and over 55 general needs housing

All de-commissioned and over 55's housing will be classified with an age restriction of over 55's general needs housing and/or with appropriate mobility requirements to match the individual attributes of the property.

4.2.6 One bedroom bungalows and The Wayre main house

One bedroom bungalows within the general stock, and one bedroom flats within The Wayre main house, will be offered to people aged 55 or over, or to people whom the council's Senior Officer or Occupational Therapist recognise as having a specific medical need for this type of accommodation. Where there is no successful bid from anyone in these groups, the property will be offered to people aged 40 or over. In the event that there is still no successful bid, the property will be let through general allocation.

4.2.7 Applicants requiring an adapted property

The council will normally advertise vacant properties as they become available, making clear in the advertisement the extent to which the property is adapted for use by people with mobility or disability issues and therefore the categories of applicants who will be given priority.

Properties that have already been adapted, or have been assessed as meeting Lifetime Homes standards, will be offered to those people whose needs most closely match the facilities available. People whose housing needs are of sufficient priority and have an identified requirement for such a property will therefore be given priority when bidding for these properties.

Where it has not been possible to allocate an adapted property by advertising it through this route, it may subsequently be made available to people applying for general needs housing to bid for.

4.2.8 Under-occupation

The council wishes to encourage council or Registered Provider tenants in Harlow under-occupying much needed larger properties to transfer to a smaller property.

The council will allow tenants to bid for a property which has one additional bedroom than they would be entitled to.

4.3 Deliberate worsening of circumstances

If the council considers an applicant has deliberately made their housing situation worse to increase their housing need and consequently improve their chances of re-housing through this scheme, they will be placed in band four for a minimum of 24 months.

Examples include:

- Applicants who sell a property to move into private rented accommodation or purchase a local holiday home.
- The applicant has moved into accommodation which is not suitable for their needs and results in overcrowding.
- The applicant has moved into accommodation which is not suitable to meet their health or mobility need.

At the end of 24 months the applicant may make a request for the deferral to be lifted. If approved the applicant will be placed in the relevant band according to their priority. If not approved, or if they do not make a request, they will remain in band four.

4.3.1 Reviews relating to decisions about joining the Housing Needs Register

Non qualifying persons and eligibility

If a decision is made that the applicant does not qualify, is ineligible or is to be placed in a lower band due to deliberately worsening their circumstances, the applicant will receive written notification of the decision. The notification will include clear reasons for the decision. The notification will also include how the applicant can request a review of the decision.

Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them.

The council base all decisions on the completed application form provided by the applicant and details held on file. It is the responsibility of the applicant applying and the council will not review an application without details being provided in writing.

Applicants who request a review of the decision need to submit a written request within 21 days of the date on the notification letter. The council will accept requests submitted by a representative. The request for a review should be addressed to:

Review Officer
Housing Options and Advice Team
Harlow Council
Civic Centre, The Water Gardens
Harlow, Essex, CM20 1WG

The council will normally carry out the review within eight weeks. A written notification of the decision, including reasons for the decision, will be sent to the applicant.

All correspondence will be sent to the applicant's current address or a mailing address of their choice. If the applicant has no fixed address the correspondence may be collected from the Civic Centre.

5 The bidding process

Only applicants who are both eligible and qualify may be allocated a property. Applicants will be given information about how to bid for properties advertised. Each applicant may make three bids per bidding cycle.

5.1 The type and size of properties the applicants can bid for

Applicants may bid on all advertised properties for which they are eligible and entitled to bid. An applicant is eligible to bid for a property if:

- The advert does not restrict them from bidding, for example if a property is adapted for wheelchair access or age restrictions
- The property is of the type and size which is deemed suitable for their household as defined by property entitlement.

If an applicant makes a bid on a property for which they are not eligible then their bid will be deemed ineligible and will not be accepted.

5.2 How applicants are short listed

Highest banding applicants will be matched first, if more than one applicant from the same band applies then date of priority date is the deciding factor. If no one in band one bids, the council will look at bidders from band two and so on.

This will generally mean applicants who receive a lower banding are less likely to be successful when bidding for those properties that are in greatest demand.

People will be given time to consider an offer of a tenancy. The person or household will normally be allowed one calendar days from when they view a property to make a decision

Some people who have been identified as vulnerable may be given longer to consider the offer of a tenancy. Examples of this may include people who are currently in hospital or in some form of temporary accommodation, such as a hostel or refuge.

5.3 Refusal of property

Applicants may refuse one offer of accommodation without incurring a penalty; applicants who refuse a second offer of accommodation will be moved down a band for a period of 6 months (no change to date). The exception is in the case of certain categories subject to time limited bidding and applicants towards whom the full homelessness duty has been accepted.

5.4 Offer withdrawn

The council reserves the right to withdraw any offer of accommodation where there is just cause. An explanation of why the offer has been withdrawn will be made to the person or household directly affected.

5.5 Joint tenants

The council and Registered Providers within Harlow encourage joint tenancies to be offered to married, civil partners and cohabiting couples and those who have been in a permanent relationship for 12 months or longer who wish to live together. The council will not normally offer a joint tenancy to a parent and child.

If one person of a household is ineligible to join the register then a joint tenancy cannot be granted.

5.6 Bids not accepted

5.6.1 The Council will not accept a bid for a property where a debt is owed for:

- Social housing rent arrears current and former.
- Arrears of other housing costs where the applicant is contractually liable under their tenancy agreement.
- Housing related Court costs.

- Housing Benefit overpayment
- Debt owed to the council to applicants that have accessed the Rent Deposit Guarantee Scheme through arrears or claim against the bond from the landlord.

All housing related debts must be cleared prior to an offer of accommodation

- 5.6.2** The applicant's current social housing property is not considered to be in a satisfactory condition by the landlord. These standards are defined in their signed tenancy agreement.
- 5.6.3** The applicant has accessed the council Rent Deposit Guarantee Scheme and the landlord does not consider the property to be in a satisfactory condition. These standards will be defined in their signed tenancy agreement and inventory.
- 5.6.4** The applicant has failed to verify circumstances, which may impact on eligibility for an allocation, eligibility for a particular size or type of property, or level of priority on the register, may result in the allocation being withdrawn and the application being reassessed.
- 5.6.5** The council considers each application to join and remain on the Housing Needs Register, on a case by case basis and will offer support to assist applicants, where required. The support will consist of housing advice and assistance, accessing internal and external services.

6 Feedback information

The council seeks to provide every applicant on the Housing Needs Register with feedback information on previous allocations.

Every property allocated through the Housing Allocations Scheme will be included in the feedback information.

The feedback information will include details of the number of eligible people who bid for each property, the priority band and date of registration of the successful applicant.

7 Complaints procedure

Harlow Council has a complaints procedure to help customers get their needs met in a fast, courteous, fair and consistent manner. If you feel this has not been the case, the procedure aims to reach a resolution as quickly as possible. We take complaints seriously as each one helps us learn and enables us to improve our services.

For more information, please ask Contact Harlow or telephone 01279 446655 or Email: contact@harlow.gov.uk

Contact Harlow
Harlow District Council
Civic Centre
The Water Gardens
College Square Harlow
Essex
CM20 1WG