



## Democratic Services

**Location:** Phase II

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**My Ref:** NF

**To: COUNCILLOR IAN EDWARDS  
LEADER OF THE COUNCIL**

**COUNCILLOR EDDIE LAVERY  
CABINET MEMBER FOR ENVIRONMENT,  
HOUSING AND REGENERATION**

c.c. All Members of Executive Scrutiny Committee  
c.c. Tony Zaman, Social Care  
c.c. Debby Weller, Residents Services  
c.c. Chairman of the Social Care, Housing and Public  
Health Policy Overview Committee  
c.c. Conservative and Labour Group Offices  
(inspection copy)

**Date:** 12 March 2021

## Non-Key Decision request

## Form D

### Social Housing Allocation Policy and Local Lettings Policy

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Monday 22 March 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Neil Fraser  
Democratic Services Officer

**Title of Report: Social Housing Allocation Policy and Local Lettings Policy**

**Decision made:**

**Reasons for your decision:** (e.g. as stated in report)

**Alternatives considered and rejected:** (e.g. as stated in report)

Signed .....Date.....

*Leader of the Council / Cabinet Member for Environment, Housing and Regeneration*

## Social Housing Allocation Policy and Local Lettings Policy

<b>Cabinet Member(s)</b>	Councillor Ian Edwards Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Leader of the Council Cabinet Member for Environment, Housing and Regeneration
<b>Officer Contact(s)</b>	Debby Weller – Planning, Environment, Education and Community Services
<b>Papers with report</b>	Appendix 1 Social Housing Allocation Policy; Appendix 2 Local Lettings Policy for Avondale and Austin Road Estates

### HEADLINES

<b>Summary</b>	To consider updates to the Council's Social Housing Allocation Policy and a Local Lettings Policy regarding the regeneration of Avondale and Hayes Town Centre Estates to establish specific lettings arrangements.
<b>Putting our Residents First</b>	This report supports the following Council objectives of: <i>Our People; Our Built Environment;</i>
<b>Financial Cost</b>	There are no direct financial implications arising from the recommendations to this report.
<b>Relevant Policy Overview Committee</b>	Social Care, Housing and Public Health.
<b>Relevant Ward(s)</b>	All.

### RECOMMENDATIONS

**That the Leader of the Council and Cabinet Member for Environment, Housing & Regeneration:**

- 1. Approve the amended Social Housing Allocation Policy at Appendix 1, and**
- 2. Approve the Local Letting Policy for Avondale and Hayes Town Centre Estates at Appendix 2**

#### Reasons for recommendations

The changes are sought to ensure that the policies in place allow for allocations required to support the regeneration proposals for Avondale and Hayes Town Centre Estates.

## **Alternative options considered / risk management**

The alternative option would have been to leave the Social Housing Allocation Policy as at present and to proceed without Local Lettings arrangements. The former could leave the Council open to legal challenge and the latter would prevent a timely decanting process and jeopardise the efficient and fair delivery of the proposed regeneration at Avondale and Hayes Town Centre Estates.

## **Democratic compliance / previous authority**

Under the Cabinet Scheme of Delegations, the Leader of the Council and relevant Cabinet Member can approve and amend service level policies.

## **Policy Overview Committee comments**

None at this stage.

## **SUPPORTING INFORMATION**

### **Background**

1. On 22<sup>nd</sup> October 2020, Cabinet agreed to explore a redevelopment option for Hayes Town Centre and Avondale Estates, subject to consultation with residents on a possible design and rehousing offer which would culminate in a resident ballot on the proposals. The Council is currently consulting with residents and the feedback received points to the need to establish a local lettings policy specific to these two estates. There is a need to ensure that the policies we have in place allow for allocations required to support the regeneration proposals for Hayes Town Centre Estate and Avondale Estate.
2. It is intended that this is primarily achieved through local lettings arrangements, however, there are some aspects of the Social Housing Allocation Policy that also require amendment.
3. The proposals will ensure that council tenants and some others who are directly impacted by the regeneration proposals will be treated as priorities for social housing allocations and they seek to encourage cohesive communities. They will also ensure that decanting arrangements can be put in place in an efficient manner.

### **Amendments to the Social Housing Allocation Policy**

4. Section 5.11 of the Council's Social Housing Allocation Policy describes how the Council agrees local lettings policies for new developments. For the avoidance of doubt, this section has been extended to make specific reference to Avondale and Hayes Town Centre Estates. Additional text has also been included in Section 6 for clarity that a direct

nomination can be made to tenants being decanted as a result of regeneration and in Section 13.5 relating to priority for tenants permanently decanted as a result of a Council regeneration programme over other Band A applicants. For ease of identification, these amendments are shown in red on the amended Social Housing Allocation Policy at Appendix 1 on pages 18,19,20 and 35.

## Local Lettings Policy

5. The Local Lettings Policy provides a framework for Council tenants affected by the regeneration programme. It sets out the principles and procedures adopted by the Council for the allocation of housing to tenants affected by the regeneration programme and facilitates rehousing into suitable alternative accommodation. The Policy will help to ensure the delivery of the development proceeds in a timely manner and to create sustainable communities in the regeneration areas.
6. Those eligible under the Local Lettings Policy are:
  - Secure Council residents, including those with lifetime, fixed term or probationary tenancies
  - Registered provider assured tenants
  - Council temporary accommodation tenants living on the estate where a homelessness relief or main duty has been accepted to rehouse and/or they have been on the housing register for over 12 months at the time of the Estate Regeneration Ballot
  - Private Tenants – living on the estate for over 12 months and who have been on the housing register for 1 year at the time of the Estate Regeneration Ballot and have been placed in Band A or Band B
7. All residents in the eligible groups will be awarded a Band A and will be given a higher priority than other Band A applicants in terms of their rehousing. Secure Council residents and registered provider assured tenants can decide either to move to one of the new homes provided by the regeneration or to bid for an alternative social sector, Council or Registered Provider owned dwelling, via Locata. Those secure Council tenants and registered provider assured tenants moving temporarily will have a right to return to the estate once new homes are complete. Eligible council temporary accommodation tenants and private tenants will also be awarded a Band A. They will be able to bid for a social sector home elsewhere in the Borough. They may be allocated a home in the new development, dependent on availability after the needs of secure Council and registered provider assured tenants are met, but this is not guaranteed.
8. By including those in temporary accommodation and some private tenants on the estate among those eligible for rehousing under the Local Lettings arrangements, the Council has been relatively generous compared to some other local authorities under-taking regeneration. This has been done in recognition that many of these households have been resident on the estate for a considerable period of time and have a demonstrable housing need. The Local Lettings Policy has, however, restricted eligibility of private tenants to those in the highest housing Bands, A & B. This is considered a proportionate response taking into account housing needs in the Borough as a whole and research has shown that it is in line with practice in some other boroughs i.e. Tower Hamlets, Barnet.

9. The number of bedrooms that the household will be entitled to are as set out in the Social Housing Allocation Policy, however, the household members eligible can include non-dependent adult children. In some instances, the Council may consider providing two allocations for households that are willing to split in return for down trading in property size.
10. For those under-occupiers affected by the regeneration proposals, the Council is prepared to allocate one extra bedroom in addition to their need requirements, subject to this being affordable to the tenant.
11. The Local Lettings Policy is included in full at Appendix 2. It may be revised during the course of the regeneration programme and will cease to apply once the regeneration programme has been completed.

## **Financial Implications**

This report seeks approval for the amended Social Housing Allocation Policy at Appendix 1, and to approve the Local Letting Policy for Avondale and Hayes Town Centre Estates at Appendix 2.

There are no direct costs associated with the implementation of the amended Social Housing Allocation Policy as it is primarily concerned with the maintenance and management of the Housing Waiting list.

An Allocation policy can impact on the value obtained from the Social Housing stock through its influence on access and therefore the value obtained by the Housing Revenue Account. This in turn may impact on the general fund costs relating to temporary accommodation through changes to levels in demand.

Any specific financial implications relating to housing demand and supply as part of potential housing regeneration on the Avondale and Hayes Town Centre Estates will be considered as part of the housing regeneration project which is kept under review through the MTFF budget setting and monthly budget monitoring processes.

## **RESIDENT BENEFIT & CONSULTATION**

The proposed allocation arrangements will provide priority for tenants disrupted by the regeneration proposals. This is in line with 'Better Homes for Local People: The Mayor's Good Practice Guide to Estate Regeneration' which states that 'Social tenants who must move into a new home temporarily as a result of estate regeneration should be awarded high priority in the local allocations policy.'

The regeneration programme will in itself provide additional lettings and it is expected that most people from the estates will move directly to a new home. Those that need to move temporarily will be mostly confined to the first phase of the regeneration. It is not consequently expected that the impact on lettings to other applicants will be disproportionately large.

The Local Lettings Policy has been developed taking into account the views of residents expressed during consultation regarding regeneration of the estates.

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance has reviewed the report and concur with the Financial Implications set out above, noting that there are no financial implications arising from the report recommendations.

### Legal

The Cabinet Members are being asked to approve two specific recommendations in the report.

The first relates to proposed amendments to the Council's social housing allocation policy, arising from the regeneration project relating to Avondale and Hayes Town Centre Estates.

The legal basis for social housing allocation policies is the Housing Act 1996 as amended. Section 166A[13] of the Act provides that when altering a policy, to reflect a major change of policy, a local housing authority must send a copy of the draft policy, or proposed alteration, to every private registered provider with which they have nomination agreements, and ensure that they have a reasonable opportunity to comment on the proposals.

Government Guidance says that a major policy change would include, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures.

It is the view of the Borough Solicitor that the proposed amendments to the policy, which are the subject of the report, do not reflect a major change of policy and therefore no consultation by the Council with private registered providers is required. The Borough Solicitor can also confirm that there are no legal reasons preventing the Cabinet Members from approving the first recommendation.

The second recommendation is asking the Cabinet Members to approve the Local Letting Policy for Avondale and Hayes Town Centre. The statutory basis for local letting policies can be found in section 166A[6][b] of the 1996 Act which allows local housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference groups, provided that such authorities continue to comply with their obligations to these groups.

There are a number of secure Council tenants who are affected by the regeneration proposals. Section 105 of the Housing Act 1985 imposes an obligation on local housing authorities to consult with those of its secure tenants who are likely to be substantially affected by a matter of housing management, by informing them of the authority's proposals and providing them with an opportunity to make their views known to the authority within a specified period.

Paragraph 4 of the Local Lettings Policy, which has been developed by officers, makes it clear that in doing so the views of residents expressed during consultation, regarding regeneration of the Estates, have been taken into account.

The regeneration of the Estates and the development of the Local lettings Policy which flows from it could not be clearer examples of matters of housing management, triggering the statutory

consultation duty which the Council has complied with. However, it is important to note that this duty is not 'once and for all'; instead, it is a continuing duty and one which the Council must ensure that it fully observes as the regeneration project progresses.

Finally, the Borough Solicitor can confirm that it is legally permissible for the Cabinet Members to approve the Local Lettings Policy.

## BACKGROUND PAPERS

NIL.

## TITLE OF ANY APPENDICES

Appendix 1 - London Borough of Hillingdon Social Housing Allocation Policy

Appendix 2 - Local Lettings Policy for Avondale and Hayes Town Centre Estates



**London Borough of Hillingdon**

**Social Housing Allocation Policy**

**February 2021**

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## 1. INTRODUCTION

The Housing Allocation Scheme describes how the council assesses applications for housing, prioritises each application and decides which applicant will be offered (allocated) Council and Housing Association housing.

The Housing Allocations Scheme covers housing in Hillingdon owned by the Council or by Housing Associations that have entered into a nominations agreement with the council. This is called *social housing*.

Hillingdon Council receives many enquiries every year from people looking to rent a home in the borough. Because Hillingdon only has a limited amount of social housing available to rent, the main purpose of this scheme is to explain who will be allocated housing and why.

### 1.1 Legal Context

The Housing Allocation Scheme sits within a legal framework which is summarised below.

The Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) requires local authorities to make all allocations and nominations in accordance with an Allocation Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy.

This document is available on the Council's website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) and paper copies will be provided on request.

The Housing Act 1996 (as amended) requires local authorities to give reasonable preference in their allocations policies to people with high levels of assessed housing need. The main groups are:

- People who are homeless as defined by the Housing Act 1996, Part 7
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (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))
- People occupying insanitary or overcrowded housing, or who are otherwise living in unsatisfactory conditions,
- People who need to move on medical or welfare grounds (including any grounds relevant to a disability); and
- People who will suffer hardship to themselves or to others if they are unable to move to a particular locality or district.

The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4.

This Housing Allocation Scheme complies with the requirements of:

- Housing Act 1996 (as amended)
- Allocation of Accommodation: Code of Guidance for Housing Authorities 2012
- Children Act 2004
- Choice Based Lettings Code of Guidance for Housing Authorities 2008
- Equality Act 2010
- Localism Act 2011
- Homelessness Reduction Act 2017
- Homelessness Code of Guidance for Local Authorities 2018
- Hillingdon Housing Strategy
- London Housing Strategy

## **1.2 Aims of the Allocation Policy**

The Allocation Scheme is designed to meet all legal requirements and to support and contribute towards the Council's wider objective of putting residents first. The council is also committed to preventing homelessness and the Allocation Scheme focuses on supporting residents to actively pursue suitable alternatives to avoid becoming homeless.

The key objectives of this Allocations Scheme are to:

- Provide a fair and transparent system by which people are prioritised for social housing.
- Help those most in housing need.
- Reward residents with a long attachment to the borough
- Encourage residents to access employment and training
- Make best use of Hillingdon's social housing stock.
- Promote the development of sustainable mixed communities.

This policy has considered:

- The council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law
- The general and specific statutory discretions the council can exercise when allocating housing in support of its Community Strategy.
- The council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference

The Social housing allocation system will be supported by a housing options approach giving applicants realistic advice and promoting other housing options.

The Council will register eligible applicants who qualify for the reasonable preference criteria and certain groups who meet local priority. In addition, the council will ensure that greater priority through 'additional preference' is given to applicants who have a long attachment to the borough, are working, members of the British Armed Forces and childless couples.

In addition, the Council will continue to use the private rented sector both within the borough and outside it to meet its statutory housing obligations. It will use the private

rented sector to discharge its homelessness duty.

Where the Council believes that potential applicants are able to access market housing, that is, private rented or low cost or market home ownership, the Council will provide advice as necessary.

The Council will take into account the impact of the welfare reform proposals which places a ceiling on the amount of cash benefits a household will be able to receive. In order to allocate a home, a household's current and future ability to meet the rent and associated costs of running a home will be taken into account.

Tenancies for council homes are allocated according to the Councils Tenancy strategy with the majority of the homes offered on fixed term tenancies. Other Registered Providers have to take account of the Councils Tenancy Strategy when setting their own policies.

### **1.3 What is not included in the allocation policy**

The following are not allocations under this scheme:

- Succeeding to a tenancy under S89 Housing Act 1985
- A mutual exchange with another tenant
- Assigning a tenancy
- Transferring a tenancy in accordance with a court order under Family Law provisions or under the Civil Partnership Act 2004
- An introductory tenant becoming a secure tenant
- Provision of temporary accommodation in discharge of any homelessness duty or power

## **2. ELIGIBILITY AND QUALIFICATION FOR HOUSING**

### **2.1 Eligibility Rules**

The first assessment the council makes when an application is received is whether the applicant is eligible for social housing. This depends on where the applicant normally lives ("habitual residence") and their "immigration status".

Eligibility for social housing is assessed when an applicant first applies and it is looked at again when they are being verified for an offer of accommodation.

A person is not eligible if they are:

- Subject to immigration control (within the meaning of the Asylum and Immigration Act 1996)
- A person from abroad excluded by regulations made by the Secretary of State
- A person not habitually resident in the United Kingdom (other than EEA/EU workers or those covered by an EEA/EU Directive) or required to leave the UK by the Secretary of State. Detailed information on eligibility for housing is set out in Annex 1.

## 2.2 Qualification Rules

The second assessment the council makes is whether an applicant qualifies to go on the housing register. The Localism Act 2011 has given new freedoms for local authorities to determine who can join the housing register. The Council has made a number of changes to the qualification rules and this requirement is in addition to the provision on eligibility in respect of persons from abroad set out in 2.1.

The changes have been made because the council:

- Wants to make sure a more focused waiting list is operated which better reflects local circumstances and can be understood more readily by local people
- Believes that social housing should be available to people that cannot afford to buy or rent a home privately.
- Wants to make sure housing policies benefit people that live in Hillingdon.

The following sections explain what the changes are:

### **2.2.1 Households with no demonstrable housing need will not qualify to join the housing register.**

The Council will no longer maintain a housing waiting list for those households that it is unable to help access a council or housing association home. This means applicants who are considered not to have a housing need will not qualify to join the housing register.

It will help in managing unrealistic expectations by excluding people with little or no prospect of being allocated accommodation. They will be signposted and given relevant information and advice through the Targeted housing option' website at [www.locata.org.uk/hillingdon](http://www.locata.org.uk/hillingdon).

#### Exception

People over 60 who would benefit from sheltered housing. However, they will be made an offer of sheltered accommodation after other households meeting residency criteria.

### **2.2.2 Household with sufficient financial resources will not qualify to join the housing register.**

People with sufficient combined household income, savings and assets will not qualify to join the housing register:

- Any household who owns or have an interest in a property.
- Any household with a gross income at or above the level required for low cost home ownership. The current income level (as at January 2019) is £90,000.00 This income will be reviewed on an annual basis and adjusted to reflect the size of the household and market conditions.
- Any household with savings/assets of more than £30,000 as they will be deemed to have enough financial resources to rent in the private sector. Deliberate disposal of assets in order to become eligible for an allocation will

not be tolerated.

All applicants and prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to income support, housing benefit, council tax benefit (and universal credit), verification of income and savings will be required, prior to applicants joining the housing register and at the point of being offered accommodation.

Where applicants have resources considered sufficient to access low cost home ownership within the thresholds set above, they will normally be offered advice or assistance as they are considered to have the income to meet their own housing requirements. Advice on home ownership and private sector renting options will be offered including the opportunities to join the Council's Low cost home ownership register

### Exceptions

- Members of the British Armed Forces who receive lump sum payments as compensation for an injury or disability sustained on active service.
- Members of the British Armed Forces or their former partners who remain in residence following the expiry of a notice to vacate Service Families Accommodation may be charged mesne profits for trespass and accordingly accrue a mesne profit debt. In taking into account rent arrears or a housing debt in determining whether to allow qualification to join the housing register, the Council may treat the accrual of a mesne profit debt by a Member of the British Armed Forces or their former partner sympathetically.
- Persons who fall within the reasonable preference groups.

**2.2.3 Households who do not currently live in the borough and do not have a need to move to a particular locality in the borough where failure to meet that need would cause hardship will not qualify to join the housing register.**

### Exceptions

- People over 60 who would benefit from sheltered housing. However, they will be made an offer of sheltered accommodation after other households who meet the residency criteria.
- Persons who fall within the reasonable preference groups.

Hardship grounds include:

- The need to move to take up a confirmed offer of employment
- To give or receive care or support from/to a resident in the borough (see section 12.5.4)

**2.2.4 Households who have not been continuously living in the borough for at least 10 years will not qualify to join the housing register.**

Applicants will need to demonstrate a local connection with Hillingdon. Local connection within the terms of this scheme will normally mean that an applicant has lived in Hillingdon, through their own choice, for a minimum of 10 years up to and

including the date of their application, or the date on which a decision is made on their application whichever is later.

For purposes of continuous residence, children spending time away from home for education due to periods of study such as at university, and people who have moved away up to 3 times due to the requirements of their job will be disregarded. Secure, introductory or flexible tenants of Hillingdon Council and care leavers housed outside the borough will be considered as having a local connection with Hillingdon. People will also be considered as having a local connection with Hillingdon when they are placed in the borough of Hillingdon in temporary accommodation in accordance with sections 190(2), 193(2), 195(2) or who are occupying accommodation secured by any local authority under section 192(3).

Exception:

- People who have served in HM Forces in the last 5 years
- People over 60, and are currently resident in the borough who would benefit from sheltered housing. They will be considered for sheltered housing after other households who meet the residency criteria.
- People who are under-occupying their current social housing and are currently resident in the borough.
- Emergency cases where homes are damaged by fire, flood or other disaster if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- Statutorily homeless persons and other persons who fall within the statutory reasonable preference groups (see paragraph 12 below).
- Households who need to move to the Borough to avoid hardship. Hardship grounds include:
  - → The need to move to take up a confirmed offer of permanent employment
  - → The need to move to specialist facilities where they receive care but live outside the Borough
  - → The need to move to receive or give care/support (meaning higher care costs or even the use of residential care for those who cannot move)
- People who are living in a refuge or other form of safe temporary accommodation in the borough having escaped domestic abuse in another local authority area.
- Children spending time away from home due to periods of study such as at university.
- People who have moved away for up to 3 years due to the requirements of their job.

- People to whom paragraph 2.2.5 applies.

### **2.2.5 Exception for certain Irish Traveller, Romany Gypsy or non-UK national households**

Compliant with the judgment of the Court of Appeal in *R(Ward & Ors) v LB Hillingdon*, Equality and Human Rights Commission intervening [2019] EWCA Civ 692, this paragraph applies to an applicant whose household is either Irish Traveller / Romany Gypsy or non-UK national with refugee status in the UK and who would qualify under this section for inclusion on the housing register, or once included be entitled under section 14.3 to additional preference, but for their inability to demonstrate at least 10 years' residence in Hillingdon. If, in the opinion of the Council, such inability is the result of their racial origin or related circumstances or lifestyle, the residence requirement will in the case of each provision be reduced from 10 years to 5 years provided the applicant can demonstrate to the Council's reasonable satisfaction that they have for the whole or substantial part of that period made a community contribution such as helping borough residents, undertaking paid, unpaid or voluntary work in the borough or being a recognised carer for an elderly or disabled adult or child, or other special reason to be decided on a case by case basis by the Council.

## **3. WHO CAN MAKE AN APPLICATION**

Hillingdon residents who are over 18 years old can apply to join the housing register through the Locata website at [www.locata.org.uk](http://www.locata.org.uk).

The council intends to ensure that all successful applicants have reasonable preference. In addition, the council has used its statutory discretion to determine groups of households who will be eligible for housing allocation.

The council will also give 'additional preference' to applicants who have a local connection (long attachment to the borough), are working and childless couples.

The Council will not normally grant a tenancy to anyone under the age of 18 years unless another adult is prepared to act as their guarantor, and agrees to cover the rent or any arrears. In exceptional circumstance, the council can grant permission to occupy a property to an applicant under-18 years by way of something known as an equitable agreement.

Capacity – For an applicant to become a tenant of the Council and enter into a tenancy agreement, they must have the mental capacity to understand the contract. If an applicant does not have the capacity to understand the contract, an application should be made to the Court of Protection for the tenancy agreement to be signed on their behalf.

## 4. STATEMENT ON CHOICE

The council operates a Choice Based Lettings Scheme through a central lettings agency known as 'Locata'. Council, Housing Association properties and travelers' site pitches in Hillingdon available at social and affordable rent are let through the scheme.

Households who are eligible to join the housing register are required to use the choice based lettings scheme (Locata) to obtain a new home. People who apply for housing through the council are divided into two main groups:

- **Homesekers** are households who are not currently social housing tenants but have applied for social housing. Households living in temporary accommodation are included in this group.
- **Transfers** are existing Council and Housing Association tenants who want to move to another social housing.

### 4.1 Locata Housing Services - the central lettings agency

Locata Housing Services (LHS) Ltd is a central lettings agency set up by West London local authorities and housing associations including Hillingdon Council to provide the computer program to manage the letting of available vacancies.

The West London Locata partners as at January 2013 were:

- \*London Borough of Hillingdon
- \* London Borough of Brent
- \* London Borough of Harrow
- \* London Borough of Hounslow
- \* London Borough of Ealing
- \* Catalyst Housing Association
- \* Genesis Housing Association
- \* Paradigm Housing Group
- Shepherds Bush Housing Association
- Thames Valley Housing Association
- A2 Dominion
- Inquilab Housing Association
- Notting Hill Housing
- Octavia Housing
- Sir Oswald Stoll Foundation
- Network Stadium Housing Association
- Westway Housing Association

\* indicates a part-owner of Locata Housing Services Ltd

## 5. HOW THE CHOICE BASED LETTINGS SCHEME WORKS

### 5.1 Priority Banding

Housing need is determined by assessing the current housing circumstances of

applicants. A priority 'band' is then allocated according to the urgency of the housing need. There are four priority bands as follows:

Band A - This is the highest priority band and is only awarded to households with an emergency and very severe housing need.

Band B - This is the second highest band and is awarded to households with an urgent need to move.

Band C - This is the third highest band and is awarded to households with an identified need to move.

Band D - Homelessness applicants who do not satisfy the 10 year continuous Residence Rule.

If following an assessment it is determined that an applicant has no housing need, they cannot join the housing register. They will be given advice and assistance on other housing options, for example, renting from a private landlord or applying to an intermediate rent or low cost home ownership scheme which will be available on the 'Targeted housing option' website at [www.locata.org.uk/hillingdon](http://www.locata.org.uk/hillingdon).

## **5.2 Priority Dates**

As the level of need within each 'band' is broadly similar, it is fairest to make an offer of social housing to the applicant that has been waiting the longest in that 'band'. This is known as a priority date order. The priority date is awarded either on the date of the original application or on the date the council is notified of a change in circumstances.

### Moving up a 'Band'

The priority date is the date the higher priority is awarded.

### Moving Down a 'Band'

New priority date reverts to the data that applied when the applicant was previously in that 'band' OR any earlier date when they were in a higher band. The principle is that when moving down, their priority date should be the earliest date that they were in the new lower band, or in a higher band.

If the applicant has been suitably housed for any of the time, the new band date cannot be any earlier than the date they were subsequently assessed as Band A, B or C.

### Examples of priority date system:

<b>Example 1</b>	<b>Priority Date</b>
Household applies to register in January and is adequately housed.	None
In February household is awarded band B	February
In March household is awarded band A	March
In April household is downgraded to band C	February

<b>Example 2</b>	<b>Priority Date</b>
Household applies to register in January and is awarded band C	January
In February household is awarded band A	February
In April household is downgraded to band B	February

<b>Example 3</b>	<b>Priority</b>
In April household is awarded medical priority –	April
In May household is awarded urgent medical priority band B	May
In June medical priority reduced again – band C	April
In June household is awarded emergency medical priority – band A	June
In August new medical assessment – band B	August

### 5.3 Property Advertising

Vacant council and housing association properties are advertised on the West London Locata website ([www.locata.org.uk](http://www.locata.org.uk)) to people assessed as having housing need. The majority of council and housing association rented homes to which the council has nomination rights are advertised and let through this scheme. Available properties are advertised as they become ready for letting.

In choosing which property to bid for, an applicant should look at the details as some properties advertised may have restrictions such as:

- Properties subject to a sensitive let (See section 5.9)
- Properties subject to a local lettings plan (see section 5.10)
- Properties adapted for disabled applicants (See section 16.1)
- Properties designated for people over a certain age e.g. older people accommodation or sheltered housing (See sections 16.2, 16.3 & 16.4).

- Properties designated to a particular group of households, for example, homeseekers (H) or transfers (T) only.

Where restrictions are applied, details will be given on the advert.

Circumstances in which direct offers may be made by by-passing the Locata process are set out in section 6.

#### **5.4 Bidding for a property (expressing an interest)**

Hillingdon residents are entitled to bid for properties advertised in the “Hillingdon” section of Locata and the “cross borough” section. In addition, Hillingdon residents can bid for properties advertised by several housing associations that have social rented accommodation in the borough. The housing associations always give priority to applicants who are registered with them directly, so it is advantageous for Hillingdon applicants who are interested in housing association properties to register directly with each provider as well.

Each household may bid for up to 3 properties in each bidding cycle.

- If a property is designated for a specific type of household, only those who match the household type will be eligible to bid for that property
- Any bids must be placed before the deadline closes
- The applicant’s household must match the advert specification, for example, the household must not have more or less household members than the number specified on the property label,
- The applicant must satisfy the age requirement on the property label where applicable
- The applicant must satisfy the mobility level specified on the property label.

#### **Help with bidding:**

A detailed guide of how to bid for properties is sent out to all new applicants when their application to join the register is approved. This includes their HIL number which is needed to make a bid.

The Council can help by placing bids on behalf of vulnerable applicants, who have no support mechanisms. For example, older, people with a sensory disability and people with no or low literacy or English comprehension. Such applicants can self refer or referrals can be made on their behalf by GPs, MP, and Councillor etc.

Eligibility for the help is determined by the designated housing officer and those on the supported ‘bidding list’ are regularly reviewed. If households are not engaging in the process or are considered to be unreasonably refusing properties or not attending viewings, this service can be withdrawn.

Other support agencies or social workers can also bid on behalf of an applicant that they are supporting. Training can be provided to such agencies if required.

There are two types of service available, both of which are time limited:

- Assisted Bidding - The applicant can contact the designated housing officer each fortnight when properties are advertised and get help with making a choice

on the property they are interested in and/or talk through the process with them by supporting them to place their bids.

- Automatic Bidding - The applicant specifies the area and type of property they are interested in and staff can automatically place bids on up to 3 properties matching their description every fortnight.

## **5.5 Short-listing**

Once bidding has closed, all households that placed a bid and are eligible for that property are placed into priority band and date order. This is called the shortlist.

If a property has been advertised with preference for a specific group of applicants, bids from these households will be prioritised above all other bands. Bids placed from households within the specific priority group will still be short listed according to their band and priority date as above. Applicants will not be short listed or offered a property if they already have a live offer on another property.

## **5.6 Offers of accommodation:**

The applicants at the top of the shortlist for a property are contacted by the housing provider and offered an appointment to view the property. At the viewing the applicants have a chance to look around the property and ask any questions of the landlord.

If the household offered the property accepts it, they are formally invited to sign for the tenancy. If the household offered the property refuses the property, it is offered to the next household until such time as the property is accepted. If no one on the shortlist within the priority bands accepts the property, the property is either re-advertised or directly allocated to another household.

If there are more than one successful bidders for a property, the offer is made to the applicant with the longest waiting time (known as priority date).

## **5.7 The effect of choices on waiting times:**

The length of time you have to wait before you get an offer is affected by the choices you make on your housing application. If you choose an area or a type and size of property that rarely becomes available to offer, you will face a much longer wait than an applicant who is prepared to consider a broad range of areas and types of property.

We will assist you in making an informed choice by providing information on property availability and average waiting times. This information is published on the council's website.

## **5.8 Feedback on let properties**

Details of every property let in Hillingdon are available at [www.locata.org](http://www.locata.org). The website shows the number of households that bid for each property, as well as the priority band and registration date of the successful bidder.

There is also feedback on all properties let through Locata in the Freesheet archive of the Locata Home website. The feedback enables applicants to gauge the scarcity and popularity of different areas and property types, to be able to judge how long they might have to wait to be re-housed, and therefore exercise informed choice.

## **5.9 Ringfenced lettings**

In cases where specific action has been taken to release homes, the resulting vacancies will be made available to particular client groups. For example:

- Homes recovered due to fraud activity, will be offered to accepted homeless households in temporary accommodation.
- Homes released by under-occupying households will be offered to overcrowded households in a chain of lettings.

## **5.10 Sensitive lettings**

On occasions it is in the interest of residents and tenants that an individual property is let sensitively in light of the experience of neighboring tenants. Where a request for a sensitive let is sought, this will be considered.

Sensitive lets will only be agreed where it can be demonstrated that:

- The neighbouring tenants have experienced either harassment, noise nuisance or un-tenant like behavior over a period of time or of an excessive nature and
- Incidents have been recorded and
- Action has been taken by the landlord or
- There is a public protection issue that must be managed.

## **5.11 Local lettings policies**

On new developments, the Council usually agrees a local lettings policy with the Provider (mainly Registered Providers) that is building the new social housing. The local lettings policy ensures that there is a balanced mix of social tenants and mitigates any potential management problems at a later date.

A number of factors are considered which includes:

- 5.11.1 The mix of working and non working households
- 5.11.2 Age range of the prospective tenants
- 5.11.3 Ethnicity and community cohesion
- 5.11.4 Vulnerability and support services
- 5.11.5 Community facilities provided.

In order to ensure the balance is achieved, the Council may bypass applicants who have placed bids for the property.

The Council will also have local lettings policies in place in respect of the regeneration of Avondale Estate and Hayes Town Centre Estate which will for the avoidance of doubt extend to the rehousing of residents affected by regeneration to properties outside of the areas being regenerated.

The following factors which the Council will consider in addition to those set out in paragraphs 5.11.1 and 5.11.5 above are:

- 5.11.6      Perpetration of anti-social behaviour
- 5.11.7      Supporting and promoting neighbourliness and existing community relationships

## 6. ALLOCATION OUTSIDE CHOICE BASED LETTINGS

In certain specified cases, an allocation may be made outside of the choice based lettings scheme. These are:

- Extra care housing.
- Where a household urgently requires an adapted property.
- Where vulnerable applicants are unable to participate effectively in the bidding system, or where they have specific accommodation needs.
- Where there is a recommendation from police, social services or other professional agencies for a type of accommodation to meet an individual need.
- Where no successful bids are received for an advertised property.
- Where an applicant has been unfairly bypassed for a property.
- Where a household have succeeded to a tenancy but are under-occupying or do not need adaptations or specialised accommodation.
- Where homeless households have failed to bid successfully for available properties and the lease on their temporary accommodation has ended, they will be made one direct offer of suitable accommodation.
- Where homeless households have been in temporary accommodation for longer than the average period, they will be made one direct offer of suitable accommodation.
- Where service tenants entitled to re-housing have not bid successfully for a suitable home by the time they are required to leave their accommodation, they will be made one direct offer of suitable accommodation.
- Where a management transfer has been agreed, the tenant will be made one direct offer of suitable accommodation. The size of the accommodation will be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller.
- Where a reciprocal arrangement has been agreed, the incoming household will be made one direct offer of suitable accommodation.
- Where an applicant needs to move immediately, for example, tenants being decanted to enable a major repair to the property to be carried out **or tenants being decanted where their area is being regenerated by the Council**. One direct offer of suitable accommodation will be made
- Ex-tenant discharge from an institution. One direct offer of suitable accommodation will be made. The size of the accommodation will be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller.
- Where lettings to certain groups is required in order to achieve a balance of lettings as set out in the Council's annual lettings plan.
- Where special allocation arrangements through local lettings plan on new developments are in place in order to achieve a balanced community.

## **7. REFUSALS FOLLOWING DIRECT OFFERS**

### **7.1 Recording the refusal**

The applicant must give their reasons for refusal in writing, or sign a written statement of their reasons. The property will not usually be held vacant while the reasons for the refusal are considered – it will normally be offered and let to another applicant unless the offer is to a homeless a homeless household. In such cases, the offer may be held for a short period (usually no longer than 48 hours) while the reasons for the refusal is considered. The applicant will be advised of the possible consequences and given a chance to reconsider their decision to refuse.

### **7.2 Unsuitable offers**

If there is a clear mismatch of the applicant and property details, the offer will be withdrawn and the right of the applicant will not be affected.

### **7.3 Consequences for refusing reasonable offer**

#### **(a) Homeless household**

If the offer is considered to be suitable, the applicant will be informed of the council's intention to discharge its homelessness and if they are occupying temporary accommodation provided by the council, to commence eviction proceedings. They will be advised of their right to seek a review of this decision and, if still not satisfied to pursue their disagreements through the courts.

#### **(b) Service tenants**

Following refusal of a reasonable offer, ex-service tenants will be advised that their priority for re-housing has been withdrawn and that the council considers it has fulfilled its contractual obligation to offer suitable re-housing. The applicant will be advised to make their own housing arrangements and eviction proceedings from the tied accommodation will be started.

#### **(c) Management transfer**

Following refusal of a reasonable offer, tenants will be advised that their high priority has been removed. Their housing need will be reviewed and if assistance is still required, they will be placed in the appropriate priority 'band' on the waiting list, for example, as a homeless applicant. The relevant housing manager will be informed.

#### **(d) Reciprocal arrangements**

Following refusal of a reasonable offer, applicants will be advised that their priority for re-housing has been withdrawn and that the council considers it has fulfilled its reciprocal agreement to offer suitable re-housing. The applicant will be advised to seek help from their own provider/landlord.

#### **(e) Temporary/permanent decant**

Following refusal of a reasonable offer, the relevant housing manager will be advised so that they can commence possession proceedings.

**(f) Ex-tenant discharge from an institution**

Following refusal of a reasonable offer, tenants will be advised that their priority has been removed. If they require assistance, they will be advised to reapply and their housing need will be assessed and if deemed to be in housing need, they will be placed in the appropriate priority 'band' on the waiting list for example, as a homeless applicant. The relevant housing manager will be informed.

**g) Other circumstances**

Following refusal of a reasonable offer, applicants will be advised that no further direct offers will be made and they can continue to access housing by bidding through choice based lettings.

## **8. PRE-OFFER VERIFICATION CHECKS**

Qualifying or being eligible to join the housing register does not guarantee an offer of accommodation. Verification checks will be carried out prior to an applicant receiving an offer of accommodation. Households will not be verified if they are found to fall within one of the criteria set out below. This means that they will not be made an offer of accommodation even if their bid for a property has been successful.

The circumstances are:

- a) Any applicant who is no longer eligible or qualifies for housing.
- b) Council tenants who have a current application to buy their dwelling or for a home purchase grant such as Homebuy.
- c) Any applicant who owes more than 4 weeks rent or other housing debts including temporary accommodation arrears, former tenant arrears, and council tax arrears. They will not be verified unless they have an agreement to reduce the arrears in place and have been making regular payments to reduce the outstanding amount for a minimum of six months at the time of offer.
- d) Any applicant or member of their household who has perpetrated serious anti-social behaviour where either a possession order is being sought or has been obtained, or where the antisocial behaviour is of a level which would warrant eviction. They will not be verified unless they demonstrate a change for a minimum of 12 months at the time of offer.
- e) Any applicant or member of their household who has given false or misleading information on their housing application, or has withheld information that has been reasonably requested.
- f) Any applicant or tenant who has not maintained their property in accordance with the terms of their tenancy will be required to make good any damage.
- g) Any applicant or member of their household who has been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. They will not be verified unless this conviction is spent.
- h) Any applicant or member of their household who has assaulted a member of staff and an injunction is being sought or has been obtained.

Information from the following sources will be checked, but are not limited

to:

- Information held by the Council e.g. housing benefit, electoral roll, council tax records.
- Information held by the Council's community safety team for any un-tenant like behaviour.
- Information held by other local authorities, landlords or registered providers.
- Land registry and credit reference checks.
- Information from neighbours, employers, Social Services and other agencies.

The council will also carry out unannounced visits to check the details provided about all household members and occupation of their current accommodation. Where necessary, the household will be asked to provide evidence to support their application. If the applicant is not available, a card requesting the applicant to make contact with the council within 24 hours will be left so that the visit can be rearranged. If the applicant fails to respond and a follow up visit is not carried out within 48 hours, the applicant will not be verified for the property they have successfully bid for and they will be removed from the shortlist for that property.

## **9. ANNUAL LETTINGS PLAN**

In order to strike the right balance of allocations to the different groups and manage the cost of homelessness, an annual lettings plan will be in place. It will be published every year, and lettings made will be monitored against this. All lettings made under this scheme are counted for the purposes of the lettings plan. If monitoring shows that the allocation target set out in the plan is not being achieved, the council reserves the right to enhance access by advertising or directly allocating some properties to specific groups.

The plan will contain an estimate of the supply of homes which will be available for letting each year including new homes due to be completed and existing homes to be re-let. It will also set out the proportion of the available lettings that will go to each of the groups identified to have housing need.

It will be ensured that a reasonable proportion of allocations are provided to the people with high level of assessed housing need, for example those who meet reasonable preference criteria. It will be ensured that one group does not dominate the scheme.

In cases where specific action has been taken to release homes, the resulting vacancies will only be ring-fenced to particular groups. For example, homes recovered as a result of fraud activity may be allocated to homeless households; homes released by under occupiers allocated to overcrowded households in a chain of lettings.

## **10. APPLYING FOR HOUSING**

### **10.1 Tackling Fraud:**

The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer of accommodation, and in other cases as resources allow. The enquiries will be made at any time and it can be at the time of application or subsequently, including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed. These checks may involve cross referencing information provided by applicants when they apply to the housing register with other data the Council holds, including information on housing and council tax benefit and the electoral roll.

### **10.2 Who can be included on the application?**

You can include any household member who is part of and living in the household. Includes:

- Partners, spouses or civil partners of the main applicant.
- Children aged less than 18 where the main applicant is the sole legal guardian and there is no other available legal guardian who could reasonably accommodate the children.
- Dependent relatives who are unable to live independently and there are no other suitable options available to accommodate them.
- Live-in carers where an applicant is confirmed to have an essential need for a carer, for example overnight support.

### **10.3 Who should not be included on the application?**

You should not include any of the following people currently living with you on your application:

- Non-dependent adult children
- Other adult relatives
- Friends or visitors
- Lodgers
- Sub-tenants
- Anyone else sharing your current accommodation
- Anyone who falls within legislation prohibiting them from having recourse to public funds.

### **10.4 Change of circumstances:**

Each time an applicant logs on to Locata to place a bid they are asked whether anything about their application has changed and to update their contact details. It is important that the Council and other housing providers have the most up to date information.

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

- A change of address for themselves or any other person on the application.
- Any additions to the family or any other person joining the application.
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income or savings
- Applicants may be temporarily suspended from bidding while the council assesses the information provided by the applicant and completes further enquiries that may be necessary.

### **10.5 What happens if I do not notify you of a change?**

If the Council find your circumstances have changed as a result of the annual review of your application, or as part of the pre-offer verification checks and you have not notified the change, your application will be suspended from bidding while we investigate how the changes affect your eligibility and housing priority.

### **10.6 Annual Review:**

In order to maintain the housing register as accurately as possible, every applicant will be sent a notification to renew their application annually on the anniversary of their registration. Included in this will be a request to provide information on any changes in circumstances.

After a renewal request has been issued, no reminders will be sent. If an application is not renewed within 28 days of the issue of the renewal letter, the application may be cancelled without further notice.

### **10.7 Cancelling an application**

We will cancel your housing applications for the following reasons:

- If you ask us to cancel the application.
- If your circumstances change and you are no longer eligible under the scheme .
- If your circumstances change and you no longer qualify under the scheme.
- If you fail to respond to an application review within the specified time limit.
- If you have refused the offers of social housing you are entitled to under this scheme. These are set out in section 7 above.
- If you have accepted an offer of social housing under this scheme.
- If you have been found to have made a false statement on your housing application.

You will be notified in writing if the council intends to remove you from the

Housing Register and give reasons for the removal.

### **10.8 Reinstating a cancelled application:**

Sometimes applications are cancelled where the household has a valid reason for not providing the information the Council has asked for or not responding to a request. In cases where a household's application has been cancelled, as long as the applicant makes contact within 28 days from the date of the cancellation, their application will be reinstated to the housing register. Supporting evidence will be required.

If an application is cancelled but the household does not make contact within 28 days from the date of cancellation, the application will not be reinstated. If the household still wants to apply for social rented housing they will have to make a new application which will be assessed based on the criteria in the scheme and a new banding and priority date will be given.

### **10.9 Appealing against a decision**

Applicants have the right to ask for a review of any decision made under the terms of this policy with which they do not agree.

Requests for a review must normally be made:

- In writing ( a request over the phone or made verbally will need to be confirmed in writing)
- Within 21 days of the date of the decision being appealed.

## **11. ASSESSMENT OF HOUSING NEED AND DETERMINING PRIORITY**

### **11.1 Initial assessment**

The Council will make an assessment based on the information provided in the application or received in connection with the application. You will be notified in writing about the outcome of the assessment which will include the priority band awarded and the date.

Your application will remain in this band until it is verified at the time of offer of accommodation. It is therefore in your interest to ensure that you provide the council with accurate and up to date information so that an offer of accommodation is not withdrawn at a later stage (offer stage).

### **11.2 Bedroom standard - size of accommodation**

The size of accommodation for which each applicant will be considered will depend on the composition of the applicant's household. The requirements for each size of household are set out below:

<b>SIZE OF FAMILY</b>	<b>SIZE OF PROPERTY</b>
Single person	Bedsit/1 bedroom
A couple without children	1 bedroom
Two adults of the same sex and generation, for example flat sharers or two brothers	2 bedrooms
A couple expecting a child or with a child, including an adult son or daughter	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example brother and sister	2 bedrooms
A couple with two children of opposite sex and both under ten years old	2 bedrooms
A couple with two children of opposite sex, one of whom is over ten years old	3 bedrooms
A couple with three children	3 bedrooms
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex under 10 years and one dependent relative (for example, widowed mother	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	4 bedrooms
A couple with more than four children	4 bedrooms
A couple with three children and one dependent relative	4 bedrooms

Larger accommodation than specified above may be considered in exceptional circumstances on the recommendation of a specialist advisor, for example the Council's Medical Adviser or Occupational Therapy Service.

In calculating the number of bedrooms available within properties, the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedroom in accordance with Housing Benefit Regulations.

In the case of existing secure council tenants agreed as management transfer due to extreme circumstances such as violent assault, harassment etc, who are able to move to alternative accommodation as the only viable resolution to their current difficulties, for fairness to other applicants on the housing register, these moves will only be to the same size of accommodation as they currently occupy regardless of their housing need at that time.

### **Shared residency of children**

Where children are subject to a shared residency arrangement, the children are only considered to need one home of adequate size.

### **Split families**

Where the family unit is not currently residing together, the assessment will be based on the part of the household that occupies accommodation that provides them with the most suitable housing providing there is a reasonable expectation that they should reside together.

Additional priority based on residency criteria will be based on that part of the household with the longest residency in the borough.

## **12. REASONABLE PREFERENCE GROUPS**

The council will maintain the protection provided by the statutory reasonable preference criteria in order to ensure that priority for social housing goes to those in the greatest need. The majority of applicants are placed on the housing register due to having a reasonable preference for housing.

### **12.1 Homeless households**

This section applies to people who are homeless within the meaning of Part 7 of the Housing Act 1996 (amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) or, in certain circumstances, are threatened with homelessness or otherwise owed a relevant Part 7 duty.

A person is threatened with homelessness for these purposes if s/he has applied for Part 7 assistance and is likely to become homeless within 56 days or, if occupying accommodation under an assured shorthold tenancy, has been served with a valid notice under section 21 of the Housing Act 1988 expiring within 56 days.

A relevant Part 7 duty means for these purposes an accommodation duty owed to a Part 7 applicant who is eligible for assistance and either (i.) has a priority need and has become homeless intentionally, (ii.) has a priority need and has not become homeless intentionally, or (iii.) does not have a priority need, has not become homeless intentionally and the Council has elected to secure that accommodation becomes available for his occupation.

The Council's first priority, pursuant to its duties and powers under the Homelessness Reduction Act 2017, is to prevent people from becoming homeless by helping them to remain in their current accommodation or facilitate a move to alternative private rented accommodation. Where the Council believes that potential applicants are able to access market housing i.e. private rented or low cost home ownership, the Council will provide advice and assistance as necessary.

The Localism Act 2011 has given local authorities the power to discharge duty to homeless households into the private sector and outside of local boundaries where it is not reasonably practicable to accommodate them within the borough. Therefore, the council will use suitable and affordable private rented sector accommodation to discharge its homelessness duty where it considers this to be appropriate. This will apply to homeless applicants who applied after 9 November 2012.

Where the council has been unable to prevent homelessness, applicants who

satisfy the 10 year Qualification Rule in paragraph 2.2.4 of the Policy secured by the Council under Part 7 of the Housing Act 1996 will be placed in one of the following bands:-

- ❖ Band A – In temporary accommodation secured by the Council but the landlord wants the property back **AND** the council cannot find alternative suitable temporary accommodation. Where an applicant fails to successfully bid within 6 months, a direct offer of suitable accommodation will be made. If the property is refused the council will discharge its duty under Part 7 of the Housing Act and withdraw any temporary accommodation provided.
- ❖ Band B – In Bed & Breakfast, council hostel accommodation or women's refuge.
- ❖ Band C – In other forms of temporary accommodation, or has no accommodation.

Where, in relation to persons to whom this section applies, the Council has been unable to prevent homelessness, applicants who do not satisfy the 10 year Qualification Rule in paragraph 2.2.4 of this Policy will be placed in Band D.

Applicants threatened with homelessness for the purposes of this section, whether or not they satisfy the 10 year Qualification Rule in paragraph 2.2.4 of this Policy, will also be placed in Band D.

## **12.2 Households living in insanitary and unsatisfactory housing conditions**

A household is living in insanitary housing if their current accommodation does not have:

- A bathroom or a kitchen.
- An inside toilet.
- Hot or cold running water.

A household is living in unsatisfactory housing if their current accommodation:

- Does not have electricity or gas.
- Does not have adequate heating.
- Is in disrepair.
- Is unfit for human habitation.
- Has a category 1 hazard under the Housing Health and Safety Rating system that is an immediate threat to health and cannot be rectified within six months – this will be verified by a Private Sector Housing Environmental Health Officer.

There are some properties in Hillingdon with repair problems or are in need of improvement and modernisation. The council will not be able to offer alternative accommodation to everyone in this situation as most landlords have a duty to carry out repairs to their tenants' homes. Sometimes tenants are worried that asking for work to be done will make the relationship with their landlord difficult and that they may be asked to leave. The council will give advice about this and can offer help in

working with the landlord.

The Council's aim is to ensure that repairs are carried out and that residents can remain in their property. Wherever possible, any repairs problems identified in applications will be dealt with by working with the person with the responsibility to make sure that repairs are carried out. In limited circumstances, a household may be re-housed due to disrepair problems.

The condition of the current accommodation will be checked by a member of the Private Sector Housing Environmental Health team and must have at least one category 1 hazard that cannot be resolved by the landlord within 6 months. Examples of where this would apply include where the current accommodation:

- Has severe damp
- Has a major structural defect including subsidence, flooding, collapsed roof
- Has been issued with a notice of statutory nuisance by an Environmental Health Officer

Has been declared unfit for human habitation and is due to be demolished under the Housing Act 2004.

Based on the circumstances, applicants will be placed in one of the following bands:-

- ❖ Band A – Closing Order issued, i.e. property is unfit for human habitation and there is no alternative measure to render the property fit as advised by Environmental Health Officer **OR**
- ❖ Where emergency re-housing is essential, for example, compulsory purchase order (CPO) is issued.
- ❖ Band B – Household with dependent children living in unsanitary or unsatisfactory housing that cannot be addressed by Environmental Health action.
- ❖ Band C – Other unsanitary or unsatisfactory housing conditions that cannot be addressed by Environmental Health action.

### **12.3 Overcrowded households**

A household is living in overcrowded housing if their current accommodation is too small for the size of their family.

The number of bedrooms a household needs will be based on the bedroom standard outlined in section 11.2.

The priority awarded to a household will depend on each household's circumstances and the level of overcrowding they are experiencing.

- ❖ Band B – Statutorily overcrowded as defined in Part X of Housing Act 1985 **OR**
- Severe overcrowding – where a household is lacking 2 or more bedrooms.
- ❖ Band C - Other overcrowded households lacking 1 bedroom.

## **12.4 Medical grounds**

If you apply for housing because your current accommodation affects a medical condition or disability, your application will be referred to the council's medical adviser or occupational therapy team depending on what you have put in your application for assessment.

With regard to serving and former Members of the British Armed Forces, a medical condition or disability includes, for the avoidance of doubt, a mental ill health condition.

Medical assessment does not examine how severe an applicant's medical condition or disability is. It looks at how your current accommodation affects the health or disability of a household member. The assessment is based on whether your health or a member of your household's health would improve by moving to alternative accommodation.

Therefore, medical priority is awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their current housing conditions and the expected benefits of providing suitable alternative settled housing.

Applicants will complete a Medical Assessment Form to provide details of the medical condition and other supporting information. If additional information is required before a decision can be made, this will be obtained at the cost to the council.

Based on the Medical Adviser's recommendations, applicants will be placed in one of the following bands:-

- ❖ Band A – Emergency Medical: the applicant or a member of the applicant's household has a life threatening condition that is seriously affected by their housing.
- ❖ Band B – Medical Hardship: the applicant's current housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the applicant's household.
- ❖ Band C – Medical Need: the applicant's current housing conditions are having a moderate or variable adverse effect on the medical condition of the applicant or a member of the applicant's household.

## **12.5 Welfare grounds**

### **12.5.1 Persons fleeing domestic abuse**

The Council recognises the particular need for support and assistance for those escaping from domestic abuse required in order that they can re-build their lives away from abuse and harm. Priority will therefore be given to those who are homeless within the meaning of Part 7 of the Housing Act

1996 (as amended) and require urgent housing as a result of domestic abuse.

Band B`

### **12.5.2 Care Leavers**

If a young person who has been looked after by Hillingdon council is ready to move into their own accommodation they may be considered for housing on welfare grounds. This includes those placed out of the borough. To qualify, the young person must have been a relevant child under the Children Leaving Care Act 2000, which means s/he would have been looked after by the council for a certain period of time and have had a pathway plan drawn up.

In most cases young people leaving care will be ready to move into independent living with the support of Social Care service. If the young person is ready to move on and have developed the required life skill, such as managing a budget, cooking, cleaning, the council will support her or him to find suitable private rented accommodation.

For some young people whose support needs are high and accommodation in the private rented sector would have a detrimental effect on their transition to independent living, their housing application will be considered by a Panel (Care Leavers Panel) who will determine whether to award priority for social housing.

The Care Leavers Panel consists of senior officers from Housing and Social Care Services. The panel assesses each referral individually to ensure the needs of any particularly vulnerable or at risk young person is addressed.

To be considered for social housing, the care leaver must meet one or more of the following criteria:

- Young people subject to Care Orders under section S31 of the Children Act 1989 where the council has parental responsibility (Looked after children).
- Young people with moderate learning difficulties or disability or those who are subject to a statement of educational needs or a psychological assessment.
- Young people with significant mental health issues – who have had involvement with CAMHS or CMHT for a period of three months or longer and are continuing to receive treatment.
- Young people with complex needs placed in high cost placements where they no longer require that degree of support and whose application has been approved by the 'Access to Resources Panel' or the 'Asylum High Cost Placement Panel'.
- Young people with significant offending behaviour, which limits access to other types of suitable accommodation.
- Young people leaving care who are also parents and also meet one other criteria listed (e.g. they or their baby are especially vulnerable).

- Those with other mitigating circumstances.
- ❖ Band B – Care leaver approved by Panel

### **12.5.3 Fostering and adoption**

The council recognises the contribution that foster carers and adopting parents make towards ensuring that children in Hillingdon are cared for. Priority will be given to those applicants approved or being assessed for approval to adopt or foster and where recommendation is made by Social Services to provide accommodation because the current accommodation is not large enough or would cause overcrowding.

Tenancies offered will be in accordance with the tenure terms set out in the council's tenancy policy.

- ❖ Band A – Enabling fostering and adoption

### **12.5.4 Move-on from Supported housing**

In collaboration with Social Services and other agencies, clients placed in supported housing who are ready for independent living will be considered for move-on accommodation. This includes people in institutional care, for example, group homes and other forms of supported housing to help them achieve independence.

Applicants referred for move-on to independent accommodation will be considered for the full range of provision available, including private sector accommodation to meet their housing need. Only cases with a demonstrable need for long term settled accommodation will be prioritised for social housing. The referral will explain the current living arrangements and the impact they are having on the individual's transition to independence.

- ❖ Band B – Ready for independent living (after a minimum of 6 months)

## **12.6 Hardship grounds**

There are a number of households applying to the housing register who experience serious hardship because of a combination of different factors which make the need for re-housing more urgent than when considered separately

The decision as to the appropriate priority 'band' will depend on both the combination and degree of the various factors with a view to ensuring that the greatest priority is given to those in the greatest need.

In circumstances where this applies, a panel of officers (Hardship Panel) will undertake a review of the case to determine whether priority for re-housing is necessary.

The following priority banding will be considered

- ❖ Band B – The applicant or a member of their household has multiple needs or has an urgent need to move. Examples include:
  - To give or receive care or support from/to a resident in the

borough, avoiding use of residential care. It is constant care to/from a close relative as evidenced by a professional's report and supported by the Council's Medical Adviser;

- Child protection reasons;
- The need to move to take up a confirmed offer of permanent employment;
- Other urgent welfare reasons.

❖ Band C – Out of borough applicants with a need to move to Hillingdon for medical or support reasons.

Priority will not be given to those who need to move to a particular locality within the borough if transport network is considered to be good.

### **13 LOCAL PRIORITIES**

In addition to statutory reasonable preference groups, the council will provide housing assistance to certain groups who meet local needs and priorities.

#### **13.1 Members of the British Armed Forces**

This policy applies to people who have served in the Royal Navy, Royal Air Force and British Army and have not been dishonorably discharge.

- Members of the Armed Forces and former service personnel where the application for housing is made within 5 years of discharge.
- Serving or former members of the Reserve Forces who need to move because of serious injury, medical conditions or disability which is wholly or partially attributable to their service.
- Bereaved spouses or civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their service spouse or partner and the death was wholly or partially attributable to their service.

❖ Band B – Members of the British Armed Forces.

#### **13.2 Specific schemes**

Hillingdon participates in various schemes that assist welfare agencies and others where there is imminent personal risk to the applicant or their family if they remain in the property or area.

The schemes include:

- National Witness mobility scheme (to enable those testifying in major criminal trials to be in a safe area).
- Pan-London Safe and Secure scheme (to tackle gang violence).
- West London Domestic Violence protocol (enables victims of violence to move to a safe area).

Applicants from outside the borough will be accepted under these schemes on the understanding that Hillingdon residents in similar circumstances will be eligible to benefit from the schemes.

- ❖ Band A – Schemes set out above or similar as agreed by the Council.

### **13.3 Under-occupation**

A household is considered as under-occupying when the accommodation has more rooms available than the household needs.

- ❖ Band A – Giving up 2 or more bedrooms.
- ❖ Band B – Giving up 1 bedroom.

### **13.4 Releasing adapted property**

The council has a small number of properties that are specifically adapted for disabled or older people. These properties are in short supply, therefore council and Housing Association tenants, who currently live in adapted accommodation but no longer need it, are given priority to move to suitable non-adapted accommodation.

- ❖ Band A – release adapted property.

### **13.5 Decants**

#### **a) Permanent decant**

Council tenants who urgently need to move because their home is imminently required to be demolished or for essential works to be undertaken within 3 months and the tenant will not be returning, for example, to enable development of the site. In these circumstances, they will be prioritised for a move to a suitable alternative home.

#### **b) Temporary decant**

Council or Registered Social Landlord tenants who need to move because their home has become temporarily uninhabitable, for example, because of a fire, flood or the factors should approach their own landlord if they require temporary accommodation while repairs are carried out to their home.

If major works are to be carried out, council tenants may be offered alternative accommodation and will have the option of returning to their original home once the works have been completed.

- ❖ Band A – Permanent decant.
- ❖ Band B – Temporary decant.

**Tenants permanently decanted as a result of a Council regeneration programme will be given a higher priority than other Band A applicants in terms of their rehousing.**

### **13.6 Management transfer**

A management transfer will be considered for an existing social tenant where there is demonstrable evidence to support imminent personal risk to the tenant or their family as a result of violence or harassment if they remain in the property. They will be made one suitable direct offer of accommodation. The size of the accommodation will be the same as their previous tenancy, or a size that meets their needs under the

terms of this policy, whichever is smaller.

- ❖ Band A – Management transfer emergency such as domestic violence or harassment.

### **13.7 Reciprocal request**

The council will only agree to reciprocal requests from other authorities and Registered Providers where they can demonstrate that there is an imminent personal risk to the tenant or their family and accommodation is required in Hillingdon. And that the reciprocal property being offered will be beneficial to Hillingdon residents with high priority to move.

Reciprocal requests will not be accepted from West London Locata partners who can use the cross partner bidding arrangements.

Where a reciprocal arrangement has been agreed, the incoming household will be made one direct offer of accommodation.

- ❖ Band A – Reciprocal agreement for emergency such as domestic violence or harassment.

### **13.8 Ex-tenant discharged from an institution**

Where a council tenant enters an institution such as hospital or is imprisoned or is in a rehabilitation establishment for a period of more than 6 months and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy.

Alternative accommodation can be offered upon release in order to make the best use of the council's housing stock by offering the accommodation to someone in need instead of keeping the accommodation empty for lengthy periods.

Upon release they would be made a direct allocation of a property that meets their needs. The size of the accommodation will be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller.

This will not apply to tenants who have been imprisoned in relation to a crime that would enable the council to seek repossession of their accommodation or where possession action has already commenced.

- ❖ Band B – By agreement to relinquish council tenancy on entering an institution.

### **13.9 Relinquishing more than one property**

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

- ❖ Band B – By agreement to relinquish two separate social properties in return for one property

### **13.10 Service tenants where there is a contractual obligation**

Employees of the Council who have a service tenancy associated with their employment may be re-housed in certain circumstances where the council has a contractual obligation to re-house, for example on retirement, redundancy or redeployment.

Where service tenants entitled to re-housing have not bid successfully for a suitable home by the time they are required to leave their accommodation, they will be made one suitable direct offer of accommodation.

❖ Band A – Ex-service tenant.

## **14 ADDITIONAL PRIORITY**

Additional priority is awarded in order to determine priorities between people in the reasonable and local preference groups. It is awarded in the following circumstances:

**14.1 Members of the British Armed forces** who have continuously resided in the borough for 10 years prior to signing up for the service and have not been dishonorably discharged.

Band A.

### **14.2 Couples aged over 21 without children.**

Additional priority is awarded to couples aged 21+ without children. This will improve access to available lettings to those households without children who would otherwise be in 'Band C'.

This policy applies to all couples including same sex partnerships where:

- They are aged 21 – 55.
- They have not had children.
- If co-habiting, they should have been doing so continuously for 12 months at the time of application. This will be verified through the electoral roll or council tax records.

Eligible couples will be required to sign a joint tenancy.

If the couple do have a child after making the application, the additional priority will be revoked and the housing need only 'priority band' will be reinstated.

❖ Band B – Couples aged 21+ without children.

### **14.3 10 year continuous residency**

Additional priority is awarded to those who have a local connection by living in the borough continuously for a minimum period of ten years. This will support stable communities and reward households who have a long term attachment to the borough.

Local connection will normally mean that an applicant has lived in Hillingdon, through their own choice, for a minimum of 10 years up to and including the date of their application, or the date on which a decision is made on their application whichever is later.

For purposes of continuous residence, children spending time away from home for education due to periods of study such as at university and people who have moved away up to 3 times due to the requirements of their job will be disregarded.

People will also be considered as having a local connection with Hillingdon when they are placed in the borough of Hillingdon in temporary accommodation in accordance with sections 190(2), 193(2), 195(2) or who are occupying accommodation secured by any local authority under section 192(3).

- ❖ Band A – where the household's housing need is 'Band B' + 10 year residence .
- ❖ Band B – where the household's housing need is 'Band C' + 10 year residence .

#### **14.4 Working households**

Additional priority will be given to households who are in housing need and are working but are on a low income which makes it difficult to access low cost or outright home ownership. This will encourage people who can, to work and raise levels of aspiration and ambition.

This policy applies to households where:

- At least one adult household member is in employment.
  - The employment should be a permanent contract, self-employment or part-time for a minimum of 24 hours per week.
  - The worker should have been in employment for 9 out of the last 12 months.
- Verification will be sought at the point of application and at the point of offer. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

- ❖ Band A – where the household's housing need is 'Band B' + working.
- ❖ Band B – where the household's housing need is 'Band C' + working.

### **15. ENCOURAGING PERSONAL RESPONSIBILITY**

Some applicants do not actively participate by bidding for available properties or continuously refuse properties that they have successfully placed bids on. The following will encourage personal responsibility from the applicants when exercising their right to choose properties through the Choice Based Lettings scheme.

#### **15.1 Homeless households living in temporary accommodation**

Homeless households take longer to be housed than other households in similar priority bands. In order to ensure that they actively participate in choice based lettings, one direct offer of suitable accommodation will be made to those households who have been living in temporary accommodation longer than other households with the same bedsize need. If the offer is unreasonably refused, the council will discharge its duty under Part 7 of the Homelessness Act and withdraw any temporary accommodation provided.

<b>Bed size need – General need properties</b>	<b>Average waiting time*</b>
Studio and 1 bedroom	2.7 years
2 bedroom	2.4 years
3 bedroom	3.0 years
4 bedroom	3.2 years

\* - the average waiting time will be reviewed annually as it is likely to change depending on supply.

### **15.2 All applicants - unreasonable refusal of offers**

All applicants who successfully bid for properties but refuse more than 3 reasonable offers within a 6 month period will be suspended from bidding for a period of 6 months.

## **16. SPECIALIST ACCOMMODATION**

### **16.1 Disabled Adapted Properties**

Housing which has been designed or adapted for use by tenants with a disability will be allocated to a person who has been assessed as needing that particular type of accommodation even if there are other applicants (without a disability) in higher bands or with an earlier priority date.

Each application will be awarded a mobility category and properties will be advertised as suitable for applicants from those categories:

**DSL 1:** Applicants who are full-time wheelchair users (indoors and outdoors).

**DSL 2:** Applicants who need a property which is wheelchair accessible but who may not use a wheelchair indoors (cannot manage steps/stairs and may use a wheelchair some of the time).

**DSL3:** Applicants who have some mobility needs e.g. can only manage one or two steps/stairs.

Applicants are restricted to bid for properties that match their assessment need. In exceptional circumstances where an adapted property is urgently required, a suitable property may be directly allocated outside of the Choice Based Lettings system.

### **16.2 Older Person Dwellings**

Hillingdon has a number of properties that are designated for people aged over 55 years who can live independently. These units are advertised through the Choice Based Lettings system (Locata). Applicants can bid for these properties in the normal way as long as they meet the age criteria specified in the advert.

Older Person Dwellings are restricted either for people aged over 55 (these are usually flats) or in a few cases for people aged over 60 (these are usually bungalows.)

If a couple would like to be considered for the property, the main applicant must meet the age criteria specified. Partners aged under 55 years are permitted to live at

the schemes, but will not be permitted to be a joint tenant until they reach the minimum age for the accommodation.

### **16.3 Sheltered Housing**

Due to the specific nature of sheltered housing, additional criteria will apply. The criteria for allocating sheltered housing will be based on the following:

- The applicant is over 60.
- Has a recommendation for sheltered housing from a social or health care agency or has requested sheltered housing.
- Sheltered housing could assist the applicant in maintaining independent living and
- The lifestyle would be compatible with general use of the scheme.

If a couple applies to a scheme, both household members must meet the age criteria. Some Registered Providers accept applications for their sheltered schemes from those aged 55 years.

Applicants suitable for sheltered housing are placed in priority 'band C' unless they qualify for a higher band for other reasons. The 'band C' will only apply to bids on sheltered properties. They can only bid on any general needs or older person's property, if they have other identified housing needs.

If the applicant's care and support needs are considered too high for sheltered accommodation, the case will be referred for consideration for Extra Care Accommodation.

### **16.4 Extra Care**

Extra care housing aims to provide a home for life for older people by providing appropriate housing, care and support and makes the best use of available resources. A tenant may move into a scheme with low support needs but can access further care as and when the need arises as they get older instead of residential care.

Extra care housing is allocated outside of the Locata choice based lettings scheme by a panel of representatives from Housing, Health and Social Services. All referrals to the panel must have a community care assessment which identifies any care and/or housing related support needs. Occupancy and allocation of new units is based on the level of need of existing tenants and potential tenants in order to maintain a balanced mix of support needs.

### **16.5 Allocation of traveler pitches**

Traveler pitches are allocated in the same way as general needs properties. Households applying for pitches must complete a housing register application form and provide the required evidence of identity. Where there are medical grounds for re-housing, medical evidence must be provided for assessment.

The pitches are advertised on Locata and are allocated in accordance with this

scheme.

## **17. MOBILITY WITHIN AND ACROSS THE COUNCIL'S BOUNDARY**

### **17.1 West London Cross Borough Moves**

A small percentage of vacancies are made available to applicants living in any of the Locata partner local authority areas.

### **17.2 Pan-London Mobility (Housing Moves)**

Hillingdon Council participates in pan-London Mobility (PLM) arrangements and contributes a small percentage of the properties that become available to be let through the scheme. The scheme facilitates moves by council and housing association tenants to other parts of London.

Homes under this scheme are allocated according to the PLM allocations scheme rules and not the rules outlined in this scheme. Full details of the PLM scheme can be found at [www.london.gov.uk](http://www.london.gov.uk).

Existing tenants of Hillingdon Council can make transfer applications through PLM to be considered for vacancies in other London local authorities.

### **17.3 Seaside and Country Scheme**

Hillingdon Council participates in the Seaside & Country scheme operated by the Greater London Authority (GLA) which enables social tenants in London to move out to desirable seaside and countryside towns.

### **17.4 Mutual Exchanges**

Allocations under this scheme are not included in this policy. However, the scheme offers an option for existing tenants to exchange with other social housing tenants and obtain alternative accommodation suitable for their needs.

Social housing tenants can also register on Homeswapper to find details of other households who they may be able to swap homes with:

<http://www.homeswapper.co.uk/>

### **17.5 Tenancy successions and assignments**

This is not included in this policy. For details, refer to the Council's Tenancy Policy.  
SCHEME IMPLEMENTATION ARRANGEMENTS

## **18. SCHEME IMPLEMENTATION ARRANGEMENTS**

### **18.1 Areas of effective implementation**

The scheme applies with immediate effect to the following:

- All new applicants.
- Those who previously had no housing need identified. – applications will be closed.
- Those not currently resident in Hillingdon – applications will be closed.
- Those who own a property, with income or savings above the newly designated

limits – applications will be closed.

- Homeless applicants who applied after 9<sup>th</sup> November 2012 – duty will be discharged into the private rented sector.
- Bedroom standard – applications will be reviewed and appropriate bedroom size awarded.
- Residency criteria – applications will be reviewed and applications will be closed for those who are no longer eligible

### **18.2 Transitional relief arrangements**

Existing applicants who will no longer qualify due to residency criteria and who will lose priority as they are no longer overcrowded under the new 'bedroom standard' criteria will be given a transition period of 12 months from the date of implementation of the new scheme. This means that they will remain on the register with the relevant priority and continue to bid for alternative accommodation. If after 12 months, they have not moved, the priority will be removed and their application will be closed/.removed from the housing register.

## **19. CHANGES TO THE SCHEME**

The council reserves the right to expand, change or alter any element of the scheme, as and when required, to meet changes in housing need, capacity, resources and legislation.

A review of the policy will be carried out periodically.

## **20. MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS**

In order to ensure that the council treats all applicants fairly, any applications for housing or re-housing from Members of the council, employees of the council, any members of their family or household, and any other associated persons must be disclosed. These applications are assessed in the normal way but prior to any offers of accommodation being made, the case will be reviewed and approved by the senior designated officer.

Applications where no disclosure is made will be referred to the council's Fraud  
- Investigations Team for investigations and where appropriate, legal action will be taken.

## SOCIAL HOUSING ALLOCATION PANEL SUMMARY TABLE

Band A				
Case Type		Defining features of applicant or circumstances in which the band applies.	band	Priority Date
Tenants	Home Seekers			
	Homeless households owed a relevant part 7 duty as defined at Section 12.1ation	In temporary accommodation secured by the Council under Part 7 of the Housing Act 1996 but the Landlord wants the temporary accommodation property back <b>AND</b> the council cannot find alternative suitable temporary accommodation	A	Date approved.
Insanitary or unsatisfactory housing	Insanitary or unsatisfactory housing	1. Closing Order issued (i.e. Properties unfit for human habitation where there is no alternative measure to render the property fit) as advised by Environmental Health.	A	Date of Closing Order or equivalent
		2. Where emergency re-housing is essential e.g. CPO issued to enable site clearance for a road-widening scheme.		
Emergency medical	Emergency medical	1. Granted in exceptional circumstances, where the applicant or a member of the applicant's household has a life-threatening condition, which is seriously affected by their current housing.	A	Date approved
		2. Granted to hospital bed-blockers i.e. applicant occupying hospital bed because they cannot return to their previous accommodation as it is unsuitable for medical reasons.		

Enable fostering/ adoption	Enable fostering/ adoption	Where agreement has been reached to provide accommodation on recommendation of Social Services and the current accommodation is not suitable or would cause overcrowding.	A	Date adoption or fostering is approved
Release adapted property in order to make best use of adapted stock.		Adapted properties are in short supply. Where it is no longer required, priority is given for the tenant to move to suitable non-adapted accommodation.	A	Date approved
	Specific schemes agreed by the	Where there is imminent personal risk to the applicant or their family if they remain in the property or area:	A	Date approved
Under occupation		Applicant is willing to move to smaller property by giving up 2 or more bedrooms.	A	Date approved
Permanent Decants		Where the property is imminently required (within 3 months) for essential works and the tenant will not be returning (e.g. development schemes)	A	Date approved
Management Transfer e.g. emergency harassment, domestic violence	Reciprocal agreement for tenants of housing associations or other local	Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling and there is imminent personal risk to the tenant or their family if they remain in the dwelling.	A	Date approved

	Ex-service tenants	Ex-service tenants e.g. caretakers or sheltered wardens who have to leave their home on retirement, redundancy or redeployment, where the council has a contractual obligation to rehouse.	A	Date informed of retirement, redundancy or redeployment by personnel
<b>ADDITIONAL PRIORITY</b>				
	Members of the armed forces	Households who have continuously resided in the borough for 10 years prior to signing up for the service and have not been dishonourably discharged.	A	Date approved
10 year continuous residency	10 year continuous residency	Households who are awarded 'Band B' based on their housing need <b>and</b> have continuously lived in the borough for 10 years.	A	Date approved
Working households	Working households	Households who are awarded 'Band B' based on their housing need <b>and</b> are working	A	Date approved
<b>Band B</b>				
<b>Case Type</b>		<b>Defining features of applicant or circumstances in which the band applies.</b>	<b>Band</b>	<b>Priority Date</b>
<b>Tenants</b>	<b>Home Seekers</b>			
	Homeless households owed a relevant Part 7 duty as defined at section 12.1	Homeless households accommodated in Bed & Breakfast, council hostel accommodation or women's refuge.	B	Date of homelessness acceptance.

	Those who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended).	Require urgent rehousing as a result of domestic abuse.	B	Date approved
Insanitary or unsatisfactory housing for dependent children.	Insanitary or unsatisfactory housing for dependent children.	1. Households with dependent children living in unsanitary or unsatisfactory housing that cannot be addressed by Environmental Health action.	B	Date approved
		2. People with children who are living in Colley House which was purpose-built for single people		
Statutory or severe overcrowding	Statutory or severe overcrowding	1. Statutory overcrowding as defined in Part X of Housing Act 1986	B	Date approved
		2. Where a household is lacking two or more bedrooms	B	Date approved
Medical (including mental health) hardship	Medical (including mental health) hardship	Where an applicant's or a member of the household's current housing conditions are having a major adverse effect on their medical condition.	B	Date approved
		It will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable.	B	

	Young People leaving care.	Agreed at Care Leavers panel that applicant needs social housing to meet their ongoing support needs.	B	Date approved by Panel.
	Move-o from supported housing	Ready and approved for independent living (after a minimum of 6 months). Includes institutional care, supported housing or hostels and group homes	B	Date approved

Hardship grounds	Hardship grounds	Urgent need to move agreed by Hardship Panel in liaison with other welfare agencies:	B	Date approved by Panel.
		To give or receive care or support, for example: Where rehousing of a relative or friend will directly lead to the discharge of a resident from care		
		For child protection reasons, for example: Where the household includes a child or young person for whom the council has a duty under the Children Act 1989 and rehousing is an essential element in fulfilling that duty.		
		Need to move to take up a confirmed offer of permanent employment		
		Where a household has more than one serious need and when combined, it has a major adverse effect on their current housing condition		
	British Armed Forces	Members of the British Armed Forces and have not been dishonourably discharged (Royal Navy, Royal Air Force and British Army)	B	Date approved
Under occupation		Giving up one bedroom	B	Date approved
Temporary decants		Where property is required because of essential works & tenant has the option of returning to original home once the works have been completed	B	Date approved
	Ex-tenant discharged from	Where a commitment has previously been made in order that such tenants relinquish their council tenancy on entering the institution	B	Date new housing application approved

Relinquishing more than one property		Where an agreement has been reached for two tenants to relinquish their separate tenancies in return for one property	B	Date approved
<b>ADDITIONAL PRIORITY</b>				
Couples aged 21- 55 without children	Couples aged 21- 55 without children	Couples without children who are awarded 'Band C' (including same sex partnerships)	B	Date approved
10 year continuous residency	10 year continuous residency	Households who are awarded 'Band C' based on their housing need <b>and</b> have continuously lived in the borough for 10 years.	B	Date approved
Working households	Working households	Households who are awarded 'Band C' based on their housing need <b>and</b> are working	B	Date approved

Band C				
Case Type		Defining features of applicant or circumstances in which the band applies.	Band	Priority Date
Tenants	Home Seekers			
	Homeless Households owed a relevant Part 7 duty as defined at section 12.1 not included in A or B, or other homeless households or those threatened with homelessness and owed a duty under section 195(2) Housing Act 1996 (as amended)	Accepted homeless who are in other forms of temporary accommodation or has no accommodation.	C	Date of homelessness acceptance or date approved.
Unsanitary or unsatisfactory housing conditions.	Unsanitary or unsatisfactory housing conditions.	Unsanitary or unsatisfactory housing conditions that cannot be addressed by Environmental Health action.	C	Date approved

Overcrowding	Overcrowding	Overcrowded households lacking one bedroom.	C	Date approved
Medical (incl. Mental health) hardship	Medical (incl. Mental health) hardship	Where an applicant or member of the household's current housing conditions are having a moderate effect on their medical condition.	C	Date approved
Hardship grounds	Hardship grounds	Out of borough applicants with a need to move to Hillingdon for medical or support reasons.	C	Date approved by Panel.
Older residents approved for Sheltered housing	Older residents approved for Sheltered housing	Applicants over 60 years old that have applied only for sheltered accommodation and have no other reason warranting a higher band.	C	Date approved

For applicants with less than 10 years continuous residence in the borough.				
Band D				
Case Type		Defining features of applicant or circumstances in which the band applies.	Band	Priority Date
Tenants	Home Seekers			

	Homeless households owed a relevant Part 7 duty as defined in section 12.1	<b>In temporary accommodation secured by the Council under Part 7 of the Housing Act 1996 but the</b> Landlord wants the temporary accommodation property back and the Council cannot find alternative suitable temporary accommodation	D	Date approved
	Homeless households owed a relevant Part 7 duty as defined in section 12.1 by Hillingdon *	Homeless households accommodated in Bed & Breakfast Council hostel accommodation or woman's refuge	D	Date of homelessness acceptance
	Homeless not included in either of the above categories	Accepted homeless who are in other forms of temporary accommodation, or has no accommodation, including those owed a prevention or relief duty.	D	Date of application

## ANNEX 1

The Secretary of State has determined that the following groups are not eligible to access social housing because of their immigration status:

- 1) A person registered with the Home Office as an asylum seeker.
- 2) A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have a recourse to public funds.
- 3) A person who has valid leave to enter or remain in the UK which includes a condition there will be no recourse to public funds.
- 4) A person who has a valid leave to remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area.
- 5) 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 still alive.
- 6) A person who is a national of a EU country that is subject to immigration control.
- 7) A person who is a national of a non EEA country that has ratified the ECSMA and/or the 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.
- 8) A person who is in the UK illegally or who has overstayed his/her leave to remain.

However, a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under Paragraph 352J of the Immigration Rules is eligible for an allocation of housing accommodation or homelessness assistance.



**HILLINGDON**  
LONDON

## **LOCAL LETTINGS POLICY FOR AVONDALE & HAYES TOWN CENTRE ESTATES**

### **Purpose**

1. The Council has a published Social Housing Allocation Policy which determines the priorities and defines the procedures to be followed in allocating council accommodation. This Local Lettings Policy is being published as a supplementary document to ensure a timely, fair and consistent approach to rehousing tenants affected by the regeneration proposals for Avondale and Hayes Town Centre Estates.
2. The Policy is intended to ensure that there is sufficient flexibility to facilitate the timely decant of residents from their homes as required and to provide priority for rehousing those residents.
3. This Policy should be read in conjunction with the Hillingdon Social Housing Allocation Policy.
4. The Local Lettings Policy has been developed taking into account the views of residents expressed during consultation regarding regeneration of the estates.

### **Eligibility**

5. The Policy applies to the following type of residents on the Avondale and Hayes Town Centre Estates:
  - Secure council residents, including those with lifetime, fixed term or probationary tenancies
  - Registered provider assured tenants
  - Council temporary accommodation tenants living on the estate where a homelessness relief or main duty has been accepted to rehouse and/or they are on the housing register for over 12 months at the time of the Estate Regeneration Ballot
  - Private Tenants – living on the estate for over 12 months and who have been on the housing register for 1 year at the time of the Estate Regeneration Ballot and have been placed in Band A or Band B
6. All residents in the eligible groups will be awarded a Band A and in accordance with the Social Housing Allocation Policy, tenants permanently or temporarily decanted as a result of the regeneration programme will be given a higher priority than other Band A applicants in terms of their rehousing.
7. The banding will apply approximately six to nine months prior to the date by which decanting from the property is required. The exact dates will vary and will

be confirmed by the Council at the appropriate times. In exceptional circumstances an earlier banding or direct nomination may be made.

8. Council secure tenants and Registered Provider assured tenants can decide either to move to one of the new homes provided by the regeneration developments or to bid for an alternative social sector, Council or Registered Provider owned dwelling, via Locata. Residents will be fully supported with their move whether they are moving to a new home being built on the new development or have decided to move away.
9. Council secure tenants and Registered Provider assured tenants temporarily will have a right to return to the estate once new homes are complete.
10. Eligible council temporary accommodation tenants and private tenants will be able to bid for a social sector home elsewhere in the borough. They may be allocated a home in the new development, dependent on availability after the needs of secure council and registered provider assured tenants are met, but this is not guaranteed.
11. The number of bedrooms that the household will be entitled to are as set out in the Social Housing Allocation Policy, however the household members eligible can include non-dependent adult children.
12. The Council will use its discretion and will not rehouse any household member who has moved in and caused the household to be overcrowded for the purpose of attracting an allocation of a larger property or any other persons in its discretion the Council deems not eligible for housing. A person may be excluded where the Council is satisfied that they or a member of their household is guilty of fraudulent or otherwise unacceptable behaviour.
13. In exceptional circumstances direct nominations will be used to encourage sustainable communities and mitigate anti-social behaviour.

### **Housing preferences**

14. The Council will take residents preferences into account where possible, such as allocations on lower floors or close to existing neighbours. However, needs, i.e. for ground floor dwellings, take precedence and the Council is not able to guarantee meeting all individual household preferences.

### **Split households**

15. In some instances, the Council may consider providing two allocations for households that are willing to split in return for down trading in property size. For example, a household due to be decanted with an adult child may consider applying for a split into separate households to be allocated 2 x 1 bed flats. This will be considered on a case by case basis and will only be approved if it benefits the redevelopment by freeing up a family sized unit. An introductory tenancy is applicable for the new tenant if this takes place.

### **Under-occupying households**

16. A household is considered as under-occupying when the accommodation has more rooms available than the household needs. For those under-occupiers affected by the regeneration proposals, the Council is prepared to allocate one

extra bedroom in addition to their need requirements, subject to this being affordable to the tenant. This would mean that a single person currently living in a 3 bedroom home would be entitled to a 2 bedroom property. However, a single person living in a 4 bedroom home would still only be entitled to a 2 bedroom home. This would be offered as an alternative to, not in addition to a downsizing incentive payment.

### **Priority for allocating new homes**

17. As new homes are built under the regeneration programme and become available to let by the Council,
  - First priority for social rehousing will go to those decanted secure council tenants and assured registered provider tenants who have been temporarily rehoused.
  - Second priority will be to rehouse those secure council tenants and assured registered provider tenants in homes due in the next phase for demolition
  - Third priority will be to rehouse residents in later phases of the regeneration programme or to rehouse eligible private sector residents or temporary accommodation residents who have been temporarily rehoused.
  - Thereafter homes will be advertised on LOCATA the council's choice-based lettings waiting list.
18. Residents moving straight into one of the newly built homes from Phase 2 onwards will be made direct offers to a new home that meets their rehousing requirements. Where there is capacity residents will be offered a choice of new built homes in that phase.
19. Where two residents with similar need have indicated a preference for the same unit on the estate, secure council and assured registered provider tenants will be prioritised ahead of other eligible groups. Subsequently the length of residency at their original home will be used to determine the priority between them. The person with the longest residency being offered the property.
20. Secure tenants who need general need housing and who choose to return to the new site will be provided with suitable temporary housing if permanent accommodation is not available at the time that they need to vacate their current home.
21. Tenants being permanently decanted away from the Estate will be given a high priority on the Choice Based Lettings scheme. They may bid for suitable properties for a fixed period of 3-6 months depending on the scheme timeline. The date by which vacant possession is required will be made clear to the tenant at least 3 months in advance. If a tenant has not been successful in bidding for a new property within the fixed period set and vacant possession of the property is required, the Council will make one direct offer of a suitable home.

### **Tenancy type**

22. Allocations to Council homes will be made on the same basis as the existing tenancy. Those tenants currently entitled to a lifetime tenancy will continue under a lifetime tenancy for a new home as part of the regeneration or elsewhere in the

council housing stock. Those currently on a fixed term or probationary tenancy will continue under a fixed term or probationary tenancy.

23. New permanent council tenants moving to one of the new homes will be offered a flexible fixed term tenancy with a 12-month introductory period followed by a 5-year tenancy.
24. The rents for new properties on the regeneration scheme will be a mixture of Social Rent and London Affordable Rent. Council secure tenants and assured registered provider tenants will be allocated a new property at formula social rent. Other eligible households may be allocated property at Social Rent or London Affordable Rent depending on availability due to the stage in the redevelopment programme.
25. Allocations made via Locata (choice based lettings) to other parts of the borough will be at the advertised rent level.
26. Any residents moving to a property owned by a Registered Provider will do so under the tenancy terms determined by that provider.

### **Future voids on the estates**

27. As properties become void on the existing estate, the Council will use its discretion in using the void properties either as temporary accommodation for residents from earlier phases of the regeneration awaiting new homes or as temporary accommodation for homeless households.

### **Discretion**

28. There may be some circumstances when the Council officers may exercise discretion in relation to this policy due to exceptional individuals' circumstances. This will be done in a fair manner by considering all relevant housing needs.

### **Rent and service charge arrears**

29. The Council will deduct any rent or service charge arrears owing from Home Loss Payments. Consequently, the provisions in Section 8 of the Social Housing Allocation Policy, which can prevent an allocation to a household in arrears will not apply.

### **Appeals**

30. Applicants have the right to ask for a review of any decisions made under this policy in accordance with the appeals section of the Social Housing Allocation Policy.