



Housing Allocation Scheme

2021

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1. Introduction

Social housing is provided by social landlords – generally, local authorities or housing associations. However, it has been clear for some time that housing supply is not keeping up with demand. Affordable housing however is broader and includes all housing that has received a public subsidy or grant in its development.

Demand for social housing in Havering significantly exceeds the number of properties available. In the financial year 2019-2020, only one in every five households on the housing register had a realistic prospect of getting social housing. This scheme sets out how the council will prioritise access to the available housing.

1.1 Purpose of this scheme

The purpose of this scheme is to explain how Havering Council (“the Council”) decides how available social housing is allocated. It sets out the Council’s eligibility, qualifying and housing need criteria to ensure priority is fairly allocated in accordance with the statutory requirements and Council’s aims. It also sets out how the Council will enable access to other forms of affordable housing such as shared ownership and intermediate rented housing.

The Housing Act 1996 Part 6 requires local authorities to give reasonable preference in the way they allocate their available social housing to certain specified groups of persons referred to at 1.3 below.

1.2 Aims of this scheme

The aims of this scheme are to:

- ensure that we make the best possible use of the social housing stock;
- provide housing that is suitable to the specific needs and requirements of households;
- prioritise households that have been assessed to be in most need and to those who make a positive contribution to our community;
- reward residents with a long attachment to the borough;
- help build strong, mixed and sustainable communities and neighbourhoods,
- help applicants to make realistic decisions about their future housing prospects, by offering information on a range of options; and
- ensure social and affordable housing is allocated in a clear, fair and transparent manner.

1.3 Scope of this scheme

This scheme applies to new applicants, (including homeless households), and to existing Council tenants transferring from one property to another.

The Housing Act 1996, (as amended by the Homelessness Act 2002 and the Localism Act 2011), requires local authorities to make all allocations and nominations in accordance with an Allocation Scheme. A summary of the Allocation 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.havering.gov.uk and a summary will be available as a paper copy 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 'reasonable preference' categories 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 need to move to a particular locality in the district of the Council, where failure to meet that need would cause hardship (to themselves or to others).

The Council can also give additional preference to households in one of the reasonable preference groups listed above. By law the Council must give additional priority to applicants who are current or previous members of the armed forces and who are in housing need.

The Act also requires local authorities to state within the scheme 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.

1.4 Timescales for this scheme

This scheme will commence on 1 August 2022. It will apply to all applicants whenever they joined the housing register.

1.5 Annual Lettings Plan

Each year the Council sets out an annual lettings plan. The purpose of the plan is to fulfil the Council's statutory and local lettings priorities as set out in this scheme. The plan will enable the Council to estimate:

- The number of Council and Housing Association properties likely to be available in the coming year;
- How many of these properties are likely to be allocated to particular banding groups.

In some instances, the estimated lettings figures in the annual plan may change due to the following circumstances:

- Where there are local lettings plans for particular developments, blocks of flats or roads (see section 3.6 for more information of local lettings plans);
- Where the Council wishes to fulfil a local housing priority or unforeseen circumstance during the lettings year.

Annual Lettings Plans are agreed by the Lead Cabinet Member for Housing.

1.6 Legal Context

This scheme complies with the principles, requirements and guidelines of the following:

- Housing Act 1996
- Children Act 2004
- Equality Act 2010

- Localism Act 2011
- Homelessness Reduction Act 2017
- Allocation of accommodation: guidance for local housing authorities in England (June 2012)
- Providing social housing for local people (December 2013)
- Right to Move (March 2015)
- Improving access to social housing for victims of domestic abuse in refuges or other types of temporary accommodation (November 2018)
- Homelessness Code of Guidance for Local Authorities (2018)
- Prevention of Homelessness & Rough Sleeping strategy 2020-25
- Havering Housing strategy
- Havering Corporate Plan
- London Housing strategy
- Domestic Abuse Act 2021

The Council reserves the right to expand, change or alter any element of this scheme, as and when necessary, in order to meet changes in housing demand, capacity, resources, relevant case-law and legislation.

1.7 Equality and Diversity statement

All applicants will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information will not be obligatory or a requirement for acceptance of an application. Such information however will help the Council monitor the number and types of applicants with protected characteristics seeking housing and their position under the scheme, and therefore applicants will be encouraged to supply the relevant information to be used for this purpose.

Equalities data will be kept and monitored on a regular basis to ensure properties are being allocated fairly. This scheme itself will be monitored to ensure it does not operate in ways that discriminate against, or unfairly disadvantage, any particular group.

The Council will seek to ensure that this scheme is operated in a manner that is fair to all sections of the community. The information provided will be kept confidential and treated with respect at all times.

1.8 Data Protection Statement

The Council takes personal privacy very seriously and will never share an applicant's personal data without their prior knowledge and approval, unless required to do so by law. Section 166(4) of the Housing Act 1996 provides:

“The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without his consent) to any other member of the public.”

For full details about how the Council protects personal data, please visit [Havering Council Data Protection Policy](#).

2. The Housing Register

2.1 Eligibility, qualification and housing need

The decision to accept an application to join the Housing Register will be made following an assessment of each of the following criteria:

- Eligibility – section 160ZA, Housing Act 1996;

- Qualification - set by the Council.

2.2 Eligibility

Only persons in one of the categories below will be eligible for social housing:

- i. United Kingdom citizens;
- ii. Certain Commonwealth citizens with a right of abode in the UK;
- iii. Those EEA nationals with 'settled status' granted under the EU Settlement Scheme will be treated as persons subject to immigration control and will have eligibility pursuant to reg. 5 of the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006, Class C (subject to habitual residence).
- iv. Supreme Court upholds the judgment. Whether a local authority maintains a list of such persons or advises them of a possible future right (or both) is clearly a matter for each individual authority¹.
- v. Persons who are exempt from immigration control under the Immigration Acts, include diplomats and their family members based in the UK and some military personnel. This means that people subject to immigration control and certain other people from abroad, (outside the categories identified above), will not usually be eligible for social housing.

The Supreme Court will be considering the position of EEA nationals with pre-settled status - the subject of the Court of Appeal's recent *Fratila* judgment which determined that they will be treated as not being subject to immigration control and so, as has "always" been the case, their eligibility depends upon whether they are exercising a relevant EU right to reside (reg. 6(2), 2006 Regulations - eg. they are a worker or self-employed. That position is presently stayed.

Because of the uncertainty at present it is important that applications are made even where there is some doubt as to eligibility in order that each case can be properly assessed and determined.

2.3 Qualifications

To be placed on the Council's Housing Register, all of the following criteria must be satisfied:

i. **Age - Applicants must be 18 years of age or over**

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 hold the legal title to the tenancy in trust for the young person until they reach the age of 18 years, and agree to cover the rent or any arrears.

Exception: The age qualification criterion will not apply where a young person, aged under 18 years, is owed a duty under current legislation², but is unable to access suitable accommodation other than by being given an offer of council or housing association accommodation. In exceptional circumstances, the Council can grant permission to occupy a property to an applicant under 18 years by means of an Equitable Tenancy Agreement (and an adult will hold the legal title – see the paragraph above).

ii. **Residency - Applicants must have lived in the borough of Havering continuously for at least six years**

¹ Correct at the time of writing but may change as a result of changing regulations

² Under the Homelessness Reduction Act 2017 and the Children Act 2004

Local residency qualification within the terms of this scheme will normally mean that an applicant has lived in this borough continuously, through their own choice, (not through detention or hospitalisation), for a minimum of six years up to and including the date of their application. The applicant should remain resident in-borough in order to continue to qualify.

Time spent placed by the Council in designated temporary accommodation outside of the borough will count towards time spent in Havering.

Those placed in Havering via temporary accommodation, residential or supported housing by another local authority will not normally be considered as having met the local residency qualification.

Time spent away from the main/principal home in Havering due to periods of study, such as at university, will count as time in the borough.

Exceptions:

- a) The residency qualification criterion will not be applied to the groups specified in The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012:
 - Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
 - Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
 - Serving or former members of the Regular or Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- b) People who are under-occupying their current social housing tenancy.
- c) Persons who fall within the statutory 'reasonable preference' groups:
 - people who are homeless (within the meaning of 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 otherwise living in unsatisfactory housing conditions;
 - people who need to move on medical or welfare grounds (including any grounds relating to a disability); and
 - people who need to move to a particular locality in the district of the Council, where failure to meet that need would cause hardship (to themselves or to others).
- d) Emergency cases where homes are damaged by fire, flood or other disaster - where 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.
- e) Cases nominated under the Police Witness Protection Scheme or other similar schemes of which the Council has agreed to be party to.

- f) Households who need to move to the borough and where failure to meet that need would cause exceptional hardship to themselves or to others. Hardship grounds include applicants with the need to move:
 - Under the Right to Move scheme³ where there is a genuine intention of taking up an offer of work;
 - To specialist facilities where they receive care;
 - To receive or give care/support which could otherwise result in higher care costs, or even the use of residential care for those who cannot move.
- g) People who qualify for assistance through specialist external mobility schemes (e.g. Housing Moves, HomefinderUK⁴).
- h) Cases with exceptional need that are not covered under this scheme. For example, where child or public protection issues require rehousing, or for domestic abuse cases where it is not possible for the applicant to remain in their home.
- i) Applicants who the Director of Housing and, at the very least, one other statutory agency (e.g. the Police, NHS), has agreed are unable to access suitable accommodation other than that given by the Council or a housing association.
- j) To ensure compliance with the judgment of the Court of Appeal in *R (Ward & Ors) v Hillingdon LBC; R(Gullu) v Hillingdon LBC, Equality and Human Rights Commission intervening* [2019] P.T.S.R. 1738.

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 the scheme for inclusion on the housing register, or once included be entitled to additional preference, but for their inability to demonstrate at least six years continuous residence in Havering.

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 six years to five 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.

iii. **Tenure - Applicants must not be the owner of a residential property**

People who singularly, jointly or part-own a property in this country or abroad, which is reasonable for them to occupy, will not qualify to join the Housing Register.

People who have previously owned a property and have sold it within the last five years will be asked to provide proof of the sale, together with evidence of the proceeds received from the sale and what has become of them.

³ Right to Move is a central government scheme to assist social tenants who need to move to take up a job or live closer to work.

⁴ Housing Move is a housing mobility scheme provided by the Mayor of London that allows tenants of London boroughs or housing associations to move outside their existing borough to a different part of London.

Unless they are unable to meet their housing needs from their own resources and require adapted or supported housing, they will not qualify to join the Housing Register.

Exceptions:

- a) Applicants where, at Housing Service's discretion, the Service is satisfied that the homeowner has exceptional circumstances. Examples include, but are not limited to, instances where they have a serious medical condition, are unable to remain in the property and are unable to afford suitable accommodation in the private market.
- b) Applicants aged over 55 years who have been assessed as being unable to meet their housing need from their own resources. The options for them will include the offer of being rehoused into sheltered or extra care accommodation and, in turn, agree to lease their property to the Council to use as temporary accommodation.
- c) Applicants who wish to be considered for low cost home ownership or intermediate rented products.

iv. Financial capacity.

Applicants whose income, savings and assets are above the level set by the Council will not be able to join the Housing Register, as they will be expected to meet their own housing needs or take up one of the other housing options in the borough through the Housing Opportunity Register.

This is because of the severe shortage of social and affordable rented properties in the borough.

Applicants will be asked about their income, savings and other assets when they apply to join the Housing Register. An income assessment will be made to assess whether they can afford to privately rent or buy in the borough.

The below table sets out the qualifying criteria based on financial caps:

Household	Income threshold	Savings
Single	£36,000 per annum	£20,000
Couple	£36,000 per annum	£30,000
Family (two or more persons)	£50,000 per annum	£30,000

The Council will on an annual basis review the income threshold based on local housing costs and household incomes and publish a new threshold for the year. Any decisions to change the income threshold remains at the discretion of the Director of Housing. Applicants whose gross annual household income exceeds this amount will only be eligible to join the Housing Opportunity Register.

Income Assessments

Income assessments take into account the incomes of both the main applicant, their partner and any non-dependents. The assessment will include both gross income and income from benefits (excluding disability benefits). Households will not normally be placed on the Housing Register or offered social housing if their total income is above the set income level.

As part of the assessment, applicants will be asked to provide evidence of their household income, for example:

- Employed applicants – their last six months' payslips.
- Self-employed applicants – their last 18 months audited accounts. These applicants will be asked to provide evidence of their savings and details of any assets owned, which include:
 - bank current account statements;
 - building society, post office or any other savings accounts statements;
 - details of any other financial assets, such as stocks and shares, premium bonds etc.

Applicants who deliberately deplete savings or move them into the accounts of other family members may be disqualified from applying to join the Housing Register and maybe prosecuted for providing false information.

Applicants who cannot provide satisfactory evidence of their household income, savings and assets, or who choose not to complete the savings and income section of the application form, will be treated as having sufficient resources to rent privately in the borough and will not be accepted on to the Housing Register.

Exceptions:

- Members or former members of the Armed Forces where financial compensation has been received due to injury sustained on active service, this will be disregarded from any financial assessment.
- People who are under-occupying their current social housing tenancy.
- Persons who fall within the statutory 'reasonable preference' groups:
 - people who are homeless (within the meaning of 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 otherwise living in unsatisfactory housing conditions;
 - people who need to move on medical or welfare grounds (including any grounds relating to a disability); and
 - people who need to move to a particular locality in the district of the Council, where failure to meet that need would cause hardship (to themselves or to others).
- There may be exceptional circumstances where there is a real emergency need to move. These will be considered on a case-by-case basis, with a decision being made by the Director of Housing in consultation with relevant partners.

v. Applicants convicted of or found responsible for unacceptable behaviour

Applicants who have been found responsible for unacceptable behaviour that makes them unsuitable to be a tenant will not be able to join the Housing Register. This type of behaviour would entitle the Council to take formal action against them. Examples of such behaviour include:

- Any person convicted of housing or welfare benefits fraud, where the conviction is unspent under the Rehabilitation Offenders Act 1974. The person may re-apply once the conviction is spent.

- Any person found guilty of sub-letting a Council or housing association property, or it being proved that they have done so in the civil courts.
- A person who obtains a tenancy by deception and/or false representations or omissions.
- A person who threatens, or uses, violence towards Council employees, contractors or Council members. This includes behaviour where there is persistent abusive or racist language directed at Council staff, Council members or other partner associations.
- Anti-social behaviour by the applicant or a member of his or her household which causes nuisance or annoyance.
- Racial harassment and hate crime.
- Transfer applicants who have caused damage or not looked after their property.

The Council will normally only determine that an applicant has been guilty of “unacceptable behaviour” where the Council or a current or former landlord of the applicant has successfully taken formal court action, civil or criminal, against the applicant or a member of the applicant’s household in respect of conduct, under any of the above headings by:

- the applicant;
- a member of the applicant’s household;
- a visitor to the applicant’s property.

Formal action will have had to have taken place within two years before their application to join the Housing Register and may take the form of:

- obtaining a legal remedy or criminal conviction;
- service of a possession notice, a pre-action protocol letter or other letter before claim;
- entry into an agreement for the purpose of avoiding/settling legal proceedings, including an acceptable behaviour agreement, and
- issue of an agreement to undertake works.

All applicants who do not qualify under this criterion may submit a new Housing Register application if their circumstances change and there has been a sustained period of change for at least the past year.

However, where the applicant has not complied with the terms of the formal action taken, (such as complying with a suspended possession order, or with an agreement to avoid or settle legal proceedings), or where new unacceptable behaviour has, in the Council’s view, arisen, (whether or not further formal action has been taken in respect of it), the Council will normally continue the disqualification.

vi. Housing Need - Applicants must meet one of the housing need criteria.

Applicants who do not meet or breach any of the above criterion are considered not to have a housing need and will be signposted and given relevant information/advice to solve their housing situation. They will be held on the new Housing Opportunity Register, where the Council may contact them in relation to alternative housing options that might assist in securing suitable housing.

Exception:

- Applicants who are eligible for sheltered housing or other affordable housing products other than social housing.

vii. Formal action against an applicant already on the Housing Register

If formal legal action is taken against an existing applicant relating to the allocation scheme results in a successful prosecution or conviction, the Council will remove and suspend the applicant from the Housing Register for a period of two years. Any existing or pending offers of accommodation will also be withdrawn.

Exception:

The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. From the outset, the applicant will need to give a firm assurance that the unacceptable behaviour will not be repeated.

However, it should not be assumed that this alone will be considered sufficient grounds to end to the matter. The discretion to waive this criterion in such circumstances will ultimately require the approval of the Director of Housing, or a delegated officer.

A person who is not permitted to join the Housing Register, or has been removed from the Housing Register has the right of appeal. Details about how to appeal can be found in section 5.1 of this scheme.

2.4 How housing need is determined

The following explains the grounds on which the Council determines housing need priority:

2.4.1 Medical

The medical element of the assessment is based on whether the applicant's health, or a member of their household's health, would improve by moving to alternative accommodation.

Consequently, 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 housing.

Applicants are asked to complete a Medical Assessment Form. A Housing Assessment Officer will consider the information supplied by the applicant, along with any further and necessary information supplied by other parties such as health professionals and housing officers.

Applicants claiming to have a severe and enduring mental illness will need to demonstrate that they currently have, or have recently had, access to Havering Mental Health Services.

Depending on the circumstances, medical priority can be awarded under the Band 1, Band 2a or band 3. The following table is used as a guide to how medical priority is determined:

Medical Condition	THE EFFECT OF CURRENT HOUSING ON THE APPLICANT'S HEALTH		
	Severe	Moderate	Low
Serious	Band 1	Band 2a	No medical priority
Moderate	Band 2a	Band 3	No medical priority

Applicants who clearly have an urgent need to move because they have a critical medical Condition, or very serious disability, will be placed in the Band 1 - Urgent Need.

2.4.2 Hardship & welfare

a) Young people leaving care

If a young person who has been looked after by the Council, including those who have been placed out-of-borough, is ready to move into their own accommodation, they may be considered for housing on welfare grounds. To qualify, a young person must have been a '*relevant child*' under the Children (Leaving Care) Act 2000. This means that they would have been looked after by the Council for a certain period of time, as directed by the Council's Leaving Care team, and would 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 Children Services. If the young person is ready to move-on and has developed the required life skills, (e.g. managing a budget, cooking, cleaning, etc.), the Council will support her/him to find suitable private rented accommodation.

However, some young people are more vulnerable than others when leaving care, and accommodation in the private rented sector would have a detrimental effect on their transition to independent living.

Such applications will be considered by a Care Leavers Panel, consisting of senior officers from Housing Services and Children Services, who will determine whether to award priority for their social housing. See Shared Council Housing – For leaving carers 3.4.3

Applications from young people with other mitigating circumstances will also be considered.

b) Move-on from specialist or supported accommodation

Residents currently placed in supported housing, including those in institutional care, who are ready for independent living will be considered for move-on accommodation to help them achieve independence.

For the purpose of this scheme, these will be people currently receiving social care services for a mental health problem; a physical disability or who have learning disabilities.

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.

c) Reciprocal Agreements

Other local authorities and housing associations sometimes request a rehousing arrangement on a reciprocal basis.

This arrangement would be considered where the nominated household would be 'at risk' in their current property, and the referring organisation is unable to intervene to mitigate the risk or rehouse the nominated household themselves.

Once accepted, the Council will provide assistance on the following basis:

- the Council will have nomination rights to the resulting vacancy or another property of similar type or size;
- the applicant will be placed in the Band 2c as an exceptional case and the nominated household be made one reasonable offer;
- the accommodation will be of a similar size and type to that currently occupied by the nominated household;
- the offer of accommodation will be at a safe distance to the current accommodation.

People approved under the Right to Move scheme⁵, and any other relevant schemes, will be covered within this provision.

2.4.3 Homelessness

This applies to people who are homeless, or threatened with homelessness, within the meaning provided for in Part 7 of the Housing Act 1996 (as amended).

2.4.4 Overcrowding

When assessing overcrowding levels, the Council will only take into account those people who are part of an applicant's household.

If the applicant needs an extra room for medical reasons, they will be assessed to determine medical priority – see 2.4.1 above.

Where an applicant is pregnant and entitled to a larger property, priority will only be given for overcrowding from when the baby is born. Where the applicant is not the main person who cares for the children named on a housing application, the children may not be taken into account in the assessment of overcrowding.

The applicant's living room and kitchen will not be counted as bedrooms. However, if their accommodation has more than one living room, only one of the living rooms will be counted as a living room and the others will be counted as bedrooms. Bed-sit and studio accommodation will be considered to have no living room.

Please note that bedroom areas less than 4.6 sq. m (50 sq. ft.) will not be taken into account when making the assessment.

2.4.5 Households living in unsanitary conditions or unsatisfactory housing conditions

A tenant is living in unsanitary housing if their current accommodation does not have: a bathroom or a kitchen;

- an inside toilet;
- hot or cold running water.

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

- does not have electricity;
- does not have gas;
- does not have adequate heating;
- is in disrepair;

⁵ Right to Move is a national scheme that allows Council tenants who need to relocate for a job to be prioritised for social housing in areas to which they previously did not have a personal link, placing them at the same priority on the housing list as veterans of the armed forces.

- is unfit for human habitation.

The condition of their current accommodation will be verified by a member of the Council's Environmental Health Team and must have at least one 'category 1 hazard' that is or cannot be resolved by the landlord within six months. Examples of where this would apply include accommodation that has:

- severe damp;
- a major structural defect including subsidence, flooding, collapsed roof;
- been issued with a notice of statutory nuisance by an environmental health officer;
- been declared unfit for human habitation and is due to be demolished under the Housing Act 2004.

2.4.4 Secure tenants of the Council/partners of such tenants leaving accommodation due to domestic abuse

The Council want to ensure that those experiencing domestic abuse are treated fairly and appropriately when approaching it for housing assistance. In particular, where a secure tenant or their partner applies to join the register because they have left or need to leave their current accommodation because of domestic abuse experienced by them or another member of the household with whom they are presenting then they will be given an urgent priority for housing so long as it is accepted by the Council:

- (a) that they have and/or the said household member has experienced domestic abuse. 'Domestic abuse' is used in the sense provided for at section 1 of the Domestic Abuse Act 2021⁶;
- (b) they need to leave/needed to have left the Council accommodation because of the domestic abuse;
- (c) it is not reasonable to expect them to remain at/return to the said Council accommodation, even if the abuser can be excluded from there.

2.5 The Community Contribution priority

The Council believes that people who make a community contribution should have greater priority for accommodation allocated by the Council than those who do not, and operates a Community Contribution priority scheme. This scheme gives successful applicant's increased priority for housing.

Examples of the community contribution are:

- working
- membership of the British armed forces
- volunteering

Full details are contained in appendix 1.

An applicant can apply for a Community Contribution priority at any time they apply to join the Housing Register, or at any time once they have been placed in the band 3 on the Housing Register.

It is the applicant's responsibility to apply for the reward and to provide proof to demonstrate that they meet the qualification criteria.

The Community Contribution priority will be reviewed each year and if an applicant is no longer making a community contribution then they will be moved to a lower band.

The Community Contribution priority will only be given to applicants who also meet the Housing Register qualification criteria. Verification will be sought at the point of application.

2.6 Housing bands

Havering Council's housing bands system is used to help determine how applications for housing are fairly prioritised.

It comprises five levels (bands) of priority and has been framed to help ensure that 'reasonable preference' is given to applicant households in order of their assessed housing need:

- **Band 1 – Urgent Need**

People who have an urgent need to move.

Category	Criteria Guide
Urgent medical or disability (Reasonable preference category S.166A(3)(d))	This applies to an applicant, or someone in their household: <ul style="list-style-type: none"> • who is in hospital or residential care, and who cannot return home due to the unsuitability of the property; • who has a severe mobility issue; is housebound, and is unable to leave their accommodation without assistance that will result in a high risk to the applicant, household member or their carer/s.
Hardship and Welfare Criteria (Reasonable preference category S.166A(3)(c)-(e))	This applies to an applicant, or someone in their household, whose circumstances, or a combination of circumstances, are considered to be life-threatening, and where the need to move is supported by health professionals, the Council's Housing and Social Services, a senior Police Officer and/or a MARAC ⁷ assessment.
Decants - major works or demolition (Reasonable preference category S.166A(3)(c))	This applies to secure Council tenants who are required to move because their current home is due to: <ul style="list-style-type: none"> • be sold, and/or • be demolished or • have extensive works completed, or • be refurbished (which may include conversion works), meaning that they will need to move out their current accommodation while the works are taking place. <p>Please note: that this condition does not apply private sector leased properties.</p>
Domestic Abuse (Reasonable preference category S.166A(3)(a)(d))	This applies to existing secure tenants of the Council, or spouses or civil partners of existing secure tenants (including where living together as husband and wife/civil partners), where they need to permanently leave or have had to already leave their current accommodation because they or a household member have been experiencing domestic abuse and it is unreasonable to expect them to remain at/return to the Council accommodation..

⁷ MARAC - A Multi Agency Risk Assessment Conference (MARAC) is a victim-focused information sharing and risk management meeting. The role of the MARAC is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.

Statutory Overcrowded (Reasonable preference category S. 166A(3)(C))	The applicant is considered to be statutorily overcrowded according to relevant legislation.
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- **Band 2a**

Category	Criteria Guide
British Armed Forces/Reserve Forces personnel	<p>This applies to:</p> <ul style="list-style-type: none"> • A household member who is, or has been: <ul style="list-style-type: none"> - a serving (or former serving) member of the British Armed Forces/reserve forces, and who has made a Housing Register application within five years of their discharge; - a serving (or former serving) member of the regular or reserve forces, who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; - a bereaved spouse/civil partner of a member of the British Armed Forces, leaving Services Family Accommodation following the death of their spouse. <p>Members of the armed forces or their spouses do not need to demonstrate a community contribution.</p>
Working households	This community contribution priority is given to an applicant who is part of a working household in paid employment of more than 16hrs per person a week for a continuous period of 12 months
Disability	<p>This applies to:</p> <ul style="list-style-type: none"> • A household member who is disabled and under retiring age, and who has been assessed as eligible for the support element of the Employment and Support Allowance (ESA) scheme, due to a permanent disability which prevents them from working or volunteering and therefore not able to give a community contribution.
Care Leavers	<ul style="list-style-type: none"> • The applicant has been accommodated by Havering Council's Children and Young Adults Services, and where it has been confirmed by the service that they are now ready to move on to alternative (e.g. independent or supported) accommodation. • The applicant has been assessed as having the life skills to manage a tenancy - including managing a rent account - and has the appropriate support package in place. <p>Care leavers do not need to demonstrate a community contribution.</p>

- **Band 2b**

Council tenants, with a fixed term tenancy coming to an end, referred to a new property	This applies to situations where the Council originally intended to grant a new tenancy for the current property, but has subsequently decided to grant a tenancy of an alternative property. For further information, please view the Council's Tenancy policy .
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Council service tenants where there is a contractual obligation	The applicant is a Council employee who has been living in tied accommodation (i.e. provided to them as part of their work) but needs to move out due to: (a) retirement, or (b) redundancy, or (c) the Council is changing, or has changed, the terms of the employee's employment.
Succession rights where property is not suitable	The applicant lives in a Council property and has the right of succession following the death of the tenant, but the property is too large; has had adaptations to the property that they no longer require, and/or there is an age restriction that renders them ineligible to hold the tenancy of the property.
Release of adapted property (Reasonable preference category S.166A(3)(e))	The applicant is a Council tenant who is willing to transfer to a suitable, non-adapted property and is releasing an adapted house or designated older persons property.
Under-occupation (Reasonable preference category S.166A(3)(e))	<ul style="list-style-type: none"> • The applicant is a Havering assured⁸ or secure⁹ tenant who wishes to downsize. • Please note that this excludes tenants living in privately leased accommodation.
Foster carers referred by the Council's Children's Service (Reasonable preference category S166A(3)(d) or (e))	The applicant is a registered Havering Council foster carer where their current housing situation prevents them from being able to start, or continue to provide foster care or adopt.

- **Band 2c**

Category	Criteria Guide
Volunteer (Reasonable Preference category s166A(3)(c) and (d))	A member of the household has been a volunteer or an unpaid worker for more than 16 hours a week and has been continuously for the last 6 months.
Carer (Reasonable Preference category s166A(3)(c) and (d))	The applicant gives care to a Havering resident that is substantial and ongoing.
(b) Move on from specialist accommodation (Reasonable Preference category s166A(3)(c))	<ul style="list-style-type: none"> • The applicant is moving on from specialist accommodation provided by either; Havering Council's Social Services Team, North East London Foundation Trust (NELFT,) or another registered supported housing provider in line with an agreement with Havering Council's Housing Service. • The applicant has been nominated as part of an agreement with a single homeless accommodation

⁸ An assured tenancy is for a fixed period , for example; one year

⁹ A secure tenancy is for a lifetime period.

	<p>provider in Havering, where they are in need of settled accommodation and unable to secure it.</p> <ul style="list-style-type: none"> The applicant has been assessed as having the life skills to manage a tenancy, including managing a rent account and the necessary support package in place.
<p>Homeless households owed a full homeless duty under section 193(2) or 195(2). (Reasonable Preference categories s166A(3)(a)(b))</p>	<ul style="list-style-type: none"> Where it is in the overriding interest of the Council to prioritise an allocated place, in order to make best use of Havering's resources. Where the landlord wants the temporary accommodation property back and where; a) the tenant has been in temporary accommodation for 7 years, b) the Council has been unable to find alternative suitable temporary accommodation (i.e. end of lease agreement).
<p>Unsanitary conditions where the conditions pose an ongoing and serious threat to health (Reasonable preference category S.166A(3)(c))</p>	<p>The applicant is the owner-occupier/private tenant and the Council's Environmental Health Team has determined that:</p> <ul style="list-style-type: none"> the property poses a category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and the Council is satisfied that the problem cannot be resolved by the landlord within six months, and as a result, continuing to occupy the accommodation will pose a considerable risk to the health of the household (this would include properties that have severe damp and major structural defects such as subsidence, flooding, collapse of roof) or the household is living conditions which are represent a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, or that; as an owner-occupier/private tenant, the applicant has been issued with statutory notice by the Environmental Health Team, stating it is an unfit property to be demolished under the Housing Act 2004.
<p>Reciprocal arrangement</p>	<p>The Council will only agree to reciprocal requests from other authorities and Registered Providers where they can demonstrate that there is imminent personal risk to the tenant or their family, and the accommodation is required in Havering, and that the reciprocal property being offered will be beneficial to Havering residents with high priority to move.</p>

- Band 3**

People who have a need to move but do not qualify for Community contribution priority.

Category	Criteria Guide
<p>Homeless households owed a full homeless duty under section 193(2) or 195(2).</p>	<p>The Council has accepted a duty to accommodate within the meaning of the Housing Act 1996, Part 7.</p>

(Reasonable Preference categories s166A(3)(a)(b))	
Homeless Households (Reasonable Preference category s166A(3)(a))	People who are homeless or threatened with homelessness (within the meaning of Part 7, as amended by the Homelessness Reduction Act 2017).
Overcrowding (Reasonable Preference category s166A(3)(c))	The applicant is living in a property that has one or more bedrooms less than required under the Havering Council housing bedroom standard.
Applicants living in unsatisfactory housing lacking basic facilities (Reasonable Preference category s166A(3)(c))	<ul style="list-style-type: none"> • The applicant is living in a property without access to one or more of the following facilities:- <ul style="list-style-type: none"> - a bathroom or kitchen; - an inside WC, or - hot or cold water supplies, electricity, gas or adequate heating • The applicant lives in private property which is in disrepair and is unfit for occupation. <p>Please note that:</p> <ul style="list-style-type: none"> • Applicants who only have access to shared facilities do not qualify under these criteria. • The above applies to private tenants living in a property that has a Category 1 risk as defined by the HHSRS.
Moderate medical grounds (Reasonable Preference category s166A(3)(d))	<ul style="list-style-type: none"> • The applicant's housing is unsuitable for medical reasons or due to their disability, but they are not housebound or their life is not at risk due to their current housing. However, the housing conditions directly contribute to causing serious ill-health.
Need to move for care or support (Reasonable Preference category s166A(3) (c) and (d))	<ul style="list-style-type: none"> • The applicant needs to move to receive care that is substantial and ongoing; • The applicant needs to move in order to access Social Services facilities, and is unable to travel across the Borough; • The applicant wishes to move to a certain locality, where not doing so would cause hardship (which includes those approved under Right to Move Scheme).
Housing for older people (Reasonable Preference category s166A(3)(d))	<ul style="list-style-type: none"> • Older, or disabled residents, seeking sheltered or extra care housing who are unable to meet their housing needs from their own resources (i.e. asset rich but cash poor), but agree to lease their property to the Council to use as temporary accommodation.

2.7 Applying to join the Housing Register

Before applying to join the Housing Register, applicants are asked to check that they are suitably eligible, qualified and in housing need.

Applications to join the Housing Register are made by completing an online self-assessment form on the Council's website.

Havering Council's Housing Register team (telephone 01708 434343) will help any applicants requiring assistance with completing the online self-assessment. Those wishing to apply but are unable to access the internet at home can get free access at all Council libraries.

2.8 The Effective Date

The 'effective date' is the date that the applicant joined the Housing Register once they are approved.

If the application to join the Housing Register is re-assessed and the applicant achieves the Community Contribution priority, they will be given a new effective date, which is the date they applied to be re-assessed. The new date will continue to apply if the applicant successfully re-applies for a higher Community Contribution priority.

If an applicant successfully applies for Band 2a from Band 2c, then their effective date will change to the date of this new banding. This also applies to applicants who successfully apply from other lower priority to higher priority bands.

If the application is re-assessed and the applicant qualifies for Band 3 only, the effective date will revert back to the original date when their Housing Register application was approved.

3. Finding a home

3.1 Tenancy types

Most applicants will be offered a fixed-term, tenancy. These allow the landlords to review the tenant's needs and situation regularly.

The Council will normally only offer joint tenancies to applicants (including existing tenants) who have satisfied the Council of their intention to live together on a long-term basis. A joint tenancy will not be offered where an ineligible person is one of the joint tenants.

Applications for a joint tenancy will not be considered in cases where:

- there is a current Notice of Seeking Possession or Notice to Quit against a proposed joint tenant;
- the Council is contemplating serving or reserving a Notice of Seeking Possession or Notice to Quit upon the proposed joint tenant;
- there are management problems such as nuisance or anti-social behaviour on the part of the tenant or someone living with or visiting them;
- the proposed joint tenant is not maintaining an acceptable agreement in respect of rent arrears;
- One tenant was made homeless intentionally.

3.2 Housing options

Social housing is a scarce resource and while applicants may wish to consider other housing options, available both in and out of borough, to inform their choice. To enable this

to happen the Council operates a Housing Opportunity Register, on which a member of the public can record their preference for housing options other than social housing. Applicants who are found not to qualify for the Housing Register will be referred to the Housing Opportunities Register. Examples for the options available are considered below.

3.2.1 Mutual Exchange

The waiting time for a social tenancy in Havering can be lengthy, so many existing tenants seeking a new property decide to opt for a mutual exchange.

A mutual exchange is when two or more tenants swap their homes; a process that requires the prior permission of the social landlord (i.e. usually councils or housing associations). Havering Council tenants can register for a mutual exchange.

The Council will only say no to a request for a mutual exchange for a limited number of reasons, as defined by law¹⁰. For example, a tenant may not be able to swap tenancies straight away if they owe rent or there are repairs needed to the property that the tenant has to carry out. However, once these matters have been sorted out, the tenant should be able to move.

A full list of reasons for not giving consent for a mutual exchange is available from the Housing Choice and Applications team. If the Council refuses a mutual exchange request, the applicant will be informed, in writing, of the reasons.

The applicant has the right to appeal the decision directly with the Council. If the applicant is disagrees with the appeal outcome, they have a further right to refer the decision to the County Court.

3.2.2 London Living Rent

London Living Rent homes are for middle-income households who now rent and want to build up savings to buy a home. This can be either through shared ownership or outright purchase. Landlords are expected to encourage their tenants into home ownership within 10 years.

The homes will be offered on tenancies of a minimum of three years. Tenants will be supported to save and given the option to buy their home on a shared ownership basis during their tenancy. They will also be given extra priority for other shared ownership homes across London. To be eligible for a London Living Rent home, you must:

- be renting in London
- have a maximum household income of £60,000
- be unable to currently buy a home (including through shared ownership) in your local area.

3.2.3 Intermediate Renting

Intermediate Rent homes are provided by housing associations offering the opportunity to rent a home at a rent that is 20% less than the market rate. The rent charged is up to 20% less than you would expect to pay for a home in a similar area if it were renting from a private landlord.

There are a range of different types of intermediate rental homes including studios, one, two and three bedroom flats and shared apartments.

¹⁰ the Housing Act 1985 and the Housing Act 2004

3.2.4 Shared Ownership: Low-cost home ownership

Shared Ownership is where a person can buy a share of a property, paying a mortgage on that share and rent on the remaining share (a part-own/ part-rent arrangement).

If someone is on a low income, shared ownership can give them a chance to own their own home in stages. The minimum share purchase is 25% and the maximum 75%.

When their income increases, they can buy further shares in the property until they own 100% of it. For more information about Shared Ownership schemes that are currently available, please contact the Council's Home Ownership team.

Applicants who do not qualify for social housing due to coming above the required income threshold will be granted the option to join the new Housing Opportunity Register.

3.2.5 Housing Moves & HomefinderUK

The Housing Moves scheme enables tenants of London boroughs or housing associations fleeing domestic abuse to move to a home in another borough.

The Council's Housing Register qualification rules do not allow someone to go on the housing waiting list if they have not lived in Havering for at least six years. However, an exception is made for applicants who apply through Housing Moves.

The HomefinderUK National Mobility Scheme enables households on the Havering Housing Register to access social housing in other parts of the UK.

3.2.6 Tenant Incentive Scheme

The tenant incentive scheme allows a secure tenant to apply for a grant to purchase a home on the open market. The Council will offer a grant, which will amount to the value of the deposit to obtain a mortgage up to a maximum value.

3.2.7 Downsizing Incentive scheme

The Council has a 'Downsizing Incentive Scheme' to enable council tenants to move to smaller accommodation that meets their needs, and offers a cash incentive based on the level of room reduction and the associated costs to move in the event of financial hardship. It is designed to help meet the increasing demand from people living in overcrowded conditions who are on the housing register. The scheme however, is subject to change from time to time.

3.3 Bedroom size entitlements

Havering Council is committed to making the best and most effective use of its limited social housing stock by making sure those properties are not being under-occupied. Consequently, the size and type of property an applicant is allocated will depend on the size of their household.

The housing size standards operated by the Council are:

- A single parent will be treated as a couple.
- people aged 16 years or older not living as a couple should not have to share a bedroom
- people of opposite sex where one or both is over the age of 10 should not have to share a bedroom unless they are both over 16 and living as a couple
- no more than two people should have to share a bedroom

- a confirmed pregnancy over 24 weeks supported by details of the expected date of delivery counts as a child.

In exceptional cases, an extra bedroom may be agreed on medical or welfare grounds where the nature of a condition suffered by a household member makes it essential to have a separate bedroom.

Applicants may bid for properties that are a bed size smaller than their housing requirements. This decision is at the discretion of the Choice and Allocations Manager.

Where there is shared care of children

For the purpose of this scheme, a child can be a son or daughter of any age.

Where an applicant has shared care of one or more children, and that care is for less than 50% of the week, the child/children will not be included in the assessment for bedroom entitlement.

Where an applicant has shared care of one or more children, and that care is for at least 50% of the week, the Council will further assess whether or not the child/children will be included in the assessment for bedroom entitlement.

The starting point will be to determine whether or not the child is already adequately accommodated¹¹. If it is established that the child/children are not already adequately housed, the child/children can be counted as part of the bedroom entitlement.

In all cases, applicants will need to provide evidence of the shared care of any child/children which will include:

- A copy of the child's birth certificate, and
- Evidence of parental responsibility for the child/children and;
Proof of a Court Order or written agreement by the sharing parent to evidence shared care and any benefits received for the children e.g. Child Benefit or Child Tax Credits. It is expected that parents with shared care will also share any State Benefit provided for the child.

3.4 Specialist Accommodation

3.4.1 Adapted properties

The Council has a small number of properties that have been specifically adapted for disabled people. These properties are in short supply, so it is essential they are allocated to people who really need them.

Adapted properties, and those suitable for adaptation, for applicants with a substantial disability may be advertised or offered directly to the most eligible applicant. If there are several applicants for whom the property would be suitable, allocation will be decided in band, and then date, order.

¹¹ "Adequately accommodating" means that the child either has his/her own bedroom or is sharing appropriately in line with the Bedroom Standard.

Council tenants who are currently living in adapted accommodation but no longer need it are encouraged to move to suitable non-adapted accommodation. These applications will be placed in Band 2b.

3.4.2 Housing for older people

The Council offers two types of supported housing schemes ¹² for older people – Sheltered Accommodation and Extra Care Accommodation – the main difference being in the facilities and level of support provided.

- **Sheltered Accommodation**

Sheltered Accommodation is offered to people who require a medium or high level of support due to frailty, ill-health or restricted mobility. Communal facilities include a lounge and laundry facilities, and a dedicated scheme manager provides residents with advice and support.

In order to be eligible for supported accommodation, applicants must meet all of the following criteria:

- 55 years old or over
- Single or joint applicants with no dependants
- In need of the housing support provided by the scheme

In addition, applications may be considered from owner-occupiers aged over 60 and who have been assessed as being unable to meet their housing needs from their own resources.

The Council can assist these people by offering supported accommodation on the basis that the owner agrees to lease their property to the Council to be used as temporary accommodation. In this case, applicants will be visited and assessed to ensure that they can live independently (with a care package, if required).

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

- **Transferring within a Sheltered Housing scheme**

Where an applicant lives in Council owned sheltered accommodation, on the first or higher floor without a lift, priority can be awarded to facilitate a move to the ground floor due to medical needs.

The decision to award the priority is made by the Housing Choice and Applications manager. Applicants should identify why they need to move to a lower level – this will typically be as a result of deteriorating health and mobility issues. Where an urgent move is necessary, a medical assessment will be carried out in line with the criteria for Medical Priority.

- **Extra Care housing**

Extra Care housing is for people who require a substantial amount of personal care and housing support, and who might otherwise have to move into residential care.

Applications for Extra Care housing can be made direct to the Council's Social Care or Housing teams.

¹² Supported housing is a housing scheme offering housing, support and sometimes care services in a single, complete package.

Please note that Extra Care housing is allocated outside of the Council's Choice Based lettings process and that a separate eligibility criteria and process applies.

3.4.3 Shared Council Housing – For leaving carers

Young people leaving care are an identified group at risk of failing to sustain their tenancy.

The scheme will enable this group to share two-bedroom accommodation as part of their tenancy and skills development programme.

In the event there is a failure of tenancy this group will be referred back to supported accommodation for further development of their independent living skills.

3.5 Special circumstances

3.5.1 Decants

Decants occur when the Council has decided that a transfer to alternative accommodation offers the best way of ensuring that development, modernisation, conversion or essential repair works go ahead without causing huge disruption or hardship to the tenants. Decants can be on a temporary or permanent basis.

The Council will consider the likely impact of the planned repairs and improvements, and whether they will be so disruptive that it would be unreasonable to expect the tenant to remain in the property while the works are carried out.

Additionally, the Council will consider whether or not, for technical or safety reasons, it is feasible for the tenant to remain in their home while the works are carried out around them.

For the tenant to be awarded decant priority, equivalent in priority need to the band 1, the Council must be satisfied that the work will be so disruptive that it cannot be completed with the tenants remaining in occupation and either:

- The work is likely to take more than three months to complete; or
- The health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date

Permanent decants

This will take place if the work is likely to take more than three months to complete and/or it would not be reasonable for the tenant to have to leave their home and then move back again at a later date.

The tenant may be awarded priority for a transfer to suitable alternative accommodation. If a tenant does not want to be permanently decanted to alternative accommodation, they will have the right to return to their existing home.

Tenants that need to be decanted from their homes on a permanent basis as a result of redevelopment or regeneration will be moved in a planned way.

Each redevelopment/ regeneration scheme will be subject to consultation, equalities impact assessment and approval by Cabinet. When decant status has been authorised, tenants will be placed Band 1 on a phased basis so they may bid for an alternative home.

If they fail to successfully bid for a property a direct offer of accommodation will only be considered in exceptional circumstances and if none exist the Council may decide to take possession proceedings. Existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.

Further details about this are available in the Council's Regeneration - Local Lettings plan. Please note: This does not apply to applicants living in temporary accommodation.

3.5.2 Property under-occupation

While council tenants have the right to continue to live in a property even if it is too large for them, the Council encourages them to move to a more-suitably sized property, to make larger homes available to younger families who need somewhere to bring up their children.

Older under-occupiers are also encouraged to move to a property more suited to their needs and more cost effective to run. Applications from Council or housing association tenants who are under-occupying by one or more bedrooms and are willing to move to a property with fewer bedrooms will be accepted and will be placed in Band 2b.

3.5.3 Tenants in service

Employees of Havering Council who have a service tenancy associated with their employment may be re-housed in the following circumstances where the council has a contractual obligation to do so:

- Upon retirement
- Upon redundancy or where the council is changing the terms of their employment
- If the property is due to be sold and/or demolished, or have extensive works completed, necessitating a decant.

3.5.4 Succession rights

Where a person lives in a Havering Council property and has the right of succession following the death of the tenant, but the property is:

- So large that they would be under-occupying
- Has adaptations that they do not require; and/or
- There is an age restriction that renders them ineligible to hold the tenancy of the property.

If an 'under-age' spouse living in sheltered accommodation succeeds the tenancy on the death of the tenant, they must agree to move to non-sheltered accommodation. In exceptional circumstances, and at least where one other statutory agency agrees, the Director of Housing Services may decide that there are good reasons to grant a tenancy of the property currently occupied.

3.5.5 Exceptional circumstances

If an applicant has an exceptional need that is not covered by this scheme, the Director of Housing has the authority to make a decision based on the merits of the case.

3.6 Local Lettings Plans and Sensitive Lettings

Sometimes, a Local Lettings plan (LLP) will be developed by the Council or the housing provider (e.g. the housing association) which, upon mutual agreement, will be put in place for a specific area or estate on new developments.

The aim is to work towards creating more balanced local communities, by taking into account local considerations such as household types; child density or the proportion of households in employment. In all cases, the approach will reflect any particular communal issues or problems that may present within the area/estate.

In order to implement the scheme, it may be necessary to offer the social housing to applicants who are in a housing need band that is lower than we would usually offer to.

The Council may also make targeted offers to suitable applicants in particular circumstances. The offer will be made to those with the earliest priority date in the highest band that meets the criteria within the local lettings scheme.

The enforcement of a Local Lettings plan will adhere to the following principles:

- They will be developed to meet the specific needs of a local area;
- There will be a clear evidence based need for the plan;
- There will be developed and approved with an agreed procedure that must have specific aims that may be reviewed periodically;
- Equality Impact Assessment must be done;
- Local Lettings plans must be consulted on

The decision to implement a Local Lettings plan is approved by the Director of Housing, in consultation with the Lead Cabinet Member for Housing.

For homes in the borough owned by a registered social landlord where the Council has nomination rights, approval is made between the Director of Housing and a senior manager from the registered social landlord.

3.6.1 Sensitive lettings

Sensitive lettings allocate tenancies to contribute to sustaining communities where concentrations of anti-social behaviour are disproportionately high.

Sensitive lettings requests will only be accepted where it can be demonstrated that:

- The neighbouring tenants have experienced either harassment, noise nuisance or un-tenant like behaviour 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.

3.7 Choice-based lettings

Havering Council aims to maximise the choice of accommodation offered to those wishing to rent a social or affordable home in Havering by operating a Choice-based lettings (CBL) system.

A CBL scheme gives people the chance to choose which Council or housing association accommodation they want and makes the complex decision of which property to choose one for the applicant. It works on a bidding principle, as and when properties become available.

The Council's CBL scheme is called Choice Homes, and anyone placed on the Housing Register can bid for a home they want to live in. The bidding system does not involve any

payment for a property – it is merely an indication of the applicant’s preference in a particular property.

When a property becomes vacant, the Council will first check whether the property is particularly suited to an applicant with special requirements; for example, a household that urgently requires an adapted property for disabled people; where there is a recommendation from the police, social services or other professional agency for a specific type of accommodation to meet an individual need, or where a vulnerable applicant is unable to participate in the bidding system. If so, the property will be offered directly to the applicant without advertising it.

3.7.1 - Advertising available homes

Available properties that have not been directly offered are advertised on the [Choice Homes](#) website, although the means of advertising properties may change from time-to-time.

The available property will be described (sometimes called ‘labelled’) in a way that provides as much relevant information as possible, including:

- the size and type of property
- the floor level of the property
- the type of heating
- the rent and/or service charge
- any special facilities or adaptations
- whether pets are allowed, or not

Applicants are strongly advised to study the description carefully, as some properties may be restricted to particular groups. When an applicant sees a property that they are interested in, they are strongly recommend to visit the road, neighbourhood and consider local schools, shops, parks and other amenities before placing their bid.

3.7.2 The bidding process

Applicants must meet the labelling criteria and place their bid by the publicised deadline. Applicants will generally be able to make expressions of interest each weekly advertising cycle, and bid for up to two properties per cycle.

Applicants who require assistance with using the scheme will be able place a bid for a property by telephone or by the smartphone app. Additionally, they can bid by means of the Choice Home website, or by mobile phone text messaging.

Bids are prioritised by band; from Band 1 to Band 3, with applicants having the longest waiting time coming first in the band. The applicant can withdraw their bid at any time during the bidding cycle.

3.7.3 Auto-Bids

For those unable to bid due to support needs, the Council offers an auto-bidding system that will automatically place bids for all appropriately sized properties requested by the applicant.

The applicant specifies the area and type of property they are interested in and housing officers can set up the bidding system to automatically place bids on up to two properties

matching their description every week. The system will also tell the applicant how many other people with a higher priority have bid for the same property.

3.7.3 Monitoring bidding activity

The Council monitors online bidding activity.

If an applicant does not bid for suitable properties that have been advertised for six months from the date they are accepted on the Housing Register, they will be contacted to find out the reason/s why.

They will also be advised that their place on the Housing Register could be suspended for a period of six months. The applicant will be notified when this decision is made.

In making the decision, the Council will take into account if there have been no suitable properties advertised or whether there are special circumstances for the applicant not bidding.

1. How housing applications are processed

4.1 – How bids are shortlisted

When the advert deadline has passed, a shortlist of eligible applicants will be produced firstly by Banding order and then by Effective Date order - with the oldest effective date given top priority.

4.2 – Viewing a property

Following production of the shortlist, arrangements will be made by the relevant landlord (i.e. Havering Council or a Housing Association/Registered Provider) for the shortlisted applicants to view the property as soon as possible.

The invitation to view a property is made via a telephone call and/or an SMS text message. This is immediately followed up by an email or letter confirming the viewing.

4.3 - How housing offers are decided

The Council operates a Priority Viewing system, which means that a shortlisted, priority applicant will be invited to view the property.

At the time of being contacted by phone and/or SMS text message, the Council will ask the applicant to confirm within 24 hours that they will attend the viewing. Failure to confirm attendance will be taken as withdrawing the bid and the next shortlisted applicant will be invited to view the property.

In instances where the property has proven difficult to let, the Council may carry out multiple viewings, whereby a set number of bidders will be invited to view the property at the same time. The top priority applicant will be asked to view the property and if they do not accept then the next applicant will be offered the property, and so on.

Viewings are conducted in adherence to Council's Health and Safety guidelines and usually requires only the named applicant to attend the viewing. During the viewing, an applicant will be given further information about the property, the repairs to be carried out, the date when the property is expected to be available and any special conditions of tenancy.

Applicants must advise the landlord before leaving the viewing whether they would accept the property. If the applicant does not give their decision within 24 hours of the viewing, or does not attend, it will be assumed that they are no longer interested in the property, in which case the next shortlisted applicant will be invited to view the property.

Once the applicant has indicated that they will be willing to accept the property a formal, written offer will be made.

Failure to bid or serial viewings

Applicants that are on the housing register who have a reasonable chance of being successful in bidding for a properties, who do not bid for a period of 6 months will be contacted and advised on the process of bidding and offered any support required. If they then fail to bid for another six months then they may be suspended from the register.

Applicants who are successful in coming top of a shortlist and viewing properties for successive properties, and either do not accept the property or fail to attend the viewing, will be contacted and offered advice and support in looking for suitable properties.

The Council reserves the right to remove them from future shortlists if it is believed they may not accept the property or attend the viewing.

4.4 Tenants moving to a new property

Transferring tenants will be expected to give notice on their current tenancy. Council tenants will be required to pass a transfer inspection of their existing property before any new tenancy agreement is signed. Failure to pass the inspection will result in the offer being withdrawn.

Registered Provider tenants may also need to undergo an inspection and should advise their housing officer as soon as the offer has been made.

4.5 Feedback on let properties

The Council considers feedback on let properties as important, because it helps applicants to assess their housing prospects and make informed choices about their future housing. The Council will publish feedback on each property that has been let through its Choice Homes choice-based lettings scheme on a monthly basis, giving:

- The size, type and location of the property
- The number of applicants who bid for the property
- The band and effective date of the successful bidder.

Additionally, the feedback will include information on any 'direct lets'- let properties that were not advertised through Choice Homes.

4.6 Withdrawing an offer of accommodation

The Council will withdraw its offer of accommodation if it is discovered that the applicant:

- Or others on their housing application are, or have been, guilty of unacceptable behaviour, and it is of a type and severity that would have entitled the Council to have obtained a possession order had we been the landlord.
- Owes any rent arrears or housing related debts. This include temporary accommodation arrears, former tenant arrears, and the cost of any repairs that have been recharged by damage caused to a former social housing or temporary accommodation property. Exception will be given to an applicant requiring an urgent move due to threat to life.

- Has breached a tenancy with the Council or another landlord due to fraudulent behaviour or causing serious damage to property.
- Has previously gained a tenancy, or attempted to do so, by means of:
 - a. knowingly or recklessly has given false information in respect of any matter relating to their application
 - b. has withheld information or failed to notify the Council of any changes in their circumstances may affect their eligibility, qualification and/or priority for housing. This could lead to their possible removal from the Housing Register.

Offer withdrawal may also take place if

- The property details available at the time that the written offer was made were found to be incorrect and it was subsequently discovered that the size and type of the property did not, in fact, match the applicant's needs, and/or
- The relevant housing officer decides that, taking all factors into account, the property should not have been offered to the applicant.

4.7 Refusing an offer of accommodation

If an applicant refuses a formal offer, they will be asked to complete a form setting out their reason/s.

Their reasons will be duly considered and if it is decided the offer was unreasonable, the applicant will be allowed to remain on the Council's Housing Register and continue to bid for properties.

If, on the other hand, it is decided that the offer was reasonable then, depending on the applicant's circumstances, we will write to the applicant to:

- explain the reason/s why their refusal was decided to be unreasonable
- confirm that:
 - c. their application will be cancelled and that they will be disqualified from re-applying for housing for 12 months, **or**
 - d. the Council's duty to provide accommodation in relation to the applicant has been discharged.

Applicants must think carefully about whether to accept or refuse an offer as this could have a significant impact on whether, and/or when we will make an applicant another offer.

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 an applicant that the Council is ending its rehousing duty to; for example, a homeless household, management transfer tenant etc.

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 the offer.

Please note that an applicant can ask for a suitability review of the accommodation offered, regardless of whether they accept the offer or not.

5. Appeal procedure

Applicants have the right to information about certain decisions, which are taken in respect of their application, and the right to review those decisions.

5.1 – Stages of appeal

Stage 1 - Notification of the decision

An applicant will be notified of the decision in writing by the Housing Choice & Applications Officer.

The notification will give clear grounds for the decision and must be based on the relevant facts of the case. It will advise that the applicant has 21 days from the date of refusal to appeal the decision.

Where a notification is sent to an applicant at the given contact address, but the applicant does not receive it, it can be treated as having been received if a copy of the notification is available on the applicant's file.

Where an applicant has difficulty in understanding the implications of a decision, the Council will make arrangements to advise the applicant verbally.

Applicants can request representations on an appeal decision via a named representative. The Council will acknowledge this representation so long as it is authorised with the applicant's written consent.

Stage 2 - 21 Days to Appeal

Applicants who wish to appeal for a review of a decision should, in the first instance, contact the housing officer who has dealt with their case, giving their reasons why they think that the decision is unreasonable.

The applicant will be notified, usually within 48 hours from the date of refusal, whether the decision still stands and provided with supporting information.

If the applicant then wishes to request a review of the decision, it should be made in writing within 21 days, either by email to: housingapplicationappeal@havering.gov.uk or by post to:

The Reviews & Appeals Officer
Housing Demand Service
Havering Council
Town Hall
Main Road
Romford, RM1 3BB

Where an applicant is unable to request a review in writing, they can ask someone else to do this on their behalf, or ask us to hear their case orally. It will also be possible for their nominated representative to submit an appeal on behalf of the applicant.

Stage 3 – The review

An officer who is senior to the original decision maker will carry out the review of the decision.

The review will be considered based on the processes set out in this scheme, legal requirements and all relevant information relating to the application, including any further relevant information was not available at the time of the original decision.

Stage 4 - Notification of the outcome

The applicant will be notified about the outcome of the review within 56 days from the date the appeal was received. The notification will also detail the reasons why the original decision has been changed or upheld.

There is no further mechanism to review the decision, however, the applicant can take legal action to challenge the Council's decision through judicial review proceedings.

The applicant may also complain to the Housing Ombudsman if they consider the Council's actions amount to maladministration.

Please note that the onus to explain any change of circumstances will remain with the applicant throughout.

5.2 Appeal procedure for the statutory homeless

If the Council has accepted a full statutory duty to house an applicant under the Housing Act 1996 Part VII as amended by the Homelessness Reduction Act 2017, and they have refused a suitable property offered to them (including an offer of private rented accommodation), the Council will end its statutory duty.

The applicant can request a review of the decision to end the statutory duty and/or the Council's decision that the property is suitable. The request should be made, in writing, to the Council within 21 days from the date the offer of accommodation was made to the applicant and should set out the reason/s why they think the property is unsuitable.

The review appeal will be considered by a senior officer who was not involved with the original decision, and will aim to reply, in writing, to the applicant within 56 days (eight weeks) from the date the request was received.

If an applicant is dissatisfied with the Council's decision on review, or no decision has been made within the 56 days (unless there has been an agreed extension), the applicant may appeal to the County Court. Appeals to the County Court, including the procedure and time limits are technical matters, and the applicant may wish to seek independent legal advice (e.g. from the Citizens Advice Bureau or from a solicitor) before doing so.

5.3 Comments and complaints

Havering Council is committed to responding quickly, thoroughly and effectively to any comments or complaints it receives, and to use this information to help further improve the service it provides to local residents.

We welcome complimentary feedback when we get it right, and any service improvement suggestions you may wish to offer. Like most large organisations, occasionally we don't get things quite right and you may decide to raise a complaint about the service you have received.

In the first instance, please would you raise the matter with the officer that you have been dealing with, and, if the matter is not satisfactorily resolved, escalate the matter to their supervisor. Often, this is the quickest and easiest way of dealing with such matters.

However, if you feel uncomfortable doing this, or remain dissatisfied with the way the matter has been handled, we have a formal complaint procedure that can be used, which is detailed on our website at www.havering.gov.uk/complaints.

We constantly endeavour to deliver the best possible standards of service to our residents and treat complaints very seriously. We will aim to reply to any complaint with 10 working days from the date of receipt.

6. Implementation of this scheme

This scheme will take immediate effect from 1 August 2022.

6.1 Monitoring and review of this scheme

In the interests of continuous improvement, this scheme will be reviewed annually to ensure it remains relevant, up-to-date and fit-for-purpose for Council and the residents of Havering.

For further information about the details of this scheme or assistance, please contact the Housing Choice and Applications manager at Havering Council by email at housingneeds@havering.gov.uk.

6.2 Delegated authority to make minor changes to this scheme

To ensure that this scheme operates fairly and legally, the Director of Housing in consultation with the Lead Cabinet Member of Housing will be able to approve minor amendments to the scheme. These are amendments that do not significantly change this scheme or associated procedures.

Housing Allocation scheme

APPENDIX 1 – Community Contribution reward: Qualification Criteria

Community Contribution Reward - scheme 1

	Definition	Supporting evidence required
Working households	<p>The sole or one of the joint applicants:</p> <ul style="list-style-type: none"> • Works at least 16 hours per week the last 12 months • For those aged 70+ years, works at least 5 hours per week for the last 12 months. • Has a permanent contract, temporary contract, or • Is self-employed and can demonstrate that they have been for at least 12 months. <p>Breaks in employment Where an applicant loses employment they will no longer qualify for the Reward. However, we recognise that in the current economic climate, people can lose their job from time-to-time. If further employment is gained within the next 6 months, the application can be reinstated with no loss of accrued waiting time</p> <p>Pregnancy and maternity/paternity leave</p> <ul style="list-style-type: none"> • Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award. 	<p>Original contract of employment, payslips, P60, bank statements or a verifying letter on headed paper, or can prove that you are registered at Company House in order to qualify.</p> <p>If the applicant is self-employed, we will need to see a minimum of 12 months continuous documented tax returns containing reference to the self-employed activity.</p> <p>In the case of pregnancy and maternity, we will need written evidence of statutory maternity pay.</p>
Ex-services personnel	<p>The sole or one of the joint applicants:</p> <ul style="list-style-type: none"> • who have served in the British Armed Forces at any time in the five years prior to making an application, or • are close to leaving at present, and • was not dishonourably discharged. <p>This includes people who have served in the Royal Navy, Royal Air Force and British Army.</p>	<p>Original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation will need to be provided.</p> <p>Service with the armed forces will be confirmed with the Royal British Legion.</p>
Fostering or adopting	<p>Applicants living in Havering who would like to foster or adopt a child (and/or more children),</p>	<p>A letter from Havering Council's Children and Young Adult Service</p>

	<p>but are unable to as they currently live in an inappropriate property.</p> <p>The property must be considered inappropriate either due to the property size or the tenure type.</p> <p>The applicant must have the support of Havering Council's Children and Young Adult Service and they must confirm that your current home is barring you from adopting or fostering a child (and or more children).</p>	<p>stating that the applicant(s) will be accepted as a foster carer(s) or adoptive parent(s) and will only be able to adopt or foster a child (and or children) if they move to another property.</p>
Disabled households	<p>A disabled applicant under retiring age who has been assessed as eligible for the support element of Employment and Support Allowance due to a permanent disability which prevents them from participating in work related activities.</p>	<p>A letter from Department of Work and Pensions confirming receipt of Employment and Support Allowance.</p>
Volunteering	<p>The sole applicant or one of the joint applicants volunteers for:</p> <ul style="list-style-type: none"> • a minimum of 16 hours a week • those aged 70+ years, for a minimum of 5 hours a week • Not for profit organisations or groups, including a charity, or community or faith group recognised by Havering Council's Active Living programme, or <ul style="list-style-type: none"> - registered as a charity with a premises in Havering, <i>or</i> - registered with Havering Volunteer Centre (Havco) • a continuous period of at least 6 months up to the point of application and continuously until the point of offer. • Within the London Borough of Havering. 	<p>An original letter on the organisations headed paper from the manager responsible for volunteers confirming the applicant's involvement in the minimum hours per month of voluntary work for the past 12 months.</p> <p>This person must not be related to the applicant in any way.</p>
Carers	<p>An applicant who is:</p> <ul style="list-style-type: none"> • Providing full time care (minimum of 35 hours per week) to an elderly person or disabled child and • Is in receipt of full carers' allowance • Where carers' allowance is not payable because of the carer's age or other benefit restriction, evidence will be required to prove the applicant's status 	<p>Confirmation of receipt of carers' allowance or other evidence from a statutory agency or relevant medical practitioners.</p>
Downsizing	<ul style="list-style-type: none"> • The applicant is a Havering social housing tenant holding a secure, assured or fixed term tenancy who wishes to move to a property with 	<p>A reference from the landlord (either the Council or a housing association) confirming that the applicant is living in a</p>

	<p>fewer bedrooms and is not impacted by housing benefit/bedroom tax. NOTE: this does not apply to Private Sector Leased (PSL) tenants, or</p> <ul style="list-style-type: none"> • The applicant is a housing association tenant not living in Havering who wishes to move to a property with fewer bedrooms and Havering Council can nominate someone to their current property if they move. <p>If the applicant want to downsize you must move to a property with fewer bedrooms.</p>	<p>property that is too large for their needs. If you are a housing association tenant not living in Havering, we must have the association's agreement that we can nominate to your property if you move.</p>
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Housing Allocation scheme

APPENDIX 2 – Adapted Housing – mobility categories




Vacancies which are adapted or which are suitable for adaptation for applicants with a substantial disability may be advertised or offered directly to the most appropriate applicant. The Council reserves the right to allocate to a high priority applicant in need of such accommodation.

The categories used are in line with the categories described by the London Accessible Housing Register (LAHR). The LAHR has been developed to help make better use of accessible homes and to enhance the choice of homes for people with mobility needs.

Mobility Categories - Assessment of Mobility Need

A household’s mobility needs will be assessed based on three categories (A, B & C) of mobility. These are in line with the categories described by the London Accessible Housing Register (LAHR). Qualifying applicants will be advised of their mobility category in writing.

The Council will use the following categories to identify the mobility needs of those using Havering’s Choice Homes website and to show the types of adaptations in homes:

Category	Applicant profile	Examples of adaptations
MOBILITY - A 	The household has a member with significant mobility needs and who uses a wheelchair indoors and outdoors at all times.	<ul style="list-style-type: none"> • Level access • No stairs • Property adapted to a wheelchair standard • Level platform at main entrance • No changes in level throughout (inside and outside), or adapted to include lift/ramp access.
MOBILITY - B 	The household has a member with mobility needs who mainly uses a wheelchair outside and cannot manage steps or steep gradients.	<ul style="list-style-type: none"> • With level access throughout (inside and outside), or adapted to include lift/ramp access • Wide Main/Communal door/s • Bathroom containing toilet, basin and accessible bath/shower.
MOBILITY - C 	The household has a member with some mobility needs who is able to manage up to two steps to access the home	<ul style="list-style-type: none"> • On the ground floor with up to 2 steps access • Pathway/driveway/ramp from pavement level or parking space, no steep gradients • Bathroom suitable size to be adapted