



**London Borough of Bromley  
Housing Allocations Scheme 2024**

## Table of Contents

Section		Page
<b>Part 1</b>	<b>Introduction</b>	<b>5</b>
1.1	The Housing Allocation Scheme	5
1.2	The Legal Framework	5
1.3	Allocation of a Tenancy	6
1.4	Data Protection	7
1.5	Equalities, Diversity and Accessibility	7
1.6	Force Majeure	7
1.7	Changes to the Housing Allocations Scheme	8
1.8	Statement of Choice	8
<b>Part 2</b>	<b>Options for Housing in Bromley</b>	<b>9</b>
2.1	Hybrid Allocations for Social Rented Accommodation	9
2.2	Housing Register	9
2.3	Other Housing Options	9
2.4	Bromley owned stock	10
2.5	Partnership working	10
2.6	Registered Providers of Social Housing	10
2.7	National Witness Mobility Service (NWMS)	10
2.8	Multi-agency Public Protection Arrangements (MAPPA)	11
<b>Part 3</b>	<b>Eligibility and Qualification</b>	<b>12</b>
3.1	Eligibility	12
3.2	Right to Move	12
3.3	Special arrangements for 16-18 year olds	13
3.4	Qualification Rules	13
3.5	Armed Forces Covenant Duty	15
3.6	Non - Qualification Rules	15
3.6.1	Out of borough Applicants	15
3.6.2	People who are guilty of anti-social or unacceptable behaviour	16
3.6.3	Home owners	17
3.6.4	Financial resources	17
3.7	Exceptional or Mitigating Circumstances	17
3.8	Removal or suspension from the Housing Register	17
3.9	Safe Surrender Agreement	18
<b>Part 4</b>	<b>Applications and Assessments</b>	<b>19</b>
4.1	Registering an application for housing	19
4.2	Who can be included on your application	19
4.3	People you <b>cannot</b> include on your application	20
4.3.1	Carers	20
4.3.2	Separated households	21
4.4	False Information	21
4.5	Requesting, sharing or verifying information	21
4.6	How priority is determined	22
4.7	The Bands	23
4.7.1	Emergency Band	23
4.7.2	Band 1	24
4.7.3	Band 2	24
4.7.4	Band 3	25
4.7.5	Band 4	25

4.7.6	Determination of your Effective Band Date	25
4.7.7	Multiple needs	26
4.8	Bedroom Requirements	26
4.9	Category of Need	27
4.9.1	Underoccupation	27
4.9.2	Overcrowding	27
4.9.3	Homelessness	28
4.9.4	Priority on Health Grounds	28
4.9.5	Decants	30
4.9.6	Insanitary housing conditions	30
4.9.7	Welfare and Social Grounds	31
4.9.8	Those owed a duty of care by the local authority	31
4.9.9	Moving to Older Persons Accommodation	32
4.10	Council or Registered Providers Employees, Elected Members or their Relatives	32
4.11	Pitches for Gypsies and Travellers	32
4.12	Notification of your assessment	33
4.13	Change in Circumstances	33
4.14	Cancellation of an application	33
4.15	Deliberately or worsening circumstances	33
<b>Part 5</b>	<b>Allocations and Lettings</b>	<b>35</b>
5.1	Direct lets	35
5.2	Choice based lettings	35
5.3	Advertising a property on Bromley Housing Portal	35
5.3.1	Targeted Adverts	35
5.3.2	Withdrawing a property	35
5.4	Bidding	35
5.4.1	Number of bids	36
5.4.2	Number of bedrooms	36
5.4.3	Bidding position	36
5.4.4	Assisted bidding	36
5.4.5	Grouped bids	36
5.4.6	Withdrawing your bid	36
5.5	Shortlisting	37
5.5.1	Closing date	37
5.5.2	Bypassing a bid	37
5.5.3	Successful bidders	37
5.5.4	Unsuccessful bidders	38
5.5.5	Rejection by a Registered Provider	38
5.6	Sensitive lets	38
5.7	Reciprocal arrangements	38
5.7.1	Reciprocals initiated by Bromley (outgoing)	38
5.7.2	Reciprocals initiated by another council or Registered Provider (incoming)	39
5.8	Offer of accommodation	39
5.9	Limited offers	39
5.10	Refusals	40
5.11	Tenancy determination	40
5.12	Tenancy sustainment	40
5.13	Lettings Plans	41
5.13.1	Annual Letting Plan	41
5.13.2	Local Letting Plan	42
5.13.3	Publicising lettings	42

<b>Part 6</b>	<b>Decisions, Complaints and Reviews</b>	<b>43</b>
6.1	Decisions	43
6.2	Complaints	43
6.3	Reviews	44
6.3.1	Reviews: Refusals or Failure to Bid	44
6.3.2	Band reviews	44
6.3.3	Statutory right of review	45
6.3.4	Judicial review	45
Appendix 1	Lettings outside of the Housing Allocations Scheme	46
Appendix 2	Panel for Households in High Need	47
Appendix 3	Affordability checks when allocating social housing	49

## Part 1: Introduction

---

### 1.1 The Housing Allocation Scheme

This document sets out the London Borough of Bromley Housing Allocations Scheme. The local authority is required by the Housing Act 1996 (as amended) to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation.

This scheme enables the council to consider the individual needs of those applying for housing while making best use of the very limited housing resources available to the council. We assess all applications and if they are eligible and qualify for inclusion, place them on our housing register. This enables us to award priority based on housing need.

It sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who qualifies to be accepted onto the housing register
- Who does not qualify
- The size of property that will be allocated
- The processing of offering a property
- How often an application will be reviewed.
- How to request a review of a decision.

The Housing Allocation Scheme aims to ensure that:

- The assessment process for inclusion onto the Housing Register is clear.
- Our procedures and practices are clear.
- Customers understand what they can expect of us and what their rights are.
- We manage expectations regarding the availability of social housing and promote awareness of alternative housing options and solutions.
- We promote independence and provide fair access to our services regardless of race, gender, disability, age, religion, nationality, social background or sexuality.
- We minimise the use of temporary accommodation, particularly shared or bed and breakfast type dwellings.
- We and partner organisations contribute to the development and maintenance of sustainable communities.
- We encourage long term and consistent partnership working on a local and sub-regional level.
- We make best use of all available social housing stock.

### 1.2 The Legal Framework

In framing the Housing Allocations Scheme, we have complied with and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”

- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Armed Forces Act 2021
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’
- Equality Act 2010.
- Data Protection Act 2018 and contained within the UK General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Children and Social Work Act 2017
- Anti-Social Behaviour Crime and Policing Act 2014

### 1.3 Allocation of a tenancy

This scheme sets out arrangements for allocating accommodation within the meaning of Part 6 of the Housing Act 1996 (as amended).

The council allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation (including flexible tenancies) held by the council. As a flexible tenant, you have tenancy for a fixed period. This is usually for at least 5 years, though in some cases it may be between 2 and 5 years.
- Nominates a person to be a secure or introductory tenant of accommodation held by another local authority. ‘Secure tenant’ includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985 (as amended).
- Nominates a person to be an assured tenant of accommodation held by a registered provider. The term ‘assured tenant’ includes a person with a periodic tenancy, or a fixed term tenancy for a period of 5 years, or 2 years in exceptional circumstances.
- For applicants fleeing domestic violence, they will be nominated to a tenancy aligned with the one they had to vacate. If this was a lifetime tenancy, they will be granted a new lifetime tenancy.

Lettings not covered by the housing allocation scheme [are outlined in appendix 1](#).

## 1.4 Data Protection

We will ensure the personal information of all applicants (new, existing and former) is:

- a) Stored lawfully
- b) Processed in a fair and transparent manner
- c) Collected for a specific, explicit and legitimate purpose
- d) The data will be kept up to date and held until it is no longer required
- e) Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

Our Privacy Notice can be located online at: [www.bromley.gov.uk](http://www.bromley.gov.uk).

## 1.5 Equalities, Diversity and Accessibility

We are committed to ensuring this policy is non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act 2004. To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, we are required to give due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a Housing Allocations Scheme. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This policy complies with the council's Equality Policy which is located online at:

<https://www.bromley.gov.uk/equality-diversity/equality-policy>

This scheme was subjected to an Equalities Impact Assessment before being adopted. The impact will continue to be monitored throughout the administration of the policy.

## 1.6 Force Majeure

We will not be liable for any delay in performing our obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to customers is taken by the council. More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, cyber-attack, the act or omission of any governmental or other competent authority, war or national emergency.

## **1.7 Changes to the Housing Allocations Scheme**

All major changes to the Housing Allocation Scheme must be approved at a council cabinet meeting. Minor changes may be approved by a nominated council Officer in consultation with the Portfolio Holder for Housing. Where necessary, the Director of Housing is authorised to make changes to the Scheme in the interest of remaining compliant with the statutory and operational obligations. Where we need to make a significant change to the Scheme, we will measure the impact to households already on the housing register and we will undertake formal consultation.

## **1.8 Statement on Choice**

The Council is committed to offering choice in the allocation of social housing. We will consider preference where possible and practical for direct offers. We will also advertise some homes on our choice based lettings system for applicants to place bids. Homeless applicants also have the choice of accepting an offer of private rented accommodation.

We reserve the right not to advertise, or withdraw from advertising, a property that is required in order to proceed with a specific allocation. This will include, for example, emergency or public protection allocations.



## Part 2: Options for Housing in Bromley

---

### 2.1 Hybrid Allocations to Social Rented Accommodation

Bromley has a hybrid allocations policy which means the majority of lets in band 2 and above are made via direct lets where we identify a property and make the applicant a direct offer. We reserve the right to let properties using this method as it allows us to control the homeless challenge facing the council as well as making offers to specific applicants or for particular property types. The remainder of the properties will be advertised on Bromley Housing Portal; our choice based lettings system.

### 2.2 Housing Register

A Housing Register is a way of recording the details of households who have applied to the council for rehousing. Data from a Housing Register can be used to monitor trends, assess demand and provide grounds for future housing development and the creation of tailored housing advice services. Bromley administers a Housing Register in order to fairly assess and record the needs of those who apply for housing assistance.

Whilst having a Housing Register helps to organise the details of those requiring housing it does not in itself increase the number of properties that become available to be let each year. Unfortunately there is insufficient social housing available to meet the needs of all those that approach us for assistance, we use a priority banded system to assess those most in need. Only a small number will be moved via the Housing Register, the wait may be considerable and many of you will need to explore other options to resolve your housing need.

For those who are ineligible or do not qualify to join the Housing Register, advice and access to alternative housing options will be provided by housing staff and the Bromley Housing Portal website.

### 2.3 Other Housing Options

There is a limited supply of social housing available for letting each year. You are strongly advised to consider all your options for your future housing. The council can help you consider your options by providing information and advice on the range of alternatives available to you.

Some possible alternatives include:

- a. Private rented housing. Around one third of households in Bromley live in private rented housing and you may be able to find good quality accommodation that is available to move into straightaway. You can contact local lettings agencies, respond to adverts in local or London papers and look online to find a home for rent.
- b. Low cost home ownership. There are various types of low cost home ownership including shared ownership which allows you to buy a share in the property and pay rent on the remaining share.

- c. Moving out of the area. There are a range of options available if you would like to move out of the Bromley area and you may be more successful.
- Housing Moves Scheme; for social tenants wishing to move into another London local authority.
  - Seaside and Country Homes Scheme; if you are a social tenant, 55 or over, and interested in moving out of London.
  - Home swapper; where one social tenant can swap with another social tenant with both landlords permission. You must be either an assured or secure tenant.

For more information go online at [www.bromley.gov.uk](http://www.bromley.gov.uk).

## **2.4 Bromley owned stock**

Bromley has a small number of properties, which were built in 2022. Over the next few years, we aim to increase the number of properties and have an active development programme to assist us to achieve this aim.

## **2.5 Partnership working**

Bromley transferred the bulk of its housing stock in 1992. We work in partnership with a variety of external and internal partners to ensure the fair and equitable allocation of social housing within our borough, this includes:

- Council Members including the Policy, Development and Scrutiny Committee and the Housing Portfolio Holder
- A cross section of departments within the council including Housing, Children and Young People, Adult Care Commissioning, Extra Care Housing and Libraries
- Registered Providers
- Representatives from the voluntary and advocacy sectors
- National Witness Mobility Service (NWMS)
- Multi-Agency Public Protection Arrangements (MAPPA)
- Pan London working.

## **2.6 Registered Providers of Social Housing**

We work with registered providers within a nomination agreement where we give the council a percentage of their empty homes to allocate to applicants on the Housing Register. Each registered provider will have their own administration arrangements, and you will be notified of these should you be nominated to one of them.

## **2.7 National Witness Mobility Service (NWMS)**

In order to assist the police both nationally and locally to tackle serious crime and to support witnesses in the legal process, Bromley works in partnership with colleagues in the National Witness Mobility Service (NWMS) and will, as required and where able to do so, accept referrals from this source. Such cases will have been assessed and verified by the NWMS and referrals will only be accepted with the agreement of a named officer within the council's Housing Needs Team. There are particular confidentiality considerations for such cases. Any proposed offer will be checked for suitability by the NWMS before the offer is formally made and details of successful lettings may be anonymised or not be made available for public consumption.

## **2.8 Multi-Agency Public Protection Arrangements (MAPPA)**

If an applicant is shown to be a danger or potential danger to themselves or to others, then appropriate safeguards will be put into place. This may include preventing the applicant from bidding for accommodation, making a direct offer and/or identifying the risk factors on the application and sharing this information with relevant named parties or partner services. Applicants within this category may include, amongst others, those who are referred via the Multi-Agency Public Protection Arrangements (MAPPA) service. Under MAPPA the local authority has a duty to co-operate and when such cases are referred to us a judgement will be made to establish if the client meets the eligibility criteria as set out in this Allocation Scheme and whether they are suitable for general needs social housing. Otherwise, such clients may fall within the category of those who are ineligible for housing. Offers made to MAPPA households will be verified as suitable with the appropriate authorities.

## Part 3: Eligibility and Qualification

---

### 3.1 Eligibility

Only applicants that are eligible in accordance with S160ZA of the Housing Act 1996 (as amended) and Eligibility Regulations can be included on the register. Eligibility is explained in detail within statutory guidance – “Allocation of Accommodation: guidance for local housing authorities in England”

You will **not** be eligible to join the housing register if you:

- Are subject to immigration control
- Only have a right to reside in the UK because you (or a member of your household) are a jobseeker
- Are not habitually resident in the UK
- Have a right to reside in the UK of less than three months
- Are not allowed to claim housing benefit under s115 of the Asylum and Immigration Act 1999

Applicants should note that their eligibility could change over time, and we reserve the right to verify your immigration status at any point whilst you are on the housing register.

### 3.2 Right to Move

Under the Right to Move, existing social housing tenants that currently live outside of the borough boundaries but who need to move into Bromley to take up employment or an offer of employment are assessed in accordance with the criteria below:

- The distance and/or time taken to travel between work and home: in accordance with the guidance set out by the Job Centre Plus we consider that a commute of 90 minutes or under (no more than 3 hours per day) is reasonable.
- The availability and affordability of transport, taking into account level of earnings: this will be assessed on a case by case basis.
- The nature of the work or work-based apprenticeship and whether similar opportunities are available closer to home: this will be assessed on a case by case basis. Consideration will also be given to those cases where an offer of work has been made and where the applicant can demonstrate, to the local authority’s satisfaction, that there is a genuine intention to take up that offer.
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move this will be assessed and will take into account how child care and medical needs are currently managed.
- The length of the work contract: this must be for a minimum of 12 months and the applicant must work 16 hours or more per week.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship: this will be assessed on a case by case basis.

We must be satisfied that your circumstances meet the above criteria **and** that it is the case that you not just wish to move but need to move in order to avoid hardship.

The following will be excluded from consideration;

- Volunteering e.g. work that is unpaid.
- Work that the local authority considers marginal in nature by either virtue of the hours worked, or job undertaken.
- Work that the local authority considers to be ancillary in nature for example where the applicant works for a period of time within the borough but where this is not their main place of work such as those who are self-employed or who work from home.

Households where the total income of all adults exceeds £90,000 either through employment or benefits will not be considered. Further details can be found at: [Right to Move and social housing allocations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/social-housing).

### 3.3 Special Arrangements for 16-18 year olds

- a. Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.
- b. Applicants under 18 cannot legally hold a tenancy. If they are under the jurisdiction of Children Services and owed a duty under the Children Act, Children Services will act as a guarantor for those within 6 months of their 18<sup>th</sup> birthday under an existing protocol. This is subject to their ability to live independently and manage their tenancy. Children Services will need to provide a support package to prevent the risk of losing the tenancy. The tenancy will be held in trust until they reach 18.
- c. Those not owed a duty of care under the Children Act, may still be granted a tenancy provided they can nominate a suitable person to act as a guarantor such as a parent, legal guardian or relative and also show a willingness to engage with the levels of support identified to help them sustain the tenancy. The guarantor will accept responsibility for the tenancy and for the support where necessary, whilst the tenancy is held in trust until the applicant reaches 18.

### 3.4 Qualification Rules

In order to join the housing register, you must be eligible as set out in [section 3.1](#) and have a recognised housing need which means you must meet one or more of the following criteria:

- a. The statutory reasonable preference rules:
  - People who are homeless (within the meaning of Part 7 Housing Act 1996 (as amended)) and owed a homeless duty.
  - People who are owed certain homeless duties by any authority.
  - 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).

- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
  - Those accepted under the Right to Move Scheme.
- b. Local preference rules:
- Tenants of the council or registered providers looking to downsize to smaller accommodation (also known as under-occupiers).
  - Tenants of the council or registered providers looking to free up an adapted property they do not need.
  - Tenants of partner registered provider identified as part of a decant programme.
  - People aged 50 or over who wish to move to older persons' or sheltered housing.

The council reserves the right to review the local preference categories in order to include additional or time limited local preference categories in order to pilot new schemes or to meet the needs of a newly identified priority group. Equally we may remove or suspend preference to any of the local preference groups listed above if there are sufficient grounds to do so.

- c. Additional preference will also be given to serving, or those who have recently served with the armed forces including surviving spouses/civil partners who fall within the reasonable preference categories and are in urgent housing need.
- d. A local connection to Bromley as shown below:
- Have resided in the borough, 5 continuous years at the point of application.
  - A care leaver under 24 years who has been looked after by the council for at least 2 years, including some time before they turned 16, under section 22A of the Children Act 1989.
  - You are a young person looked after by the council and have been placed in care outside the borough
  - You are in receipt of adult social care services provided by the council and have been placed out of the borough in a hospital or residential care or other accommodation under ongoing social care duties with Bromley.
  - Be either giving high levels of support or receiving it from someone living in the borough and it is only possible if they live in Bromley and have evidence to support this.
  - Have resided in the borough for 3 years or more immediately prior to incarceration on conviction or institutionalisation.
- e. Be a gypsy or traveller (as defined in the Caravan Sites Act 1968) who has habitually resided to Bromley.

### 3.5 Armed Forces Covenant Duty



The London Borough of Bromley is a signatory of the Bromley Armed Forces Covenant. The Armed Forces Act 2021 places a statutory duty on local authorities to give preference to former members of the armed forces and their families for the purpose of allocating housing.

The original Covenant Pledge has since been changed to a statutory duty. However the Council continues to demonstrate its support, to the armed forces community. We believe that those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of housing services. Special consideration is appropriate in some cases, especially for those who have been injured or are bereaved.

We will:

- ❖ Disregard injury and disability payments; whether these are periodic or a lump sum when considering the income of an applicant.
- ❖ Disregard the lack of local connection to the borough.
- ❖ Allow all former service personnel and their families to qualify, provided they have left the service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006)
- ❖ Allow former spouse or civil partners of service personnel to qualify where they have to vacate Ministry of Defence accommodation.
- ❖ Award the highest possible medical priority, if you have to move from an unsuitable property as a result of injuries sustained during service.
- ❖ If you have a reasonable preference, we will award additional preference and place you in a higher band than the one you qualify for.

### 3.6 Non - Qualification Rules

You will not qualify to join the housing register if you fall into one of the following categories set out below.

#### 3.6.1 Out of borough applicants

Anyone currently living outside of the London Borough of Bromley will not normally be included on or placed into a priority band on the Housing Register. Anyone wishing to apply to the London Borough of Bromley who currently resides outside of the borough boundaries should in the first instance seek the support of their own local authority or social housing provider (if applicable) in order to resolve their housing needs.

If your local authority or social housing provider agrees that you have an urgent need to secure accommodation in the London Borough of Bromley, in accordance with their own Allocation Scheme or Transfer Policy, they should submit a request for assistance to the Councils Housing Register team supporting your application. In most instances we will only agree to assist an out of borough applicant where their own borough or landlord is prepared to enter into a reciprocal agreement with us.

This means that, if we are able to assist you to secure accommodation, they will normally offer a property (of the same size and type as you require) for

advertisement on Bromley Housing Portal or for use as a direct offer in order to benefit a local resident. Applications will not normally be considered for those not supported by their local authority or social housing provider by way of a reciprocal agreement.

### 3.6.2 People who are guilty of anti-social or unacceptable behaviour

#### Definition of anti-social behaviour

- a) *conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,*
- a) *conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or*
- b) *conduct capable of causing housing-related nuisance or annoyance to any person.*

#### Definition of unacceptable behaviour:

*Those who are guilty of behaviour serious enough to make them unsuitable to be a tenant of a social housing provider at the time of their application.*

The following are examples of what is considered anti-social or unacceptable behaviour:

- Noise nuisance;
- Perpetrating domestic violence;
- Harassment, for example on the grounds of race, religion, disability, gender or sexuality;
- Intimidation;
- Drug dealing;
- Gang related activities;
- Causing damage to property;
- Rent or mortgage arrears where the wilful actions of the occupier have caused the arrears to accumulate.

You will not qualify to join the Housing Register if we are satisfied that you or any member of your household, including children, have a history of or are currently engaging in any of the behaviour outlined above.

In reaching a decision that an applicant does not qualify on the grounds of anti-social or unacceptable behaviour we will take into account:

- a. The circumstances at the time of the application.
- b. The needs of the household including dependents or medical requirements.
- c. Relevant supporting information including police or landlords' records.
- d. Timescales i.e. is the alleged behaviour current or historical.
- e. Likelihood of reoccurrence.
- f. Whether or not the behaviour was such that, had the person in question been a secure local authority tenant, a court would have considered it reasonable to grant an outright possession order (under s84 of the Housing Act 1985, Part 1, Schedule 2 excepting Ground 8)



### 3.6.3 Home owners

A person who owns their own home will not normally be included on the housing register. They will be offered advice and be signposted to suitable agencies in order to resolve their underlying housing difficulties. Only in exceptional circumstances, where a person has a need for rehousing in accordance with the reasonable preference categories and where all other options have been fully explored and ruled out will a person who owns their own home be included onto the housing register. Any outstanding legal interest in their home would normally have to be disposed of prior to them successfully securing alternative accommodation via the housing register.

### 3.6.4 Financial resources

In considering how to address the shortfall between the supply and demand for social housing it is essential that we take into account the financial circumstances of those that approach us for assistance. Whilst we retain the right in exceptional situations to use our discretion regarding income, capital and savings, in the majority of cases, we will only consider social housing those on lower incomes and with less financial resources available to them i.e. those that are likely to be less able to pursue alternative housing options such as shared ownership or a move to the private rented sector.

When considering what housing options are available to you, we will take into account the incomes (including benefits), savings and capital of all members of the household aged 18 and over. We will not normally include on the housing register households with an income of £90,000 or more.

### 3.7 Exceptional or Mitigating Circumstances

Each application will be assessed individually. Exceptional and/or mitigating circumstances will be considered at our discretion. If it can be shown that you now qualify, you will be placed in a suitable band. However, if there is still concern in relation to their behaviour or ability to pay the rent, their application may be suspended or made inactive for bidding until a suitable pattern of behaviour has been demonstrated over a period of 6 months or more.

We will consider some of the following mitigating circumstances:

- If you are experiencing harassment or violence or your home requires essential repairs, and these cannot be carried out whilst you reside in the property.
- If you are vulnerable or have a disability.

### 3.8 Removal or Suspension from the Housing Register

If we decide that an applicant has become ineligible in law or no longer qualifies to remain on the housing register; we may suspend or remove your application. We will confirm our decision in writing, giving clear grounds for taking the action and how to request a review of the decision.

### **3.9 Safe Surrender Agreements**

Possession of a property should be a last resort and every effort should be made to sustain the tenancy where possible. We recognise that may not be possible where the housing needs of the individual may be complex and not suited to the accommodation. We will work with registered landlords and private landlords to find a way to keep tenants in their home and where this is not possible to identify a satisfactory solution which may involve a safe surrender agreement. A surrender is a voluntary agreement between the landlord and tenant that the tenancy has come to an end. It is sometimes known as a mutual surrender. A surrender terminates the tenancy, whether it is fixed term or periodic.

## Part 4: Applications and Assessments

---

### 4.1 Registering an application for housing

In order to apply for housing, you must register an application online at:

<https://bromleyhousing.bromley.gov.uk/default/www/dashboard>

There is guidance on how to complete the form and information we will need to assess your application. The system will acknowledge your registration, please keep a note of the reference number. If your household is accepted onto the housing register, you are responsible for keeping your records up to date, failure to do so may result in us being unable to offer you accommodation or removal from Housing Register.

If you find it difficult to submit your application online or after reading the guidance, you still need more information, we will be able to help if email us at:

[Bromleyhomeseekers@bromley.gov.uk](mailto:Bromleyhomeseekers@bromley.gov.uk) or call us on 020 8313 4098 during office hours.

### 4.2 Who can be included on your application

Household members who can be included on your application:

- Your partner, providing they are aged 16 or over. This includes married, unmarried and same sex partners. You will be able to make an application jointly unless we consider that one of you is ineligible or has an interest in another property.
- Close relatives including parents, siblings, adult children and grandparents. In order to be included on your application your relative must normally already be living with you and deemed to be a permanent member of the household.
- Consideration may be given to relatives who are living elsewhere and are no longer able to live independently and require a higher level of care and support such as dependent children under the age of 18.
- It must be evidenced to our satisfaction that any children included on your application will be residing with you on a permanent basis i.e. more than 50% of each 7 day week. When considering the residency of children and in order to determine whether or not they qualify to be included as part of your household we will take into account:
  - a. The benefits and tax credits you receive in respect of your children.
  - b. Confirmation from the Courts regarding residency or parental responsibility.
  - c. Referrals from social services in respect of fostering or adoption placements.
  - d. Where the children currently reside.
  - e. Whether or not the children are already included on any applications for rehousing.

Anyone included on your application must not have a legal interest in any other property. You or any member of your household cannot be included on more than one active Housing Register application at any one time.

### 4.3 People you cannot include on your application

The following are household members who would not normally be included on your application:

- Anyone who does not have recourse to public funds, is an asylum seeker or is not resident in the UK.
- Anyone who does not intend to move into any accommodation offered to you.
- Cousins, aunts, uncles, nieces, nephews, friends, acquaintances, lodgers, sub-tenants. We will give individual consideration where we are satisfied that there are exceptional and reasonable grounds for including one of these on your application.

#### 4.3.1 Carers

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour who would not be able to cope independently without their help. This could be due to age, physical or mental health, addiction or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care. It must be demonstrated that the carer is able to provide the level of support required and that it is essential for them to live with or close to the person that they are caring for.

Even if a carer is in receipt of a Carer's Allowance it may not be essential for them to reside with the person who is being cared for. A request to include a carer as part of the household will normally only be considered if the carer has been assessed by Social Care as needing to provide overnight support. It is the responsibility of the applicant to provide supporting evidence in order to have any such request considered.

In exceptional circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of a recognised disability benefit and it is essential for them to reside with the person.

We will determine whether or not it is essential for a carer to be included as part of your household. As well as taking into account the information listed above consideration will also be given to your current circumstances and that of the person you have listed as your carer.

This may include:

- The level of care that is currently being provided and could reasonably be expected to be provided in the future.
- The ability of your carer to provide the level of stated care required.
- The current residence of you and your carer.

#### **4.3.2 Separated households**

If you have included someone on your application who does not currently live with you, we will consider that you are a separated household. In order to assess your eligibility and priority on the Housing Register we will assume that you are living at the address occupied by one of the applicants and that we consider to be most suited to your households combined needs. Your application will be assessed as if all household members are resident at that one address. When considering which home would be most suitable, we will take into account:

- i. The size of each property
- ii. Any medical needs of the household
- iii. Any proven risk to the household at either location.

#### **4.4 False information**

We will robustly investigate any circumstances that we believe to be fraudulent. It is an offence to obtain, or attempt to obtain, a tenancy by deception. S.171 of the Housing Act 1996 makes it an offence to knowingly or recklessly provide or withhold information when applying for housing and subsequently if your circumstances should change.

If we discover that you or someone acting on your behalf has supplied false information or have failed to provide us with information that is relevant to your application in order to gain a priority or accommodation, we will immediately cancel your application.

If you have obtained accommodation through the Housing Register and it is discovered that you or someone acting on your behalf has supplied false information or failed to provide us with information that would have been relevant to your ability to secure that accommodation, we will work with your landlord to end your tenancy.

Anyone suspected of giving false information or withholding relevant information is also liable to be prosecuted and may be fined.

#### **4.5 Requesting, sharing and verifying information**

We will verify your application and the evidence you provide in support of application, checking that we have what we need to assess your application as well its authenticity. We may conduct arranged and unannounced home visits to confirm that what you have told us about your circumstances is true.

We will do this:

- When you register an application.
- If we review your application.
- If you report a change of circumstances.
- Before we offer you accommodation.

In completing the online application form you, or a person acting on your behalf, gives the council permission to request further information, share information given with appropriate third parties and make further enquiries in order to correctly assess the application or verify the information or the circumstances presented.

In order to offer you appropriate advice and to assess your application, it may also be necessary to contact those people or organisations whose details you have provided in addition to any other relevant parties whose details come to light during our enquiries.

This may include but is not restricted to:

- ✓ Cross checking the information you have given against the Bromley Register of Electors or any other council.
- ✓ Cross checking the information you have given with other departments such as Housing Benefit and Council Tax.
- ✓ Contacting current and previous landlords.
- ✓ Sharing information with registered providers.
- ✓ Sharing information with other local authorities.
- ✓ Cross checking with data matching companies and credit reference agencies. These agencies will record details of any search made whether or not the application proceeds.
- ✓ Other third parties considered relevant to your application.
- ✓ Your employer or prospective employer.

You will be asked for evidence in relation to you application:

- Photographic ID of everyone in your household.
- Proof of benefits and income for all household members over 18.
- Birth certificates for each household member.
- National Insurance numbers for each household member over 18.
- Proof of your current and/or previous addresses.
- Immigration documents where relevant.
- Documents relating to any property ownership.

This list is not exhaustive, full details are provided on our online registration process.

Where appropriate, any information that you provide may be shared with Registered Providers and prospective landlords. Failure to provide information when required to do so or in the event that we are unable to contact the relevant person or organisation or are not satisfied with the information that is provided may mean that;

- i. There is a delay in the assessment of your application
- ii. There is a reduction of any priority awarded to you
- iii. An offer of accommodation is withdrawn
- iv. An offer of accommodation will be treated as a refusal.
- v. Your application is cancelled.

#### **4.6 How priority is determined**

In order to assess your housing needs and priority we will:

- Check your eligibility to join the housing register.
- Confirm you qualify under reasonable, local or additional preferences.
- Place you in an appropriate band with a category of need.
- Assess the size of home you require.

## 4.7 The Bands

Anyone who applies to the Housing Register and qualifies for inclusion will be assessed and placed into a band in accordance with their housing priority, where the emergency band is the highest and band 4 is the lowest. In all cases we will only consider those circumstances that are made worse or prevented from improvement by your current housing circumstances.

### 4.7.1 Emergency Band

Very few applicants will qualify for this level of priority. This is an emergency band and represents those with only the most critical and immediate need to move.

Examples include but are not limited to:

- i. Where an applicant is homeless and in temporary accommodation and owed a section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct let to move applicants out of temporary accommodation to manage any budgetary or legal impact.
- ii. Situations where urgent rehousing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed, or to discharge a statutory homelessness duty.
- iii. Urgent housing need situations where, given the applicant's circumstances, it would not be reasonable to wait for a successful bid through the CBL system to deliver an offer.
- iv. Direct offers to persons who a partner council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- v. Where a vacant adapted property, or a property designed to disability standards, becomes available and that property could be allocated to an applicant whose disability needs best match that property regardless of the date they were registered.
- vi. Where the decision of the Council is that it is inappropriate for the applicant to participate in CBL. For example, a vulnerable applicant nominated by Adult Social Care or Children Services where the outcome of an assessment is that a direct let is the best letting solution for that applicant.
- vii. Other examples, including individual circumstances of some applicants subject to Multi Agency Public Protection Arrangements (MAPPA), or it is assessed presents a risk to themselves or others.
- viii. Sheltered housing cases where some older applicants are less confident in using the CBL system to increase take up of sheltered schemes.
- ix. To facilitate a decant programme.
- x. A management transfer priority identified for either a council or partner registered provider.

#### 4.7.2 Band 1

This represents those households with a high level of housing need where an urgent move is required to significantly improve their quality of life or to free up accommodation.

Housing Priority	Description
Decants	Council tenants or a partner registered provider tenant subject to decant proceedings within 6 months and where a relevant reciprocal arrangement has been agreed.
Underoccupation	Underoccupiers in council or partner registered provider who are: <ul style="list-style-type: none"> <li>Downsizing within general needs or adapted housing.</li> <li>Moving from general needs into sheltered accommodation.</li> </ul>
Release of an adapted property	Council and partner registered providers tenants who are moving from fully adapted into general needs or sheltered accommodation.
Move on from a supported housing scheme	Where the council wishes to provide move on someone from a supported housing schemes to which the council has nomination rights. These include referrals for the following households: supported housing move on, leaving care and learning disability, who have been assessed as ready for independent living.
Prevention homelessness duty	People who are owed a prevention duty by the local authority under the homeless legislation and we are satisfied that all other reasonable options have been explored and where priority is required in order to prevent homelessness within a specific timescale.
Relief homelessness duty	People owed a relief duty and placed in temporary accommodation under the homeless legislation.
Overcrowding (2 or more bedrooms needed)	Households who are overcrowded by two or more bedrooms.
Severe Medical Need	Households with severe medical needs including those requiring adapted accommodation and whose current homes are not and cannot be suitably adapted to their needs.

#### 4.7.3 Band 2

This represents those households with a moderate level of housing need where a move is necessary but not urgent.

Housing Priority	Description
Main homeless duty	People who are unintentionally homeless and in priority need (within the meaning of Part VII of the 1996 Act).
Decants (longer than 6 months)	Council and partner registered provider tenants subject to decant proceedings with a need to move that is longer than 6 months.
Welfare and Hardship	People who need to move on welfare grounds to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).



#### 4.7.4 Band 3

This represents those households with a low level of housing need where a move is desirable but not essential.

Housing Priority	Description
Non priority homeless	People who are homeless but not in priority need (within the meaning of Part VII of the 1996 Act).
Overcrowding (needing 1 bedroom)	Social housing tenants who are lacking one bedroom and whose landlord has entered into a reciprocal agreement with the local authority.
Rehousing guarantee	Council tenants who have relinquished property and where the council has agreed to rehouse. This includes deferred transfers of council tenants who have been convicted and have been incarcerated or tenants who have been institutionalised.
Sheltered or Specialist Accommodation	Older people, including existing social housing tenants, who are not classed as underoccupiers but who wish to move from general needs into sheltered housing.

#### 4.7.5 Band 4

This represents those with a significantly reduced level of housing need.

Housing Priority	Description
Intentionally homeless	People who are intentionally homeless (within the meaning of Part VII of the 1996 Act) .
Not ready to move	Those who are awarded a priority in accordance with a reasonable preference category but are not yet ready for move on or may be in rent arrears.
Right to Move Scheme	Those included under the Right to Move. In most instances, unless otherwise notified, applicants who receive this priority will not be able to bid for accommodation and will instead be made a direct offer of accommodation.

#### 4.7.6 Determination of your Effective Band Date

Waiting time determines your position within a band. It begins from the date that the current banding priority was awarded. We call this your effective band date. In order to determine your effective band date, and provided there is no delay in providing the information required within the time stipulated, we use the following:

- ✓ Your first assessment, we will use the date we verified your application.
- ✓ If you have a change of circumstances and your priority need changes and you go up a band, we will use the date we verify your change.
- ✓ If you have a change of circumstances and your priority need changes and you go down a band, we will use the effective band date you already have, and it will remain unchanged.
- ✓ An assessment and award of priority cannot take place without the supporting evidence. If you fail to provide this at the point of submission or the date you advised us of the change of circumstances, we will use the date we verify your application.
- ✓ If you are statutory homeless, the effective band date will be the date you approached the council.

- ✓ In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property and the earlier registration date. This is rare because all applications are time stamped.

#### 4.7.7 Multiple needs

Your circumstances may be such that you would qualify for priority under more than one reasonable or local preference category. If this is the case your application will be placed into the highest band, reflective of your need, as assessed in accordance with the Housing Allocation Scheme.

#### 4.8 Bedroom Requirements

Bedroom requirements, overcrowding and under-occupation are assessed in accordance with the following reasonable preference and local preference categories:

- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Council or registered provider tenant looking to downsize to smaller accommodation (also known as underoccupiers).

This is how we assess how many bedrooms you need:

- i. *Underoccupation*; if you have more rooms available than your household is assessed to need, you are under-occupying the property.
- ii. *Overcrowding*; if you have fewer rooms available than your household is assessed to need, you are overcrowded.

In accordance with the Bedroom Standard assessment regarding the number of bedrooms allocated to a household we allow one bedroom for each of the following; where each person is only counted once and for the purpose of statutory overcrowding, we will count a separate dining room or living room as a bedroom:

- ✓ a spouse, civil partner or same sex partner
- ✓ a person aged 21 years or more
- ✓ two persons of the same gender aged 10 years to 20 years
- ✓ two persons (whether of the same gender or not) aged less than 10 years
- ✓ two persons of the same gender, where one person is aged between 10 years and 20 years and the other is aged less than 10 years, except in instances where the relationship is that of parent and child
- ✓ any person aged under 21 years in any case where he or she cannot be paired with another
- ✓ a child who is a main carer and currently sharing with a sibling
- ✓ a bedroom is needed for essential medical equipment.
- ✓ Applicants who approved foster carers will be entitled to one extra bedroom than their household would ordinarily be entitled to as follows:
  - where a child is placed with them
  - in between placements for up to a period of 52 weeks from the date of the last placement
  - newly approved foster carers waiting for their first placement, for a period of up to 52 weeks from the date of the approval

- Prospective foster carers will not be entitled to an additional bedroom until they have been approved.
- Proof of approved status will be required before an additional bedroom entitlement will be awarded.
- If the applicant is no longer an approved foster carer, this entitlement will cease.

## **4.9 Category of Need**

### **4.9.1 Underoccupation**

Since the introduction of the Welfare Reform Act in 2012 social housing tenants who are underoccupying their homes have been required to pay an extra room subsidy in their council tax. Many incur financial hardship as a result of the subsidy and wish to move to smaller properties. Some need to give up their general needs home and move into sheltered or specialist accommodation.

There is a shortage of affordable family sized accommodation within the borough, and we are committed to ensuring that the best use is made of the current housing stock. To this end those underoccupying general needs will be given an underoccupation priority which is higher when releasing a larger property and the council is able to enter into a reciprocal arrangement their social landlord. We may also make direct offers where we can facilitate a chain of moves.

### **4.9.2 Overcrowding**

We award a priority for overcrowding based on the severity. Households that are statutorily overcrowded as deemed by the legislation will be placed in band 1. Those overcrowded by 2 or more bedrooms will be placed in band 1. Those who are assessed as lacking one bedroom will not normally be included on the Housing Register unless they are existing social housing tenants and their landlords have agreed to enter into a reciprocal agreement with the Council, in these instances we will award a band 3 priority.

We will also explore other options where a household needs a very large family sized property because very few 4 bedroom or larger properties become available for letting. As a result larger families may wait many years before they can secure a move into suitably sized accommodation.

Example of options may be:

- i. We may suggest that an older household member considers sheltered accommodation.
- ii. We may suggest children over the age of 18 consider seeking accommodation in their own right.

In such instances we will seek to house the smallest household first, once they have accepted a new property, we will reduce the priority of the larger household.

### 4.9.3 Homelessness

Applicants presenting as homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act will be subject to a homeless assessment. The council must give a reasonable preference to homeless households and award a priority award on the housing register. Bromley has can exercise discretion as to which award, they will give. Bromley awards the following:

- i. Homeless households owed a prevention duty will be placed in band 1.
- ii. Homeless households awarded a main duty and placed in temporary accommodation under s189b relief duty will be placed in band 2 in recognition of the need to move households quickly especially families and the cost of temporary accommodation to the council.
- iii. Homeless households awarded a s193 main duty will be placed in band 2.
- iv. Non-priority homeless households will be placed in band 3.
- v. Intentionally homeless and non-priority homeless will be placed in band 4

In the first instance all those who are homeless, threatened with homelessness, fleeing violence, subject to harassment, leaving institutional care or the armed forces will have their circumstances considered under the homelessness legislation and an investigation will be undertaken.

Not all households who are accepted as being homeless will be housed via the Housing Register. The Localism Act allows local authorities to fully discharge the full housing duty by a 'private rented sector offer' (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011. The offer must be deemed suitable in line with legislation. If the homelessness duty is discharged into the private sector the household will not be given a priority on the housing register.

### 4.9.4 Priority on Health Grounds

Priority on health or disability grounds will only be awarded after an assessment if someone in the household has a severe long-term limiting illness, or a permanent and substantial disability **and** their health or quality of life is severely affected by the home they live in.

A priority medical award is not given on the basis of the medical condition or disability alone but upon the effect the housing circumstances are having on a long term and serious medical condition or disability. We will also consider if where you live now can be reasonably adapted to meet your needs. It may also be that there are combinations of serious health or disability concerns that mean that the health or quality of life of a household is being severely affected.

The assessment will be made by the Housing Register Team in consultation with any medical evidence you provide or reports from health professionals such as Housing Occupational Therapists. Any evidence you supply will be considered fully and further evidence may be requested.

There are two levels of additional priority on medical grounds linked to housing circumstances that can be awarded.

Health Priority	Description
Emergency Medical Award	<p>This is the highest priority award and will normally be considered where the criteria for a priority medical award is met and one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>✓ someone is in hospital/residential care and cannot return home because it is not suitable</li> <li>✓ risk to life</li> <li>✓ extreme exceptional circumstances</li> <li>✓ former members of the armed forces</li> </ul>
Priority Medical Award	<p>This recommendation will normally be considered if you, someone on your application or for whom you provide care, has a severe long-term limiting illness or permanent and substantial disability. Health or quality of life must be severely affected by the place you live in now.</p>

Other recommendations that can be made in addition to granting priority on health grounds such as:

- a. The type of property that is most suitable and essential on health grounds. This can include access, space, location, or access to a garden.
- b. When a property with one of these features is advertised, preference for it may be given to applicants where an additional recommendation has been given by the assessing officer.
- c. Use of a garden for safe supervised outdoor play area by a child under 18 in your household with one of the following:
  - a permanent and substantial physical disability
  - severe long-term limiting illness
  - the severest forms of learning disabilities
  - the severest forms of behaviour problems.
- d. Use of a garden for an adult in the following circumstances:
  - if they have a severe cognitive impairment that means they do not sense danger
  - at risk of wandering and so need constant supervision
- e. A garden may be recommended if:
  - if they have a severe, permanent and substantial disability or severe long-term limiting illness
  - limiting illness and caring for children is causing concern such that their continued residence is at risk
  - stress of caring for them is exacerbating the health problems
  - they have a sensory impairment and/or a guide dog and they live alone or only with others with disabilities.
- f. Extra space may be recommended if:
  - you, or someone in your household, has either a permanent and substantial disability, or a severe long term limiting illness, or the severest form of learning disabilities or the severest forms of

- behaviour problems and it is unreasonable for you to share a bedroom as it would seriously affect the sleep of those you would normally share with, to the severe detriment of their or your health
- you are having health treatment at home that needs large machinery or a stock of health supplies to be stored e.g. you are having renal dialysis at home
  - you need a full-time Carer to provide support night and day
  - you have a permanent and substantial disability or long-term limiting illness or severe learning disability and need additional space for specialist equipment
  - you have a severe long-term limiting illness and sharing a bedroom will exacerbate your health problems e.g. you have an immune deficiency.
- g. An additional recommendation that can be made is that an applicant must have ground floor on health or disability grounds or must have a ground floor property that is wheelchair accessible category A or B. This may be recommended if you have a permanent and substantial disability or severe long-term limiting illness that means that your mobility or exercise tolerance is so severely restricted you cannot safely manage any stairs.

#### **4.9.5 Decants**

If you are a council or partner registered provider tenant, and we are advised that you need to move as part of a decant programme you will be given band 1 if you need to move within 6 months or band 2 if you have longer.

You will normally only be allowed to bid for the size of accommodation that your household is deemed as requiring in accordance with the Allocation Scheme. This may be different from the size of property that you are being decanted from or that you are being offered by your landlord (if also being considered for an internal transfer).

If you fail to move within the proposed timescales your landlord may request that you be made a direct offer of accommodation. If you then fail to accept the direct offer your landlord may seek to terminate your tenancy.

For further information regarding decants please contact your landlord directly.

#### **4.9.6 Insanitary housing conditions**

If your home is in a state of disrepair, you will not normally be awarded a priority on the Housing Register. Irrespective of who your landlord is, in the first instance you will be expected to report the problem to your landlord and work with them in order to resolve it.

If your landlord will not discuss these problems with you or is not carrying out the appropriate repairs to your home, then you can contact the Council's Housing Enforcement Team. They may assess your situation either by speaking to you over the phone or by arranging a home visit. If necessary, they will work with both you and your landlord to resolve any outstanding issues.

When making an application to join the Housing Register, you will need to confirm that you have already been in touch with your landlord, and that they have failed to resolve the works that are outstanding within a reasonable timescale, and that you

have contacted the Housing Enforcement Team who have made an assessment and deemed the property unfit for habitation. We will ask to see these reports.

Priority on the Housing Register will only be awarded in exceptional circumstances where your home is assessed as having an irresolvable category 1 hazard and where a Prohibition Notice is required or has been sought on the grounds that the property is deemed prejudicial to health and where continued occupation poses a significant threat to the health and safety of the occupiers.

If you are a homeowner, and you are responsible for maintaining it, you will not normally be awarded a priority on the Housing Register. The Council's Housing Enforcement Team can offer you advice and assistance as well as details of any current schemes and initiatives to help you maintain and remain in your home.

#### **4.9.7 Welfare and social grounds**

A priority on welfare and social grounds can be considered in two ways:

- If you need to move closer to a specialist support or services such as a school that is named as essential in a statement of special educational needs or to move nearer someone who will care for you enabling, you to live independently.
- If you need to move to closer to Bromley resident who needs support/care.

When considering whether or not to award a priority on welfare and social grounds we will consider the following:

- i. The ease with which you can travel to be supported or provide support.
- ii. The level of support that is currently provided including details of any care packages and carers allowances.
- iii. The capability and time of the person offering the support
- iv. When considering access to a school that is highlighted in a statement of special educational needs, we will look at the age of the child/children and how long they will remain at the school in question.

There must be exceptional reasons why the support needed cannot be met within their current circumstances or why this support cannot be made available through a reliance on public or personal transport. In order to award a priority of the basis of a welfare and social need we must be satisfied that the support provided is so significant that, without it, the person in question would be at risk of significant harm or would no longer be able to live independently.

#### **4.9.8 Those owed a duty of care by the local authority**

People who are owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any local authority under section 192(3) of the 1996 Act will be assessed in accordance with reasonable preference.

The housing team and social care work together for cases where the council owes a duty of care. Consideration will also be given to referrals from other local authorities

where evidence is submitted to support a move to our borough. These will include, but are not exhaustive of, the following:

- Care leavers.
- Those with learning disabilities.
- Those approved for fostering or adoption where a home is required to meet the needs of a particular child or children. [See section 4.8 on bedroom requirements in relation to fostering.](#)
- Children in need in accordance with the Children Act 1989

#### **4.9.9 Moving to Older Persons Accommodation**

Applicants must be aged 50 or over and not currently occupying sheltered or older persons accommodation. A priority award for sheltered will be awarded to applicants who will require this type of housing on the proviso that they can **only** be considered for this type of accommodation and will not be able to bid on general needs accommodation unless otherwise notified.

#### **4.10 Council or Registered Provider Employees, Elected Members or their Relatives**

Council and registered provider employees, elected members and their relatives are allowed to apply to join the housing register and to have their circumstances assessed in accordance with this Housing Allocations Scheme. Their application will be assessed in the same way as all other applicants and they will not gain any advantage, receive any preferential treatment or be disadvantaged in the course of their application.

We will apply the following:

- An employee who applies for housing must have no direct input into the processing of their application. This includes not inputting, amending, prioritising or making decisions.
- Elected members must have no direct input into processing of their application or of their relatives. This includes not inputting, amending, prioritising or making decisions.

The application will be clearly identified as belonging to an employee, elected member or their relative. Offers must be authorised by a senior member of the housing needs team who is not related to the applicant. Offers made by a registered provider must be authorised by a senior member of their staff.

#### **4.11 Pitches for Gypsies and Travellers**

The council owns and manages two traveller sites, containing a mixture of single and double pitches, within the borough.

In addition to the eligibility criteria in section 3.1 applicants wishing to be considered for a pitch on one of the sites must be a Gypsy or Traveller, either by ethnic group or under the current legal definition.

The allocation of pitches on a Gypsy and Traveller site is in accordance with the priority given to all applications. However, additional priority for pitches may be given to close family members of existing licensees, who already live on site, to relieve overcrowding and to maintain family connections on the site.



All applications for pitches will be assessed and registered with the appropriate priority. Applicants must then check on the council's website for information about available pitches and place bids for any pitches they would like to be allocated. The pitch will be allocated to the eligible applicant in the highest priority band and with the earliest priority date in that band.

The ongoing sustainability of the site community will be taken into consideration before any formal offer of a pitch is made.

#### **4.12 Notification of your assessment**

We aim to assess your application within 28 days. You will be advised of your band, reasonable preference and effective band date. You will also be advised of the size of property you are entitled to.

#### **4.13 Change in Circumstances**

If your circumstances change, you must inform the council. You can do this on the Bromley Housing Portal website against your application. Examples of change(s) you should tell us about include:

- The birth of a child
- A change of address
- Someone joining or leaving the household
- The purchase or acquisition of an interest in a home
- A change in the health or welfare of the main applicant and/or a member of their household
- Or any circumstances that affect either eligibility or qualification or disqualification to the housing register.

#### **4.14 Cancellation of an Application**

Applications will be cancelled for one or more of the following reasons:

- a. The applicant requests cancellation
- b. The applicant's circumstances change, and they are no longer eligible or no longer qualifies.
- c. The applicant has not responded to a review of their application within the 28 days requested.
- d. The applicant is found to have made a false or deliberately misleading statement, or to have withheld information in connection with their application.
- e. The applicant has not placed a bid for 12 months.
- f. The applicant has not responded to contact from the Council within the 28 days requested.
- g. The applicant has failed to provide the evidence required to assess their application.

#### **4.15 Deliberately or worsening circumstances**

In the event that your actions cause your circumstances to worsen or prevent them from improving we may reduce your priority or cancel your application. In some instances we may choose to disregard any circumstances that you have made worse when assessing your priority.

Some examples are listed below:

- i. Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- ii. Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- iii. Homeowners who have intentionally transferred their property to another family member in order to join the housing register.
- iv. Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- v. Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- vi. Homeowners who have transferred the title to their property to a Trust and remain the beneficiaries of that trust.
- vii. Failing to allow repairs to your home to be carried out.
- viii. Unreasonably withholding or failing to make rent or mortgage payments.
- ix. Unreasonably failing to follow advice given by the council in order to prevent homelessness.
- x. Refusing an offer of privately rented accommodation which was made in order to prevent homelessness.
- xi. Refusing an offer of social housing which was made in order to prevent homelessness.

## Part 5: Allocations and Lettings

---

### 5.1 Direct lets

Not all properties that become available will be advertised and offered through the choice-based lettings system (CBL). The majority will be direct lets, and, in exceptional circumstances, outside of the band and date order criteria set out in this policy. Specifically, this would be where there are urgent operational or financial reasons to depart from the CBL system of lettings.

### 5.2 Choice based lettings

The remainder of empty properties will be let through choice-based lettings where the property is advertised to allow applicants to bid on them. A shortlist is collated of people that bid in priority order. An offer is made to the most suitable applicant.

### 5.3 Advertising a Property

Bromley works in partnership with registered providers and other local authorities to advertise properties online. All of the information submitted, including details regarding the number of bedrooms, property type, available facilities, timescales and adaptations, is provided by the social landlord. Whilst we will do all that we can to ensure that the information provided is correct Bromley does not accept responsibility for any inaccurate information supplied another landlord.

Properties will be advertised online during the bidding cycle. Details of when the bidding cycle starts and ends can be found on the website. A weekly property advert sheet can also be downloaded from the website, during

#### 5.3.1 Targeted Adverts

In order to meet the annual or a local lettings plan adverts some adverts may be targeted. It may also state that preference will be given to people of a certain age, for example, if the property is categorised as sheltered or that preference will be given to those with a disability, for example, if the property is adapted or suitable for adaptations. This may mean when we shortlist, that someone from a lower band may be selected for an offer because they meet the criteria.

#### 5.3.2 Withdrawing a property

In exceptional circumstances we may have to withdraw a property that has been incorrectly advertised or where an applicant has been nominated to a registered provider. We may also withdraw a property in order to make an urgent direct offer for a priority household at any point provided it has not yet been offered.

### 5.4 Bidding

The sections below only apply where we have advertised a property on our choice based lettings system.

#### **5.4.1 Number of bids**

You will be able to place up to **two bids** during each bidding cycle. It is essential that you bid each week in order to increase your chance of moving as quickly as possible. However, even if you bid each week, you may still experience a lengthy wait particularly if you do not place sensible bids. Social housing stock is very limited and, in some areas, very few or no homes become available. If you have very specific preferences regarding the type or location of your home, you may find that it is easier to secure a move via the private rented sector or through another housing option such as shared ownership.

#### **5.4.2 Number of bedrooms**

You will normally only be able to bid on the size of property that we have assessed as meeting your requirements under this scheme. Occasionally though there may be some exceptions to this, such as if you require a 4 bedroom home or larger you will normally be able to place a bid on a property that is one bedroom smaller than you are assessed as needing, as long as your household does not exceed the maximum number of persons permitted within the home.

#### **5.4.3 Bidding position**

Your position on the bid list may alter as the bidding cycle progresses. Bids are held in band order and within each band, date order. If you place your bid as soon as the bidding cycle opens, you may find that your bid position is different once bidding has closed. Your bid position will drop if someone with a higher band or the same band (who has held that band for a longer period of time) bids on the same property as you.

#### **5.4.4 Assisted bidding**

Where someone is vulnerable or needs additional help placing bids to ensure the property is suitable for their needs, you will receive assistance from the Housing Register Team. This is because we recognise that it is important to manage the process to get the best result for you when bidding for a suitable property, especially when assisting homeless households. This is called assisted bidding.

#### **5.4.5 Grouped bids**

We will use a single advert for identical properties. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group.

#### **5.4.6 Withdrawing your bid**

When you have placed a bid, you will be able to withdraw it, whilst the bidding cycle is open. You will not be able to withdraw a bid after the bidding cycle has closed. Any such bid will be treated formally in accordance with the guidance set out within the Housing Allocation Scheme. If we assist you with bidding, you will not be able to withdraw your bid.

## **5.5 Shortlisting**

### **5.5.1 Closing date**

Each bidding cycle opens at 6pm on a Wednesday and closes the following Monday at 4pm. Between these times you are able to place a maximum of 2 bids on properties in which you meet the advert criteria for. You can withdraw any bids made, provided the withdrawal happens before 4pm on the Monday. Anything after this deadline cannot be removed or amended. When the bidding cycle closes a shortlist of the top bidders is prepared and we will automatically take into consideration any recent changes to your application if these have taken place since the bidding closed.

### **5.5.2 Bypassing a bid**

Your bid may be bypassed if:

- Your circumstances do not match the “preference given to” criteria outlined in the property advert.
- You have already been successfully shortlisted for another property.
- There are public protection concerns.
- You, or a member of your household, are involved in anti-social behaviour.
- It is identified that you require an adapted home, and we are notified by the social landlord that the property cannot be sufficiently adapted.
- You have rent arrears and are not keeping to an agreed payment plan.

In the case of rent arrears we will normally allow you to be shortlisted for a property if:

- You have less than 4 weeks rent arrears and with a payment plan which you have adhered to consistently for 3 months.
- You have more than 4 weeks rent arrears with a payment plan which you have adhered to consistently for 6 months.

If there are extenuating circumstances, we may allow not bypass for rent arrears if the move is required urgently. Households with high rent arrears may be suspended so that they cannot bid until we are satisfied that you are adhering to a payment plan. If you are in a council property or temporary accommodation and move before you are rehoused, we will pursue the debt as a former tenant arrear.

### **5.5.3 Successful bidders**

More than one bidder will normally be selected to view the property. You will be told if you have been selected for a multiple viewing and what your listed position is. This will enable you to see how likely you are to secure the property. For example if you are shortlisted as 1<sup>st</sup> out of 6<sup>th</sup> you have the best chance of securing the property. If you are shortlisted as 6<sup>th</sup> out of 6<sup>th</sup> you will be less likely to secure the property.

You can only be shortlisted in first place for one property at a time, all subsequent bids will be bypassed, whilst the first bid is resolved. If we feel there are exceptional reasons, we may allow you to be shortlisted for more than one first bid.

Each registered provider follows their own viewing, offer and sign up process. Some will invite you to view the property first, whilst others may arrange a home visit or request that you attend a meeting at their offices prior to allowing you to view a property. You will be contacted either by phone, email or in writing. You will be advised of what information you will need to take with you to any meetings or viewings.

#### **5.5.4 Unsuccessful bidders**

You will not be contacted if your bid is not shortlisted. You will be able to bid during the next bidding cycle as normal. If your bid is bypassed, you will be able to see the reason your bid was unsuccessful by logging into your Homeseekers Account and reviewing your bids.

#### **5.5.5 Rejection by a Registered Provider**

If your bid is rejected by a registered provider or you were nominated and then rejected, they must notify us of their reasons before offering the property to another bidder. If the council is satisfied that the reasons are acceptable in accordance with the Housing Allocation Scheme and nominations agreement, the decision will stand, and you will be notified of the outcome.

If we believe the registered provider has been unreasonable, we will ask them to review their decision and allow your bid to proceed. We will attempt to resolve all areas of dispute with them and take the relevant steps, where this is not possible.

#### **5.6 Sensitive lets**

Sensitive lets are rare and likely to be due to two main reasons:

- i. Where a household requires careful placement for their safety or the safety of others, we may need to consider where we place in order to minimise any risks.
- ii. Where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases we may target the advert and select only the most suitable applicants.

#### **5.7 Reciprocal arrangements**

The Allocations Management Team may authorise approaching another authority or registered provider with a view to entering into a reciprocal arrangement where this would assist the council to house someone who needs to move. Reciprocals are a way of obtaining a nomination to another council or registered provider and in turn, Bromley will need to provide a matching property. In either case, the property offered should meet the recipient authority's (or registered providers)) normal rules as to property size, and it should be noted that it is up to the other council/registered provider whether they agree to enter into such an agreement.

##### **5.7.1 Reciprocals initiated by Bromley (i.e. outgoing) - factors to take into account:**

- a. Is the case an emergency case or otherwise particularly urgent?
- b. Have alternative options been exhausted?
- c. Does another authority or registered provider "owe" the council a reciprocal nomination, if so, is this a good opportunity to get them to discharge that reciprocal nomination

- 5.7.2 Reciprocals initiated by other councils or registered providers (i.e. incoming) - factors to take into account:
- a. Is the case an emergency case, or particularly urgent or important?
  - b. Can rehousing be achieved by the other council or registered provider using their own stock?
  - c. Does Bromley “owe” the other authority or registered provider a reciprocal nomination, if so, this is an opportunity to discharge the debt to them.
  - d. Is the council likely to be in a position to assist within the required timeframe, we will not allow these to take place over a prolonged period of time.

## 5.8 Offer of accommodation

An offer of accommodation must be deemed suitable. This will take into consideration:

- Household type and size
- Rent and service charges
- Property type, size and condition
- Medical need
- Area in relation to employment and education
- Affordability checks [see Appendix 3](#)

An offer is made in writing (often sent by email) containing all the details of the property. If you view before an offer is made an offer letter will be sent after the viewing. It will be subject to a clear rent account or where the applicant is reducing the debt in line with a repayment arrangement.

## 5.9 Limited Offers

We limit the number of offers made to each applicant to one reasonable offer in order to ensure that those on the housing register are able to move within a reasonable period of time. An offer is deemed to be reasonable if it matches area, bedroom allocation, floor level, property type for household, criteria for health priority award, takes into account young children, and is an average standard or repair or more. Where an offer is agreed as not reasonable it will be withdrawn and will not count as one of the limited offers.

If you fail to accept the property offered to you, we will review your application. At that stage we may either:

- Reduce or remove your priority.
- Where there is a legal duty to do so, make you one final offer before discharging duty.
- Cancel your application and remove your details from the Housing Register.

We do not consider the following to be one of your limited offers:

- We bypass your bid.
- The registered provider rejects your bid.
- Someone short listed above you accepts the property.
- The property is withdrawn.

## 5.10 Refusals

The following are considered refusals:

- You fail to attend a viewing.
- You fail to attend an interview with a registered provider
- You fail to provide the information requested by a registered provider.
- You are offered a property, and you decline it.

The consequences of refusing an offer of accommodation will depend on the circumstances in which the offer is made. It is important for a homeless household to understand that the refusal of a suitable offer of accommodation is highly likely to result in cessation of the homeless duty, the potential loss of any temporary accommodation, and a change to their entry under this Housing Allocation Scheme.

For all other applicants, a refusal may result in suspension, reduced priority or removal from the Housing Register.

## 5.11 Tenancy determination

A tenancy determination involves identifying what type of tenancy you will be granted. The Council will have a tenancy management policy which will outline the tenancies they grant. You will be told in advance of the tenancy type and the conditions attached to the agreement.

The general principles will be:

- i. If you have never held a social tenancy before, or we feel you will benefit from support in the first year of your tenancy, you will be granted an Introductory Tenancy for 12 months; and provided you adhere to the terms of the tenancy agreement; this will convert to a secure tenancy at the end of the period. Introductory tenancies are subject to periodic reviews and if things have not gone well, the landlord may extend this for a further 6 months provided they have given notice.
- ii. If you currently hold a lifetime tenancy, you will be granted another lifetime tenancy. This will be a secure tenancy for council tenants and an assured tenancy for registered providers.
- iii. In some cases a flexible tenancy will be granted, usually if the property is heavily adapted or very large and the landlord wishes to ensure that the tenant continues to need this type of property. These types of tenancies are between 3 and 5 years in length. When they end, they may be renewed, or another type of tenancy may be granted depending on the circumstances. This will be explained when your tenancy commences.

## 5.12 Tenancy sustainment

We want people to be live happily in their homes and recognise that you may need support and assistance to sustain your tenancy. The Housing Allocations Scheme is designed to sort out longer-term solutions for people, and this means making it possible for you to stay in the home of your choice and one that meets your need.



We wish to ensure that landlords do everything practically possible to promote tenancy sustainment by:

- Ensuring a household is correctly routed to the right team when they approach the council for housing
- Considering the support needs, both immediately and longer – term when you have your new home
- Taking the necessary measures to safeguard you and your household
- Signpost you to employment, education and health advice if you need assistance.
- Assessing your housing priority correctly
- Working with you to provide support and skills to address the behaviour that resulted in a suspension of you application.
- Assisting you and your landlord to find solutions If your tenancy is failing
- Granting the right kind of tenancy for your needs
- Ensuring you can afford the rent.
- Ensuring the property suits your need
- Assessing you for specialist housing at the earliest opportunity if you need it
- Safeguarding community balance when allocating properties.

### 5.13 Lettings Plans

Lettings plans are an important tool in meeting allocation targets. They are agreed by the council and partner registered providers.

- i. An Annual Lettings Plan sets out how the Council intends to let the number of properties it predicts will become available within a 12 month period.
- ii. A Local Lettings Plan can be introduced in order to support local priorities and non-statutory responsibilities.

Whilst both plans are reviewed annually it is acceptable for specific local lettings plans to be put in place for a limited time frame.

#### 5.13.1 Annual lettings plan

In agreement with partner agencies an Annual Lettings Plan is produced to ensure that we meet our statutory obligations in accordance with letting accommodation. The figures are set in accordance with the number of vacant properties expected to become available within the following twelve month period and all lettings made via this Scheme are counted for the purposes of the Lettings Plan. The plan is subject to regular monitoring and is reviewed annually. If monitoring shows that lettings outcomes are not in line with the Lettings Plan the Council reserves the right to implement a quota system and/or restrictive labelling on adverts to ensure that our statutory obligations are met.

The target groups where a specific percentage of lettings will be set are:

- Homeless households
- Right to move
- Learning disabilities
- Leaving care
- Move on from supported accommodation.

The current annual lettings plan is held on the Bromley Housing Portal.

### 5.13.2 Local lettings plan

We may implement a local lettings plan in order to meet a local demand or priority. We may also agree a local lettings plan with the Police or individual Registered Providers for specific areas or developments to reflect local circumstances and to facilitate viable and sustainable communities. Any local lettings plan will reflect considerations such as the social mix of residents within a block, estate or area. All local lettings plans may be subject to an equalities impact assessment and may take into account the following factors:

- child density (the number of children in an area)
- age range
- vulnerability of tenants
- access to resources (such as facilities for vulnerable people, schooling or healthcare)
- community stability and cohesion
- areas of low demand

Shortlisting will be undertaken in line with the local lettings plan criteria. In the event of a large scale emergency affecting housing or the need for housing within the borough the council may vary, suspend or review current local lettings plan

### 5.13.3 Publicising results

We will aim to publish the number of lettings and average waiting times each quarter. This information will be published on our Bromley Housing Portal and is often useful for applicants when considering whether to refuse an offer. We have very few lettings each year, the information will give applicants a better understanding of waiting times for certain areas, types and sizes of accommodation.

## Part 6: Decisions, Complaints and Reviews

---

### 6.1 Decisions

When we process an application, we will have to make a number of key decisions:

- The decision that confirms or denies your eligibility to join the housing register.
- The decision that confirms or denies whether you qualify.
- The decision that awards your housing need priority.
- The decision to reassess your application as reduced preference or treat it under exceptional or mitigating circumstances.
- The decision to reassess your priority following a change of circumstance.
- The decision to cancel or suspend your application.
- The decision following a submission of a review by you.
- The decision that deems your refusal of a property as unreasonable or that you cannot afford a property.

When contacting you with a decision we will:

- i. We will make decisions with reference to the relevant legislation and our statutory duties.
- ii. We will consider all relevant evidence before making a decision.
- iii. We will not take irrelevant matters into consideration when making a decision.
- iv. We will make every effort to ensure our decisions are reasonable, exercising discretion if the situation warrants it.
- v. All decisions will be made with due regard to the Housing Allocation Scheme.
- vi. We will state the reasons for our decision and a full record will be kept. It will be fair and transparent.

It is important to understand the following:

- ✓ If you provide evidence that you did not provide for your original assessment. This is a **change in circumstance**.
- ✓ If you think we failed to deliver the service properly. This is a **complaint**.
- ✓ If you disagree with a homeless decision under Part 7 of the legislation. This is a **s202 statutory right of review**.
- ✓ If you disagree with your priority award under Part 6 of the legislation or the decision to place you in reduced preference. This is a **statutory right of review**.
- ✓ If we ask for information or review your application following a refusal or failure to view. This is a **band review or re-registration**.

### 6.2 Complaints

If you are dissatisfied with a decision, see section 6.1. If you are dissatisfied with the way we have delivered our service, then you may consider making a complaint. You can do this on our website at: [www.bromley.gov.uk](http://www.bromley.gov.uk)

If a complainant is not satisfied with the action the council takes, having followed the complaints procedure in full, they you may send a written complaint to the Local Government Ombudsman.

If an applicant wishes to make a complaint against a registered provider, they should use the registered provider's complaints policy

## 6.3 Reviews

### 6.3.1 Reviews on refusal or failure to bid

We reserve the right to review your application if:

- You fail to bid on suitable properties
- You fail to view a property you have been offered
- You refuse an offer of accommodation we deem suitable.

The action we will take with you may be one or more of the following:

- Extend your bidding time for a further period.
- Discuss your situation with you and look to revise your preferences in order to secure a move.
- Discuss other housing options with you.
- Make a direct offer of accommodation.
- If we think your refusal was unacceptable because the property was suitable, we may also reduce your priority on the housing register or cancel your application.
- If you are homeless and refuse a property, we discharge duty and cancel your homeless application which will also have the effect of cancelling your housing register application.

### 6.3.2 Band Reviews

It is anticipated that applicants in the emergency band will be reviewed every 3 months and those in band 1 will be reviewed every 12 months. It is anticipated that all other applications will be reviewed (asked to re-register) every 3 years to ensure their circumstances remain the same. You will need to contact the council within 21 days of the review letter, or your application may be cancelled. If your circumstances change, we will reassess your priority.

In order to undertake a band review, we will:

- a. Set the correct review period on your initial assessment and all subsequent reassessments.
- b. Our system will flag the application on its review date.
- c. This will be assigned to an Officer to review.
- d. We will write to the applicant or contact them by their preferred method to confirm if their circumstances remain the same.
- e. You will have 21 days to respond.
- f. If you fail to respond your application will be cancelled.
- g. If you inform us that your circumstances remain the same, we will reset your application for another 12 months.
- h. If you inform us that your circumstances have changed, we will process your application as a change of circumstance.
- i. Suspended applicants will be reviewed once they have reached the end of the period given to you to improve your behaviour. If you have been successful or are showing real progress, we will remove the suspension and your application will be made live. If you have been unsuccessful, we may extend the period to give more time or we may cancel your application.
- j. We reserve the right to review your application at any time, especially where we have received notification of circumstances we must consider.

### 6.3.3 Statutory Right of Review

If you are not satisfied with a decision, you have a statutory right of review. You will need to inform us in writing.

The process for a Statutory Right of Review is:

- a. The applicant or their representative should make the request within 21 days of the decision preferably in writing. The request should state why they disagree with the decision and if necessary, provide the necessary information they felt should have been considered.
- b. The request will be logged and acknowledged from the date that we receive your correspondence we aim to respond to you within 56 days. If the review is likely to take longer than this we will let you know what the amended response time is.
- c. The review will be assigned to a senior Officer who did not make the original decision.
- d. If the information was not previously provided for the original decision, the review will be closed, and the applicant will be advised in writing that this now being treated as a change in circumstances.
- e. If the senior Officer feels that the applicant is correct or partially correct the outcome will be to uphold the review and the application will be reassessed by the Housing Register Team.
- f. If the senior Officer feels the original decision is correct, they will deny the review and the original decision stands.
- g. The review outcomes will be recorded.
- h. The applicant will be advised in writing of the outcome of the review.
- i. Review decisions are final and there is no right of appeal.

### 6.3.4 Judicial Review

Where an individual or organisation feels the Housing Allocations Scheme is unfairly prejudicial or their case has been dealt with a prejudicial manner, they may wish to take legal action. They should seek independent advice before doing so.

The case will be heard in Court before a judge. Both sides will appoint counsel. If the judge decides the case against the council to be partly or fully substantiated, the council will be formally advised of the verdict and will need to respond through their counsel. The result may be an alteration to the Housing Allocation Scheme and/or a reassessment of the applicants case. These are termed judicial reviews.

## **Appendix 1: Lettings outside of the Housing Allocations Scheme**

---

Lettings where a tenancy is created outside of the Allocations Policy include:

- a) **Conversion of an introductory tenancy:** to a secure tenancy under S125 Housing Act 1996).
- b) **Family intervention tenancies:** Introduced by the Housing and Regeneration Act 2008, these are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a registered provider to anyone who is a tenant of a lifetime tenancy subject to or could in the future be subject to a possession order on the grounds of anti-social Behaviour or domestic abuse.
- c) **Discretionary succession (tenancies):** Tenants who are awarded a new tenancy under the landlord's discretionary succession provision unless that happens via the Housing Allocation Scheme.
- d) **Non-Secure tenancies or temporary accommodation:** Any accommodation that is provided to meet an interim duty under Part 7 of the Housing Act 1996.
- e) **Temporary decants:** Tenants who need to be moved temporarily whilst major work is carried out on their home will be granted a license to occupy.
- f) **Mutual exchanges:** Between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- g) **Assignment:** To a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- h) **Transfers of tenancies by a court order:** Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- i) **Land Compensation Act:** Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- j) **Repurchased Homes:** Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- k) **Management Transfers:** Within a registered provider's stock, where the unit has not been made available to the council.

## Appendix 2: Panel for Households in High Needs

### The Purpose

The purpose of this panel is to identify, discuss, and find solutions for households in high housing need, where they represent the most vulnerable applicants on the Housing Register. This is particularly important where the household requires an adapted property. The panel's primary aim is to identify suitable permanent accommodation whilst making best use of resources, both within the council and within the social housing stock in the borough.

'High Needs' within the context of the panel relates to applicants whose situation is not reasonably concluded through normal procedures and is deemed exceptional, requiring the attention of housing professionals and/or social care.

Where the household requires adaptations, the panel will consider accommodation that is both specialist or general needs with the potential to be adapted. This includes properties which cannot be funded via Disabled Facilities Grant (DFG).

The household may be a homeless applicant, having made an application through the Part 7 homeless legislation, or a Housing Register applicant having made an application through Part 6 of the housing legislation, or both.

### Terms of Reference

1. The panel will meet monthly or more frequently if necessary.
2. Households referred to the panel are captured in a spreadsheet, and this should be updated prior to each meeting by the relevant officer (see roles and responsibilities below).
3. The panel will be chaired and minuted by the Group Manager for Housing Registration and Allocations.

### Roles and Responsibilities

Role Title	Responsibilities
Head of Allocations & Accommodation	<ul style="list-style-type: none"> <li>✓ To have general oversight of the high needs cases being considered for presentation to the panel.</li> <li>✓ To provide support and guidance to panel members.</li> </ul>
Group Manager for Housing, Registration & Allocations	<ul style="list-style-type: none"> <li>✓ To coordinate and chair the panel.</li> <li>✓ To maintain panel records.</li> <li>✓ To facilitate discussion and routes for potential solutions.</li> <li>✓ To approve cases for referral to the panel.</li> </ul>
Housing Allocations Team Manager	<ul style="list-style-type: none"> <li>✓ To proactively review all available settled accommodation options which could meet the needs of those on the list.</li> <li>✓ To ensure the timely allocation of accommodation to applicants.</li> <li>✓ To offer suitability expertise for homelessness offers.</li> <li>✓ To refer cases to the Group Manager for Housing Registration &amp; Allocations.</li> </ul>
Housing Register Team Manager	<ul style="list-style-type: none"> <li>✓ To proactively review Housing Register applications and banding thresholds for those on the list.</li> <li>✓ To offer housing expertise in panel discussions.</li> <li>✓ To refer cases to the Group Manager for Housing Registration &amp; Allocations.</li> </ul>

Role Title	Responsibilities
Senior Occupational Therapist	<ul style="list-style-type: none"> <li>✓ To offer expert advice and guidance relating to the suitability of accommodation and an applicant's needs.</li> <li>✓ To retain accurate information and knowledge in respect of a household, ensuring offers of accommodation meet their need.</li> <li>✓ Undertake home visit for the purpose of making an assessment as required.</li> <li>✓ Undertake a visit to relevant voids as required.</li> <li>✓ To establish clear routes for adaptations via DFG applications and act as intermediary between the applicant and the landlord/agent in terms of adaptations needed.</li> <li>✓ To refer cases for to the Group Manager for Housing Registration &amp; Allocations.</li> <li>✓ In the absence of the Senior Occupational Therapist, an Occupational Therapist will deputise.</li> </ul>

### Relevance of the Panel

The panel operates for households being considered for placement into temporary accommodation; **Temporary Accommodation Placement Policy** and for households in high need where the most appropriate assessment and/or accommodation is needed for a Part 6 application; **Housing Allocations Scheme**.



### **Appendix 3: Affordability checks when allocating social housing**

---

Being able to pay rent and service charges is key to a residents being able to sustain their tenancy. How much a resident can afford to pay for their housing costs will vary depending on the type of accommodation they live in and their financial circumstances. Carrying out affordability checks when allocating a home gives confidence to residents and social landlords that the tenant will be able to afford the home.

#### **The law and affordability checks**

The allocation of a social rented home is a matter of public law for the council and other social landlords. This extends to mutual exchanges and management transfers. Therefore any decision about an allocation and whether someone can afford to pay the proposed charges can be challenged in court, if that decision was made irrationally, illegally or failing to follow public law procedural requirements.

Therefore:

- Decisions must be made using accurate evidence and at the point of allocation.
- If an applicant states they can afford it, they must be given the benefit of doubt.
- If the landlord concludes they cannot afford it, the applicant must be given the opportunity to provide additional evidence.
- The applicant has a right of review or to make a complaint to the Ombudsman if the applicant is not offered the property, they must be given this information when the decision is made.

#### **Tenants in rent arrears**

The Bromley Housing Allocation Scheme clearly sets out qualification rules where a tenant is in rent arrears. Rent accounts are routinely checked at the point of an offer and this is taken into account when an affordability check is undertaken, along with any other housing related debt. Current and former arrears will be examined, arrears repayments must be in place and adhered to. The tenant must be able to pay the new rent in addition to any repayment instalments.

#### **Practicalities of carrying out an affordability check**

In order to carry out the check, the following must be considered:

- i. Income of the household including salaries, benefits and investments.
- ii. Rent and other property charges.
- iii. Reasonable living expenses.
- iv. Priority debts.

They must be able to afford to support any dependent children or adults in the household. If the result of the check is that an applicant cannot afford social housing it is very unlikely that they will be able to afford private rented accommodation. Alternative sources of income to meet housing costs should be looked at including discretionary housing allowance or social care allowance.