Tendring
District Council

Housing Allocations Policy

June 2025

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PART ONE: GENERAL INFORMATION and LEGAL FRAMEWORK

1.1 Introduction

Tendring is district with an acute shortage in the affordable rented housing and the demand for housing far outstrips the supply of accommodation that becomes available for letting.

Each year, it is normally only possible to assist approximately 10% of all applicants on the Housing Register with accommodation.

This policy is intended to reflect the council's vision to put the housing needs of established Tendring residents first and to provide local housing for local people. The Council is also determined to ensure the creation of mixed and sustainable communities in the affordable rented housing sector and to provide realistic advice on housing options for those seeking accommodation.

This Housing Allocations Policy was adopted in June 2013 to take into account amendments brought in by the Localism Act 2011, the Policy was revised again in December 2019. The Localism Act gave the Council greater freedom to set its own rules on who can join the Housing Register and what priority the Council can award on applications for housing, including a residency qualification.

The policy has been amended again to take into account the relevant legislation and case law that has come into force since the policy was last revised in December 2019. The policy has regard to.

- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- The Homelessness Reduction Act 2017
- The Homelessness Code of Guidance (updated June 2024)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Providing social housing for local people: statutory guidance on social housing for local authorities in England (December 2013)
- HA R (On the Application Of) v London Borough of Ealing (2015)
- The Domestic Abuse Act 2021
- The Equalities Act 2010
- The Armed Forces Act 2021
- Social Housing (Regulation) Act 2023
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2024

1.2 The Housing Allocations Policy and service standards

Fairness

- *ensure the widest possible access to housing by offering choice of accommodation;*
- *give everyone the opportunity to express preferences about your accommodation whenever possible;*
- *prevent discrimination on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.*
- *write publications in plain English and offer translations, large print or a reading service where needed to help informed housing choices to be made.*

Excellence

The Council's aim is to;

- *be courteous and efficient;*

- *respond to the needs of the Council's customers and partners and ensure that the views of its customers are heard;*
- *set out clear standards for services so that everyone knows what to expect;*
- *provide advice regarding access to social housing and other housing options, both over the phone, via a website and in person;*
- *meet our legal and strategic requirements whilst considering the needs of the local community;*
- *confirm in writing any decision made in relation to your application for housing;* *ensure decisions reflect Council policy and are consistent and transparent.*

Your responsibilities as applicants to the Housing Register:

- *provide full and accurate details on all correspondence in relation to your application for housing;*
- *inform the Council immediately if your circumstances change in any way, for example, your address, contact preferences, family details or medical conditions;*
- *respond promptly to requests from the Council for information;*
- *make a decision on viewed properties within the specified time scale stated in the offer letter sent to you*
- *Provide evidence to confirm your identity, your residence history and your employment status*

1.3 Objectives of the Housing Allocations Policy

To meet the legal requirements for the allocation of social housing as set out in Part VI Housing Act 1996 as amended by the Homelessness Act (2002) and the Localism Act 2011

The Council will ensure that this allocation policy complies with all legislative requirements, related legislation, case law, local policies and strategies.

Provide a single system of allocating housing across the whole district

All assessments of need and allocations will be made according to this agreed policy. The scheme will provide applicants with choice about the type of property and area in which they wish to live.

The scheme aims to provide applicants with sufficient information to explain where homes are more likely to become available. This will allow them to make informed choices about their housing options.

Increase the sustainability of local communities

Homes may be let with the aim of improving the long-term stability of a community. Applicants who have lived in Tendring for at least 3 years and who have been in employment for a period of 12 months before they apply will be placed in a higher band than their assessed band to reflect their working status.

Local housing for local people

In order to maximise choice and mobility for applicants within the district, the

Council will only let properties to applicants who have a strong residence connection with the district.

Applicants who do not live in the district or have lived in the district for less than 3 years will not be allowed to join the Housing Register. The only exceptions to this rule are listed in paragraph 2.4.

In some instances, homes will be restricted to people with close local connections to a town or village.

To assist in minimising homelessness and assist applicants in the highest assessed need

All applicants who have a demonstrable housing need will have their applications assessed and be placed in a housing needs band according to their circumstances. This will take into account the reasonable preference criteria outlined in the Housing Act (1996) (as amended).
Homes will generally be let to the applicant with the highest housing need who has been waiting the longest.

Ensure that the scheme allows the Council to make best use of homes and in particular those that have been specially adapted.

Properties that have been adapted or developed for people with a disability will be let to households that need that type of adaptation. This is because there is a shortage of adapted properties.

To provide accommodation for homeless households.

The policy will give priority to applicants who are assessed as homeless or threatened with homelessness by the council and who would qualify for a prevention relief or main housing duty as defined in the Homelessness Reduction Act 2017.

To work with other providers and other agencies to make best use of affordable housing from all sources to meet housing need.

The policy will give priority to all local tenants in social housing seeking to move to smaller accommodation thus freeing up larger properties for those households in need.

It is also important that the Allocations Policy is understandable and accessible by applicants and in allocating our accommodation the council will endeavour to reach high standards

1.4 Housing Register and Allocations Policy

The Housing Register is intended to be a single register of those in housing need and seeking social or affordable housing in the Tendring district either owned by the Council or other register housing providers (formerly known as housing associations or registered social landlords).

The Register is the way in which all applicants must apply for social housing in the Tendring district.

The demand for housing far exceeds supply and the register exists to enable the scheme to prioritise those households who are in greatest need and to maximise their opportunities for re-housing.

The Register also provides information on needs which the council uses to develop new affordable housing.

The Housing Allocations Policy sets out:

The objectives of the Policy;

- How the Housing Register operates;
- Who is eligible to be re-housed or offered alternative housing
- How applicants' housing needs are assessed;
- How social rented homes across the district are let;

1.5 How the policy will operate

Applicants can apply to join the housing register and the council will assess the application and make an initial assessment of need.

If the applicant does not have a demonstrable housing need, the application will not be allowed onto the Housing Register however the applicant will receive advice on their housing options.

The only exception to this rule will be current members of the armed forces of former members of the armed forces who have been discharged.

Applicants who join the Housing Register will be placed in one of four bands to reflect their housing need.

1.6 The Housing Act 1996 (as amended)

This policy has been drafted to comply with the requirements of Part VI of the Housing Act 1996 (as amended)

Part VI of the Housing Act 1996 covers:

allocations of local authority or housing provider accommodation to new tenants; transfers requested by this local authority's tenants; allocations of local authority housing to current tenants of registered housing providers and; nominations that the council makes to registered housing providers.

It sets out the circumstances of applicants to whom reasonable preference must be given when deciding who will be offered a property.

The policy has regard to the Allocation of Accommodation: guidance for local housing authorities in England published in June 2012, along with subsequent revisions

1.7 Allocations exempt from this policy

- Where the council needs to provide alternative accommodation for a tenant in order to carry out repairs or improvements to their property.

- Where the council has a duty to re-house homeowners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within Band A of the scheme.

- Where the council grants a secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.

- Where the Council provides temporary accommodation for Council employees under Para 5, Schedule 1 of the 1985 Housing Act (Temporary Accommodation for Persons Taking Up Employment).

- Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996 (as amended). Applicants in this situation can apply to join the Housing Register.

- Mutual exchanges between tenants and/or tenants of registered housing providers under the Housing Act 1985, s92.

- Where a secure tenant dies, and there is a person qualified to succeed the tenant under the Housing Act 1985, s89, then that person will succeed to the secure tenancy (qualifying succession). If the property is larger than the qualifying successor needs, they will be offered a suitable alternative property which meets their needs.

- Where a secure tenant dies and a person is allowed to remain in the property on a temporary basis at the council's discretion (non-qualifying succession)

- Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, s90.

- Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy if the secure tenant died immediately before the assignment. That person becomes the secure tenant.

- Where a court makes a property adjustment order or other order transferring a council tenancy from one party to another.

- Where a non-secure tenant is granted an introductory tenancy of the same property.

- Where a person is granted an offer of temporary accommodation in sheltered accommodation to facilitate a discharge from hospital under a block-booking or similar arrangement between this council, Essex County Council and the NHS.

1.8 Reasonable and additional preference

All applicants will be placed in the appropriate priority band based on an assessment of their needs. This will ensure that the Council lets homes to those in need and ensures that it meets

its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act 2011.

The law sets out groups of applicants where reasonable preference must be considered. Those 4 groups of applicants are:

1. Applicants who are homeless or threatened with homelessness (within the meaning of Part VII of the Housing Act 1996 (as amended).

2. Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

3. Applicants who need to move on medical or welfare grounds (including grounds relating to a disability).

4. Applicants 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).

People who fall within one of the reasonable preference categories referred to above and who have a housing need will be eligible for the consideration of additional preference under the Council's scheme if the following apply:

1. Applicants who are owed a homelessness prevention relief or main housing duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent re-housing, including:

- Victims of domestic abuse as defined in the Domestic Abuse Act 2021;
- Victims of racial harassment amounting to violence or threats of violence;
- Same sex couples who are victims of harassment amounting to violence or threats of violence;
- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.

2. Applicants who have lived in Tendring for at least 3 years and in addition have been employed for more than 16 hours per week and have been employed for more than 12 months at the time of application.

3. Applicants who are current or former members of the armed forces who have received a discharge from service.

4. Applicants who are bereaved spouses or civil partners of former members of the armed forces who have to leave Service Family Accommodation following the death of their spouse or civil partner.

5. Applicants who are former members of the Reserve Forces who have been seriously injured or disabled as a consequence of service.

6. Applicants who have lived in Tendring for at least 3 years seeking to foster or adopt where their housing needs can be realistically met by an offer of accommodation. Applicants who meet this criteria will be assessed on welfare grounds and will be expected to provide verification of their approval and registration to foster or adopt from Social Services.

Every application received by the Council will be considered according to its facts and the maximum uplift available under this power would be one band.

Every applicant's situation is different which means that applications will be considered on an individual basis and individual circumstances taken into account.

PART TWO: HOUSING REGISTRATION

2.1 Who is eligible to join the housing register?

- Applicants who have lived in the Tendring area for at least 3 years at the time of their application unless they meet the criteria in paragraph 2.4

- Anyone who can demonstrate that they have a housing need

- Anyone aged 18 or over can apply to join the Housing Register

Under current legislation, anyone under the age of 18 are considered minors and as such are prevented from legally entering into a tenancy agreement.

As part of the Joint Working Protocol between Essex Housing Authorities and Essex County Council for the prevention of homelessness and/or provision of accommodation for homeless 16 and 17year olds, any young person aged 16 or 17 years of age, who is not currently living in supported housing and is at risk of homelessness, will be advised to contact the Housing Solutions Team.

- Applicants will be allowed to join the housing register if they are under 18 years of age but over the age of 17 only if they have been nominated for housing by a supported housing provider through approved nomination agreements

- EEA nationals that move to the United Kingdom from 1st January 2021

Will generally have no recourse to public funds and will not generally be eligible for social housing, unless they:

1. Fall under a government exemption as set out in government Eligibility Rules (eg; having a refugee status), or
2. Are eligible and have been granted indefinite leave to remain by the UK government

Those granted settled status or indefinite leave to enter or remain under the EU settlement scheme are eligible to apply for social housing. Evidence of an applicants settled status will be required.

Those granted pre-settled status, limited leave to enter or remain, or are a front line worker in the United Kingdom will be eligible to apply for social housing provided the terms of their status does not prevent them from having recourse to public funds.

EEA nationals granted settled status should be able to provide their eligibility for social housing using their digital status via the website page www.gov.uk/view-prove-immigration-status

2.2 Who is not eligible to join the Housing Register?

The Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide that some categories of applicants do not qualify to join the Housing Register. The Council has decided that the following categories of applicant do not qualify:

- **Applicants from abroad who are subject to immigration control under the Asylum and Immigration Act 1996**.

- **Applicants who the Council considers are unsuitable to be tenants** of the Council because they, or a member of their household, have been responsible for unacceptable behaviour. The Council will contact an applicants current or previous landlord requesting a reference before an offer of housing is made.

- **Applicants living outside of the Tendring area at the time of their application** unless they meet one of the criteria in paragraph 2.3 below

- **Applicants who have no demonstrable need for housing at the time of their application** unless they are current or former members of armed forces who have been honourably discharged.

- **Those applicants who were successfully housed via a mutual exchange** will not be eligible to join the housing register within the first 12 months from the date of their exchange.

- **Applicants who are not considered ready to sustain a tenancy** because of age or need for specialist support or who are currently residing in supported housing and not ready to move on. In these situations the housing allocations team will work with the housing provider to carry out regular reviews of the applicants circumstances and their readiness to move on and sustain a tenancy in conjunction with any specialist support providers.

- **Applicants who lack capacity to hold a tenancy**.

Taking on a tenancy means entering into a legal contract and this requires legal capacity. In lay terms legal capacity means three things:

I. being able to make a decision;
II. understanding there is a choice and wanting to enter a contract;
III. understanding the obligations of the contract e.g. to pay rent, keep the terms of the tenancy

In law there is a presumption that a person is capable until proved otherwise. The test of capacity should be functional i.e. take account of the particular activity and the complexity of the elements of the contract not a blanket test that a person is incapable of understanding. An officer from the housing allocations team will meet with the applicant and assess all circumstances including professional opinions from those organisations working with the applicant in line with the Mental Capacity Act 2005.

The decision not whether or not to allow an application will be considered following a full assessment of the individual circumstances. If a decision is taken to not allow an application or restrict an application on the housing register, the applicant will receive a decision in writing which will explain:

- The reason why the decision has been made

- The date or circumstances in which they will be able to make an application to join the housing register

- **Applicants with sufficient capital or savings** to buy a property, or sufficient income to raise a mortgage to buy a property, have a combination of both, or sufficient income to rent. As defined under paragraph 4.6 (Financial Resources)

- **Former social housing tenants** who have been evicted for anti-social behaviour, rent arrears or other breaches of their tenancy agreement.

Any household who is not eligible to join the housing register can seek a review of the Council's decision. The process to seek a review is defined in section 11.3

2.3 Local Connection Criteria

An applicant must be able to prove, at the time of their application, that they are a resident of the Tendring district, and that they have been a resident for a continuous period of 3 years immediately preceding the date of their application.

If at any point after an application has been accepted onto the housing register, the applicant loses their local residency because they move outside of the Tendring area, their application will be reassessed, and any accrued local residency will cease to apply unless the Housing Manager or above is satisfied that there are exceptional circumstances for continuing to apply it.

The Council will request proof of the full period of local connection at the point of the application and proof of continuous residency in the Tendring district from that date prior to an offer of a property being made. The onus is on the applicant to confirm that they meet the residency criteria, and the Council may use its own records, and those of other public bodies, to assess applications.

Applicants placed into supported housing, probation approved premises or placed in the private sector by another local authority discharging a homelessness duty, are not considered to be living in the Tendring District 'by choice' and will not qualify under the local residence criteria. In such circumstances the residence criteria will begin to accrue from the date that the homelessness duty has expired.

2.4 Applications from those living outside the Tendring District

Applications exempt from the 3-year residency criteria are:

- **Previous residence in the Tendring District:**

If a person previously lived in the Tendring area for at least 3 years and has been placed in specialist accommodation outside the district.

- **Armed Forces Criteria.**

Those meeting the criteria as set out below:

- Households who currently serve in the armed forces or have been discharged from the armed forces.

- Bereaved spouses or civil partners of those serving in the Regular Forces where (a) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in the Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (b) the death was wholly or partly attributable to their service
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- Divorced or separated spouses or civil partners of Service personnel who need to moved out of Ministry of Defence accommodation.

Fleeing Domestic Abuse as defined in the Domestic Abuse Act 2021

Domestic Abuse survivors living in the Tendring District having escaped domestic abuse from another local authority area and have not made a homeless application but have a housing need.

Care Leavers aged 18-25 years

Right to Move Order

The applicant has been assessed as meeting the criteria under the Right to Move Order. This is a regulation for tenants who need to move between local authority districts for work related reasons.

Rural Exception Scheme

The applicant qualifies for a scheme because of previous residence, family or employment connections in the Tendring area. Rural exception sites are small sites where affordable housing is developed to meet the needs of the local community by accommodating households who are either current residents within the village/area or who have an existing family or employment connection. Properties on rural exception sites will have a specific local connection criteria which an applicant will need to meet in order to be considered for the property.

Accepted for a prevention, relief or main housing duty

The applicant has been accepted for a prevention, relief duty or main housing duty under the Housing Act Part VII 1996 (as amended).
Applicants falling under the group accepted for a homeless prevention or relief duty, who do not meet the 3-year residency criteria are to be placed in one band lower than the band they would have been placed in.

For example:

- Those who are owed a homeless relief duty who meet the 3-year residency criteria would be placed in Band B.
- Those who are owed a homeless relief duty and who do not meet the 3-year residency criteria will be placed in a Band C

- Those who are owned a homeless prevention duty who meet the 3-year residency criteria would be placed in Band C
- Those who are owed a homeless prevention duty and who do not meet the 3-year residency criteria will be placed in Band D.

For banding purposes, the Housing Manager or other authorised officer has the authority on a case-by-case basis to award a discretionary uplift by which an applicant who does not meet the local connection criteria may be be treated as those they meet the local connection criteria.

This authority may only be exercised:

- Where the Housing Manager or other authorised officer, are satisfied that it is in the Council's financial or other strategic interest is to award a discretionary uplift or;
- Otherwise only in exceptional circumstances. Exceptionality is to be judged by comparing the circumstances of others applying to the Council for rehousing and who do meet the local connection criteria.

Examples of exceptionality could be:

I. a consideration to the length of time that the applicant has lived in the Tendring district (through falling short of the 3 years)
II. any particular circumstances in which they moved to this area, or reason why they have not been able to build up a local connection and/or any particular contribution they have made to the local community in that time such as voluntary or charitable work or other activity beneficial to the local community.

- **The applicant has been approved for housing through the National Witness Mobility Scheme.**

- Applicants currently placed outside of the Tendring district for example in hospital or prison, but would have met the local residence criteria at the time they were placed outside the district

PART THREE: HOW TO APPLY

3.1 Application process

Those who wish to apply for a social or affordable rented home either owned by the Council or another registered housing provider (also known as a housing association) are required to complete an online application form which includes a pre-assessment process. If the applicant appears to meet the eligibility criteria at the pre-assessment stage, they will be able to continue to complete more detailed parts of the application form.

Applications can also be taken over the telephone or by a pre-booked appointment in the Council offices.
The application form can be found here https://tendring.housingjigsaw.co.uk/

Evidence of eligibility and qualification will be required in order to complete the registration. Applicants must complete the application in full and supply any additional information that is required.

On receipt of the completed application form, the housing allocations team will assess the application and will request additional information, supporting evidence and references from current and previous landlords so that the applicant's housing need can be fully verified. The applicant will be given a maximum of 14 days to provide the verification information after which time their application will be closed.

The applicant will then be notified in writing as to whether they have been accepted onto the housing register, or, if their application is not accepted, they will be notified in writing and a reason will be given.

Applicants have a right to request a review of any decisions made about their application for housing or an offer of accommodation in line with the Housing Act 1996 Pt VI and the Allocations of Accommodation Statutory Code of Guidance.

3.2 Verification

On receipt of the completed online application, the housing allocations team will assess the application and send the applicant an 'initial banding letter'. This will place their initial application in a Band E and the letter will request any additional information that is needed for example: supporting evidence and references from current landlords so that the applicants housing need can be verified.

Once the application has been assessed and the information has been verified, the applicant will be awarded a Band and a 'final banding letter' will be sent to let them. The letter will detail:

- Which Band they have been placed in
- Their effective date
- The type and size of property for which the applicant is eligible for
- If an adapted property is required

Documents that are requested and accepted in support of the application are:

- The last three months bank statements for each sole or joint applicant, along with any dependants over the age of 18
- Birth certificates for all members of the household
- Photographic ID – such as a passport, driving licence, bus pass
- Utility bills
- Tenancy Agreement
- Council Tax bill
- Child Benefit letter
- Benefit letters

Documents not accepted as proof of identity or residence are:

- Letters from medical professionals used to as proof of residency
- Mobile phone bill or contract letter

3.3 Effective Date

The effective date of an application is the date that the application was received by the Council, except in the following circumstances:

- **A move from one band to another** – the effective date will be the date that the applicants circumstances changed or when the Council was advised
- **Priority on medical or welfare grounds** – the effective date will be the date that the application is assessed by the housing needs panel
- **Pregnancy** – when the birth of a child will make a woman eligible for a larger property, the larger property allocation will be taken into account 12 weeks prior to the due date. This coincides with the date that any housing allowance will increase

- **Homeless applicants accepted under Part V11 of the Housing Act 1996, as amended by the Homelessness Act 2002**
  The date that the formal homeless application was accepted unless the applicant already had a housing register application with an earlier effective date. In this situation the applicant would retain their effective date from their previous application.

Once the application has been verified and assessed, the housing allocations team will write to the applicant and will let them know:
Whether they have been accepted onto the Housing Register. If an applicant has not been accepted onto the register, they will be told in writing the reasons why

If accepted they will be provided with details of:

- Their unique reference number
- Which Band they are in
- Their effective date
- The type and size of the property for which the applicant is eligible for

All applicants can check their application once it is processed via the link below, and using their email address and password to log in
https://tendring.housingjigsaw.co.uk/

3.4 Joint applications

An applicant may include anyone on their application form who is living with them. Where more than one eligible applicant wishes to have a shared application they will be joint applicants.

For a joint application, a joint tenancy will only be granted if both applicants meet the eligibility criteria.
If applicants want to live together but are currently living apart, the Council will have regard to the extent of the accommodation available to both applicants and their household at their separate addresses.

Joint tenancies will only be granted to couples who are married or in a registered civil partnership. For cohabiting couples or those related (like brother or sister) joint tenancies will be considered on a case-by-case basis and only if all parties have lived together for at least 12 months.

3.5 Multiple applications

Multiple applications are not allowed. An applicant may have only one active application or be registered on one application on the Housing Register.

3.6 Civil partnership, co-habiting couples and the LGBTQ community

Civil partners, co-habiting couples and LGBTQ+ couples will be treated in the same way as married applicants.

3.7 Applicants' consent and declaration

When an applicant applies for housing, they must sign a declaration to confirm that:

The information they have provided is complete, true and accurate.

They will inform the Council immediately of any change in circumstances.

They understand that information will be shared with all participating housing providers together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.

They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

3.8 Data protection

The Council will keep information provided by applicants safe and confidential. Data Protection policies can be viewed on the Council's website or upon request.

3.9 Cancelling an application

An application will be cancelled from the housing register in the following circumstances:

- At the applicants' request.
- If the applicant becomes ineligible for housing.
- In line with this policy, when offers have been refused
- Where an applicant does not update or maintain their application with any changes to their circumstances.
- Where an applicant has been suitably housed under the Homeless Legislation and the homeless duty has ended
- When the applicant has been housed through the policy.
- When a tenant of social housing or affordable housing is registered and completes a mutual exchange.
- Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- If the applicant fails to respond to a request for further information within a reasonable time.
- If checks show that the applicants are no longer living at the address at which they registered

Should an applicant whose application has been cancelled wish to re-join the Housing Register, they will receive a new effective date.

3.10 False information

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

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

- Knowingly or recklessly give false information;
- Knowingly withhold information reasonably required in respect of the application.

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

Additionally, where applicants are found to have provided incorrect information or withheld information in order to gain advantage through this policy, they will be deemed to be ineligible for an allocation of accommodation.

As part of the housing need assessment process, applicants may be visited at home and will be required to provide personal and accommodation verification details. Additionally, applicants may be visited again prior to being allocated accommodation. If it is found that the details previously provided as part of the application are incorrect or circumstances have changed, then the application will be reassessed. Whilst reassessment is being undertaken any offers of housing that have been made will be withdrawn.

If accommodation has been provided and the tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant or a person acting at the tenant's instigation, the Council or housing provider will seek possession of the property through the Courts.

3.11 Councillors and involvement in decision making

Elected Council Members cannot take part in the assessment and allocation process but this does not prevent them seeking or providing information on behalf of their constituents or from being involved in future policy development.

3.12 Applications from staff, Councillors or their relatives

Staff, councillors and their relatives can apply for housing if they meet the eligibility criteria. Staff, councillors and their relatives must declare on their application that they are either a member of staff or a councillor or related to a member of staff or a councillor. A failure to make such a declaration will lead to the application being cancelled.

Any confidential information submitted with the application will be kept securely and separately from the main application and will be made available for audit checks as necessary.

If a member of staff, councillor or their relatives become eligible for an allocation of accommodation, the approval for the allocation must be counter-signed by the Assistant Director (Housing & Environment) or the Corporate Director.

3.13 Re-registering applications on the Housing Register

In order to re-register their application, an applicant will need to log into their online housing register application, they will not need to complete an application form and the online system will then automatically initiates the re-registration process.

- Applicants will receive an email at least two months before the anniversary date of their application, reminding them of the date that their housing register application will close.
- A further reminder email will be sent on the day that the re-registration needs to be completed
- If re-registration hasn't taken place, a further reminder email will be sent one week after the anniversary date.
- If re-registration hasn't taken place within a further two weeks, the application will be closed

PART FOUR: ASSESSMENT OF HOUSING NEED

4.1 Legal background

All eligible applicants will be placed in a housing needs band reflecting their need following an initial assessment of their household's circumstances. Once full information has been received an application may be moved to a higher or lower band. This is to ensure that the Council meet its legal obligations as set out in Part VI Housing Act 1996 (as amended by the Homelessness Act (2002) and the Localism Act 2011.

4.2 Advice and information

The Council will ensure that housing advice and options information is available free to everyone. This will include information on a full range of housing options as well as how to apply for housing and where to get help to make an application where the applicant cannot do so without assistance.

4.3 Housing needs bands

If a housing application has been made, the Council will assess each applicant's eligibility to join the housing register and may ask for further supporting evidence and documentation.

Applicants will be placed into one of the following five housing needs bands, based on the information provided and the stage of the application process:

Band A Band B Band C Band D Band E

Band A will contain those applicants in highest housing need and Band D those applicants in lowest need.

Band E is used administratively as a 'pending assessment banding' whilst the allocations team await additional information that is needed before being able to make a full assessment. It is changed to the relevant Band A to D once the verification process has been completed.

4.4 Assessment of housing applications

Once an application has been received it will be assessed and entered onto the Housing Register and the applicant will receive an acknowledgement letter. The letter will:

- Explain which band the applicant has been placed in following the initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.

- Confirm the size (and if applicable the type) of property the applicant is eligible for.
- Confirm the applicants' effective date.
- Include a reminder about informing the Council of any change in circumstances.
- Give details of appeal and review procedures.
- Give a registration number.
- If an applicant has reduced preference it will explain the reasons why.
- Advise the applicant to contact the Council each year on the anniversary date of the application if they want to remain on the Housing Register.

If an applicant moves home and wants to remain on the Housing Register, they must advise the Council either by telephone, email or in writing so that their level of housing need can be re-assessed to reflect their new circumstances.

If an applicant's circumstances change (but their address remains the same), they must advise the Council of the changes either by email, telephone call or by sending a letter to enable their application to be reassessed. A change of circumstances could include the birth of a child, a change in medical condition, change of employment or a threat of homelessness. Evidence will be required to confirm the change of circumstances.

4.5 Deciding the effective date

Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except:

- Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- Where an applicant receives priority on medical or welfare grounds their effective date will be the date they were granted the award.
- Where an applicant has been accepted for a homelessness prevention relief or main housing duty, their effective date will be the date they were accepted for that duty, unless they already qualify for Band A or B with an earlier date.

4.6 Financial resources (including Owner-Occupiers)

In recognition of the shortage of available properties and the high level of housing need in the Tendring district, applicants, including spouses, civil partners or cohabitants who are included on the application and are deemed to have sufficient finances to be able to meet their own housing need, will not qualify to join the Housing Register.

If applications are received from owner-occupiers, the Council will need to be satisfied that the applicant does not have sufficient resources to buy another property on the open market or through a low cost home ownership scheme or rent privately.

The Council will take into account any equity in a property as well as any equity from the sale of a property, along with savings or other capital assets. This will include people who live in and own caravans or, mobile homes, houseboats, accommodation on seasonal holiday parks or accommodation abroad.

Sufficient finances are defined as:

- Owning properties in the UK and/or abroad - property owners will be expected to explore all options available to them to address their housing need. They are usually deemed as having the assets to resolve their own housing need and will not normally qualify for inclusion on the housing register, although advice and information can be provided to home owners in need.

- Those applicants who own a residential caravan or mobile home, or a caravan or mobile home on a seasonal holiday park, or houseboat are also considered a residential owner for the purposes of this allocations policy and will be expected to explore all options available to them to address their housing need.

- Applicants who have an income, savings, capital and/or assets in the UK or abroad - if an applicant has an income and/or capital which would enable them to purchase a suitable property (including low cost home ownership) or afford/access suitable, midrange private rented housing in the Tendring district, they will be deemed capable of resolving their own housing needs and not qualify for entry onto the housing register.

- Ownership of a property under a shared ownership scheme, or they own or have an interest in a residential property but choose to rent it out.

Sufficient capital to buy or sufficient income to raise a mortgage to buy, a combination of both, or sufficient income to rent privately. If income exceeds that set out below, applicants will not normally be allowed to access the housing register.

- Single person household with earnings of £30,000 or more, savings of £16,000 or more in bank accounts, ISA's, capital or equity in a property
- Households of more than one person with earnings of £50,000 or more, savings of £16,000 or more.

The Council believe it is acceptable to spend up to 40% of a household's total income on rent or mortgage. Total household income means all of your family's income from all sources including most benefits, and 25% of non-dependants (for example adult children) income living within the household.

The Council make an affordability assessment judged on what income would be needed to obtain a home in and around the Tendring area for your household's bedroom need. This is calculated using a Local Housing Allowance (LHA) rates in Tendring.

If the total gross household income means an applicant cannot afford to find a home independently, they can join the Housing Register, provided the other qualifying criteria are also met.

If an applicant receives means tested benefits or if benefits are capped, income is likely to be below these limits. If the total household income exceeds these limits, even if means tested or capped benefits are received, the applicant will not be able to join the Housing Register.

The following benefits will be disregarded: -

- Disability Living Allowance
- Personal Independence Payment
- Attendance Allowance
- Armed Forces Independence Payment
- Maintenance payments
- Income from fostering

The income and savings criteria does not apply to:

- Homeowners who cannot maintain their existing home and need accommodation designated for older people or sheltered housing
- Tenants of Tendring District Council who want to move to a smaller home or a home designated for older people or sheltered housing.
- Other exceptional circumstances may be allowed by the Senior Housing Manager or other authorised officer, based on the merits of each case.
- Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active duty is excluded from the assessment
- Applications from retired households seeking sheltered accommodation and applicants who meet the armed forces criteria will not be subject to a financial resources test.

To determine whether an applicant can afford to resolve their own housing situation, the Council will consider all of their financial details to make this decision, including any income, equity, savings and available borrowing capacity. If an applicant recently owned a home, they will be asked for evidence of the sale and details of any capital gained from the sale.

An applicant's circumstances will also be assessed with consideration to 'deprivation of capital' rules. This means that if there is deliberately or needlessly spend or disposal of capital (such as proceeds from selling a home) which puts an applicant under the financial threshold, they may not qualify to join the Housing Register

If capital has reduced significantly evidence will be requested to show what happened to it. This could include:

- documents to show that ownership of property has been transferred to another person
- deeds to show that money has been given to another person in trust, settlement or as a gift
- receipts to show what the capital has been spent on These are examples, not a complete list.

4.7 Reduced preference

Section 167 (2A) of the Housing Act (1966) as amended by the Homelessness Act 2002 allows allocation policies to take into account the following factors in deciding the priority to be awarded on an application:

- The financial resources available to the applicants to meet their own housing costs or;

- The behaviour of the applicants (or a members of their households) which affects their suitability as tenants or;
- The applicant's local connection with the district.

4.8 Unacceptable behaviour

Tendring District Council, in its role as a community leader, is committed to tackling anti-social behaviour and enabling our communities to become safer places in which to live.

The Council has adopted a Housing Anti-Social Behaviour Policy which can be viewed using the link below:
https://legacy.tendringdc.gov.uk/sites/default/files/documents/ASB%20with%20revised%20front%20cover.pdf
This policy aims to reduce unacceptable behaviour and this Housing Allocations Policy will actively contribute to this objective

Where there has been evidence of an applicant's unacceptable or poor behaviour including all forms of social housing related fraud, this behaviour will be taken into account as part of the assessment process. The Council will seek references on current and past tenancies where this is appropriate. Where the Council is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant, the applicant will either be ineligible for an allocation of accommodation, or

Applicants will not be allowed to join the Housing Register if they are guilty of unacceptable behaviour in their current or previous accommodation that they left within the last 2 years. Unacceptable behaviour is defined as behaviour that would constitute sufficient grounds for them to be evicted if they were secure tenants under the Housing Act 1985.

Examples of unacceptable behaviour would include (but is not limited to):

- Being a perpetrator of domestic abuse because this is a ground for possession Failing to pay the rent.
- Breaching a condition of the tenancy agreement.
- Causing nuisance to neighbours including noise complaints. These applications will be assessed according to the impact on the existing community and not just those considered to be sensitive. When considering housing applications from households with multiple family members, consideration will be given to previous complaints about noise along with any mitigating factors.
- Being convicted of using their home for immoral or illegal purposes.
- Being convicted of an arrestable offence committed in, or in the vicinity of their home.
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect.
- Making a false statement to obtain a tenancy.

These are examples of unacceptable behaviour that will be considered even if a Notice Seeking Possession has not been served on an applicant and/or their household, or a conviction obtained. These grounds define the types of behaviour that the Council will consider when deciding whether an applicant should be disqualified from joining the housing register.

This is not a blanket policy, and each case will be considered on its merits.

If at any time the Council obtains information that leads it to believe that an applicant already on the Housing Register is ineligible because of unacceptable behaviour, it will inform the applicant in writing. The applicant will be given 14 days to provide information to show that they are not to be treated as ineligible. If an applicant does not reply within this period, or if they do reply but the Council remains of the view that they are ineligible, they will be removed from the Housing Register.

Applicants that are treated as ineligible because of unacceptable behaviour will be given written notification of the decision. Applicants also have the right to request a review of the decision using the process detailed in paragraph 11.3.

If the review confirms that the applicant is to be treated as ineligible, the applicant may still make a fresh application to the Council at a future date, when the applicant feels that they should no longer be treated as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be for the applicant to show that their circumstances or behaviour have changed substantially.

4.9 Poor behaviour

Where poor behaviour of the applicant or a member of the household is not serious enough to justify treating the applicant as ineligible for an allocation of accommodation but is considered serious enough to be considered in assessing the level of priority to be awarded on the application, the application will receive reduced preference under the Council's policy by being placed in Band D.

In determining poor behaviour, the Council may seek references as part of the assessment process and applicants will be required to provide documents to help in this process.

Examples of poor behaviour are not exclusive but will include a poor rent payment record, complaints of Anti-Social behaviour, and the commission of benefit fraud.

This is not a blanket policy and each case will be considered on its merits. Applicants who are given reduced preference because of poor behaviour also have the right to request a review of the decision using the process detailed in paragraph 11.3.

4.10 Applicants who have deliberately made their housing situation worse

The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of being offered alternative housing the register. Examples could include:

- Applicants who give up adequate rented accommodation to move in with family or friends;
- Applicants who sell a property to move into private rented accommodation, purchase a local holiday home or accommodation abroad.
- Applicants who give up secure social housing that was suitable for their needs for private rented accommodation.

If an applicant is awarded a reasonable preference but is found to have made their housing situation deliberately worse, they will be placed in Band D.

The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects their circumstances at the time the restriction is removed. Their effective date will be the date that their application is reassessed and a fresh banding applied.

PART FIVE: OFFERS OF ACCOMMODATION

5.1 Statement of choice & choice of area

All applicants can say where in the Council's area they would like to live and the type of property they want and information will be available showing the number of properties in each part of the district and the vacancy rate. Applicants' areas of choice will be monitored for statistical information and to help inform affordable housing on new developments. As the Council will be selecting households for properties from the Housing Register and not advertising them, it is important that applicants notify the Council if they want to live in other areas than those stated on their applications.

The Council reserves the right to only allocate homes in some areas to people with a strong residence connection to a particular village or local area. This will help keeps communities balanced and sustainable.

5.2 Shortlisting and offers

Properties will generally be offered to the applicant who has asked for that type of property in its locality and who has been placed in the highest band for the longest period. There will be occasions where the property may be offered to another applicant, for example because of an urgent homelessness situation or because the property needs to be let sensitively (see paragraph 6.1). Furthermore, given the lack of affordable accommodation in rural villages, the Council may choose to offer any vacant council or housing provider accommodation to households with strong local connections with the village in question.

When a vacant property becomes available, the online housing register computer system will generate a shortlist of applicants. The shortlist will identify the order of applicants based on who is in the highest housing band (Band A is the highest, Band D is the lowest) and who has the earliest effective date.

From the shortlist the allocations team will verify each applicants level of housing need, and other details to ensure that the applicant stills remains eligible for housing, that their circumstances remain the same as when they applied and that their level of priority is correct. They will also check if the property has special conditions in place for example: whether the property has been adapted or is subject to a local lettings arrangement, and that the applicant meets the criteria for that property.

The applicant that is at the top of the shortlist and who meets the criteria for the property will be made a formal offer in writing. The letter will contain the full address for the property along with the rent charges, it will set out the terms of the new tenancy and it will also include the code for the property key safe so that they can access the keys and view the property. It will also contain the details of who to contact if the offer is being accepted.

From the date of the offer, the applicant will have 3 days in which to accept or refuse the offer.

If the applicant that is at the top of the shortlist and has been offered the property but then refuses the property, the next person on the shortlist that meets the criteria for the property will be offered the property. This process will continue until an applicant accepts the offer

To effectively manage housing applications, shortlists and to ensure prompt allocation of properties, any open shortlists where applicants in Bands A-D have been exhausted, will be closed and a new shortlist will be generated in order to capture any new applications that may have joined since the original shortlist was generated.

5.3 Bypassing an applicant on a shortlist

A decision to bypass an applicant who would be next in line for an offer of accommodation will only be taken under certain circumstances.

Each case will be assessed individually and the reason why an applicant is bypassed will be recorded on the Housing Register application.

It is not possible to describe every situation where an applicant on a shortlist might be bypassed. However, the following are some situations:

- Applicant considers the rent is too high
- Area is unsuitable
- Change of circumstances
- Does not meet the criteria set for the property ie; age criteria, local lettings plan, adaptations present in the property
- Does not want a shower/wants a bath and vice versa
- Incomplete verification by applicant
- Property not adapted or adaptable for the applicants needs
- The applicant currently has rent arrears

5.4 Refusing an offer

Applicants will receive up to 2 offers of accommodation but not simultaneously. If both offers are refused and the Council considers that the offers were reasonable, the application will be suspended for a period of 12 months.

If a third and final offer is refused, the applicant will be removed from the Housing Register. Please note – different rules apply to applicants who are under a homelessness duty

On refusing an offer of accommodation the Council will ask applicants to complete the form which was enclosed with their offer letter. The form asks for the reasons why the property has not been accepted.

Applicants who are owed a homelessness prevention, relief or main housing duty and applicants who have been granted a temporary right to remain in a property following the death of the tenant will only receive ONE offer of accommodation. If a suitable offer is refused, and the applicant is in temporary accommodation owned by Tendring District Council or has been granted a non-secure tenancy, eviction proceedings will be instigated to recover possession of the temporary accommodation.

5.5 Offers of accommodation to tenants who owe rent

Tenants on the housing register will not normally be offered a new tenancy if they are in arrears with their rent or owe outstanding court costs to the Council or other landlord.
An offer is possible if:

- The rent is in arrears by no more than four times the weekly rent. Any rent owing must be paid before the applicant signs to accept a new tenancy.
- The Housing Solutions Team have accepted a main housing duty under the homelessness legislation.

The applicant is a Council or Registered Provider tenant who has a high priority because they:

- Have been temporarily moved from their property by the Council or Registered Provider to allow repairs or redevelopment work to take place; or
- Are moving under the Under Occupation Scheme. In this case they rent that they owe cannot be more than any payment due under the Scheme. An exception may be made if a move would benefit housing demands in that area.
- Have a high medical or welfare assessment. This applies to applicants who have been awarded a Band A on a medical or welfare ground.
- Tenants who are in significant risk due to violence or harassment.

In some circumstances, a new tenancy will be approved if there is rent owing as a direct result of benefit deductions due to under-occupation of their property. These cases will be agreed by the Housing Manager (Allocations & Homelessness). Generally, these applicants will include a strong social or housing management need for the household to move.

Tenants will be expected to show that they can maintain a satisfactory rent account for at least 6 months before any offer of alternative accommodation is made, although each case will be decided individually depending on the housing needs of the applicant.

5.6 Offers to Applicants who are owed a Homelessness Duty

In accordance with the Housing Act 1996, part 7 (as amended) and the policy for discharging statutory homeless duties, all statutory homeless applicants will receive one suitable offer of accommodation. In these situations, any offers will be agreed by the Housing Solutions Officer and the Housing Allocations team

5.7 Property and household size

The Council will always aim to make the best use of its housing stock.

The following table advises how many bedrooms in a property an applicant will be entitled to be assessed for:

Household size	**Lowest number of bedrooms needed**
1 adult	Studio or 1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (or 2 adults living together as a couple) with one child	2 bedrooms

2 adults living together but not as a couple	2 bedrooms
2 retired adults living together as a couple in council property that is too large for their needs and who are seeking smaller accommodation	2 bedrooms (if requested)
1 adult (or 2 adults living together as a couple) with 2 children of the same sex and both children are under the age of 16	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex where both children are under the age of 10.	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children and the eldest is 16 or over	3 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex and the eldest is 10 or over	3 bedrooms
1 adult (or 2 adults living together as a couple) with either: 3 children or 4 children (all of 1 sex or 2 boys and 2 girls) under the age of 16	3 bedrooms
1 adult (or 2 adults living together as a couple) with 4 children (3 of 1 sex, and 1of the other), or up to 6 children	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

The Council will only recognise pregnancy as an indicator of housing need through this policy after a gestation period of 27 weeks and therefore an unborn child or children will not be counted as a household member until 27 weeks into the pregnancy. Applicants will be required to provide evidence of pregnancy with their application.

Some older council properties have a living room and a dining room. These properties are referred to as “parlour type” properties and the Council reserves the right to treat the extra living room as a bedroom when deciding who it should be offered to.

It should be noted that other registered housing providers who offer properties to the Council through nomination rights have the right to set their own allocations policies and the Council will have to have regard to their respective policies in selecting a household to be nominated to a property.

PART SIX: ALLOCATION OF PROPERTIES

6.1 Sensitive lettings

Occasionally a property will become available for letting and it is deemed it should be let "sensitively" because of particular circumstances that relate to the property, for example, because of the frailty or vulnerability of neighbours. The Allocations Team will decide jointly with the Tenancy Management Team if there is need for a sensitive letting on a particular property and allocate the property accordingly. Some sensitive lettings will be two bedroom properties and may be offered to couples as opposed to households who need a two bedroom property.

6.2 Lettings where the bedroom criteria are not applied

In exceptional circumstances, the Council may offer accommodation to a household where the property offered is too large for the household at the time of the allocation but will become the right size for the household within 3 months of the allocation.

6.3 Parents with 'staying access' to dependent children or shared residence orders

Applicants with a shared residence order or staying access for children are not entitled to bedrooms for their children. The general principle is that children need one home of an adequate size, and that the Council will not accept responsibility for providing a second home for children. The shortage of housing locally means that extra bedrooms cannot be allocated in such circumstances.

6.4 Applicants with a medical or social need for a larger property

Applicants can apply for an extra bedroom due to their medical or social needs their circumstances will be considered and evidence supporting the need for an extra room will be required. The Council can have regard to any benefits awarded to the applicants such as disability benefits for care or attendance allowance in deciding if an extra bedroom should be allowed. An extra bedroom will only normally be allowed where it is essential.

6.5 Extra rooms for carers

Where an applicant needs an extra room for a carer, the Council will consider the need for an extra room and in making a decision the Council will have regard to the following information.

- Social Services need to be able to provide supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a 'live in' carer.

- If one person has two carers working on a rota to cover 24 hours only one additional bedroom would be needed.

- Extra rooms for a carer's dependents will not usually be considered.

If the applicant does not need 24-hour care or intensive support an additional bedroom would not normally be considered.

Tenants must be aware that if they are in receipt of housing benefit or universal credit housing costs, they may find their benefit award restricted if they are of working age and occupy accommodation deemed to be too large for their needs under the benefit regulations.

6.6 Allocation of bungalows & houses

Many of the bungalows that become available for letting may be designed for older people, or people with disabilities. In areas where there is high demand and limited availability of bungalows, preference will be given to:

- Those aged 60 or over.
- Those under 60 with Band B medical assessment for mobility who require this type of accommodation.
- Those who will release a high demand property that is needed by the council aged 60 or over.

Due to differing demand in certain localities, the Council may have bungalows that are let to applicants of any age. Bungalows adapted to meet the needs of wheelchair users or for those residents with severe mobility problems will be offered to those who have been assessed as needing that type of property.

6.7 Allocation of ground floor flats

Priority for ground floor flats will usually be given to applicants who have a medical condition which means that ground floor accommodation is required.

6.8 Allocation of adapted properties

Where the Council considers (on the advice of an Occupational Therapist and through a Housing Needs Report) that an applicant has a requirement for a significantly adapted property, the application will be ‘flagged’ to show this.

When a property becomes available that has been purpose built or significantly adapted for people with disabilities, the Council will prioritise applicants from the shortlist who have the appropriate ‘flag’. This means that an applicant with a flag will have a priority above an applicant who does not have a flag, even if that applicant is in a higher band.

All applicants who need a wheelchair accessible property will need to be assessed by an Occupational Therapist before an offer can be considered.

In the case of a partially adapted property for instance with a level access shower, ramps or widened doorways, the Council will give priority to those applicants who need a particular adaptation over an applicant who does not, within the same band.

6.9 Allocation of sheltered housing

Except in special circumstances, council sheltered housing and linked accommodation is let to people over the age of 60. Other housing providers may set their own age criteria for their sheltered housing schemes.

Examples of special circumstances are if an applicant wishes to move to sheltered accommodation but does not meet the age criteria, however, they are close to the age criteria and have a special circumstance such as a medical need.

All sheltered accommodation is independent living and offers no support packages.

When allocating sheltered housing the same general principles apply as for other property types, apart from an assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.

6.10 Extra-care housing/Independent Living

Applicants seeking extra housing or independent living do not need to register for Housing with the council. These schemes have been commissioned by Essex County Council and are managed by housing provider partners. Applicants interested in this type of accommodation will need to contact their social worker or Essex County Council to see if they are eligible for this type of accommodation. .

6.11 Properties empty for major repairs and alterations

These properties are often referred to as "decants". A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.

This will only apply to tenants of the Council or tenants of a registered housing provider who allocates 100% of its properties through this policy. This is usually a temporary move and a temporary non-secure tenancy will be offered at the new property in the first instance.

All such cases will be dealt with outside of this policy. A copy of the Council's Decant Policy can be found using this link Housing Decant Policy

6.12 Local letting policies

The Council along with its registered provider partners may decide to let properties under a local letting policy in the interests of building a strong and sustainable community or to deal with particular local issues. The set of criteria where this applies will be called a "local lettings policy".
The decision to apply a local lettings policy will be jointly made by the landlord of the property and the Council.

For existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than two years. The implications for equality and for the 'reasonable preference' criteria set out in the 1996 Housing Act must be considered.

On new developments, the policy may consider widening the eligible bands for home types on first lettings, again taking equality and legal issues into account.

Local lettings policies may be used in an area or for a particular development where it can be demonstrated that there are significant management problems. In these circumstances a decision as to whether a local lettings policy should apply will be made. Some housing providers may keep their own transfer registers for their tenants and use this to find tenants for some homes.

Some housing developments, particularly in villages, can only be let to people with a local connection to that locality. This means that only applicants with a local connection to the area will be given preference for that property.

PART SEVEN: TYPES OF TENANCY OFFERED

Applicants are normally offered permanent housing on either an introductory or secure tenancy if the property is a council property. If the property is provided by a registered housing provider they will offer different types of tenancies. Some local housing providers will reserve the right to offer a fixed term tenancy following a successful starter tenancy where their own policies allow for it.

Introductory tenancies and starter tenancies give reduced security of tenure in their first year.

Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer.

7.1 Letting permanent housing on a temporary basis

Homes are sometimes temporarily let to homeless applicants under a licence agreement or non-secure tenancy or are let to a resident relative of a deceased tenant. This accommodation will not be let through this policy.

7.2 Making non-secure tenancies introductory

Where the council grants a non-secure tenancy outside of this policy to a household and the accommodation is suitable for their long terms needs, the council will consider making the tenancy introductory after a period of 6 months. Before making a tenancy introductory, the Housing Manager will consult with the Senior Housing Manager to confirm that the tenancy has been conducted satisfactorily.

If the tenant was granted the accommodation because of a homelessness prevention relief or main housing duty and the offer of an introductory tenancy is refused, the council may conclude that its homelessness duties to the tenant have ended, and the tenant may be required to leave the accommodation. The tenant will have a right to seek a review of any decision regarding the suitability of the accommodation or the council's decision that its duties have ended. The review process will be detailed in their decision letter, or the applicant can contact their Housing Solutions Officer.

PART EIGHT: HOUSING PRIORITY

8.1 Deciding who has priority on the Housing Register

Each application will be assessed and placed in a band based on the individual circumstances of each case.

Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

8.2 Overcrowding

Applicants will be placed in Band B if they are overcrowded by two or more bedrooms and in Band C if they are overcrowded by one bedroom.

Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

8.3 Disrepair, poor design and lack of facilities

Any complaint about poor repair within council or registered housing provider properties must be reported to the applicant's landlord repairs service before any priority can be awarded.

Applicants living in private sector accommodation in poor condition will be referred to the council's Private Sector Housing team who will assess the situation which will assist the Housing Allocations Team to determine the priority to be awarded on the application.

If the applicant is eligible to join the Housing Register and their home is subject to an emergency prohibition order or demolition order, their application will be placed in Band A. Given the urgency of the situation and the shortage of accommodation, the likelihood Is that an offer will not be made in a short space of time and therefore the applicant will be referred to the Housing Solutions team for further assistance.

If the property is in disrepair and repairs cannot be carried out with the tenant in situ, the application will be placed in Band B. If there is disrepair but the works can be carried out with the tenant in situ, the application will be placed in Band C.

If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in Band B.

8.4 Homelessness and temporary or insecure accommodation

If the Council accepts a homelessness relief or main housing duty to provide accommodation for a household as defined in the Homelessness Reduction Act 2017, the application will be placed in the appropriate band. This will apply to households occupying temporary accommodation as well as those who are making their own temporary housing arrangements ("homeless at home"). The priority on the application will be removed if the duty is ended.

Applicants who are found to be intentionally homeless will be placed in Band D regardless of their living circumstances or other indicators of housing need (for example: lack of space or medical/welfare factors).

8.5 Accepted homeless households in severe need

These are applicants to whom the Council has accepted a homelessness relief or main housing duty under the homelessness legislation and have urgent or severe housing needs such as:

- a terminal, chronic or progressive illness or
- a member of the household is a permanent wheelchair user or;;
- the household is at severe risk or domestic or other violence or threats of violence.

Where the above circumstances apply, these applicants will be placed in Band A.

8.6 Prevention of homelessness

Tendring Council is committed to the prevention of homelessness as set out in the Homelessness & Rough Sleeper Strategy. Wherever possible we work with households at risk of losing their home to resolve issues and prevent crisis situations from happening.

Where the Council cannot prevent homelessness and an applicant remains threatened with homelessness within 56 days or an applicant is already homeless, they will be encouraged to make an appointment to see the Housing Solutions Team under part VII of the Housing Act 1996 as amended by the Homelessness Act 2002. The team will seek to provide any applicant with housing advice and help to find privately rented accommodation wherever possible.

Applicants who are already on the housing register will remain in their existing banding whilst a full housing assessment takes place and homelessness prevention measures are pursued.

Homeless applicants owed a main housing duty by Tendring Council will be required to complete a housing register application

Under the Homelessness Legislation, the Council reserves the right to make a direct offer of a property outside of the applicants chosen area or property type. This will ensure that the Council can prevent homelessness and provide a move on to settled accommodation at the earliest opportunity.

8.7 Supported housing schemes

This applies to applicants living in supported housing schemes.

Applicants in supported housing schemes that are ready to move onto permanent accommodation will be nominated by their support provider under a quota arrangement with the council. If accepted, these cases will be placed in Band B.

These applicants will still need to meet the 3-year residency criteria before being accepted onto the housing register.

8.8 Applicants with no fixed address or in prison

Applicants with no fixed address or who are leaving prison with no address, should make a homeless application in order that their housing need can be assessed by the Housing Solutions Team before they are able to join the Housing Register.

PART NINE: WELFARE AND MEDICAL FACTORS

Applicants can be assessed under both headings.

Any medical or welfare priority can be reassessed if an applicant's circumstances change. If medical or welfare priority is awarded to a household member who leaves the household, the medical or welfare priority for that person will be removed from the application.

9.1 Medical assessments

This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

Applicants may also be awarded priority if the applicant is asking to be re-housed so they can receive care or specialist support

Extra information may be sought from housing provider landlords, housing officers, GPs, health visitors and other parties and the council may need to seek advice from its independent medical advisor if necessary.

The council will assess the impact of the housing situation on the applicant and their household's health and the priority to be awarded on the application on health grounds. The following is a guide to the priority that will be awarded:

Impact of housing situation on health	Band
Critical	Band A
Serious	Band B
Moderate	Band C
Minimal	Band D
None	Band E

9.2 Welfare/Hardship assessments

This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

This group of applicants will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

The table below is used to act as a guide to priority:

Housing need on welfare/hardship grounds	Band
Critical	Band A

Serious	Band B
Moderate	Band C
Minimal	Band D
None	Band E

9.3 Tenants with a home that is larger than they need

This applies to local secure tenants or tenants of registered providers who are 'underoccupying' their homes and want to move to a smaller property. These applicants are given a higher priority because it enables a household with a high need to move into the freed up larger home.

Registered provider tenants in the Tendring area who will be releasing a home larger than they need will be assessed as follows:

- Releasing one bedroom will be placed in Band B provided the registered provider agrees in writing to offer the vacant property to the Council for nomination.
- Releasing 2 bedrooms or more will be placed in Band A provided the registered provider agrees in writing to offer the vacant home to the Council for nomination.

Those who will be releasing a home and the registered provider doesn't agree to offer the vacant property to the Council, will be assessed purely on their housing need.

Council tenants looking to release a 2 bedroom property or larger will be placed in Band A.

9.4 Applicants offered housing because of the death of a secure tenant

This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

To be a 'successor tenant' the applicant has to meet certain rules – they must usually must be related to the tenant, or be their partner, and have lived in the property for a defined period of time. If the successor tenant is not a spouse or partner and does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985. The Council will have to provide suitable alternative accommodation and in such circumstances the applicant will be placed in Band A.

As there can only be one succession on a secure tenancy, if an applicant has no legal right to succeed for this reason but would have had the right to succeed if there had not been a previous succession, the Council may grant a non-secure tenancy and provide alternative accommodation through the Housing Register. Such applicants will be placed in Band A. Only one offer will be made and if the offer of a new home is refused the applicant will lose their right to remain in their present property and eviction proceedings will be commenced.

9.5 Transfers which will release a specific property that is needed

Applicants qualifying under this heading will be placed in Band B if they wish to move and the property they would leave is needed to meet the urgent housing needs of another household on the register. This will include tenants wanting to move from adapted accommodation or

tenants who need to move to prevent major alterations or adaptations to their current accommodation and their housing needs can be met elsewhere.

9.6 Current or former armed forces personnel

The Council recognises the contribution made by members and former members of the armed forces in protecting the residents of the district. If a current member of the armed forces has a housing need, the application will be placed in one band higher than the assessed band. The same will apply to former members of the armed forces who have been discharged. Additional priority will also be given to households with a housing need who are being asked to leave Service Families Accommodation and those former members of the Reserve Forces who have suffered injury or disability following service.

9.7 Fostering and adoption

Applicants who have been approved to foster or adopt by Essex Social Care will be placed in Band C if they have a housing need and their accommodation needs can be realistically met. Due to the chronic shortage of larger, family sized accommodation in the district, applicants seeking a larger 3- or 4-bedroom property will not be awarded priority under this category.

9.8 Urgent management transfers

If a tenant of Tendring District Council requires an emergency move due to serious threats of violence or harassment, the Housing Manager (Allocations & Homelessness), in consultation with the Housing Manager (Tenancy Management) can make a recommendation to the Assistant Head (Housing & Environment) for the household to be moved urgently. If approved, such applicants will be placed in Band A.

9.9 Need to move to avoid hardship

If an eligible applicant needs to move to or to another part of the district to avoid hardship to themselves or others, their application will be placed in Band D. Examples would include where an applicant needs to provide or receive care, or receives a job offer or where a child changes school. Applicants assessed under the Right to Move Order will receive priority under this category**.**

9.10 Employment criteria

If applicants meet the employment criteria, they will be placed in a band higher than their assessed band. For example, an applicant assessed as being in Band C will be placed in Band B. To meet the employment criteria, one of the applicants must:

- Have their place of work within the Tendring District
- work at least 16 hours per week in paid employment
- have worked for at least 12 months before the application is made and be in employment at the time any property is offered.
- Applicants assessed under the Right to Move Order will be treated as being in employment even if they have not commenced work

9.11 Unaffordable accommodation

Private tenants living in unaffordable accommodation will be placed in Band D on the Housing Register. In assessing if accommodation is unaffordable, the council will have regard to the rent charged on the property, the combined income of the household and financial resources as defined paragraph 4.6 and local housing allowance rates.

PART TEN: HOUSING ALLOCATION BANDING SCHEME

10.1 BAND A Critical Circumstances

- Applicants with a severe or urgent housing need
- Critical life limiting medical conditions and / or a welfare award including emergency situations
- Tenants of the Council where a transfer on management grounds has been agreed because of serious violence or harassment, or threats of violence or harassment.
- An emergency prohibition order or demolition order has been served or is about to be served in relation to the applicant's dwelling by this Council's Private Sector Housing Team. This indicates that the property contains one or more Category 1 Hazards that cannot be remedied immediately.
- Registered provider tenants releasing 2 or more bedrooms (only if the registered provider agrees to make the resulting property available to the Council).
- Under occupancy - Council tenants living in a property with 3 bedrooms or more and moving to a 1-bedroom property
- Council tenants who have succeeded to a property that is too large for their needs.
- Applicants accepted through the National Witness Mobility Scheme.
- Releasing an adapted social housing property. Where an applicant lives within an adapted Council property, where those adaptations are no longer required by the tenant or other member of their household.
- Serious disrepair that cannot be remedied in situ and requires the tenant(s) to be moved from the property
- Relationship breakdowns (Council tenants) where, based on the remaining household size, the remaining tenant is under occupying the property.
- Band B applicants meeting the Armed Forces criteria
- Applicants accepted by Tendring District Council for a homelessness main housing duty.

10.2 BAND B Serious Circumstances

- Lacking two bedrooms or more High Medical and or Welfare award.
- Medium Medical/Welfare award plus employment/fostering/armed forces
- Non-secure tenants of Tendring District Council
- Applicants accepted for a homelessness main or relief duty
- Lacking one bedroom plus employment/fostering/armed forces
- Home lacks basic utilities such as a kitchen and bathroom plus employment and fostering
- Property in disrepair and can be remedied with the tenant in situ plus employment/fostering
- Nomination agreements with supported housing providers in the Council's area.
- Under occupancy – Council tenants living in a property with 3 bedrooms and moving to a 2-bedroom property

- Registered provider tenants releasing one bedroom (only if the housing provider agrees in writing to make the resulting property available to the Council
- An improvement notice or prohibition order has been or is about to be served by the Private Sector Housing Team. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time.
- Band C applicants meeting the employment criteria
- Applicants accepted by Tendring District Council for a homelessness relief duty and who also meet the local connection criteria

10.3 BAND C Moderate Circumstances

- Are lacking one bedroom.
- Medium medical /Welfare award.
- The property is in disrepair and has been assessed by the Council's Private Sector Housing team, but the disrepair can be remedied with the tenant in situ.
- The cost of disrepair remedies is beyond the means of the applicant or landlord; or the remedies will make the property unsuitable for occupation by the applicant Applicants accepted under the Right to Move criteria.
- Band D applicants meeting the fostering and adoption criteria
- Registered provider tenants releasing one bedroom (only if the housing provider agrees in writing to make the resulting empty property is available to the Council in addition to the formal nomination agreement in place).
- Applicants accepted by Tendring Council for a homelessness prevention duty who meet the local connection criteria.
- Applicants accepted by Tendring District Council for a homelessness relief duty who do not meet the local connection criteria.

10.4 BAND D Minimal Circumstances

- Low medical/welfare award.
- Applicants threatened with homelessness but not subject to a homelessness prevention, relief or main housing duty for example, those people with no priority need
- Applicants who are homeless or threatened with homelessness who are likely to be assessed as intentionally threatened with homelessness or homeless.
- Reduced preference.
- Need to move to or within the district to avoid hardship.
- Armed forces or former members of the armed forces with no current housing need
- Applicants who are sharing kitchen or bathroom facilities with a person not considered part of the housing register application
- Applicants accepted by Tendring District Council for a homelessness prevention duty who do meet the local connection criteria

10.5 BAND E Pre-assessment banding

PART ELEVEN

11.1 Equality and diversity

The council will be responsive, accessible and sensitive to the needs of all applicants. The council will not tolerate prejudice and discrimination and will actively promote equality.

The council recognises that there is diversity of its customers and will seek to meet their needs and ensure that all its customers feel they have been fairly treated. The Council opposes all forms of discrimination on the basis of racial or ethnic origin, gender, disability, religious belief, colour, marital status, age, or sexual orientation.

It is also important that the Housing Allocations Policy is understandable and accessible by everyone who may need to use it. Information leaflets and other communications that are easily understandable, such as large print versions, can be made available as appropriate. Interpreters will be used for applicants seeking advice and assistance who require that service.

11.2 Monitoring and reviewing the allocations policy

A copy of the Housing Allocation Policy is available free of charge to any member of the public who asks for one.

This document is also free for download (in Adobe Acrobat format) from the Council's website at www.tendringdc.gov.uk.

The Council will, on request, provide advice and help, free of charge, to anyone who requires any assistance in completing their applications for housing.

The Assistant Director - Housing & Environment along with the portfolio holder responsible for Housing monitor the operation of the Housing Allocations Policy annually and review the policy to ensure that it meets its stated objectives and complies with legislative changes.

11.3 Right to and how to seek a review

Applicants have a right to request a review of any decisions made about their application for housing or an offer of accommodation in line with the Housing Act 1996 Pt VI and the Allocations of Accommodation Statutory Code of Guidance.

This includes:

- Decisions about refusing an application to join the Housing Register
- Removing an application from the register
- Assessment of bands
- Offers of housing

A review must be requested in writing or by email within 21 days of the date of the decision notification.

A request for a review can also be made by a representative of the applicant or an advocate acting on their behalf.

The request can be made:
Via email to: housingallocations@tendringdc.gov.uk for the attention of the Housing Manager (Homelessness and Allocations)

Or in writing to:
Housing Manager (Homelessness and Allocations)
Tendring District Council
88-90 Pier Avenue

Clacton on Sea
Essex CO15 1TN

The applicant should clearly outline their reasons for formally requesting a review, including all relevant information and, where possible, any supporting evidence to explain why the applicant disagrees with the decision.

The review is conducted by an officer who is senior to the original decision maker and in some cases may request further information from the applicant in order to make a decision.

A decision is normally reached within 56 working days of the review request being received. If a longer period of time is required, the applicant will be advised of this in writing.

If the applicant is dissatisfied with the outcome to their review, they can request a reconsideration of the relevant facts. This will be conducted by the Housing Manager (Allocations and Homelessness)

11.4 Complaints procedure

If an applicant is dissatisfied with any aspect of the management of their application (other than when a review can be made) they can complain using the Council's Housing complaints procedure which can be found on the Tendring District Council website.

11.5 The Housing Ombudsman and Local Government and Social Care Ombudsman

The Housing Ombudsman and Local Government and Social Care Ombudsman Services investigate complaints of injustice arising from maladministration by local housing authorities and other registered providers.

If a complainant is not satisfied with the action the Council takes, they have the right to refer their complaint to the Local Government and Social Care Ombudsman or Housing Ombudsman, as applicable.

Further detailed information on the Local Government and Social Care Ombudsman can be found at www.lgo.org.uk. Their helpline number is 0300 061 0614 (and is open Monday to Friday between 10am and 4pm). It will be a matter for the Ombudsman to consider whether the complaint is within its scope.

Further detailed information on the Housing Ombudsman can be found at www.housingombudsman.org.uk Their telephone number is 0300 111 3000 (and this is open Monday, Tuesday, Wednesday and Friday between 9am and 5pm and between 9am to 3.30pm on Thursdays.

It will be a matter for the relevant Ombudsman to consider whether the complaint is within its scope.

For further information about which Ombudsman Service is relevant to a specific complaint, please refer to the Local Government and Social Care Ombudsman's website using the link below:

Which ombudsman for social housing complaints? - Local Government and Social Care Ombudsman