



LONDON BOROUGH OF SUTTON

# Housing Allocation Policy

March 2019

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## Version Control

Version	Change / amendment	Change type	Committee approval	Date published
v.1	New Policy following Localism Act 2012	New Policy	Yes	Apr 2014
v.2	Amendments to financial assessment and qualification for existing social tenants	Qualification criteria	Yes	Feb 2015
v.3	Removed reference to 'drop in' sessions and vulnerable adults panel that are no longer in operation	Operational	N/A	Jan 2017
v.4	The following additions were made: 3.3.4, 3.5.6, 3.5.7, 3.7.4, 4.10.2, 4.14.3, 5.1.4, 4.5.1, 7.1.6, 11.3.1 The following were amended: 3.5.1, 4.13.1, 5.2.3, 4.3.1, 4.4.3, 4.5.3, 4.6.2, 5.11.1 The following were deleted: 4.14.4, 4.5.2, 9.1, 9.2	Various	Yes Housing, Economy and Business Committee Tuesday, 19th March, 2019	22/03/2019

## 1. Introduction and Background

- 1.1. This document sets out the Council's housing allocation policy and is produced in accordance with our statutory duty arising under s168 (2) of the Housing Act 1996 and complies with the consultation requirements laid out in s167 (7) of the Housing Act 1996 and has been revised to reflect changes to Part 6 of the 1996 Act contained in the Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017 and statutory guidance.
- 1.2. The Housing Act 1996, as amended, states that it is the duty of every local housing authority to publish a summary of its policy for the allocation of its housing accommodation.
- 1.3. The Allocation of Accommodation Code Guidance published in June 2012 has been considered in the development of this policy.
- 1.4. The Housing Act 1996, as amended, requires local authorities to give reasonable preference to certain categories of people once placed on the housing register these are:
  - 1.4.1. people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
  - 1.4.2. people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
  - 1.4.3. people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - 1.4.4. people who need to move on medical or welfare grounds, including grounds relating to a disability
  - 1.4.5. people who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or others
- 1.5. Additional preference may be given to households with urgent housing needs
- 1.6. A summary of the policy is available free of charge to any member of the public who asks for it. The full policy will be available for inspection at the principal office of the local housing authority to members of the public without charge and can be found on the councils website at [www.sutton.gov.uk](http://www.sutton.gov.uk)

## 2. Aims and Objectives

- 2.1. The Council's allocation policy sets out to:

- meet legislative requirements
- be fair
- meet local need
- meet key performance indicators
- make best use of resources
- create balanced and sustainable communities
- involve service users

## 2.2. To do this we will:

- 2.2.1. consider any appropriate changes to policy in light of government guidance or best practice
- 2.2.2. ensure that the objectives of the Authority are reflected in the policies and procedures of the allocations policy
- 2.2.3. produce, monitor and review an annual lettings plan, and monitor and review targets for void (empty property) turnaround
- 2.2.4. ensure that the proportion of different groups being re-housed reflects demand and the targets set in the lettings plan
- 2.2.5. ensure that the policies meet the requirements of equalities legislation
- 2.2.6. work in partnership with other housing providers in the locality to ensure that nomination and referral arrangements are effective

## 3. Eligibility & Qualification

### 3.1. Eligibility

- 3.1.1. To qualify for inclusion on the Council's Housing Register applicants must be over the age of 16 and be eligible for social housing.
- 3.1.2. A person is not eligible if they are:
  - subject to Immigration control (within the meaning of the Asylum and Immigration Act 1996) and not otherwise re-included by regulations made by the Secretary of State
  - a person from abroad excluded by regulations made by the Secretary of State
  - not habitually resident in the United Kingdom (other than EEA/EU workers or those covered by an EEA/EU Directive) or required to leave the UK by the Secretary of State

## 3.2. Qualification

- 3.2.1. Applicants will not qualify for inclusion on the Council's Housing Register if they fall into one of the following categories:
- people whom the Authority have decided have demonstrated 'un-tenant like behaviour', such as current or previous rent arrears or anti-social behaviour, including by household members of the applicant
  - households with no demonstrable housing need (i.e. those who do not fall into one of the statutory reasonable preference categories)
  - households who do not currently reside in the borough, and do not have a need to move to a particular locality in the borough where failure to meet that need would cause hardship to themselves or others
  - households who live in the borough but have not done so continuously for the 2 years prior to the application being made
  - a household that does not reside within the borough and does not have a local connection (arising through a duty under Part VII of the Housing Act 1996) with the borough
  - a household able to meet their own housing need in the private rented sector or other forms of tenure (for example, low cost home ownership)
- 3.2.2. The qualification criterion above applies to all applicants applying for inclusion on the Council's Housing Register. Including homeless households, to whom a statutory housing duty arises under Part 7 Housing Act 1996 (as amended by the Homelessness Act 2002).
- 3.2.3. The Council will notify the applicant in writing of any decision resulting in him or her not qualifying for inclusion on the housing register, and will be advised of the grounds for that decision. Applicants are entitled to request a review of this decision (see section 11.10).
- 3.2.4. Applicants will be removed from the Housing Register if they no longer meet the criteria set out above.
- 3.2.5. Households who do not qualify for inclusion on the Housing Register will be given information about other housing options that may be available to them.



### 3.3. Untenant like Behaviour

- 3.3.1. A person, or any person residing as part of that household who the Authority has decided has demonstrated 'un-tenant like behaviour', will not qualify for inclusion on the Housing Register. Untenant like behaviour includes:
- Rent arrears
  - Neighbour nuisance or harassment
  - Anti-social behaviour as defined by The Crime and Disorder Act 1998
  - Other breach of the conditions of their tenancy
  - Perpetrators of domestic violence
- 3.3.2. Households who have current or previous rent or mortgage arrears of more than 1 month will not qualify for inclusion on the Housing Register. Where the household falls into a reasonable preference category consideration will be given to any exceptional circumstances under which this condition might be waived.
- 3.3.3. Households with a history of arrears must have maintained an arrangement to repay the arrears for a minimum of 12 months prior to their application before qualifying for inclusion on the Housing Register.
- 3.3.4. Households who have been accepted as being owed the full homelessness duty or have been referred for one of the housing quotas and have cleared their arrears and maintained the rent account in good order for a minimum of 3 months will be reconsidered for inclusion on the housing register.
- 3.3.5. The Crime and Disorder Act 1998 defines anti-social behaviour as being when a person has acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household. Examples of anti-social behaviour include:
- Nuisance, rowdy or inconsiderate neighbours
  - Vandalism, graffiti and fly-posting
  - The buying or selling of drugs in public
  - Street drinking
  - Environmental damage including littering, dumping of rubbish and abandonment of cars

- Prostitution related activity
  - Begging and vagrancy
  - Fireworks misuse
  - Inconsiderate or inappropriate use of vehicles
- 3.3.6. Households who have demonstrated anti-social behaviour, neighbour nuisance or harassment will need to demonstrate a change in their behaviour for a minimum of 12 months before being permitted to join the Housing Register.
- 3.3.7. Where formal action has been taken against a household who has demonstrated anti-social behaviour (e.g. an injunction or behaviour order) the application will not be considered until 12 months after the expiry of that order.
- 3.3.8. Tenants who have not maintained their property in accordance with the terms of their tenancy will be required to make good any damage or neglect before qualifying for inclusion on the Register.
- 3.3.9. Landlords will be asked to provide a reference confirming that the tenancy has been maintained in an acceptable manner.
- 3.3.10. The Council will determine whether the applicant is unsuitable to be a tenant by reason of the behaviour at the time the application is considered.

### **3.4. Housing Need**

- 3.4.1. Households who do not fall into one of the reasonable preference categories will be deemed to have no housing need.
- 3.4.2. People over 55 and who want or would benefit from independent housing for older people and do not fall into one of the reasonable preference categories will be permitted to join the Housing Register but will be kept on a separate list and will be considered for independent housing for older people vacancies after other households placed on the main Housing Register.
- 3.4.3. A small percentage of properties that become available for lettings will be made available to existing London Borough of Sutton tenants who wish to move but have no demonstrable housing need and have not breached any of the terms of their tenancy. These tenants will be placed on a separate list and rehoused in date order.

### **3.5. Residency and Local Connection**

3.5.1. Households who do not currently live in the borough will not qualify for inclusion on the Housing Register unless they need to move to the borough to avoid hardship. Hardship grounds include:

- the need to move to take up a confirmed offer of employment and the travelling time or expense would lead to hardship or
- Existing Social housing tenants in other local authority areas who work in the borough and the travelling time or expense would lead to hardship

NB: Hardship is unlikely to apply in these cases where the applicant currently lives in a neighbouring borough.

- to give or receive care or support from/to a resident in the borough (see section 3.6)

3.5.2. Households who live in the borough but have not done so continuously for 2 years prior to the application will not qualify for inclusion on the housing register.

3.5.3. People over 55 who want or would benefit from independent housing for older people will not have to meet the residency requirement. These households will be kept on a separate list and will be considered for independent housing for older people after other households placed on the main Housing Register.

3.5.4. Residency should be of the applicant's own choice. Households placed by other authorities' services in accommodation such as temporary housing, bail hostels, prison or residential care will not be considered to be resident in the borough.

3.5.5. Households who have been accepted as homeless under Part VII of the Housing Act 1996 (as amended) and have a local connection will not need to meet the residency requirement.

3.5.6. Households occupying refuge accommodation within the borough will not be required to meet the residency requirement.

3.5.7. Households who have become homeless due to fleeing domestic violence and have been accepted as being owed the main homelessness duty will not be required to meet the 2 year residence criteria.

### **3.6. Care and Support**

3.6.1. Applicants who need to move on care or support grounds will need to demonstrate that they are required to give or receive constant care

and attention to/from a close relative, as evidenced by a professional's report (e.g. Social Worker, GP, Occupational Therapist) and supported by the Council's medical adviser.

### 3.7. Ability to Meet own Housing Need

- 3.7.1. An assessment of an applicant's circumstances will be carried out to determine their ability to meet their own housing need. The assessment will take into consideration the applicant's financial means (see section 3.8) and any other circumstances in order to determine whether social housing is the only form of housing that can meet the household's need. Where households are deemed to be able to meet their own housing need through other housing options including the private rented sector they will not qualify for inclusion on the Housing Register.
- 3.7.2. Applicants who have a need for adapted or specialised housing will qualify for inclusion on the Housing Register.
- 3.7.3. Social housing will be considered to be the most appropriate form of housing where the applicant or a person residing in that household can demonstrate the need for settled accommodation and that settled accommodation will significantly and demonstrably contribute to improved wellbeing of that person.
- 3.7.4. Households with a history of renting in the private sector will be considered to need settled accommodation where:
  - they have children in full time education or pre-school age children **and**
  - have lived in private sector accommodation for the previous 5 years and during that time had children in full time education or pre-school age **or**
  - held 3 or more private sector tenancies (at different addresses) with children in full time education or pre-school age, where the tenancies came to an end through no fault of their own.
- 3.7.5. Social housing will also be considered the most appropriate form of housing where the nature of a disability or circumstances restricts the availability of other forms of housing for the applicant, or a person residing as a member of the applicant's household, and access to social housing would provide them with the same opportunities as other households without those needs.

### 3.8. Financial Assessment

- 3.8.1. An applicant applying for inclusion on the Council's Housing Register will need to demonstrate that other forms of housing including the private rented sector cannot meet their housing need and part of that assessment will be to assess the household financial capacity to secure other forms of housing.
- 3.8.2. Financial capacity to secure alternative forms of housing will be based on the income level of the household and the level of their essential expenditure. In determining the household's capacity to secure accommodation in the private sector, 'housing costs' will be assumed as the rental levels for the type and size of accommodation required, based on the Local Housing Allowance for the area. Expenditure on essential living items will be assumed to be equivalent to the higher limit of the 'applicable amount' award by the DWP for size of household applying. Additional essential expenses such as child care costs for working households or travel costs may be disregarded from the calculation. If a household's income is equal to or more than the income needed to meet essential living expenses they will not be eligible to join the housing register.
- 3.8.3. Any savings or investments will be taken into account when making the assessment.
- 3.8.4. Households with established debt from credit cards or loans at the time of application will have the minimum payment taken into account as expenditure. Debts must be demonstrated with an obligation to pay. Money owed to friends and/or family will not be taken into account.
- 3.8.5. Households in receipt of benefits will also be subject to this assessment; income from all benefits claimed will be taken into account, including an assumed amount for housing costs where relevant.
- 3.8.6. Applicants who own a property will be considered to have financial means and will not be eligible to join the Register unless their circumstances fall into section 3.7 above. Applicants who have a shared interest in a property with someone not included on their application may be required to resolve the ownership before an application will be considered.
- 3.8.7. Households deemed able to afford to meet their housing needs in the private sector will be provided with advice and information to assist them to find suitable accommodation including Low Cost Home Ownership schemes.

- 3.8.8. Existing London Borough of Sutton secure tenants will not be subject to the financial assessment and will qualify for inclusion on the main Housing Register if they have a housing need.
- 3.8.9. Where there is a service level agreement with a Housing Association their assured tenants will qualify for inclusion on the main Housing Register if they have a housing need and the financial assessment will not apply.

## 4. Priority

### 4.1. Introduction

- 4.1.1. The Housing Register consists of four bands (A to D) reflecting the reasonable preference categories outlined in the Housing Act 1996, as amended, and local priorities.
- 4.1.2. Applicants will be placed in a band depending on their circumstances. The position in that band will be determined by the date of the application other than Band A where the reason for urgent housing may take priority and Band B where the priority date will be the date the household was accepted for the main homelessness duty.
- 4.1.3. Where a household's circumstances fall into more than one band they will be placed in the band that affords them the greatest priority.
- 4.1.4. Where a household's circumstances change and the applicant is placed into a new (higher) band or bedroom category, the application date will be considered to be the date the Council were advised of the change in circumstances by the applicant.

### 4.2. Band A – Urgent Need for Re-housing

- 4.2.1. Households placed in this band will have an urgent or overriding need for re-housing. This includes:
- people who need to move on hardship grounds **or**
  - where an offer of social housing will support another service meet their statutory duties **or**
  - where an offer of social housing will assist the Council make best use of its stock **and**
  - emergency or temporary accommodation is not an appropriate response to meet that need
- 4.2.2. Circumstances and need for this band include:
- Under-occupation (see section 8.4)

- Medical Priority 1 (see section 5.1)
- Housing Quotas (see section 4.8)
- Move on from supported housing (see section 4.9)
- Decants (see section 4.6)
- Management Supported Transfers (see Section 4.10)
- Reciprocal arrangements (see section 8.5 and 8.6)
- Successions (see section 4.11)
- Service Tenants (see section 4.12)
- Emergencies where emergency or temporary accommodation will not provide a solution

### **4.3. Band B – Homeless Households**

- 4.3.1. Households placed in this band are those accepted as unintentionally homeless and owed a duty under s193 Housing Act 1996, as amended, and placed in temporary accommodation until a suitable private sector let is identified unless social housing has been deemed as the only suitable housing option (see section 3.7).
- 4.3.2. All households accepted as homeless prior to Section 148 & 149 of the Localism Act coming into force and owed a duty under section 193 of the 1996 Act will be placed in Band B.

### **4.4. Band C – Unsatisfactory Housing Conditions**

- 4.4.1. There are two levels of priority in Band C. Applicants whose housing need arises from a single factor will be placed in priority level C and those that have a housing need arising from multiple factors will be referred to as priority level C+.
- 4.4.2. Households whose housing need arises from multiple factors will be considered for housing before those with one factor.
- 4.4.3. The factors that will be considered are:
  - Lacking Bedrooms (each bedroom lacking gives 1 factor)
  - Lacking space (e.g. where 2 people are sharing a single bedroom, this would only apply if priority for lacking bedrooms has not been applied)
  - Lacking Kitchen / Cooking Facilities or bathroom / wc
  - Lacking a Living room (excluding single people)

- Sharing with Unrelated people (excluding single people under 35)
- Disrepair
- Medical Priority 2 cases
- Social & Welfare Needs, including hardship grounds

4.4.4. Explanation of the factors above can be found in Section 5

#### **4.5. Band D – Threatened with Homelessness or Living in Insecure Accommodation**

4.5.1. Households who are owed the prevention or relief duty in accordance with the Homelessness Reduction Act 2017

4.5.2. Households who are staying or living with family or friends on a 'bare license' (i.e. have no security of tenure) are considered to be living in insecure accommodation and would have a priority need if homeless.

#### **4.6. Decants**

4.6.1. These are households occupying Sutton Council owned properties that are due for demolition or are part of a regeneration programme. These households will be considered in accordance with agreements and policies set out in the appropriate regeneration scheme.

4.6.2. Households who are living in Sutton Council properties that require major works to be completed and a temporary move will not meet the needs of the household will also be considered to be a Decant. In these cases they will be rehoused through the Management Supported transfer process (see section 4.10) but will be in addition to the agreed annual quota.

#### **4.7. Armed Forces and Reserve Forces Personnel**

4.7.1. Households who fall into one of the following categories will be given additional preference on the Housing Register:

- members of the Armed Forces and former service personnel, where the application is made within 5 years of discharge
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service



- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- 4.7.2. Armed Forces and former service personnel who fall into a reasonable preference category will qualify for inclusion on the Housing Register regardless of their local connection / residency and will be given additional preference by being placed at the top of the band that for which their application qualifies.
- 4.7.3. Armed forces personnel who fall outside of the reasonable preference categories, whether or not they have a local connection, will be given some preference on the Housing Register and will be placed in Band D.

## **4.8. Housing Quotas**

- 4.8.1. The Council recognises the role of other statutory services in meeting need and how adequate and appropriate housing assist in meeting care and support needs. Therefore, each year a limited number of properties is made available to the services listed below to support them meet their statutory functions through a number of client-specific 'quotas'. The following services currently have referral rights:
- Leaving Care
  - Children & Families
  - Probation
  - Adult Social Services
- 4.8.2. The number of referrals available will be set out in the Annual Letting Plan (see section 10.1) and will be based on evidenced need.
- 4.8.3. All quota referrals must be agreed by the authorised officer of the relevant service, meet the eligibility criteria and qualify for inclusion on the Housing Register as set out in Section 3 above.
- 4.8.4. Where a household does not meet the eligibility criteria or qualify for social housing under the provisions of the allocations policy the application will be referred to the Advice, Information & Assessment Head of Service (or equivalent) for consideration.

## **4.9. Move-on from Supported Housing**

- 4.9.1. Households placed in supported housing in the borough will be considered for move on to independent accommodation.

- 4.9.2. Service Level Agreements with the Supported Housing Providers will set out the criteria for referral and will be managed by the Supported Housing Pathway Service.
- 4.9.3. Applicants referred for move-on to independent accommodation will be considered for the full range of provision available (including private sector accommodation) to meet their housing need. Only cases with a demonstrable need for long term settled accommodation will be prioritised for social housing.

#### **4.10. Management Supported Transfers**

- 4.10.1. A 'management transfer' will be considered for an existing council tenant where there is demonstrable evidence to support a move to alternative housing and where temporary accommodation will not provide an adequate response to the issues arising. Any alternative property offered will be of the same type and size and will create no betterment of the household's accommodation.
- 4.10.2. Where a household is under occupying they will normally be offered a property of the size that meets their household needs. In exceptional circumstances an additional bedroom(s) may be considered.
- 4.10.3. A request for a management transfer must be made by the Director of Operations, Sutton Housing Partnership (or equivalent) and agreed by the Housing Assessment, Advice and Homelessness Head of Service, Encompass LATC (or equivalent).

#### **4.11. Successions**

- 4.11.1. Some households will have the right to succeed to a council tenancy, the eligibility criteria for which is set out in the Council's Tenancy Strategy.
- 4.11.2. Households with a right of succession to a council property but who occupy accommodation larger than their household needs will be placed in Band A and made a direct offer of suitable alternative accommodation.
- 4.11.3. Households occupying a council property with no right of succession following the death of the tenant but are considered to be vulnerable in accordance with the homelessness legislation will be made a direct offer of suitable alternative accommodation through Band A.

#### **4.12. Service Tenants**

- 4.12.1. Households whose employment with the London Borough of Sutton is coming to an end and are provided with accommodation as part of

that employment will be considered for re-housing in accordance with the Service Tenants handbook.

#### 4.13. General Transfers

- 4.13.1. Each year a small number of lettings will be identified in the annual lettings plan to enable existing local authority tenants and participating housing association tenants with no need to transfer to alternative social housing. Priority for housing will be based on the length of their current tenancy and a transfer will only be granted where the current property is in a 'lettable' condition.

#### 4.14. Older People who do not meet the Eligibility Criteria

- 4.14.1. Applicants over the age of retirement who want or would benefit from independent housing for older people and do not meet the residency requirement or do not have a housing need will be held on a separate list.
- 4.14.2. Households will be considered for independent housing for older people where a property is not allocated to households in Bands A to D on the Council's Housing Register.
- 4.14.3. Priority will be given to applicants who currently reside in the borough and then by date of application.

### 5. Assessment of Housing Need

#### 5.1. Medical Assessments

- 5.1.1. Medical priority is restricted to two groups: Priority 1 - those with an urgent medical need for alternative accommodation and Priority 2 - those with a non-urgent medical need for social housing.
- 5.1.2. A Priority 1 medical case arises where:
- a household in which one of its members has a **serious**, possibly life threatening, illness or disability **and** whose housing circumstances are affecting the applicant's health **very severely**  
**or**
  - a person to be discharged from hospital, and it is likely will be deemed priority, non-intentionally homeless if not re-housed  
**or**
  - a household in which one of its members is housebound due to the design of, or access to, the building and where alternative

housing will resolve that situation

**and**

- social housing (long term settled accommodation) will demonstrably contribute to alleviating the impact of the medical condition.

5.1.3. A Priority 2 medical case arises where:

- a household in which one or more of its members has an illness or disability and they specifically require social housing to address their medical condition. Examples of circumstances that meet this criterion include the need for an adapted or accessible property or the need for stability due to a social disability or significant mental health issue.

**and**

- social housing will demonstrably contribute to alleviating the impact of the medical condition

**or**

- a child has a serious medical condition and there is a need for settled accommodation, as supported by the medical adviser or disability housing panel.

5.1.4. A household can elect to have the medical recommendation ignored on their application, but they will also lose the associated priority awarded.

## **5.2. Bedroom Standard**

5.2.1. Households will be considered to be lacking bedrooms if their household composition requires more bedrooms than their current accommodation has available or the bedrooms available are too small for the number of occupants.

5.2.2. A separate bedroom will be awarded for each:

- married or cohabiting couple or single parent
- two household members aged 10 years and over of the same sex
- two household members aged under 10 years regardless of sex
- Children of different sexes where one is over the age of 10 will not be expected to share a bedroom

- 5.2.3. Unborn children will not be taken into account until 6 weeks prior to birth for the purposes of assessing the number of bedrooms required by a household.
- 5.2.4. Households must either be living together as a family unit or be reasonably expected to reside together.

### 5.3. Bedroom Size Definitions

- 5.3.1. Households who are living in accommodation with the right numbers of bedrooms may be considered to need additional space if the bedrooms are smaller than required by the number of occupants as defined below

Measurements	Size	No. of people
8.4 Sq meters (90 sq ft) or above	Double	2 people
Under 8.4 Sq meters (90 sq ft)	Single	1 person

### 5.4. Allocation of an Additional Bedroom

- 5.4.1. Where there is a demonstrable need for a full time and permanent 'live-in' carer an additional bedroom may be awarded. In most instances this will be demonstrated by the existence of an agreed care plan, as determined by the Physical & Social Disability Housing Panel (see section 9.2).
- 5.4.2. An additional bedroom may be awarded in exceptional circumstances for families with a child who has an enduring social disability and whose behaviour has a significant detrimental or adverse effect on other household members, as determined by the Physical & Social Disability Housing Panel (see section 9.2).
- 5.4.3. Under-occupiers who are moving from a larger property may be permitted to have 1 bedroom in excess of need.
- 5.4.4. An extra bedroom may be awarded in other exceptional circumstances for medical or social and welfare reasons, as determined by the Physical & Social Disability Housing Panel (see section 9.2).

### 5.5. Overnight Access / Shared Residency of Children

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

Where either parent has a home of adequate size the remaining parent will be assessed as having overnight access.

- 5.5.2. Single parents under 35 with overnight access to children will be assessed as requiring self-contained accommodation.
- 5.5.3. Single parents over 35 with overnight access to children will be assessed as requiring self-contained accommodation and access to a living room.

## **5.6. Split Families**

- 5.6.1. Where a family unit is not currently residing together the assessment will be based on the part of the household that occupies accommodation that provides them with the most suitable housing providing there is a reasonable expectation that they should reside together.
- 5.6.2. The residency qualification will be based on that part of the household with the longest residency in the borough.

## **5.7. Severe Overcrowding**

- 5.7.1. Severe overcrowding arises where a household is lacking 2 or more bedrooms.
- 5.7.2. Where a household is severely overcrowded, on request, that household will be able to bid for and move to a property that remains smaller than their assessed need provided it improves their housing conditions and where it does not result in continuing statutory overcrowding (e.g. a household currently living in a one bedroom home but needing three bedrooms could move into a two bedroom property), this is subject to agreement by the property's landlord.
- 5.7.3. Where a household moves to a property smaller than their assessed needs a fresh application will need to be made for inclusion on the Housing Register for larger accommodation and that assessment will be made on the current accommodation occupied.

## **5.8. Accessible Accommodation**

- 5.8.1. Applicants with mobility difficulties and who have a need for adapted or accessible accommodation will be assessed in accordance with the Accessible Housing Register guidance (AHR) and will be restricted to properties that match their assessed need.
- 5.8.2. The assessment will be made by the Physical & Social Disability Housing Panel (see section 9.2)

## **5.9. Lacking Facilities**

- 5.9.1. Households will be considered to be lacking facilities if they do not have access to any of the following: bathroom, kitchen / cooking facilities, hot/cold water supply, electricity or inside WC.
- 5.9.2. With the exception of single people (of any age), households will be considered to be lacking facilities if they do not have access to a living room.
- 5.9.3. Single people over the age of 35 who have overnight access to children and do not have access to a living room will be considered as lacking facilities.
- 5.9.4. Lack of facilities must not be due to failure to pay for the supply of electric / gas / water or due to failure to take proper and reasonable steps to rectify the situation or make best use of the accommodation available to them.

## **5.10. Sharing Facilities**

- 5.10.1. With the exception of single people under the age of 35, households living in accommodation where facilities are shared with people to whom they are not related or do not form part of a sharing arrangement their extended household (for example by marriage or flat / house share arrangements) will be considered to be lacking facilities in unsuitable accommodation.
- 5.10.2. Single people under the age of 35 are not considered to need self-contained accommodation unless they have overnight access to children or they have a social disability.

## **5.11. Social & Welfare Factors**

- 5.11.1. Households will be considered to be in unsatisfactory housing conditions if they have a social or welfare need for alternative accommodation, including:
  - People who have a need to live in a particular locality and where failure to meet that need would result in hardship
  - Families with children with a serious medical condition where in the view of the Council's Medical Adviser there is a need for settled accommodation
  - Families with children who are also assessed as particularly vulnerable by children services through their Special Educational Needs Panel and/or have a need for long term settled accommodation

- Adults with a need for long term settled accommodation and they do not currently reside in this type of accommodation
- Households who can demonstrate that they are required to give or receive constant care and attention to/from a close relative, as evidenced by a professional's report (e.g. Social Worker, GP, Occupational Therapist) and supported by the Council's Medical Adviser
- Households who have a need for accessible accommodation, and the lack of availability of that type of accommodation in the private rented sector means that they would be disadvantaged in securing alternative accommodation.
- Victims of domestic abuse who need to move to alternative accommodation or are occupying a refuge in the borough or temporary accommodation provided by Sutton.

## **5.12. Disrepair**

- 5.12.1. Households will be considered to be in unsatisfactory housing conditions if their property has been inspected by Environmental Health and an Improvement Notice or Prohibition Order has been served on their landlord.
- 5.12.2. The disrepair must not be due to the failure by the applicant to take proper and reasonable steps to rectify the situation.

## **5.13. Worsening of own Circumstances**

- 5.13.1. Where it is determined that an applicant has taken an action or no action that worsens their housing circumstances and the action or omission is judged to have enhanced the household's priority on the housing register, their application will be assessed as if that action or omission had not been taken for a period of 2 years. Examples include:
- Households who have created overcrowding by moving in other people who are not reasonably expected to reside with them, for example extended family moving into the accommodation.
  - Households who have moved other people into accommodation that makes it unsuitable
  - Households who have been found intentionally homeless
  - Households who have left reasonable or suitable accommodation and moved to a less suitable property.



- Households who have increased their financial liability on non-essential expenditure shortly before their application for housing
- 5.13.2. Households are expected to make best use of their accommodation and applications will be assessed to reflect the best use of the space available to the household.

## **6. Choice Based Lettings (CBL)**

### **6.1. Introduction**

- 6.1.1. The Council operates a choice based lettings system; to participate applicants must be on the Housing Register. Vacancies are advertised through Sutton HomeChoice and applicants are able to express an interest by bidding for properties of their choice.
- 6.1.2. The level of choice an applicant has will depend on the band in which they have been placed and any agreed restrictions on the type of property that will meet their needs.
- 6.1.3. Other than where the circumstances for a direct offer arise, applicants on the Housing Register in Bands B, C and D and those seeking a transfer can exercise choice by bidding for properties advertised within the bedroom size to which the household is entitled.
- 6.1.4. All bids must be made through the CBL website or automated telephone system.
- 6.1.5. Where an applicant is vulnerable and is unable to access the website to place their bids, automated bidding can be set up for them. This can be arranged by contacting the Gateway & Initial Assessment Team.
- 6.1.6. Properties will be advertised from daily, and will remain on the website for 3 days.
- 6.1.7. Properties advertised will be allocated to the applicant with the highest priority who has placed a bid unless a direct offer to a Band A or B household is made.

### **6.2. Direct Offers**

- 6.2.1. With the exception of decants and under-occupiers, applicants in Band A will be made a direct offer of accommodation and their application will be placed on automated bidding.
- 6.2.2. These applicants will be given the opportunity to express any particular requirements, at the point of application, which will be taken into account when making an offer of accommodation. However, the match between a property and an applicant's housing needs will be

the primary factor in the allocation of a property. One suitable offer of accommodation will be made to households in Band A.

- 6.2.3. Households in Bands B, C & D and those on the Transfer and Older People Exceptions lists will be made a direct offer of accommodation where a property has been advertised and has not been accepted by another applicant through the Choice Based Lettings scheme or to maximise the use of temporary or permanent accommodation. Applicants may be selected for a direct offer where:
- an applicant has reached the top of the Band and has not selected a property
  - an applicant has not bid for a property in the previous 6 months
  - an applicant has not accepted a property offered in the previous 6 months
- 6.2.4. Consideration will be taken of the needs and preferences of these households and some types or locations of properties may be excluded before an offer is made. One suitable offer of accommodation will be made.
- 6.2.5. If a Band A applicant refuses a suitable offer of accommodation the application will be reassessed and placed in the Band that reflects their circumstances or be removed from the Register if they do not meet the criteria for any other Band.
- 6.2.6. If an applicant in Bands B, C or D or those on the Transfer and Older People Exceptions list refuse a direct offer of suitable accommodation the applicant will be removed from the Housing Register and will not be able to re-apply for a period of one year, at which time a new application may be made and will be assessed in accordance with the Allocation Policy at that time. Applicants may ask for a review of the decision to remove them from the Housing Register (See section 11.10).
- 6.2.7. Where possible, a single applicant with overnight access to children will not be made a direct offer of accommodation with shared facilities. Where the applicant is over 35 the accommodation will include a living room.

### **6.3. Floor Levels**

- 6.3.1. Applicants using the CBL system will be able to exercise their choice in relation to the floor levels on which the property is situated unless they have a medical recommendation that excludes properties on certain floor levels.

- 6.3.2. Where a direct offer of accommodation is made to a household a property on any floor level within a block of flats may be offered, unless there is a medical recommendation limiting the floor level - for example, where there are mobility problems.
- 6.3.3. A medical recommendation relating to floor levels will apply to both internal and external floor levels. A ground floor recommendation will preclude households being considered for properties with internal stairs, unless the property has a lift available.

#### **6.4. Bidding Restrictions**

- 6.4.1. Some properties advertised may have restrictions on the type of household eligible to bid or the priority order in which applicants will be considered. Restricted properties include:
- properties designated for applicants over the age of 55 or 60
  - properties subject to a Sensitive Let (see section 10.4)
  - properties subject to a Local Lettings Plan (see section 10.3)
  - properties advertised to a particular Band
- 6.4.2. Where the property advertised is owned by a housing association additional restrictions may apply in accordance with the association's allocation policy.
- 6.4.3. Where restrictions are applied details will be given on the advert.

#### **6.5. Property Information**

- 6.5.1. All properties advertised will give information on any qualification criteria and any priority to be given to certain applicants, this will include any special arrangements applied due a local lettings policy or sensitive let (see section 10.3 and 10.4).
- 6.5.2. Property adverts will also include details of the rent payable, tenure, any special features and local facilities where available.

#### **6.6. Offers of Accommodation**

- 6.6.1. Following the advert closing the successful applicant (or applicants in the case of multiple viewings) will be invited to view the property, usually within 3 days.
- 6.6.2. If the property is ready for letting the successful applicant will be expected to sign the tenancy agreement at the earliest opportunity.
- 6.6.3. Failure to attend a viewing may be counted as a refusal of an offer.

- 6.6.4. Some landlords will require rent in advance to be paid and future rent to be paid by direct debit

## **6.7. By-passing /Skipping of Applicants**

- 6.7.1. Applicants who submit a bid for a property may not be invited to view the property if one of the following circumstances applies:
- the household did not have the highest priority date of those applicants that submitted bids for the property advertised
  - the property belongs to a housing association and the household does not meet the association's allocation policy (this will normally be specified on the advert)
  - the household no longer meets the qualification criteria - e.g. has rent arrears
  - the applicant is not able to provide evidence of their circumstances or proof of ID when requested
  - the applicant does not respond within 2 days to the invitation to view the property
  - there is a local lettings policy in place and the household does not meet the criteria
  - the property is subject to a sensitive let and the household does not meet the eligibility criteria
  - the applicant is not available to take up the offer of the property - e.g. in prison
  - the property is withdrawn for a priority household in Band A or B

## **6.8. Failure to attend Viewings**

- 6.8.1. Where an applicant fails to attend an appointment made for a viewing of a property sanctions will be applied.
- 6.8.2. The first failure to attend without notice will result in a warning.
- 6.8.3. The second failure to attend without notice will result in the application being suspended for a period of 6 months
- 6.8.4. The third failure will result in removal from the Housing Register, the applicant will then not be able to re-apply for a period of two years

## 7. Independent housing for older people and Housing with Care

### 7.1. Independent Housing for Older People

- 7.1.1. Due to the specific nature of independent housing for older people additional eligibility criteria will apply.
- 7.1.2. The criteria for allocating independent housing for older people will be based on the following;
- 7.1.3. Age
- the applicant is over 60 (in some cases over 55) **and**
  - has a recommendation for independent housing for older people from a social or health care agency **or**
  - has requested independent housing for older people
- 7.1.4. Care needs
- the applicant is under 60 **and**
  - has a physical or sensory disability **and**
  - independent housing for older people could assist the applicant in maintaining independent living **and**
  - whose life style would be compatible with general use of the scheme **and**
  - has a recommendation for independent housing for older people from a social or health care agency
- 7.1.5. Where demand for independent housing for older people is greater than the supply, priority will be given to those applicants who have a recommendation for this type of accommodation.
- 7.1.6. Housing for older people will be allocation on an age cascade basis, with older applicants being considered first.
- 7.1.7. Any allocation of independent housing for older people will not be made to an applicant where to do so will compromise the status of the scheme.

### 7.2. Extra Care Housing

- 7.2.1. Extra care housing aims to provide a home for life for older people by providing appropriate housing, care and support and makes the best use of available resources.

- 7.2.2. Eligibility for Extra care housing is initially based on the same criteria as general housing for older people above but applicants must also be receiving a care package.
- 7.2.3. Referrals for Extra care housing must be made by the applicant's social worker and be identified as necessary in the support plan.
- 7.2.4. The number of care hours received by the applicant may determine which extra care scheme is most suitable for their needs.

## **8. Mobility Schemes**

### **8.1. Mobility for Existing Social Tenants**

- 8.1.1. The authority will support and promote mobility arrangements for existing council tenants to move to alternative accommodation.

### **8.2. Housing Moves (London Mobility Scheme)**

- 8.2.1. The authority will participate in the London Housing Moves mobility scheme and will make available a small number of properties for tenants in other boroughs registered to move through this scheme.
- 8.2.2. Local authority tenants in the borough will be able to register on the scheme and bid for properties advertised in other participating boroughs.

### **8.3. Mutual Exchanges**

- 8.3.1. Requests for mutual exchanges will be considered in accordance with the bedroom standards above. An exchange will not be agreed where a household will under occupy as a result of the exchange unless, in some circumstances, the household was previously under occupying and the degree of under-occupation has not increased.

### **8.4. Under-Occupation Scheme**

- 8.4.1. Households who are living in Sutton Council owned properties will be able to join the scheme and will be given priority for re-housing.
- 8.4.2. Where a housing association is a 'qualifying partner', households who are living in housing association properties that are larger than their households needs may join the under-occupation scheme, Where the applicant is a tenant of an eligible housing association the resulting vacancy will be returned to the Council to nominate a household, and be over and above the agreed annual nomination percentage.

- 8.4.3. The Under-Occupation Officer will work with the household to identify a suitable alternative property and financial incentives may be available to assist with removals and other expenses.

## **8.5. Reciprocal Arrangements**

- 8.5.1. Sutton Council will consider requests from other authorities and housing associations to assist a household with housing in the borough providing an existing household on the housing register who wishes to move to their area can be identified.
- 8.5.2. Where a reciprocal arrangement has been agreed the incoming household will be placed in Band A and made a direct offer of accommodation.

## **9. Physical and Social Disability Housing Panel**

- 9.1.1. The Physical and Social Disability Housing Panel is a multi-agency panel that assesses the needs of households with a physical disability and households with children who have a social disability.
- 9.1.2. The membership of the panel includes all services in the Council that work with disabled households and are responsible for identifying and meeting their housing needs. The following services are currently core members of the Panel:
- Sutton Housing Partnership – Voids & Allocations Team
  - Occupational Therapy Service (Children and Adults)
  - Encompass LATC (Housing Information & Assessment Team)
  - Children with Disabilities Team
  - Welfare Reform Team / Housing Benefit
  - Adults and Safeguarding

## **10. How Properties will be Allocated and Let**

### **10.1. Annual Lettings Plan**

- 10.1.1. This plan will contain an estimate of the supply of homes, which will be available for letting each year including new homes due to be completed and existing homes to be re-let. It will also set out the proportion of the available lettings that will go to each of the Bandings listed above. The expected supply of and demand for housing will be considered.

- 10.1.2. The Advice, Information & Assessment Head of Service (or equivalent) will be responsible for drafting the lettings plan and will:
- Liaise with development to obtain an estimate of new supply
  - Provide an estimate of re-lets on the previous year's lettings
  - Consult with services to forecast demand
  - Refer to the housing / homelessness strategy
  - Review the Housing and Transfer Registers to forecast demand
  - Agree annual key objectives
  - Set targets for lettings made to each of the Bands
  - Set targets for lettings made to specific schemes or developments
  - Set targets for lettings made to specific client groups
  - Ensure that the agreed percentages give adequate priority to achieve key objectives
  - Monitor overall performance against annual targets
- 10.1.3. The plan will be approved by the Assistant Director, Housing Planning and Regeneration.
- 10.1.4. Overall performance will be monitored against the priorities and key objectives set out in the lettings plan and reviewed for progress quarterly.

## **10.2. Best use of Stock**

- 10.2.1. The Council aims to make the best use of properties within its stock. When allocating or advertising properties consideration will be given to the best use of that property; therefore some households may be given additional priority for a particular vacancy.
- 10.2.2. Properties with two separate reception rooms (known as Parlour types) will be considered to have an additional bedroom. For example a 2 bedroom property with 2 reception rooms may be let as a 3 bedroom property.
- 10.2.3. Properties that are considered to be larger than an average property may be let to households with the greatest number of family members. For example, a property with 3 double bedrooms may be considered for a 6 person household before those with 5 persons.



- 10.2.4. The authority has a very limited supply of properties larger than 4 bedrooms, therefore all households who require a larger property will be considered for properties with 4 bedrooms.
- 10.2.5. Where a property has been adapted for a person with disabilities and a suitable applicant cannot be identified within a reasonable timeframe the property may be let as temporary accommodation to avoid removal of the adaptations.

### **10.3. Local Lettings Plans**

- 10.3.1. At times, it may be necessary to agree a local lettings plan to ensure balanced communities are achieved with regard to economic and social factors of household on an estate or area and to ensure the agreed key objectives of the Authority's housing allocations policy being met. The following criteria must be met:
- Clear objectives are agreed aimed at preventing or tackling defined social problems or creating balanced communities
  - Defined set of outcomes agreed
  - Outcomes monitored and reported on annually
  - It forms part of a strategy for tackling defined social problems or creating balanced communities
  - It has clear objectives aimed at redressing any identified inequality in accessing housing
  - It will not have disproportionate negative effect on other key objectives negating value of action
  - It will be applied for an agreed fixed period
  - Arrangements must be monitored and reviewed against established objective
  - Recommendation to adopt such an action will be considered and agreed by the Housing Advice, Information & Assessment Head of Service (or equivalent)

### **10.4. Sensitive Lets**

- 10.4.1. On occasions it is in the interest of residents and tenants that an individual property is let sensitively in light of the experience of neighbouring tenants. Where a request for a sensitive let is sought the officer should make a referral to the Housing Advice, Information & Assessment Head of Service (or equivalent) who will consider the request

- 10.4.2. In making a sensitive let, specific categories of applicant cannot be precluded from consideration for the property in question e.g. all homeless households - and selection will be made according to an applicant's suitability for the property in question.
- 10.4.3. Sensitive lets will only be agreed where it can be demonstrated that:
- the neighbouring tenants have experienced either: harassment, noise nuisance or untenant like behaviour over a period of time or of an excessive nature and incidents have been recorded and action has been taken by the landlord **or**
  - there is a public protection issue that must be managed

## **11. General Administration**

### **11.1. Application Process**

- 11.1.1. Applications to the Housing Register are made using the online application form available through the Council's website.
- 11.1.2. Households who do not have access to a computer or need assistance with completing the online application form can obtain help by contacting Encompass LATC.
- 11.1.3. Applicants will be asked to provide proof of their circumstances either at the point of application or when a successful bid is made or both. Failure to provide the proof requested may result in the application being removed from the system or suspended until such time as it is supplied.
- 11.1.4. Applicants may be visited at home, either by a pre-booked appointment or unannounced to verify circumstances.

### **11.2. Multiple Applications**

- 11.2.1. A household may make only one housing application to the Council's Housing Register. Where a person is included on an application and that household needs 4 or more bedrooms, a separate application from a member of that household will be considered.
- 11.2.2. If either applicant receives and accepts an offer of accommodation the remaining applicant would be reassessed and their application may be cancelled if the housing offered to the other applicant means that there is no longer a housing need.

### **11.3. Joint Applicants and Joint Tenancies**

- 11.3.1. All new tenancies to Sutton Council properties will be granted as joint tenancies where the application includes a couple, regardless of marital status, except where any party does not have recourse to public funds
- 11.3.2. Social tenants transferring may elect to hold the new tenancy as a joint or single tenancy provided agreement from either parties or a court order is obtained. Any joint tenant no longer named on a new tenancy is advised to seek advice with regard to their housing rights and the implications of giving up a secure tenancy.
- 11.3.3. Where the current joint tenants are not in agreement and no court order exists an offer of alternative accommodation may be withdrawn.
- 11.3.4. Existing sole tenants may choose to change to a joint tenancy with their spouse or partner when taking a new tenancy.
- 11.3.5. Current joint tenants who are not part of the housing application will not be permitted to retain the current tenancy unless a court order is made or there are exceptional circumstances.
- 11.3.6. Where the property being let is owned by a housing association that association's policy may be applied.

### **11.4. Capacity**

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

### **11.5. Cancellations**

- 11.5.1. A housing application will be closed once an applicant is re-housed through the Housing Register or via a Mutual Exchange into a council or housing association property.
- 11.5.2. If an applicant has a change in circumstances which means they no longer meet the eligibility criteria their application will be closed.

### **11.6. Change of Circumstances**

- 11.6.1. It is the applicant's responsibility to keep their housing application up to date and they must inform the Council of any changes in their circumstances including:

- Household size
  - Address
  - Financial circumstances
- 11.6.2. On notification of a change in circumstances the application will be re-assessed and the applicant will be advised of the outcome.
- 11.6.3. In the event that the applicant ceases to qualify for the Housing Register their application will be closed.
- 11.6.4. Where an applicant moves to a new band their application date will be the date they informed the Council of the change in their circumstances, **not** the date the change in circumstances took place.
- 11.6.5. Where a change in an applicant's circumstances increase the property size required, the household's application date will be the date they advised the Council of the change in their circumstances, **not** the date the change took place.

## 11.7. Annual Renewals

- 11.7.1. An applicant's circumstances and housing needs may change over a period of time. To ensure that the Housing Register holds correct information applicants will be asked to renew their application each year.
- 11.7.2. Applicants will receive a letter asking them to renew their application, confirm that the information appearing on the register at the date of the review is correct and up to date and provide any new information where details are incorrect or circumstances have changed.
- 11.7.3. Where no response is received within the timescale stated, the application will be removed from the Register.

## 11.8. Fraud

- 11.8.1. Any household seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in their circumstances is liable to have their application cancelled and their name removed from the Register and may be prosecuted.
- 11.8.2. In the case of a person accepted as homeless under part VII of the Housing Act 1996, this may lead to prosecution under the terms of section 214 of the Act.

- 11.8.3. Any applicant who is later found to have been granted a tenancy as a result of a fraudulent application will be subject to prosecution and the property will be recovered.
- 11.8.4. Any applicant who falls into one of the categories above will not be permitted to make a further application for housing for a period of 5 years.

## **11.9. Advice, Information and Assistance**

- 11.9.1. Advice and information about the Housing Register is available on the Council's website or by telephone.
- 11.9.2. Applicants who may have difficulty in bidding for properties can elect to use the automatic bidding facility. Where this facility has been requested, a bid will be automatically made for properties of the right size, type and location.
- 11.9.3. Information regarding alternative housing options is available through the online Enhanced Housing Options Assessment toolkit on the Council's website.

## **11.10. Reviews and Appeals**

- 11.10.1. Where an applicant believes that the Council's Allocation Policy has been incorrectly applied to the applicant's housing application they should, in the first instance, discuss the matter with the officer that made the original decision.
- 11.10.2. If the applicant is dissatisfied with the outcome of that discussion the applicant can ask for a review. The request for a review must be made in writing within 21 days of the decision being notified to the applicant.
- 11.10.3. An applicant is entitled to request that the Council review any decision made on their application including:
  - Eligibility to join the Housing Register
  - Facts of the case taken into account when assessing priority
  - Suitability of a direct offer of accommodation
- 11.10.4. The review will be conducted by a more senior officer than made the original decision and the applicant will be notified of the outcome within 15 working days of the request.

## **11.11. Complaints**

- 11.11.1. Complaints about the way in which an application has been handled will be dealt with in accordance with the Council's complaints procedure.
- 11.11.2. The complaints procedure cannot be used to complain about the policy itself.

## **11.12. Access to Information**

- 11.12.1. The Authority will comply with provisions of S167(4A) of the Housing Act 1996. An applicant has the right to request information that will enable him or her to assess how the application is likely to be treated and, including whether he or she is likely to be regarded as a member of a group accorded preference.
- 11.12.2. An applicant has the right to request information on whether housing accommodation appropriate to his or her needs is likely to be made, and if so, how long it is likely to be before he or she is made an offer.
- 11.12.3. In accordance with the Access to Personal Files Act 1987 applicants have a right to see what information is held about them on written records.
- 11.12.4. Information about another person, or which identifies another person, and information provided by another person, cannot be provided without their agreement.
- 11.12.5. Applicants cannot have access to their files where there are legal reasons for the information not being released, or where there is reason to believe that the information may be harmful and withholding the information does not contravene the statutory provisions above.
- 11.12.6. Requests for access to records must be made in writing.

## **11.13. Equal Opportunities**

- 11.13.1. The Council is committed to ensuring that no one applying for housing is discriminated against on the grounds of ethnic origin, disability, age, gender, sexual orientation, religion or for any other reason.
- 11.13.2. Information is asked for as part of the application process, this information is used to monitor diversity and equality in operation of the policy. The information is treated as confidential and will not adversely affect how an application is dealt with.
- 11.13.3. The Council has carried out an Equality Impact Assessment of its allocation policy.

## 11.14. Monitoring

- 11.14.1. Allocation policy and practice will be monitored to:
- establish whether the outcomes of the policy reflect its stated aims
  - inform policy review
  - assess the effectiveness of the service
  - track trends
  - set future targets
  - identify inequality
- 11.14.2. Performance against targets and effectiveness of the policy will be reported to the Housing Needs & Allocations Performance Review Group
- 11.14.3. The information will be reported six monthly and published annually.

## 11.15. Decision Making Responsibilities

- 11.15.1. The Allocation of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) prevents a housing authority's elected members' involvement in allocation decisions when either:
- The unit of housing accommodation concerned is situated in their electoral ward **or**
  - The person subject to the decision has their sole or main residence in the member's electoral ward.
- 11.15.2. In consideration of statutory provisions and best practice as laid out in the Code of Guidance Elected Members will not be involved in decisions regarding the allocation of individual properties within the London Borough of Sutton. This does not prevent a member from seeking or providing information on behalf of their constituents where the necessary consents have been obtained. Elected members remain responsible for determining allocation policies and ensuring the monitoring of their implementation
- 11.15.3. From time to time a situation may arise that is not adequately reflected in this policy but the needs or circumstances of the applicant are exceptional and significant. Where a case is considered exceptional but the applicant does not meet any of the reasonable preference criteria or it is felt that a higher priority than the one awarded is more appropriate then the Housing Advice, Information & Assessment Head of Service (or equivalent) may award an applicant a higher priority

than they would be entitled to under the policy or to be admitted to the register where the qualification provisions are not met.

11.15.4. All exceptions to the Allocations Policy that result in a higher priority being awarded to an application or an applicant admitted to the Housing Register where the qualification provisions are not met will be logged and recorded setting out the reason for the decision and available for audit by Executive Management or the Council's internal audit services.

11.15.5. In meeting housing need in the borough and delivering housing need services the following officers will be responsible for the functions and decisions below.

Developing the Council's Annual Lettings Plan	Advice, Information & Assessment Head of Service, Encompass LATC (or equivalent)
Agreeing the Council's Annual Lettings Plan	Assistant Director, Housing, Planning and Regeneration (or equivalent)
Developing and agreeing Local Lettings Plans	Advice, Information & Assessment Head of Service, Encompass LATC (or equivalent)
Agreeing Management Supported Transfers	Advice, Information & Assessment Head of Service, Encompass LATC (or equivalent)
Inclusion of applications into Band A where the application does not fall outside the Council's Allocation Policy (including quota cases).	Advice, Information & Assessment Manager, Encompass LATC (or equivalent)
Agreeing Sensitive Lets	Advice, Information & Assessment Manager, Encompass LATC (or equivalent)
Assessments of Housing Applications for inclusion on the Councils Housing Register and award of priority.	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent)
Awarding Medical Priority	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent) supported by the Council's Medical Officer



Agreeing Proof of Residency	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent)
Agreeing Proof of Income and Expenditure	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent)
Agreeing Proof of Eligible Household	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent)
Suitability to be a tenant of the local Authority	Encompass LATC - Gateway and Initial Assessment Officers, Targeted Housing Advisers & Homeless Persons Officers (or equivalent)