



# Housing Allocation Scheme

**Choice Based Lettings**  
Housing options, your choice

April 2006





## The Housing Allocation Scheme

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## Introduction

This is Merton Council's Housing Allocations scheme. The scheme shows how the Council determines priorities between housing applicants.

From April 2006 Merton Council will be introducing Choice Based Lettings and this scheme sets out our policy on offering applicants a choice of accommodation.

The scheme brings together the Council's policies on the allocation of housing for all those who have applied and are eligible for housing assistance under Part VI (6) of the Housing Act 1996, as amended.

To obtain a free copy of the document (Hard Copy or Electronic) please contact:

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An annual report reviews the supply and allocation of the Council's housing stock and the Registered Social Landlord stock to which the Council has nomination rights. Projections are made for each of the priority rehousing groups to show how the expected supply of housing for the year is intended to be distributed.

The Housing Needs Service, which includes the allocation function, is located at the **Housing Needs Service, Civic Centre, London Road, Morden, SM4 5DX.**

A full glossary of terms is attached as an appendix.

# 1. Allocation Scheme

## 1.1 The Legal Framework

Under section 167 of the 1996 Housing Act the housing authority must publish an allocation scheme for determining priorities and defining the procedures to be followed in allocating housing.

Amendments under the 2002 Homelessness Act mean that the allocation scheme includes tenant transfer application. The scheme also includes a statement of the Council's policy on offering eligible applicants a choice of accommodation or the opportunity to express preference.

## 1.2 Reasonable Preference

The scheme must give reasonable preference to certain classes of people S.167 (2) Housing Act 1996, as amended provides the following categories of reasonable preference:

- a) People who are homeless within the meaning of part VII of the 1996 Act.
- b) People owed a duty by any housing authority under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under S65 (2) or S68 (2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192 (3) of the 1996 Act (i.e. those found to be intentionally homeless and in priority need, unintentionally homeless and those threatened unintentionally with homelessness who are in priority need and those unintentionally homeless provided with accommodation under Part VII of the Act (although not in priority need).
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship to themselves or to others.

The shortage of accommodation within Merton available for the purposes of Part VI of the Housing Act 1996 and the constant demand for such accommodation means those applicants who do not fall within one of the categories of reasonable preference are unlikely to be allocated accommodation under the scheme in the foreseeable future.

Some applicants will be affected by a combination of different housing need factors and may fall within more than one of the reasonable preference categories. There is discretion for households whose defining features (including their cumulative needs) are deemed so exceptional that a higher priority band is deemed to be necessary. Where the defining features (including their cumulative needs) are considered so exceptionally severe as to warrant immediate/ imminent rehousing, there is discretion to enable the household to be made a direct offer outside the scheme.

## **1.3 Applicants ineligibility and removal of priority**

### **1.3.1 Eligibility and immigration status**

None of the provisions contained in the Homelessness Act 2002 with respect to applicants immigration status will affect the eligibility of an applicant who is already a secure, introductory or assured tenant of housing accommodation allocated to them by Merton Council.

### **1.3.2 Applicants who are ineligible for housing**

The following households will be ineligible for housing and these households will be ineligible to appear on the Housing Register.

a) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless the Secretary of State has prescribed that they should be eligible for housing. This includes the following groups of people:

- Asylum seekers
- Visitors who have limited leave to enter or remain in the UK granted on the basis that they will have no recourse to public funds.
- People who have valid leave to enter or remain in the UK, which includes a condition that there shall be no recourse to public funds.
- Most people who are not habitually resident in the UK.
- Certain people who are in the UK under sponsorship arrangements.
- Illegal entrants.
- People who have overstayed their leave, and
- Any other person from abroad who the Secretary of State has prescribed as being ineligible for housing.
- A8 Nationals

b) Applicants who are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority at the time of the application.

Applicants who are guilty of unacceptable behaviour will be ineligible to join the register where, on receipt of the housing application

i) The Council is satisfied that the applicant or a member of their household has been guilty of behaviour that would make them unsuitable to be a tenant such that the Council is satisfied that, if the person concerned had been a secure local authority tenant or a member of the tenant's household (as the case may be), a court would have considered it reasonable to grant an outright possession order under S84 of the Housing Act 1985, part 1, schedule 2 excepting Ground 8 against the tenant; and

ii) Having concluded that there would be entitlement to an order, the Council is satisfied that the behaviour is serious enough to make this the proposed tenant unsuitable to be a tenant of Merton Council at the time the application is made.

See page 9 for Grounds for possession, S84 Housing Act 1985, Part 1, schedule 2.

### 1.3.3 Removal of priority

This section applies to applicants who have been accepted onto the register and are entitled to reasonable preference but whose priority will be removed.

The policy on removing priority from applicants has been framed with reference to S167 (2B) and (2C) Housing Act 1996 as amended by the Homelessness Act 2002.

S167 (2B) and (2C) gives local authorities the ability to remove all priority from an applicant where they are satisfied that the applicant is unsuitable to be a tenant.

Applicants who are guilty of unacceptable behaviour will have all priority removed. The test to be applied is the same as for deciding whether an applicant is ineligible as above. The legislation gives the Council discretion to apply this test to decide whether to accept the application and then apply the test and remove all priority as a result.

An applicant will be notified of a decision that all priority has been removed and has the right to request a review of the decision. A fresh application will be considered if:

- i) the applicant can demonstrate good behaviour for at least a year, or
- ii) the applicant's immigration status has changed.

## **Grounds for Possession, s84 Housing Act 1985, Part 1, Schedule 2**

### **Housing Act 1985**

#### **SCHEDULE 2**

#### **GROUND FOR POSSESSION OF DWELLING-HOUSES LET UNDER SECURE TENANCIES**

##### **PART 1**

#### **GROUND ON WHICH COURT MAY ORDER POSSESSION IF IT CONSIDERS IT REASONABLE**

##### **Ground 1**

Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed.

##### **Ground 2**

The tenant or a person residing in the dwelling house

- a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of
  - i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
  - ii) an arrestable offence committed in, or in the locality of, the dwelling-house

##### **Ground 2A**

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and

- a) one or both of the partners is a tenant of the dwelling house
- b) one partner has left because of violence or threats of violence by the other towards
  - i) that partner, or
  - ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- c) the court is satisfied that the partner who has left is unlikely to return

##### **Ground 3**

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or a person residing in the dwelling-house and, in the case of an act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

##### **Ground 4**

The condition of furniture provided by the landlord for use under the tenancy, or for use in the common parts, has deteriorated owing to ill-treatment by the tenant or a person residing in the dwelling-house and, in the case of ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonable to have taken for the removal of the lodger or sub-tenant.

#### Ground 5

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.

#### Ground 6

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling-house, by an assignment made in virtue of section 92 (assignments by way of exchange) and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that section. In this paragraph, 'premium' means any fine or other like sum and any other pecuniary consideration in addition to rent.

#### Ground 7

The dwelling-house forms part of, or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation and

a) the dwelling-house was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of the landlord, or of:

a local authority  
a new town corporation  
an urban development corporation  
the Development Board for Rural Wales, or  
the governors of an aided school, and

b) the tenant or a person residing in the dwelling-house has been guilty of conduct such that, having regard to the purpose for which the building is used, it would not be right for him to continue in occupation of the dwelling-house.

#### Ground 8

The dwelling-house was made available for occupation by the tenant (or a predecessor in title of his) while works were carried out on the dwelling-house which he previously occupied as his only or principal home and

- a) the tenant (or predecessor) was a secure tenant of the other dwelling-house at the time when he ceased to occupy it as his home
- b) the tenant (or predecessor) accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy, and
- c) the works has been completed and the other dwelling-house is so available.

## **2. Choice Based Lettings**

### **2.1 The Scheme**

2.1.1 The aim of increasing choice in lettings while at the same time continuing to meet housing need is desirable to ensure sustainable tenancies and build settled communities as tenants are more likely to meet their tenancy obligations, maintain the property in good condition and stay there for longer: Allocation of accommodation, code of guidance for local authorities November 2002.

2.1.2 The Homelessness Act 2002 amends section 167 of the 1996 Housing Act and requires authorities to include in their Allocation Schemes a statement of their policy on offering people who are to be allocated housing accommodation

- A choice of housing accommodation, or
- The opportunity to express preferences about the housing accommodation to be allocated to them

2.1.3 This Allocation scheme comprises Merton Council's statement on choice in lettings.

2.1.4 From April 2006, with very few exceptions, all Council owned and Registered Social Landlord properties (Housing Associations) to which the Council has nomination rights will be advertised to eligible applicants who will bid for those they are interested in. In the case of multiple bids from applicants in different bands applicants in Band A will be given preference over other applicants in other bands. Where there are multiple bids from differing bands the underlying principle will be that those in band A will have preference over those in Band B. Where there are no bidders from Band A preference will be given to applicants in Band B and so on.

### **2.2 Exceptions**

Some applicants may continue to be made direct offers if they would be unable to participate in choice. These may be applicants nominated by Mental Health, Learning Disabilities or Children's Services and we will work closely with social workers or care managers to decide on the best letting method for those applicants.

Merton Council may, in exceptional circumstances make direct offers to other applicants and we may discharge our housing duty through making one direct offer of suitable accommodation.

We may also, in exceptional circumstances, decide not to offer a tenancy to the highest bidder where it would not be in the interest of the applicant, another party, or the good management of housing stock. An example would be if an applicant had a history of perpetrating domestic violence and had bid for a property close to a former partner who could be at risk.

## **2.3 Bands**

- The scheme has 9 bands, amongst which specific priority groups are allocated. The purpose of the bands is to give reasonable preference to certain groups as required by law and to assist certain other groups of applicants.
- For descriptions of the bands (and individual priority groups) see the relevant sections.
- Mobility requirements of those within the groups are taken into account when matching properties.

The high demand for housing means there will be insufficient stock available to help as many people as we would like.

## **2.4 Bands Explained**

### **Band A**

Overriding medical priority  
Essential repairs/decants  
Management transfers  
Statutory overcrowding  
Reciprocals  
Occupiers not entitled to Succeed  
Exceptional circumstances

### **Band B**

Priority Groups

### **Band C**

Transfers

### **Band D**

Special Quota's

### **Band E**

Accepted homeless households in temporary accommodation

### **Band F**

Older Persons accommodation

### **Band G**

General Housing Register

## Band H

Low priority applications

## Band I

Special Register (sub-regional vacancies)

## 2.5 Merton's Banding Scheme

Merton will continue to operate a Housing and a Transfer Register and allocations will be made from these registers. Applications will be assessed and placed in the appropriate band. Once in a band, applicants, depending on their priority group, will be rehoused either on points and/or in date order.

Priorities with bands A, and D will be on a date order basis, according to the date the applicant was placed into that band and what follows below.

The relevant dates for bands A, and D are as follows:

- Overriding medical - date o/r allocated
- Management transfer - date m.t approved
- Decants/essential repairs - date agreed move is urgent
- Exceptional circumstances - date approved as exceptional
- Statutorily overcrowded - date agreed as statutorily overcrowded
- Non-statutory successor - date approved for rehousing
- Under occupier - date transfer to small property registered
- Learning disability - date accepted on quota
- Mental health - date accepted on quota
- Substance misuse - date accepted on quota
- Young people leaving care - date accepted on quota
- Relationship breakdown - date accepted on quota
- 

## 2.6 Points Scheme

Applicants in Bands B, C, E, F, G, H and I will have their priority assessed using a points scheme which gives applicants a number of points for certain types of housing need. The more points an applicant has, generally, the more priority for housing they have. Details of the points awarded are as follows.

### Insecurity points – Bands B, F, G, H and I only

All applicants who have a resident landlord	10 points
If the resident landlord gives notice	20 points
Resident landlord gives notice on a definite date	60 points
All applicants living with friends or relatives	5 points
All applicants living with friends or relatives who have been	30 points

asked to leave	
Applicants living with friends or relatives where in the opinion of the Housing Officer it is likely that they will become homeless	55 points
Assured Shorthold (AST) or other private tenancy where written notice has been given by the landlord	10 points
AST or other private landlord has applied for a court hearing	30 points
AST landlord has obtained a possession order, owner occupiers lender has obtained suspended possession order	80 points
Living in tied accommodation	10 points
If you are given Notice to leave accommodation provided by your employer and you are not being dismissed for misconduct	80 points
If you are under Notice to be discharged from an institution 3 months notice of discharge from institution	30 points
If you are under Notice to be discharged from an institution within 1 month	60 points

If the applicant qualifies for 'insecurity points' then 'family stress' points will be added to their application at the rate of 15 points per dependant relative. In the event that more than one applicant joins the scheme on the same date the person with the highest level of points will get the offer

Applicants assessed as being in a 'priority group' will be placed in band B. Any points allocated will be 'frozen' from the date of the transfer into that band and priority for rehousing will be on a point's basis.

#### **Overcrowding – Bands B, C, E, F, G and H**

For lacking one bedroom	30 points
For lacking two bedroom	60 points
For lacking three bedrooms	90 points

#### **Shared Accommodation – Bands B, C, E, F, G and H**

Share living room	10 points
Share kitchen	10 points
Water supply (if not in shared kitchen)	4 points
WC (shared with non-related person)	8 points
Shared bath or shower	6 points
2 or more children sharing a bedroom with parents	20 points
2 children of different sex, both over the age of 5 years sharing a bedroom	20 points
2 children of same sex sharing a bedroom, where elder child is 13 to 17 and being 5 or more years older than the younger child (please note these points are only applicable in cases where children are not entitled to points for room deficiency).	10 points

## Medical points – All Bands can submit a medical form

Applicants who feel their health or disability is seriously aggravated by the accommodation occupied will be asked to complete a medical assessment form, describing their health problems. The Council's Medical Adviser will assess the case on the information provided. If the Medical Adviser requires further information he/she may approach the applicants General Practitioner, Health Consultant etc, subject to the applicants consent. Applicants will then be advised of the medical priority to be awarded. Medical points are divided into five categories:

Diagnosed ill health or disability, but not of significance to current or future housing needs	0 points
Diagnosed ill health or disability with minor relevance to current or future housing needs	10 points
Diagnosed ill health or disability with moderate relevance to current or future housing needs	20 points
Diagnosed ill health or disability with major relevance to current or future housing needs	30 points
Diagnosed ill health or disability which is so severely affected by existing accommodation that it could be life threatening or lead to rapid deterioration if they are not rehoused and/or the applicants or member(s) of their households condition is life threatening and their existing accommodation is seriously undermining their health	Overriding

Applicants assessed as having overriding medical priority status will be placed in Band A.

## Time Points – Bands B, C, E, F, G, H and I

If the applicant is in housing need as expressed by points under one of the bands above, then for each year that the applicant has been waiting, 5 points will be added to the applicants points on each anniversary of the date on which the application was first registered, up to a maximum of seven years.

Applicants who are pregnant or who have a baby under the age of one – Bands B, D, G, H and I

If you are pregnant or have a baby under the age of one year and you are entitled to bedroom deficiency points you will be awarded 15 points. When your child reaches his/her first birthday you will be awarded a further 15 points.

## Homeless households in priority need but who are intentionally homeless Bands H and I

If an applicant has been assessed by the Council as being eligible for assistance, homeless, in priority need but that they became homeless intentionally, then 35 points will be allocated to their application. Applicants will not be eligible to receive priority points or insecurity points until six months has elapsed after the finding of intentionality. If an applicant finds suitable or settled accommodation, the 35 points will be withdrawn.

## **Homeless households not in priority need**

All applicants who are assessed as being homeless, but not in priority need and not intentionally homeless will be allocated points as above and what follows below. Applicants who have previously lived in Merton through his/her own choice for at least six months, has employment in Merton or has a family connection with the Borough will be allocated 35 points. If the applicant does not have a local connection with Merton only 10 points will be allocated.

Rough sleepers will be allocated 10 points if it can be verified that they are sleeping rough in Merton. Verification should be by

- An emergency hostel
- An agency for rough sleepers
- Assessment by the Council's housing advice service
- Registration with DWP

## **2.7 Area Preference**

Under Choice Based Lettings, applicants are able to bid for properties in whichever areas they choose within Merton.

In the case of direct offers, the Council will decide the location of the accommodation to be offered having taken into account suitability and needs. Preference will only be taken into account where it is possible to do so.

## **Future supply of permanent accommodation**

The Government, through the Housing Corporations Affordable Housing Programmes (AHP's), has moved away from a direct link between investment at a borough level based on assessed housing need.

Investment is now based on regional and sub-regional investment policy. The Council has been designated to work with Sutton, Croydon, Lambeth, Richmond, Kingston and Wandsworth. Consequently, rehousing opportunities will increasingly be in these areas. Sub-regional vacancies will be advertised in Band I.

## **2.8 Mobility Criteria**

All applicants eligible to participate in Choice Based Lettings will be assessed to see what type of property matches their mobility and access requirement. All applicants and all properties will be given a mobility status.

### **Applicant mobility status/Property accessibility status**

- |            |   |  |
|------------|---|--|
| Category 1 | - | Property is fully adapted for a wheelchair user/applicants who are wheelchair bound.   |
| Category 2 | - | Applicants with severe mobility problems who require a ground floor or lifted property with level access and no internal stairs/Property with no stairs. |
| Category 3 | - | All other applicants/All other properties.   |

## **Advertisements for properties will show the accessibility status**

Properties which are fully adapted (Disabled Persons Unit) will only be offered to applicants who have this category and/or mobility need.

## **2.9 Bidding Process**

Applicants will be eligible to participate in the bidding process if they:

- have been assessed by the Housing Needs Service
- have been approved for rehousing following the assessment
- have not been placed on the low priority part of the allocations scheme

Applicants will be issued with a confidential PIN (Personal Identification Number) and User ID (Identification Number) for expressing an interest in a property.

Properties that are available for letting will be advertised on a weekly basis on the Home Connections website. Details of access to the website and to making bids appear within the Choice Based Lettings Information Pack.

Applicants will be able to bid for properties of the correct size for their household or one bedroom smaller (two bedrooms smaller if they need five or more bedrooms) subject to ensuring they do not become statutorily overcrowded. Applicants will not be allowed to bid for properties larger than they need (subject to discretion in exceptional cases.)

The Council will normally shortlist the three highest priority applicants as determined by the allocations policy. This is described at pages 14 to 17.

At the viewing, applicants will be asked if they still want the property. The bidder with highest points/longest registration date will be invited to sign the tenancy agreement. If they have not signed by the end of the following working day the property will normally be offered to the next highest viewee.

Where applicants are equal and in the same band and have an identical number of points the following ranking will apply:

- number of medical points
- number of overcrowding points
- date of registration

New tenants may be given the keys and access to the property at the tenancy sign up. The tenancy will commence the Monday of that week, if the sign up takes place between Monday and Wednesday noon and the following Monday if signed between Wednesday noon and Friday. All tenants will be granted a rent free week at the start of their tenancy for Council Tenancies.

### **3. Applicants not bidding**

Applicants may have a priority for rehousing but choose not to bid for properties.

All applications where no bid has been placed in the previous quarter will be reviewed. Applicants will be contacted to make sure they understand how to bid and to ensure that they are able to bid in future.

No action will be taken against most applicants who have a priority who choose not to bid.

Discretionary rehousing cases where we are making a discretionary offer will be able to bid in Band A for three months. If they are unsuccessful in that period or choose not to bid they will be made one direct offer.

Management transfer cases who choose not to bid will have their status reviewed after three months and unless there are exceptional circumstances to consider will be made a direct offer.

Homeless applicants who have not participated in Choice Based Lettings and who have sufficient points to ensure that they would be successful if they participated in the scheme may in exceptional circumstances be made one direct offer of suitable housing in any area. If they refuse the offer our duty to them can be discharged.

Succession cases where we are making an offer of a home smaller than that occupied by the applicant will be able to bid in Band A for three months. If they are unsuccessful or choose not to bid then one offer will be made.

If there are no eligible bidders for a property, the Registration and Allocations Team Leader may decide to make a direct allocation or to readvertise it.

#### **3.1 Labelling properties for advertising**

The Registration and Allocations Team Leader and/or the Lettings and Voids Co-ordinator will describe and label properties which are ready to advertise taking into account targets and set eligibility criteria for the properties, such as:

- minimum and maximum number of persons in the household
- if children are allowed or required
- if there are age limits
- if applications are restricted to certain Bands
- decant
- if pets are allowed
- sheltered
- over 55's

The adverts will also specify:

- who owns the property
- the weekly rent including any other charges
- the expected date the property will be ready for occupation

### 3.2 Offers and Refusal of offers

Under Choice Based Lettings an applicant may bid for no more than 3 properties in each bidding cycle.

If an applicant refuses an offer, the next person is selected. Unless stated otherwise, an applicant is not penalised for refusing properties.

Some groups of applicants will be made direct offers. Other groups may be made direct offers exceptionally. For these applicants the maximum number of offers will be as in the table below.

In exceptional circumstances the Director of Community and Housing may agree a further offer.

<b>Priority Group</b>	<b>Offers</b>
Under-occupation	No limit
Children's Register	One
Essential Repairs/Decants	No limit *
Homes (HEMS)	One
Substance Misuse	One
Management transfers	One
Single homeless move on	One
Reciprocals	One
Learning disabilities	One
Staff rehousing	One
Succession/Discretionary offer	One

\* A Notice of Seeking Possession (NOSP) will normally be served on tenants who have refused two decant offers in order to protect the Council's interests.

Any person who refuses the maximum number of direct offers to which they are entitled will have their current rehousing application cancelled and will be returned to the most appropriate band and will not be eligible to reapply for entry onto another Band for two years from the date of the final offer e.g. management transfer applicant refuses suitable offer in Band A, case closed and placed onto General transfer register.

The Director of Community and Housing may exceptionally agree that an applicant can reapply earlier.

**If the previous tenants stated that they were victims of racial harassment, prospective tenants of similar ethnic origin will be advised of this after they have viewed the property and expressed an interest in it, but before they formally enter into a tenancy.**

### **3.3 Size of Accommodation Offered**

The size of accommodation that applicants will be able to bid for depends upon the size of the applicant's household. This will apply across all access lists as follows;

Applications will usually be limited to the main applicant and immediate family.

A single person is entitled to one room (a bedsit or studio) plus all facilities (some or all of which may be shared). Single persons are also entitled to one bedroom and a living room plus all facilities.

A couple are entitled to one bedroom and a living room, plus all facilities.

A couple (or single parent) plus one child are entitled to one bedroom and a living room plus all facilities if the child is less than one year old. Couples (or single parent) plus one child over the age of one year are entitled to two bedroom accommodation.

A couple (or single parent) plus two children of the same sex are entitled to two bedroom accommodation.

A couple (or single parent) plus one child of each sex are entitled to three bedroom accommodation (as long as one of the children is over the age of 5).

A couple (or single parent) plus three children of the same sex are entitled to three bedroom accommodation.

A couple (or single parent) plus two children of one sex and one of the other are entitled to three bedroom accommodation.

A couple (or single parent) plus two children of each sex are entitled to three bedroom accommodation.

A couple (or single parent) plus three children of one sex and one of the other are entitled to four bedroom accommodation.

A couple (or single parent) plus five children or more are entitled to four bedroom accommodation.

Applicants will be able to bid for properties that have one bedroom less than they are entitled to. If the property belongs to a housing association the number of persons in the household must not exceed the maximum number for the property. This will be shown in the advertisement for Choice Based Lettings.

### **3.4 Room Need**

- 1 bedroom for husband/wife (including same sex partner) and one child up to one year of age. This rule does not apply in cases of multiple births.
- 1 bedroom for two children of the same sex.
- 1 bedroom for two children of opposite sex up to and including the age of four.
- 1 bedroom each for two children of opposite sex where at least 1 child is 5 years of age or over.
- 1 bedroom for any other adult in the household being an immediate member of the family and not living as husband/wife (or same sex partner).

### **3.5 Arrears**

Tenants with significant rent arrears or applicants with significant temporary accommodation charge arrears will not, unless there are exceptional circumstances, receive an invitation to view a home or an offer of a home. They will be able to view property advertisements and will be able to bid but will not receive an offer until the arrears are cleared.

They will also be treated as ineligible to be made direct offers of accommodation save in exceptional circumstances.

#### **Merton Council Tenants and Registered Social Landlord Tenants**

Tenants with rent arrears will be eligible to bid for properties, be shortlisted but will not normally receive an invitation to view the property or receive an offer of a home until they have maintained a clear rent account for three consecutive months.

Because direct debit and standing order payments are received at different times of the month it will be necessary to monitor these cases in a different way. Generally, if the rent account is more than five weeks in arrears this will mean that the monthly payment has not been received or there has been a shortfall in the amount paid. These cases will not receive an invitation to view or receive an offer of a home.

We will write to anyone who is shortlisted for a property but is ineligible to receive an offer of a home because of rent arrears. Any such decision will be open to review by registration and allocations team leader

#### **Cash Incentive Scheme**

Tenants who are on the under occupation band and who have rent arrears will be allowed to bid for properties, be shortlisted and receive an offer of a smaller home but all outstanding debts to the Council will be deducted from the CIS before any payment is made.

## **Homeless Applicants in the following accommodation**

### **Bed and Breakfast**

Homeless applicants with arrears in Bed and Breakfast hotel accommodation will be ineligible to receive an offer of a home. In practice, but subject to discretion, arrears of up to four weeks will not usually be taken into account on condition that they are cleared before the offer is accepted. Arrears accrued on previous accounts will normally be counted for this purpose. In circumstances where an applicant has arrears of under four weeks but has a record of persistent non payment, the Homeless Business and Performance Manager retains the discretion to deny the applicant from receiving an offer until the arrears are cleared or reduced. The applicant will be advised in writing what payment is required to allow them to receive an offer. Any such decision will be open to review by the Homeless Business and Performance Manager

### **Self Contained and other Temporary Accommodation**

The policy will be applied as for Bed and Breakfast.

### **Housing Benefit**

Homeless applicants claiming Housing Benefit in any form of temporary accommodation will not be eligible to receive an offer of a home until their first/subsequent claim is assessed.

Where housing benefit has not been assessed, the Casework Manager will review the application to ensure that the applicant has used all reasonable endeavours to obtain the appropriate benefits. In the event of the Casework Manager being satisfied that an applicant has used all reasonable endeavours he/she will be eligible to receive an offer of a home.

#### **4. BAND A**

- Over-riding medical priority
- Decants/major works
- Management transfer
- Statutory overcrowding
- Reciprocals
- Occupiers who are not entitled to Succeed
- Exceptional circumstances

## **4.1 Overriding Medical Priority**

On occasions the Council's Medical Advisor will advise that an applicant should be allocated overriding medical priority.

Rehousing on overriding medical priority can be considered if an applicant's current housing is so severely affecting their health or disability that it could become life threatening or lead to rapid deterioration if they are not rehoused and/or the applicant or member(s) of their household's condition is life threatening and their existing accommodation is seriously undermining their health. A wide variety of individual circumstances can occur which could result in overriding medical priority. All cases are considered on individual severity and merit.

Applicants approved for Choice Based Lettings under this scheme will be in Band A. The resulting priority within band A will be by the date the overriding medical status is awarded.

Band A overriding medical priority applications are normally reviewed at 12 monthly intervals if they have not successfully bid for a property or have chosen not to bid.

The review considers in particular whether the applicant remains eligible to have overriding medical status.

## **4.2 Decants/Major works**

Decanting is necessary where the Council proposes to carry out major modernisation or rehabilitation works – to blocks or individual homes – which cannot be undertaken with the residents in occupation, or where demolition is proposed as part of a wider redevelopment.

Prior to their move the right to return will be offered to all tenants who have to be decanted, other than those whose original home will materially change (e.g. be demolished, have additional or fewer bedrooms), or where a rolling decant programme is necessary.

If a tenant opts not to return, permanent rehousing on a secure (or assured if nominated to a RSL) tenancy will be offered.

If a tenant opts to return, temporary rehousing will be offered. In such circumstances an applicant will almost certainly lose any entitlement to a Home Loss Payment (under the Land Compensation Act 1973).

Applicants approved for Choice Based Lettings as a decant will be in band A.

If the decant is imminent or legal action is pending, the Director of Community and Housing may exercise discretion to make a direct offer to the tenant.

The only people to be considered for rehousing will be those who are:

Household members originally rehoused by the Council; a cohabiting partner of the tenant including married, non-married and same sex partners, who are resident at the time the decant is agreed and were resident with the applicant for the previous 12 months.

Additions to the tenant's household through birth or adoption of dependant children

### **4.3 Management Transfers**

On occasions there are good management or other reasons (e.g. threatened or actual violence, racial harassment) to allow a transfer outside the normal allocation priorities. The Director of Community and Housing has the option of agreeing a management transfer on an exceptional basis.

Applicants approved for Choice Based Lettings under this scheme will be in Band A. The resulting priority for rehousing within band A will be by the date the transfer was agreed.

Applicants approved for management transfer will be able to bid for 12 weeks. If at the end of this time they have been unsuccessful in bidding or have not bid, one direct offer will be made. If this is unreasonably refused, the management transfer priority will be removed. In exceptionally urgent cases the Director of Community and Housing will have discretion to make a direct offer of housing immediately and the target for completing the rehousing will be 12 weeks. The transfer priority will be removed if such an offer is unreasonably refused.

Rehousing within the same area is allowed only in cases where there is considered to be in the best interests of (and safe for) the tenant.

Where a tenant awarded a management transfer is currently overcrowded (in accordance with the current bedroom standard. The appropriate size of accommodation will be offered subject to availability. Otherwise the tenant will be entitled to the same size accommodation as the current tenancy.

Management transfer applicants will only be eligible to bid for similar type and quality properties to those presently occupied e.g. house to house, flat to flat. A special flag is put on the computer system to ensure that this occurs.

In urgent cases an application may be made for assistance under Part 7 of the Housing Act 1996.

## **4.4 Statutory Overcrowded Applicants**

Households who Merton Council have accepted as statutorily overcrowded will be in band A. The test of overcrowding will be the statutory definition.

Statutory overcrowding is defined in the Housing Act 1985 Part 10. There are two tests for overcrowding: the room standard and the space standard.

### **Definition of overcrowding Part 10 Housing Act 1985**

A dwelling is overcrowded for the purposes of this part when the number of persons sleeping in the dwelling is such as to contravene

- a) the standard specified in section 325, or
- b) the standard specified in section 326

The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room.

For this purpose

- a) children under the age of ten shall be left out of account, and
- b) a room is available as sleeping accommodation if it is of a type normally used in the locality as a bedroom or as a living room.

326 (1)

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the room of the dwelling available as sleeping accommodation.

326 (2)

For this purpose:

- a) no account shall be taken of a child under the age of one and a child aged one or over but under ten shall be reckoned as one half of a unit, and
- b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

326 (3)

The permitted number of persons in relation to a dwelling is whichever is the less of:

- a) the number specified in Table I in relation to the number of rooms in the dwelling available as sleeping accommodation, and
- b) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table II in relation to each room of floor area specified in column 1.

No account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

Table I

<b>Number of Rooms</b>	<b>Number of persons</b>
1	2
2	3
3	5
4	7.5
5 or more	2 for each room

Table II

<b>Floor area of room</b>	<b>Number of persons</b>
110 sq ft or more	2
90 sq ft or more but less than 110 sq ft	1.5
70 sq ft or more but less than 90 sq ft	1
50 sq ft or more but less than 70 sq ft	0.5

## **4.5 Reciprocals**

Occasionally Merton Council agrees to a request from another borough or RSL to rehouse a household in one of our properties and in return Merton nominates a household to a property of the same size belonging to the other borough or RSL.

Applicants approved for Choice Based Lettings on a reciprocal basis for general needs housing will be in band A. The resulting priority within band A will be by the date the reciprocal rehousing arrangements is agreed.

## **4.6 Occupiers who are not entitled to succeed**

Previously known as discretionary succession, this policy applies when a Council tenant dies. The Housing Act 1985 (section 87) allows one statutory succession. This policy allows for a person who is not a successor to receive an offer of a home.

To be eligible, the person applying to benefit from this policy must:

- Be living with the tenant at the time of his/her death and
- Have done so through the preceding 12 months and
- The accommodation must be their only or principal home.

Any 'use and occupation' account set up following the death of the tenant must not be in arrears at the time of the offer or bid.

In these circumstances the Housing Management Officer for the area will interview the applicant. The Housing Management Officer will then submit a report to the Assistant Head, Tenancy Services who in reaching a decision as to whether an allocation will be made, will take account of the following:

- a) the age of the applicant
- b) the length of time they have lived with the deceased tenant
- c) their ability to finance accommodation in the private sector
- d) any medical factors
- e) the likelihood and nature of any assistance the applicant would receive under Part 7 Housing Act 1996
- f) any other relevant considerations

If the Assistant Head, Tenancy Services decides that an allocation of housing should be made she will decide whether to grant the tenancy of the property occupied by the applicant or whether to offer alternative accommodation. A request to be granted an introductory tenancy of the property occupied will usually be refused if it would lead to under occupation of the property.

If the decision is taken not to offer rehousing the Housing Management Officer will initiate possession proceedings.

If it is decided that the applicant should be rehoused they will be advised by the Housing Management Officer and will be required to complete an application form.

Applicants accepted for rehousing under this policy will be placed in Band A.

Applicants will have a limited period from the date of registration to exercise choice by bidding for appropriate properties. Applicants will be able to bid in Band A for three months. If they are unsuccessful or choose not to bid, one direct offer will be made.

#### **4.7 Exceptional Circumstances**

Wherever possible the Council will make an allocation using its prioritisation system as described in the scheme. However, the Council will use the discretion given within the Housing Act 1996 and Code of Guidance to respond to exceptional circumstances. Any such exercise of discretion will be made by the Director of Community and Housing. It is not possible to define all the circumstances, which may lead to an offer of a home because of exceptional circumstances, which may include compelling social or compassionate reasons.

Applicants approved for Choice Based Lettings on an exceptional basis for general needs housing will be in Band A. Applicants will have a limited period from date of registration to exercise choice by bidding for appropriate properties. Applicants will be able to bid in Band A for six months.<sup>1</sup> If they are unsuccessful, or choose not to bid, they will be made one direct offer.

## 5. BAND B

### Priority Groups

#### 5.1 Band B

### Priority Groups

The Council gives a further reasonable preference to certain groups on the Housing Register.

To be eligible, the person(s) applying to benefit from this policy must be at least one of the following

- Be a household with dependant children
- A household containing a pregnant woman
- A household which contains a member who is vulnerable by reason of old age, mental illness or disability or other special reason. Vulnerability will be assessed by Housing Needs staff (applying the Pereira judgement which concerns vulnerability) taking regard of evidence of the Council's medical adviser, other professionals, such as Social Workers, Probation Officers etc.

And

- The applicant(s) must be living in insecure accommodation and Housing Needs Staff must be satisfied that the entry onto this band would prevent homelessness.
- The applicant and Housing Needs staff must agree that participating in the choice based lettings would lead to a solution to the applicants housing needs **and** where other routes to appropriate accommodation have been explored and discussed.

Priority within this band will be on a point's basis. See pages 14 to 17 for how points are allocated to this band. If multiple applicants from Band B bid for a property, the one with the highest points will be offered it. If the points are equal (including nil points) the applicant with the earliest registration date will be offered the property.

Where the defining features of an applicant in band B are considered so exceptionally severe as to warrant immediate/imminent rehousing, there is discretion to enable the household to be made a direct offer outside the scheme.

Band B rating will be reviewed at regular intervals to check for example, whether failure to bid for properties indicates that an applicants circumstances have changed and that the applicant is no longer in imminent threat of homelessness.

Applicants must be eligible under the Allocation Scheme.

Applicants must not be in substantial rent or mortgage arrears unless the Housing Needs staff have agreed that it would not have been possible for he/she to pay it, given their financial circumstances.

The sole or main applicant

- Must have lived in Merton for one year prior to entry onto Band B (in exceptional cases the Housing Needs Managers has a discretion to waive this rule).
- Applicants will not be penalised for refusing properties although checks are likely to be made if several properties are refused.

In addition, applicants in this Band will be offered a scheme to find suitable accommodation from private landlords. There is **no** obligation on the applicant's part to accept this service. The scheme provides assistance from a dedicated officer in the Housing Needs Service who:

- Inspects and approves potential properties for the scheme.
- Obtains pre-tenancy determinations from the Rent Officer Service so that the landlord knows the level of rents he/she is likely to achieve.
- Nominates applicants to suitable properties.
- Assists Applicant to choose an area to be offered that is not limited by availability of social housing.

The landlord is assisted with the housing benefit claim to speed up payments. The officer is available to the landlord and tenant throughout the tenancy in case of a query or dispute.

Where an applicant is provided with accommodation through the rent deposit scheme and the landlord wants the property back, or the property is for some reason considered inappropriate to meet the household's needs, the applicant will be awarded an additional 500 points if the Housing Needs team consider the households needs would not be best by the applicant continuing to occupy accommodation secured through the rent deposit scheme. Examples of circumstances in which such a decision can be taken are: -

- i) One or more of the household has lost employment/ achieved gainful employment resulting in severe financial hardship.
- ii) There are severe medical or disability reasons.
- iii) Cases of severe harassment or violence in the current property.
- iv) Severe disrepair of the current property.

## **6. Band C Transfer Register**

To be eligible to join this band a tenant must:

- Be living in, and the secure or introductory tenant of a Merton Council property or:
- Be living within the borough, and the assured or secure tenant of a Registered Social Landlord (Housing Association).
- Applicants will not, unless there are exceptional circumstances, be able to bid for another home until they have lived in their current home for two years.
- Applicants will not be eligible to join this band if they belong to one of the groups listed as ineligible.

### **General rules**

a) An applicant must:

- Complete and sign the application form
- Answer any supplementary forms or questions as required by the Council
- Provide documentary proof of the housing or personal circumstances or such other means of independently verifying information given, as the Council shall require.

b) The Council will notify people if they are placed on the Register or if they are not considered to be eligible persons

c) People deemed ineligible are entitled to request a review of the decision.

d) Where it is discovered that the application was fraudulent, these applications will be removed from the register.

e) Applications will be reviewed once a year on the anniversary of the date of the initial application. If the applicant fails to reply to the review letter, it will be assumed that he/she no longer wishes to be on the Register and the application will be cancelled. All waiting time will be lost.

f) Applicants must notify the Housing Needs service of any changes in circumstances that occur. If there is a relevant change, the application will be re-assessed and if appropriate, placed in a different band.

g) If the applicant thinks that the band they have been placed in is wrong because the Housing Needs service has not taken into account all the relevant information or has incorrectly assessed the information, he/she can ask for the assessment to be checked, and if appropriate amended.

h) The Council's Transfer Register is registered under the Data Protection Act 1998, and information on it is received, held and disclosed only for registered purposes.

i) Applicants are entitled to see details held on the computer about their application, except that information provided by medical professionals will be treated as confidential.

Applicant's priority within this band will be determined by a points system. Please see page 14 onwards to find out how points are allocated for certain housing need factors.

If multiple applicants from Band C bid for a property, the one with the highest points will be offered it. If the points are equal (including nil points) the applicant with the earliest registration date will be offered the property.

### **Repair problems**

Repair problems are not generally included as a housing need factor in the transfer band. A repair problem identified in a transfer application will be referred to the district office (or relevant landlord for investigation). Any necessary repairs will be carried out within the Council/RSL's disrepair guidelines.

In addition, applicants in this band will be offered a scheme to find suitable accommodation from private landlords. There is no obligation on an applicant's part to accept this service. Applicants are strongly advised to consider all relevant considerations e.g. the loss of Right to Buy, Right to Repair, Right of Succession, Right to Assign and the reduced security of tenure before agreeing a move to the private rented sector

The scheme provides assistance from a dedicated officer in the Housing Needs service who:

- Inspects and approves potential properties for the scheme.
- Obtains pre-tenancy Determinations from the Rent Officer service so that the landlord knows the level of rents he/she is likely to achieve.
- Nominates applicants to suitable properties.

The landlord is assisted with the housing benefit claim to speed up payments. The officer is available to landlord and tenant throughout the tenancy in case of a query or dispute.

Demand for accommodation is very high in Merton, and by far outstrips the supply of homes available for letting. It is likely that we will not be able to house as many people, as we would like from this band.

## **7. Band D**

### **Special Quota's**

#### **Lettings that can be made outside Choice Based Lettings**

**Mental Health nominations  
Learning Disability Quota  
Children Act Housing  
Former Staff rehousing  
Hostel Move On Quota  
Relationship Breakdown Quota  
Substance Misuse Quota  
Under Occupations Quota**

## 7.1 Mental Health Nominations

There is an annual quota of rehousing in existing general needs housing stock for people with Mental Health problems.

The National Health and Community Care Act 1990 puts a duty on the Council to consider and where possible meet accommodation needs as part of any care package.

Mental Health nominations are to assist a small number of people who are not eligible for rehousing through any other route. It is expected that nominees will be suffering from a mental illness, which has been assessed by a psychiatrist. Care Managers can nominate applicants who require accommodation as part of their care package or who have other general needs where:

- Move on from supported housing/residential care/residential treatment is needed; or
- A client is living with relatives and needs independent housing **and** where other routes to appropriate accommodation have been explored and exhausted.

Normally only one offer will be made.

Direct offers will usually be made to Mental Health nominees of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicant's may participate in Choice Based Lettings

## **7.2 Learning Disability Quota**

There is an annual quota of rehousing in existing general needs housing stock for people with learning disabilities.

Nominations to this quota will be made by the Learning Disabilities Manager.

Direct offers will usually be made to Learning Disability Quota applicants of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicants may however participate in Choice Based Lettings.

## **7.3 Children Act Rehousing**

There is an annual quota of rehousing in existing general needs housing stock for people needing assistance under the Children's Act. This includes rehousing for young people leaving local authority care.

The Children Act Rehousing Quota gives priority to:

- Children leaving the Council's care who have no viable home base but have achieved the necessary stage of readiness and preparation to live independently.
- Cases referred for rehousing by Children's Services under their duties contained within the Children Act 1989.
- Cases where applications are supported by Children's Services in furtherance of the Council's fostering policies.
- Parents with a child/children on the Child Protection Register, where the Head of Children's Services considers their present housing to represent a significant risk.
- Other reasons supported by the Head of Children's Services.

Children's Act rehousing are available to both new and existing social housing tenants.

The Housing Service will assist Children's Services providing the request is compatible with the Housing Services own statutory or other duties and obligations and does not unduly prejudice the discharge of its functions.

Direct offers will usually be made to the Children Act quota applicants of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicants may participate in the Choice Based Lettings

## **7.4 Former Staff and Dependants**

### **Rehousing when employment ceases**

Widows and widowers of Council employees who have been living in 'tied accommodation'; retiring employees in service accommodation under Council control and employees leaving the Council's service subject to a minimum of three years occupying service accommodation will be held on a separate sub-register.

Normally only one reasonable offer of rehousing will be made following consultation with the occupants affected and assessment of their needs.

This may be in Merton's own housing stock or by nomination to a Housing Association. The offer will be based on the properties available and upon the individuals own housing needs, assessed in accordance with the bedroom standard for permanent rehousing.

Ownership of any other property, which could be occupied, will be taken into account and will normally result in rehousing not being offered.

In all other circumstances not covered above, staff in 'tied accommodation' leaving Council employment will be required to vacate the service accommodation and will be assessed for rehousing in line with statutory requirements.

Applicants being dismissed for misconduct will not be offered accommodation and will be assessed for rehousing in line with statutory requirements.

**Applicants accepted under the staff rehousing scheme will not be eligible to join Choice Based Lettings but will be made a direct offer of one suitable property.**

## **7.5 Substance Misuse Quota**

There is an annual quota of rehousing in existing general needs housing stock for people with a substance misuse problem (which has been assessed by a specialist Social Worker).

Nominations to this quota will be made and prioritised by the Manager for the Drug Intervention Programme

Direct offers will usually be made to substance misuse quota applicants of suitable properties withdrawn from Choice Based Lettings scheme. However, the applicant may participate in Choice Based Lettings.

## **7.6 Hostel Move On Quota**

There is an annual quota of rehousing in existing general needs housing stock for homeless single people in temporary Hostel accommodation.

Some partner agencies that work with the single homeless but do not have accommodation can refer applicants for general needs housing.

Partner agencies include:

- Alexandra/Haydons Road projects
- Grenfell Housing project
- Merton Action for Single Homeless
- St Christopher's Fellowship
- New Ways Trust
- Wimbledon YMCA

Nominations to this quota will be made and prioritised by partner agencies.

Direct offers will usually be made to Hostel Move On Quota applicants of suitable properties withdrawn from choice based lettings scheme. However, the applicant may participate in the Choice Based Lettings

## **7.7 Relationship Breakdown Quota**

There is an annual Quota of rehousing in existing general needs housing stock for tenants or partners of tenants who relationship has broken down and who now intend to separate

To be eligible, the person applying to benefit from this policy must:

- Be a Council tenant or one of two joint tenants or the partner of a Council tenant and must have been living in Council accommodation for at least 12 months.
- The household must consist of two partners (including same sex partners) and dependent children.

- Both partners must be clear that the relationship has ended and intend to separate.
- In the case of two joint tenants the outgoing partner must be prepared to assign their interest by way of a court order in the tenancy to the partner with care of dependant children who is remaining in the property.
- The outgoing partner must be prepared to accept responsibility for 50% of any arrears on the family home.

Only one offer of accommodation will be made. If it is refused, the applicant must make his/her own arrangements.

- In the case of a tenancy where a succession has already occurred and the outgoing partner being prepared to assign, this can only be by way of a court order

Direct offers will usually be made to Relationship Breakdown Quota applicants of suitable properties withdrawn from Choice Based Lettings scheme. However, the applicant may participate in Choice Based Lettings.

## **7.8 Under Occupation Moves**

The Council has established an annual target of rehousing to tenants who are under-occupying their homes and wish to transfer to a home more suited to their needs.

The scheme is open to Merton Council tenants and RSL tenants who under occupy their homes by two or more bedrooms or who under-occupy two bedroom accommodation.

All tenants applying for an under-occupation move must have maintained their accommodation to a standard of decoration acceptable to the Council. While the decorative state of accommodation is not a precondition of either entry on to the scheme or the subsequent offer of a property, the Housing Needs Manager has discretion to reject or suspend an application where the accommodation is found to have been subject to damage or unauthorised alterations.

Direct offers will usually be made to under occupation target moves of suitable properties withdrawn from Choice Based Lettings. However, the applicant may participate in Choice Based Lettings.

## **8. Band E**

### **Homeless Applicants Owed Duties under section 193(2)**

Households to whom Merton Council has accepted a statutory duty under the Housing Act 1996 as amended.

Applicants approved for housing through choice based lettings will be in band E.

Homeless applicants may instead be accepted for older persons accommodation and be placed in band F.

Applicants registered in this band will be assessed on a points system (see pages 14 to 17 for how points are allocated).

### **Private Sector Lettings scheme**

The Council offers a scheme to find suitable accommodation from private landlords. The scheme provides assistance from a dedicated officer in the Housing Needs Team who: -

- Inspects and approves potential properties for the scheme.
- Obtains pre-tenancy determinations from the rent officer service so that the landlord knows the level of rents he/she is likely to achieve.
- Nominates applicants to suitable properties.
- Assists Applicant to choose an area to be offered that is not limited by availability of social housing.

The landlord is assisted with the housing benefit claim to speed up payments. The officer is available to landlord and tenant throughout the tenancy in case of a query or dispute.

### **Emergencies**

Where an applicant is provided with temporary accommodation by the Council and the landlord wants the property back, or the property is for some reason considered inappropriate to meet the household's needs, the member will be awarded an additional 500 points if the Housing Needs team consider the households needs would not be best met by providing further temporary accommodation. Examples of circumstances in which such a decision can be taken are: -

- v) One or more of the household has lost employment, resulting in severe financial hardship.
- vi) There are severe medical or disability reasons.
- vii) Cases of severe harassment or violence in the current property.
- viii) Severe disrepair of the current property.

## **9. Band F**

### **Housing for Older Persons**

Merton has three types of accommodation specifically for the elderly. These are: -

#### **Elderly Persons Dwellings**

These are specifically designated for elderly people who can live independently. To be eligible, the applicant must be able to meet the advertised age criteria, which may be 55+. For some flats, fairly good mobility is necessary, as many are on the first or second floor without lift access.

#### **Sheltered Housing**

This type of accommodation is for applicant's aged 60 or over who can live independently and are able to manage alone, but who prefer the added security of a warden (not necessarily resident) and an alarm cord system should it be necessary to seek help in an emergency. This type of accommodation is managed by registered social landlords (Housing Associations), who will sometimes accept applicants from the age of 55.

#### **Sheltered Housing with 24 hour care**

Merton has currently 2 sheltered schemes with an extra element of care that have staff available on a 24 hour rota system. Applicants have self-contained 1 bedroom accommodation. Access to the scheme is by Social Services nomination and people aged 60+ are eligible.

Band F is open to Merton Council tenants, RSL tenants and others seeking alternative accommodation that is only available to the over 55/60 age groups.

## 10. Band G

### The General Housing Register

To be eligible to join this band, applicants must: -

- Be 18 years or more, and able to manage independent housing. (Applicants under 18 years will be placed in Band H.)
- Not belong to one of the groups listed as ineligible.
- Live within the borough (All applicants who live outside the borough, with some exceptions including Council and Housing Association tenants will be placed in Band H.)

### General rules

- a) An applicant must:
  - Complete and sign the application form.
  - Answer any supplementary forms or questions as required by the Council.
  - Provide documentary proof of the housing or personal circumstances or such other means of independently verifying information given, as the Council shall require.
- b) The Council will notify people if they are placed on the Register or if they are not considered to be eligible persons.
- c) People deemed ineligible are entitled to request a review of the decision.
- d) Where it is discovered that an application was fraudulent, it will be removed from the register.
- e) Applications will be reviewed once a year on the anniversary of the date of the initial application. If the applicant fails to reply to the review letter, it will be assumed that s/he no longer wishes to be on the Register and the application will be cancelled. All waiting time will be lost.
- f) Applicants must notify the Housing Needs Service of any changes in circumstances that occur. If there is any relevant change, the application will be re-assessed and if appropriate, placed in a different band.
- g) If the applicant thinks that the band they have been placed in is wrong because the Housing Needs service has not taken into account all the relevant information or has incorrectly assessed the information, s/he can ask for the assessment to be checked, and if appropriate amended.
- h) The Council's housing register is registered under the Data Protection Act 1998, and information on it is received, held and disclosed only for registered purposes.

- i) Applicants are entitled to see details held on the computer about their application, except information provided by medical professionals will be treated as confidential.
- Applicant's priority within this band will be determined by a points system. Please see pages 14 to 17 to see how points are allocated for certain housing need factors.

Demand for accommodation is very high in Merton, and by far outstrips the supply of homes available for letting. It is likely, therefore, that we will not be able to house as many people, as we would like from this band.

## 11. Band H

### Low Priority Cases

Subject to the overall discretion of the Council, people who fall outside categories of reasonable preference will have a low priority for housing as follows: -

1. Under 18 years of age.
2. Not been continually resident in Merton for one year. (This does not apply to people detained in an institution or hospital or in the armed services or serving a custodial sentence outside Merton but who lived continuously in Merton for at least one year prior to entering institution/services custody.
3. Not currently living permanently in the UK.
4. Who jointly or singly own or part own or are purchasing a property (including purchases on share ownership), which is reasonable to occupy.
5. Whose household's total income or capital from all sources is £60,000 or more.
6. Accommodated in Merton by another local authority that retains the responsibility under S193 Housing Act 1996
7. Has within the last 2 years unnecessarily moved out of or sold or otherwise disposed of a property to attract or increase priority for rehousing where it would have been possible and reasonable to remain in their previous home.
8. Has moved into the current home and caused the household to be statutorily overcrowded.
9. In the last 2 years has applied for assistance under the Housing Act 1996 and been found intentionally homeless.
10. A person guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant as defined in the 2002 Homelessness Act.

People placed in this band will not be considered for housing unless and until all the applicants with higher priority have been housed. This is unlikely to happen as higher priority applicants will be continually joining the lists.

## **12. Band I**

### **Special Register**

As detailed in section 2.7, page 17 the Government, through the Housing Corporations' Affordable Housing Programme (AHP's) has moved away from a direct link between investment at a borough level based on assessed housing need.

Investment is now based on Regional and Sub-Regional investment policy. The Council has been designated to work with Sutton, Wandsworth Croydon, Lambeth, Richmond and Kingston. Consequently rehousing opportunities will increasingly be in these areas. All sub-regional vacancies will be advertised in Band I and applicants may be able to bid for them if the property is directed to their particular band.

## **13. General Rules and Provisions**

### **Distribution of Properties between Priority Groups.**

The number of properties intended to be let to each group is projected and published annually, taking into account the expected supply of housing. The outcome of the bidding will be monitored during the year and if some groups are not getting the expected proportion of properties any imbalance will be addressed by for example advertising certain properties exclusively to certain bands/ priority groups.

#### Availability of Dwellings

- New Build
- Acquired Dwellings
- Improved Dwellings
- Casual Vacancies
- Nominations Received

#### Rehousing Commitments

- Statutory and agreed rehousing
- People affected by statutory orders
- Homeless People
- Council tenants
- Former Staff and dependants
- Special Registers
- People afforded Reasonable preference
- Other

## **14. Homes Mobility Scheme**

Homes Housing Mobility and Exchange services (shortly to be taken over by HEMS/MOVEUK) Housing and Employment Mobility Service) is funded by the Government to work with Council's and RSL's offering a range of services that help people move home. Merton can use the service to nominate a few households each year. Merton also accepts a small number of incoming nominations from other boroughs.

Accepted applicants will either: -

- a) Be seeking sheltered or elderly persons housing
- b) Have employment in Merton beyond reasonable daily travelling distance from their current home
- c) Be giving care to or receiving care from a relative in Merton.

Applicants approved for Choice Based Lettings via a Homes nomination will, dependant on their circumstances, be placed in bands C, F, G or H.

Homeswap is a self-help scheme, designed to help tenants find someone to swap their home with.

### **15.1 Mutual Exchanges**

The Housing Act 1985 provides that a secure tenant may, with the written consent of the Landlord, assign the tenancy to another secure or assured tenant who also has the written consent of his/her Landlord.

The Council will consider applications for an exchange of dwellings between its secure tenants and: -

- Other secure tenants of the Council
- Secure tenants of other local authorities and
- Assured tenants of Registered Social Landlords (Housing Associations)

## **16. Seaside Homes**

The Seaside and Country Homes scheme is administered by HOMES. Its purpose is to allow tenants, mainly of retirement age to move out of London. Properties are normally bungalows or flats located in coastal and country areas.

The scheme is open to all Council Tenants of the London Boroughs and participating Social Landlords.

Successful applicants will be required to sign an Assured Tenancy agreement with the Landlord who manages the property.

Under all the above arrangements, applicants are strongly advised to check with the future Landlord on rent levels, conditions and type of tenancy and all other considerations e.g. Right to Buy, and Council Tax before agreeing to a move.

## **15.2 Eligibility**

The Council's consent to an exchange can only be withheld in certain circumstances as specified in Schedule 3 of the 1985 Act. The key grounds can be summarised as follows: -

- The tenant or proposed assignee is obliged to give up possession under a Court Order.
- Possession proceedings have commenced against the tenant or proposed assignee or a Notice of Seeking Possession has been served on the grounds referred to in the Act and still in force.
- The tenant must have maintained the accommodation to a standard acceptable to the Council and may be required to remedy any breach of his/her obligations as a condition of consent.
- All mutual exchanges are agreed on the basis of no expense to the council and
- All mutual exchanges are agreed on the basis of no premiums, monies or goods changing hands between the parties concerned.

The Council will let the applicant know within 42 days of permission being sought whether consent to the exchange is being given and the reasons for any refusal.

### **Photograph Identity**

All applicants must ensure that when submitting their application that they enclose two recent passport sized photographs of him/herself and any joint tenant (where appropriate).

Each photograph should be a fair likeness of the person and have printed on the reverse their full name together with their usual signature.

Failure to provide these photographs will mean that applications cannot be registered.

## 16.2 Household members who can be included on an application

The partner of the applicant including married, non-married and same sex partners.

The following close adult relatives living long term with the main applicant/s: parent, sibling, adult offspring, grandparent/grandchild, aunt/uncle, niece/nephew.

An unpaid carer where the Council's Medical Adviser has recommended one.

Dependant children (aged under 18) living with the applicant, or for whom the applicant or their partner has principle care and control. In most cases this will be clear, however, to avoid doubt this includes: -

- Children of a current or previous relationship of the applicant or their partner.
- Grandchildren who are dependant on the applicant or another member of the household included in the application or for whom the applicant has accepted caring responsibility.
- Subsequent births of dependant children.
- Additions to the applicants' household through subsequent remarriage/relationships.
- Dependant children of the applicant who join the household on a full time permanent basis following the issuing of a residence or care and control order by a court.
- Dependant children who join the applicant from abroad on a permanent basis who
  - a) have recourse to public funds
  - b) are not seeking asylum; and
  - c) where the relationship and issue of care and control can be established, and where their own parents do not live in this country.
- Exceptionally, those residing permanently with the applicant for foster care or placed with the applicant for more than 12 months by Merton's Children's Services Department.
- Non-dependant children living away from home on a temporary basis because of attendance at college/university, may be included on the application regardless of whether they are residing in Halls of Residence or private rented accommodation. The following information must be provided
  - a) confirmation of address and course details
  - b) a statement of intent to return to the parent(s) home on completion of the course.
- Non-dependant children of the household serving a custodial sentence may be included on the application if the expected date of release is within 52 weeks of the date of application and a statement of intent to return to the

parent(s) home on completion of the custodial sentence is submitted with the application.

**The following household members cannot be included in an application.**

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant.
- Anyone who is not him/herself eligible to register on the allocation scheme.
- Anyone who does not intend to move to any accommodation offered to the applicant.

However, the Director of Community and Housing must be satisfied that the household members who do not intend to move with the applicant have moved to alternative accommodation and surrendered any interest they may have had in the property before any offer is made.

Such people will be disregarded for the purpose of assessing any overcrowding and the size of the property the household requires.

### **16.3 Change of Circumstances**

Applicants must notify the Council (in writing) of any change in their circumstances e.g.

- A change in medical condition
- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person joining their application or
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income or savings.

### **16.4 Housing Members of Staff**

Applications for accommodation from members of staff or close family members are assessed in the same way as other applications. If a member of staff becomes eligible for rehousing by virtue of housing needs the application is referred to the Director of Community and Housing for approval to allocate a property.

The Director of Community and Housing ensures in consultation with the Housing Needs Manager, that all aspects of the application are in order.

These steps are taken so that the Council may be seen to be treating all applicants fairly.

### **16.5 Misleading Information**

Where it is discovered that an application was fraudulent, those applicants will be removed from the register and all priority will be lost. We may also, after

consultation with the Councils legal department, prosecute the applicant. Any re-application would be considered on its merits.

## **16.6 Verification and Home Visits**

**All applicants must have their circumstances and housing conditions verified before they will be eligible to sign up for a secure or assured tenancy.**

**Verification may include a home visit where appropriate.**

- a) Applicants placed in bands A, B, E will be visited and verified.
- b) Applicants in bands C, D, F, G, H may be visited.
- c) All applicants will be required to provide the following information.
  - Proof of identity and residence for all persons on the application.
  - Proof that they are still eligible persons.
  - Proof of benefits being received.
  - Other proof as appropriate.

At the home visit previous addresses and the reasons for leaving/being asked to leave will be investigated to determine whether the applicant lost their accommodation by doing or failing to do something. This will include where the applicant is a former tenant (private or public sector) and was evicted because of a breach of tenancy agreement.

At the visit the Housing officer will explain Choice Based Lettings fully to the applicant stressing that they will no longer be able to wait for an offer – they must actively bid for homes if they are to be rehoused.

## **16.7 Information about Applications and Reviews**

An applicant has the following rights to information about his/her application.

- To ask for general information about how the application is likely to be treated regarding reasonable preference, and whether and when housing may be offered.
- To ask the Council to inform him/her of any decisions about the facts of his/her case which may affect a decision about whether to allocate housing.
- To be notified in writing of any decision that he/she is ineligible for an allocation, either because he/she is a person from abroad who is excluded or because he/she is guilty of unacceptable behaviour.
- To be notified in writing of any decision that all preference is to be removed because of unacceptable behaviour and the reason for it.

An applicant has the right to request a review of the following decisions.

- That he/she is ineligible
- That he/she is eligible and would be entitled to some reasonable preference within the allocation scheme, but all preference is to be removed because of unacceptable behaviour.

- About the facts of the case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to him/her,

And in each case to be informed of the decision on the review and the reasons for it.

## **16.8 Procedure for reviews**

- On receipt of a request for a review, the Council will write to:
  - a) explain the review procedure
  - b) explain that the applicant, or someone acting on their behalf can make written representations and/or ask for a hearing
  - c) give the timescale for a decision.
- The Council will review its original decision taking into account any representations and any other relevant facts. The officer carrying out the review will be someone who has not been involved in the original decision taken.
- There will be a hearing as part of the review if:
  - a) the applicant requests it and
  - b) the reviewing officer considers it will provide the best opportunity to review all relevant circumstances.
- The decision on the review must be made within 8 weeks unless a longer period is agreed with the applicant.
- When a decision has been made, the applicant will be notified and reasons will be given.
- An applicant does not have the right to request a further review, but if dissatisfied with the outcome, he/she should seek independent advice.

### **Information about refusal of a final offer of permanent accommodation to homeless person owed a duty under Part 7, Housing Act 1996.**

- In exceptional circumstances (as described in the policy) homeless applicants may be made a direct offer of accommodation.
- A final offer of suitable accommodation will discharge the Council's duty towards the applicant under homelessness legislation. The applicant has a right to a review under Part 7 Housing Act 1996.
- An applicant to whom the Council no longer owes a homeless duty can remain on the register. The application will be reassessed and placed in the band, which reflects the current circumstances.

## **16.9 Local Lettings Policy**

The Council may from time to time agree a local lettings policy for specific areas or developments to reflect local circumstances. Any local lettings policy will have regard to housing management considerations such as the social mix of tenants within the block, estate or area. Such considerations will be set out in the local lettings policy and, where the policy includes properties owned by a housing association, the nomination agreement and may include child density, age range, vulnerability of tenants and community stability. The Council will also have regard to the local lettings plan to ensure that applicants from black and minority ethnic community groups are not under-represented in any new development. Under a local lettings policy some properties may be allocated to applicants who do not fall within the reasonable preference categories.

## **17. Tenancy Agreements**

Tenancies between partners (including same sex partners) are normally joint. Consideration is given to other individual requests for a joint tenancy or requests not to create a joint tenancy.

The Council shall not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible or is a person who is being treated as ineligible because of unacceptable behaviour.

Tenancies are created by the prospective tenant signing a tenancy agreement. The tenant will be given a copy of the signed tenancy agreement.

### **17.1 Introductory Tenancies**

All tenancies granted by the Council to new tenants, which would otherwise have been secure, will be “introductory tenancies” with the exception of those excluded by statute.

Provided that the Council has not begun proceedings for possession against the tenant within 1 year, the introductory tenancy will automatically become secure at the end of that period. However in certain circumstances since 6<sup>th</sup> June 2005 introductory tenancies can be extended for a further six months

## **18. Housing Associations and Tenant Management Organisations**

The Council is committed to active co-operation with Housing Associations who own and manage property in the Borough and has nomination rights to a proportion of Housing Association accommodation, which becomes available for letting. Housing Association properties to which the Council has nomination rights will be advertised via Choice Based Lettings. However, the Council does respect the integrity of the lettings policies of the associations concerned.

Applicants who opt out of consideration for Housing Association vacancies will seriously limit their rehousing opportunities.

## **18.1 Tenant Management Organisation**

The Council encourages residents to take a more active role in the running of their housing. The Council has exclusive nomination rights to dwellings managed by the TMO.

Glebe Court TMO will participate in Choice Based Lettings and will rehouse applicants that have successfully bid for a home in accordance with rehousing policies.

## **18.2 Cash Incentive Scheme and other financial schemes**

The aim of the cash incentive scheme is to free up under-occupied family sized accommodation to meet the need of applicants in housing need. The enabling legislation is section 111 of the Local Government Act 1972. Cash incentive grants are payable to Merton Council tenants. Merton Council does not pay cash incentive grants to RSL tenants. However, some RSLs have their own schemes.

Applicants approved for Choice Based Lettings under this scheme will be in Band D.

To be eligible the tenant must:

- Be a secure or introductory tenant
- Have a clear rent account (in practice, cash incentive grants are on occasion paid to tenants with arrears, which are then deducted from the grant before it is paid.)

## **18.3 Payment circumstances**

Cash Incentive Scheme grants are payable in the following circumstances.

- To households under occupying a family sized home by two or more bedrooms or who under occupy two-bedroom accommodation.

No cash incentive grant is payable to tenants moving from a one bedroom flat to a bed-sit.

## **18.4 Arrears**

Any monies owed to the Council (e.g. rent arrears, arrears accrued in a previous tenancy) will be deducted from the full amount due under this scheme before grant is paid.

## **18.5 Cash incentive grant payments**

The scheme allows for payments as follows:

- £2,500 given for tenants releasing 1 bedroom
- £5,000 given for tenants releasing 2 or more bedrooms.

## **18.6 Out of London**

To be eligible for financial assistance to achieve a move outside of London, an applicant must:

- Be a secure or introductory tenant of Merton Council
- Be a homeless household where the Council has accepted a S193 Housing Act 1996 Part 7 responsibility.
- Be a household in band B.

The scheme for out of London payments is as follows:

- Cost of removal expenses in full and
- Financial assistance to cover the cost of visiting available properties.

This scheme is usually only available for moves to the North of England or Wales.

## **18.7 Decants**

Financial assistance is payable to tenants whom the Council wishes to decant to another property where:

- It is not possible for the tenant to remain in occupation whilst modernisation and/or major structural repairs take place. In these circumstances the tenant will be eligible for:
  - Cost of disconnection and reconnection of a cooker and telephone and
  - A disturbance allowance calculated at £40 per room (excluding kitchen and bathroom) or £120 (whichever is the greater) based on the size of the accommodation required by the tenant.

## **18.8 Management Transfers**

Tenants rehoused via a management transfer as a result of persistent racial harassment will be entitled to

- Cost of removal expenses
- Disturbance allowance
- Connection and disconnection of telephone, cooker and washing machine and
- Redirection of mail to a maximum of £350.

# **Equal Opportunities and Ethnic Monitoring**

## **Legislative Background**

Race Relations Act 1976 Section 71

## **Policy**

1. The Council is committed to the principle of equal opportunities for all. This principle also applies to the allocation of Council dwellings and nomination to Housing Associations.
2. In order to ensure that properties are being allocated fairly to all sections of the community regardless of race, colour, creed or ethnic origin, the Council requests applicants to provide details of ethnic origin.
3. The ethnic origin of all applicants and those approaching the Housing Advice Service is recorded.
4. This information enables the Community and Housing Department to monitor the ethnic origin of those applicants who are eventually offered accommodation.
5. The information is analysed and a review of the Policy is undertaken if appropriate.
6. Providing information on ethnic origin is not a requirement for acceptance of an application or for receipt of housing advice.

## **Procedure**

1. A question on ethnic origin is included on Housing Application forms.
2. People approaching the Housing Advice Service are given a form to complete which requests information on ethnic origin.

# Access to Information

## Legislative Background

Access to Personal files Act 1987  
Data Protection Act 1998

## Policy

1. In line with the Access to Records, the Community & Housing department believes that people have a right to see what information is kept about them on written records.
2. This right applies to records made after 1<sup>st</sup> April 1989.
3. Records made before this date are not covered by the Act. However, as far as possible the Department will make them available, subject to certain restrictions specified below.
4. With regard to housing application records, applicants can have access to information held about themselves and members of their family held for the purpose of the application.
5. Information concerning the applicant, which is also about another person, is only available with the written agreement of the other person.
6. Applicants cannot see information, which identifies someone else or has been given by another person who had not agreed to its being seen.
7. Applicants cannot have access to information where there are legal reasons for the information not being released.
8. In very rare circumstances information is not made available where there are reasons for believing that access to the information would be harmful.
9. Requests for access to records must be in writing.
10. A charge of £10 is payable for this service. The fee is waived for people in receipt of Income Support or Housing Benefit.
11. Applicants have the right to ask in writing for the removal or correction of any information recorded about them, which they believe to be inaccurate. Such requests will receive due consideration.
12. If the Department agrees the information is inaccurate, the record will be corrected and the applicant will be able to see the correction.
13. If the Department does not agree that the information is inaccurate it will explain why and note the applicants view on the record.

14. Any person dissatisfied with any decision made concerning access to records may make a complaint to either Customers Services, Merton Link Service or appeal to the Data Protection Commissioner.
15. Medical information may be withheld from the applicant.

### **Procedure**

1. Leaflets entitled "Access to your Files" are available at Merton Link, Civic Centre and District Housing Management Offices.
2. Applicants wishing to see their files are issued with the prescribed form.
3. From receipt of the form, applicants will be provided with the information requested, subject to the restrictions listed above, within 40 days.
4. The completed form requesting Access to Files is only accepted when accompanied by the appropriate fee.
5. Applicants in receipt of Income Support or Housing Benefit should provide proof of it.

## **Data Protection**

Computer records are covered by the Data Protection Act 1998. This controls the use of computers in the collection, storage, processing and distribution of personal data.

The Act also gives rights to all individuals about whom information is recorded. These rights include the Right of Access to the information and the right to challenge the accuracy of that information.

The provision and exceptions are similar to those for access to information held on personal files.

Requests for access to data must be made in writing using the standard form (available from Customer Services Unit, Community and Housing Department) to be returned with proof of identity. Information must be provided within 40 days of the application. A fee is charged for this service.

Where a dispute arises on the accuracy of the data held, the applicant has the right of appeal to the Data Protection Commissioner.

# **Complaints**

## **Policy**

All applications have the right to be treated fairly. Where an applicant is not satisfied with the conduct of an application, or with its outcome, he/she has the right to seek redress.

The Council is committed to dealing with all complaints as courteously and as swiftly as possible in accordance with the Complaints Procedure. This document describes how and where to complain, who will deal with a complaint and the expected response time.

## **Procedures**

All complaints should follow the prescribed procedure. Failure to do so may result in delays.

In the first instance, grievances should be discussed with the officer dealing with the application. If the applicant does not know the name of that officer the matter should be raised with either the Team Leader or the Housing Needs Manager.

If this matter cannot be resolved to the applicant's satisfaction, the issues can be taken up with the Customer Services Unit. In addition, applicants have access to their Ward Councillor, the Member of Parliament and the Local Government Ombudsman, although every effort will be made to reconcile differences without recourse to his/her office.

## **Changes to Allocation Scheme**

Where the Council is adapting a major policy change, which affects the Housing Scheme it will notify everyone concerned who is registered on its list.

## **Confidentiality**

Applicants have a right not to have the fact that he or she is an applicant for allocation divulged without his or her consent.

## **16. Glossary of Terms**

### **Affordable Housing**

Subsidised, low cost housing for rent or shared ownership.

### **ALG**

Association of London Government. Organisation representing the London Boroughs.

### **Assured Shorthold Tenancy (AST)**

Created under section 20 of Housing Act 1988, an Assured Shorthold Tenancy is granted for a fixed term between 6 months and 5 years. Upon expiry of a valid Notice of Seeking Possession the court has no discretion to allow the tenant to remain.

### **Asylum Seeker**

Any person who has lodged an appeal for asylum but whose application has not yet been Granted.

### **Bands**

Priority groups for rehousing for the purposes of Choice Based Lettings.

### **Case Manager**

The person responsible for drawing up a care plan of services for an individual requiring assistance from Social Services.

### **Cash Incentive Scheme**

Scheme offering financial assistance to encourage tenant occupying property too large for their needs to move to smaller accommodation.

### **Casual Void**

A vacant home which has become available at “no cost” to the Council i.e. where the Council have not had to rehouse a tenant, either directly or indirectly, to create the void.

## **Choice Agenda**

Increasing choice for housing applicants through innovative approaches to Lettings.

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

A system of letting properties by which vacant properties are advertised and applicants choose if they wish to bid for.

### **Code of Guidance**

Issued by the Department of the Environment. Gives guidance on how a local housing authority should register applicants and allocate accommodation.

### **Community Care Act 1990**

See National Health and Community Care Act 1990.

### **Decant**

A permanent or temporary move of a tenant to allow major works/refurbishment to be carried out.

## **GLA**

Greater London Authority.

## **HEMS**

Housing and Employment Mobility Service

## **Homeless Investigation**

Enquiries made by local housing authorities under section 184 of the Housing Act 1996 if a person applies to them as homeless.

## **HOMES**

Housing Organisation Mobility and Exchange Services. An independent organisation, which enables and facilitates nominations/mobility across Borough boundaries. (See HEMS)

## **Housing Act 1996 Part V11**

Homeless legislation governing the discharge of a local authority's duties and responsibilities.

### **Houses in Multiple Occupation (HMO)**

Houses occupied by several households where facilities are shared e.g. bath/wc.

### **Housing Register**

A list of those requesting and eligible for housing which the Council has decided to maintain.

### **LAWN**

London Alliance West and North.

### **Local Authority Social Housing Grant**

Capital grant paid by the Council to a Registered Social Landlord to provide part of the capital cost of producing new accommodation.

### **LGA**

Local Government Association.

### **Mutual Exchange**

A scheme, which enables two or more tenants to swap their homes.

### **National Health & Community Care Act 1990**

Requires local authorities and health authorities to work closely together to plan health and social care within an individual "care package" for people according to individual need.

### **Net Voids**

Total supply excluding tenant transfers, exchanges and reciprocals.

### **ODPM**

The Office of the Deputy Prime Minister

### **Priority Need**

The groups defined as being in priority need by section 189(l) of the Housing Act 1996.

## **Priority Rehousing Group**

The Council has identified a group of applicants who should be given additional reasonable preference.

### **Registered Social Landlords (RSL's)**

Housing Associations registered with the Housing Corporation.

### **S193 Accommodation**

Accommodation provided to those homeless persons who applied for housing assistance and to whom the Council owes a duty to secure the provision of accommodation under S193 of the Housing Act 1996.

### **Seaside and Country Dwellings Scheme**

Transfer mobility scheme to assist tenants who have reached state retirement age to move to coastal and country dwellings.

### **Sub-Region**

Housing investment is now based on a Regional and Sub-Regional policy. The council has been designated to work with Sutton, Kingston, Lambeth, Croydon and Wandsworth.

### **Vulnerable**

A priority need category under section 189(I) Housing Act 1996.

