



*Please reply to:*

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Date: 06 June 2022

## Notice of meeting

### Community Wellbeing and Housing Committee

**Date:** Tuesday, 14 June 2022

**Time:** 7.00 pm

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

#### To the members of the Community Wellbeing and Housing Committee

Councillors:

M.M. Attewell (Chairman)	J. Button	D. Saliagopoulos
H. Harvey (Vice-Chairman)	S.A. Dunn	J. Vinson
C.L. Barratt	N.J. Gething	S.J. Whitmore
C. Bateson	O. Rybinski	

Substitute Members: Councillors R.O. Barratt, M. Beecher, J.T.F. Doran, R.D. Dunn, I.T.E. Harvey, V. Siva and R.A. Smith-Ainsley

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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# Agenda

Page nos.

Terms of Reference

The Committee's terms of reference are attached to assist.

**1. Apologies and Substitutes**

To receive apologies of absence and notification of substitutions.

**2. Minutes**

**7 - 14**

To confirm the minutes of the meeting held on 29 March 2022 as a correct record.

a) **Written Answers to Questions Raised at Previous Meeting**

**15 - 16**

The Committee are asked to note the responses to questions raised at the previous meeting of the Committee on 29 March 2022.

**3. Disclosures of Interest**

To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for members.

**4. Questions from members of the Public**

The Chair, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 40.

At the time of publication of this agenda no questions were received.

**5. Ward Issues**

To consider any issues raised by ward councillors in accordance with Standing Order 34.2

At the time of publication of this agenda no ward issues were received.

**6. Allocation Policy Review**

**17 - 120**

To consider a report from the Strategic Lead, Housing that seeks approval of the revised Allocation Policy.

**7. Discretionary £150 Council Energy Rebate Scheme**

**121 - 146**

To consider a report from the Housing Benefit Manager and to make a decision on which option Spelthorne Borough Council should adopt in the administration of the Discretionary Energy Rebate Scheme.

**8. Household Support Fund Phase Two**

**147 - 172**

To consider a report from the Deputy Chief Executive which seeks approval to:

1. note the allocation Spelthorne received from Surrey County Council and the proposed allocation basis are both in line with national parameters and a Surrey wide agreed approach,
2. have the scheme open to individual applications for people who are not just in receipt of council tax support but receive an income based DWP benefit, and
3. agree the proposed payment option for pensioner households or a combination of bank transfers for those households we have bank account details and posting out cheques for those we do not have details for.
4. Agree that in the event of any funds being unallocated in the 'General Allocation Pot' as at the end of August that the decision as to how to apply those funds through voluntary sector partners will be made by the Deputy Chief Executive in consultation with the Chair and Vice Chair of the Committee.

**9. Emergency Assistance Centre Plan**

Report to follow.

**10. Disabled Facilities Grant Policy**

Report to follow.

**11. Forward Plan**

**173 - 176**

To consider the Forward Plan for committee business.

**12. Exclusion of Public & Press**

To move the exclusion of the public and press in order to discuss the next item in view of the likely disclosure of exempt information within the meaning of Paragraph 3 or Part 1 of Schedule 12A of the Local Government Act 1972.

**13. Leisure Centre Operator Contract Specification**

**177 - 190**

To consider a report from the Leisure Facilities and Projects Manager, the Strategic Lead, Leisure and Community Wellbeing and the Group Head Community Wellbeing on the Leisure Operator Contract Specification.

**14. Urgent business**

To consider any business deemed as urgent by the chair.

## **COMMUNITY WELLBEING & HOUSING COMMITTEE**

### **Membership**

11 members reflecting political balance.

### **Functions**

This committee has responsibility for the following functions of the Council:

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, allocations and support services
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people
- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services relevant to this Committee, to the community; in particular to exercise the Council's statutory scrutiny responsibilities arising under the Police and Justice Act 2006 in relation to crime and disorder.
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.

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**Minutes of the Community Wellbeing and Housing Committee  
29 March 2022**

**Present:**

Councillor S.A. Dunn (Chairman)  
Councillor S.M. Doran (Vice-Chairman)

**Councillors:**

C.L. Barratt	N.J. Gething	J. Vinson
R.O. Barratt	M. Gibson	
C. Bateson	O. Rybinski	

**Apologies:** Councillors J.R. Boughtflower

**In Attendance:** Councillors R.D. Dunn, M. Beecher and L. E. Nichols

**60122 Minutes**

The minutes of the meeting held on 01 February were agreed as a correct record of proceedings.

**60222 Disclosures of Interest**

There were none.

**60322 Questions from members of the Public**

There were none.

**60422 Ward Issues**

There were none.

**60522 Capital Monitoring Report Q3 (Oct-Dec 2021)**

The Committee considered a report from the Chief Accountant that outlined the capital projects that fell under the remit of the Community Wellbeing and Housing Committee.

Concerns were expressed over the figures for the Oast House and in particular the large overspend in the sum of £13.4m. The Deputy Chief Executive, Terry Collier advised that this was due to both the delays moving the development forward and also the increase in construction costs.

Terry agreed to circulate a more detailed breakdown of the overspend to Committee Members and the Committee Manager would include the response in the minutes of the meeting.

The Committee asked why the report was showing an increase in costs for the acquisition of land at the White House.

Terry advised that The Chief Finance Officer would provide a detailed answer to all Committee members and that the Committee Manager would include the response in the minutes of the meeting.

The Committee **resolved** to note the report.

#### **60622 Revenue Monitoring Report Q3 (Oct-Dec 2021)**

The Committee considered a report from the Deputy Chief Accountant, Anna Russell that sought to outline the draft forecast outturn for 2021/22 as at 31 December 2021 and the aggregate variances by cost centre.

The report was presented by the Deputy Chief Executive, Terry Collier.

Concerns were raised by the Committee about how the cost of living rise may impact on the residents of the Borough. Terry advised the Committee that the longer term economic impacts of the pandemic were not yet fully felt and that this is merging with broader cost of living pressures but that this would be monitored closely. It was likely that the figures for Q1 2022/23 would reflect the impact of the cost of living increases and movements in the number of residents in receipt of Housing Benefit.

The Committee **resolved** to note the report.

#### **60722 Community Wellbeing & Housing Strategy**

The Committee considered a report from the Strategic Lead Independent Living, Stephen Mortimer-Cleevely and the Active Lifestyle and Wellbeing Manager, Mary Holdaway that sought approval for adoption of the Spelthorne Health & Wellbeing Strategy 2022-2027.

The Committee were advised that this strategy focussed on three principles, People, Place and Community and that these would link in with the recently adopted Corporate Plan priorities. Funding streams would be sought to support the new objectives and Stephen advised the Committee that he had recently secured funding in the sum of £475k to help fulfil some of the goals around health and prevention.



Some areas within the Borough have high levels and deprivation and the focus will be on these areas for the first two years with the remaining areas being looked at in years 3-5.

Proposed by Councillor Doran  
Seconded by Councillor Vinson

The Committee **resolved** to adopt the Spelthorne Health & Wellbeing Strategy 2022-2027.

The Chair suggested that Item 16 – Urgent Business, be brought forward as it was also to be presented by Stephen Mortimer-Cleevely. Item 16 was an exempt item and would need to be heard in a closed session.

The Committee **agreed** to consider Item 16 at this stage of the meeting.

#### **60822 Exclusion of Public & Press**

It was proposed by Councillor Gething, seconded by Councillor Bateson, and **resolved** that the public and press be excluded during consideration of the following item, in accordance with paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) because it was likely to disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in being able to undertake even-handed negotiations and finalising acceptable contract terms.

After the Committee had considered Item 16 in a private session, Items 9-15 were heard in a public session.

#### **60922 Procurement of Property Acquisition Service and Funding Bid for Rough Sleeping Accommodation Programme (RSAP)**

This report was presented by the Strategic Lead Housing, Marta Imig that sought to:

1. Approve the proposed procurement of a Property Acquisition Service for the duration of 5 years,
2. Approve the proposed bid for Rough Sleeping Accommodation Programme (RSAP) for acquisition of six units and the associated revenue support,
3. Delegate the appointment of the contractor to the Group Head of Community Wellbeing in consultation with the Chair and Vice-Chair of the Community Wellbeing and Housing Committee; and

4. Authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement the new contract.

Marta advised the Committee that they had previously approved the Acquisition of Registered Providers Street Properties Policy in September 2021 but that the Council does not have the resources to administer the acquisition. Therefore there was a need for a Property Acquisition Service to be put in place.

Marta stated that the properties the Council were looking to purchase under the Property Acquisition Scheme would comprise mainly or larger properties for families and also properties that had been or could be adapted to meet the needs of a disabled person.

The Committee were advised that the deadline for a bid for RSAP was 13 April 2022 and that each Council could bid for 6-8 properties that would provide short term accommodation for a homeless person during which they would receive support from the Council. They would then be moved into permanent accommodation provided by the Council.

Marta suggested that the Committee approve Option 3 of the report that was to not approve the bid for RSAP funding, but to approve the tender in respect of the acquisition of street properties on only.

Proposed by Councillor Bateson  
Seconded by Councillor Vinson

The Committee **resolved** to:

1. approve the proposed procurement of a Property Acquisition Service for the duration of 5 years,
2. delegate the appointment of the Contractor to the Group Head of Community Wellbeing in consultation with the Chair and Vice-Chair of the Community Wellbeing and Housing Committee; and
3. authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement the new contract.

### **61022 Homes England Compliance Audit**

The Housing Strategy & Policy Manager, Marta Imig presented this report to the Committee.

Marta advised the Committee that the Council had passed the audit with no recommendations. She advised that Homes England required the outcome of the Compliance Audit to be brought to the attention of the relevant Committee within 3 months of the audit result release.

The Committee **resolved** to note the report.

## **61122 Tenancy Strategy**

The Housing Strategy & Policy Manager, Marta Imig presented this report to the Committee that sought approval of the revised Tenancy Strategy following a review of the Council's current Tenancy Strategy.

This report had been brought before this Committee on a previous occasion but was rejected by Members due to the proposal for a reduction of the affordable rent, from 80% to 70%. The redrafted version of the Tenancy Strategy proposes to retain the affordable rent levels at the lower of up to 80% of market rent value or Local Housing Allowance, this is unchanged from the current approved Strategy.

The Committee asked for clarification of the difference between the market rent and the Local Housing Authority (LHA) rent. The Joint Group Head, Wellbeing & Housing, Deborah Ashman advised the Committee that tenants would be charged 80% of market rent or 100% of the LHA rate, whichever proves to be the lowest. She clarified that this would only be for the affordable units.

Concerns were raised about developments in prime locations within the borough and it was suggested that all levels of renting should be considered, affordable and non-affordable to achieve the best financial outcome for the Council and Knowle Green Estates.

The Deputy Chief Executive, Terry Collier agreed that all types of tenure should be considered for new developments across the borough but that there was a need to ensure that all people on the Housing Waiting List were considered.

Proposed by Councillor Bateson  
Seconded by Councillor Gibson

The Committee **resolved** to approve the Tenancy Strategy.

## **61222 Procurement of Housing First Provider**

This report was presented by the Housing Strategy & Policy Manager, Marta Imig and sought approval to:

1. the proposed procurement of a Housing First service for the duration of 3 years, with 3 x 1 year extensions in the Council's sole discretion subject to government funding availability and the performance of the contract,
2. delegate the appointment of the Contractor to the Group Head of Housing in consultation with the Chair and Vice Chair of the Community Wellbeing and Housing Committee; and
3. authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement the new contract.

Marta advised the Committee that the current contract for the provision of a Housing First service was with A2 Dominion and that this contract ended on 31 May 2022. The Strategic Housing Group had recommended going out to procurement of this contract and to select a provider through a competitive tender process.

The Chair advised the Committee that she and officers would be meeting with A2 Dominion regularly to address any issues. The Committee were told that officers would be reissuing A2 Dominion's contact details to Councillors to enable them to contact them direct.

Proposed by Councillor Vinson  
Seconded by Councillor Doran

The Committee **resolved** to:

4. approve the proposed procurement of a Housing First service for the duration of 3 years, with 3 x 1 year extensions in the Council's sole discretion subject to government funding availability and the performance of the contract,
5. delegate the appointment of the Contractor to the Group Head of Housing in consultation with the Chair and Vice Chair of the Community Wellbeing and Housing Committee; and
6. authorise the Group Head of Corporate Governance to enter into any legal documentation necessary to implement the new contract.

### **61322 Key Worker Policy Review**

This report was presented by the Housing Strategy & Policy Manager, Marta Imig and sought approval of the revised Key Worker Policy.

Marta advised the Committee that this was a revised version of the current Key Worker Policy that sought to wider the definition of who would be considered a Key Worker.

The Committee asked why it was felt necessary to widen the definition of Key Worker. Marta stated that there was currently only a small number of applicants on the Housing Waiting List that would meet the criteria needed to be considered a Key Worker and that the Council had experienced difficulties letting units at Benwell that had been ringfenced for Key Workers.

The Joint Group Head Community Wellbeing, Deborah Ashman advised the Committee that if the definition of a Key Worker was broaden the Council would be able to support more residents within the Borough and would minimise the risk of voids in keyworker units.

Proposed by Councillor Doran  
Seconded by Councillor Vinson

The Committee **resolved** to approve the revised Key Worker Policy.

**61422 Housing Disrepair Issues**

The Chair read out the following statement from the Senior Environmental Health Manager, Tracey Willmott-French:

“The A2D update regarding the commencement of the quarterly meetings to discuss programmed and reactive housing repairs resume on the 07 April 2022. In addition to myself and Susan Turp both Councillor Sexton and Councillor S Dunn will be attending the first meeting.

There is nothing more to add at this time, however going forward we will be able to provide some basic statistics around housing disrepair complaints and repair issued on RSL homes within the Borough.”

The Committee **resolved** to note the verbal update.

**61522 Forward Plan**

The Committee **resolved** to note the Forward Plan for the business of the Community Wellbeing and Housing Committee.

**61622 Urgent business**

The Committee received a verbal update from The Strategic Lead Independent Living, Mr Stephen Mortimer-Cleevly on the Spelthorne Personal Alarm Network (SPAN).

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Below is my formal response to the questions raised at the meeting on 29 March 2022:

At the committee meeting held on 29 March, there were a couple of questions asked about the Q3 Capital Monitoring Report, which required supplementary answers and the Chief Accountant responds as follows:

- Oast House – there was a request for a breakdown of the projected increase of £13.4m in the managers outturn costs for this property.

Officers have been closely monitoring developments in the construction sector, around material and labour cost inflation, as seen, with the recent reports where Council approved the inflationary increases of between 15-21% on the new leisure centre and Victory Place based on new bill of materials, at their February meeting.

As at 31 December 2021, the current configuration for the Oast House had an approved budget of £105.2m and this was the basis of the report approved by Council 27 April 2022.

Using the new leisure centre and Victory Place actual inflationary increases, the Project Manager has forecast a projected outturn increase of £13.4m based on a revised construction cost per square metre and subject to a bill of materials based on the Council approved plans that were subsequently approved after the Q3 capital monitoring report had been prepared and the year end.

Whilst Council had not formally approved the budget, officers kept this figure unchanged, however, based on the new cost of construction per square metre, officers have taken the opportunity to flag up to councillors through the quarterly monitoring process, that the Council is facing a significant increase in the cost of construction on the Oast House due to the material and labour cost inflation, that the construction sector is experiencing now.

Whilst officers could have kept the projected outturn at Q3 unchanged, it was felt that for both consistency and transparency's sake, we should align the monitoring report with the figures that would ultimately go through to Council.

As Council approved the plans last month, officers will now update the Council approved estimated 2022/23 to 2025/26 capital programme to reflect this new decision.

- Whitehouse land – following a thorough review, the Chief Accountant can inform the Committee of the following:
  - In 2017, Cabinet approved a budget of £1.25m for the purchase of land and buildings including acquisition costs (phase 1) for the above property, this amounted to £1,391,721.
  - In 2018/19, under delegated authority, the building was demolished and the expenditure of £26,298 was incorrectly coded against a revenue code, as part of the financial year end review process this expenditure was coded to capital and accounted for as part of construction costs (phase 3) and is included in the manager's forecast outturn figures in the Q3 monitoring report.
  - In September 2018, Cabinet subsequently approved an additional £680,000 budget for design fees (phase 2) and this sum had not been added to the capital monitoring report, nor had it been included in the revised outturn manager's report because

the actual expenditure had been incorrectly coded to the managers outturn forecast for land acquisition (phase 1)

This means that the land and building (phase 1) managers forecast outturn including Stamp Duty and related legal fees, was £1,391,721, against a budget of £1,391,721, which has resulted in no variance arising.

The Council approved increase in the design costs for phase 2 has now been added to the original costs to construct and the managers outturn now agrees to the Council approved budget, which has resulted in no variance arising.

Please note that officers, don't propose to amend the Q3 report and will reflect the changes in Q4.

Kind regards

Paul Taylor  
Chief Accountant



## COMMUNITY WELLBEING AND HOUSING COMMITTEE MEETING

14 June 2022



<b>Title</b>	Allocation Policy review
<b>Purpose of the report</b>	To make a Key Decision
<b>Report Author</b>	Marta Imig, Strategic Lead, Housing
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/a
<b>Corporate Priority</b>	Affordable Housing
<b>Recommendations</b>	Community Wellbeing and Housing Committee is asked to:  Approve the revised Allocation Policy.
<b>Reason for Recommendation</b>	This proposed revised policy will ensure that these homes are let in a fair and transparent way.

## 1. Key issues

- 1.1 The existing Allocation Policy (enclosed in Appendix A) was approved in April 2016, with a review period after 5 years, following a consultation.
- 1.2 The proposed revised policy draft (enclosed in Appendix B) is to be consulted with Registered Providers (RPs) with portfolios in Spelthorne and Knowle Green Estate (KGE). In addition, a summary of the changes is enclosed in Appendix E.
- 1.3 In addition, to the consultation with the RPs, the policy was consulted with the general public – the policy consultation questionnaire is enclosed in Appendix D. The feedback from the Community Consultation will be enclosed in Appendix F.

## 2. Options analysis and proposal

### Option 1: To reject the policy

The Committee will not adopt the revised policy, the existing version of the policy would remain in place until new revised version of the policy is agreed.

### Option 2: To adopt the proposed revised policy (**recommended**)

The adoption of the policy will ensure that homes are let in fair and transparent way to the residents who require housing.

### Option 3: To adopt an altered version of the proposed policy

To propose changes to the policy draft, consequently adopting a revised version of the policy.

### **3. Financial implications**

- 3.1 There are currently no financial implications in the adoption and implementation of the proposed revised policy as it has been based around existing agreed resources and technical capabilities.

### **4. Other considerations**

- 4.1 N/A

### **5. Equality and Diversity**

- 5.1 An Equality and Diversity Impact Assessment has been carried out and is provided in Appendix C.

### **6. Sustainability/Climate Change Implications**

- 6.1 The proposed revised policy does not have an impact on the Council's sustainability / climate change position.

- 6.2 The operation of the Council's Housing Register is managed online, with email used as primary contact methods, reducing the use of paper and printing. The sign-up process for new tenants has now moved to a fully digital service.

### **7. Timetable for implementation**

- 7.1 Once approved, the policy will be implemented from 1 April 2023 to enable sufficient amount of time for the new system set ups and a re-registration process. The Council will conduct a re-registration process of all applicants to ensure that their awarded banding, reflects the provisions of the policy.

- 7.2 This policy will be comprehensively reviewed every 5 years.

**Background papers: There are none.**

#### **Appendices:**

*Appendix A: Existing Allocation Policy*

*Appendix B: Proposed revised Allocation Policy*

*Appendix C: Equality Impact Assessment for Allocation Policy*

*Appendix D: Policy Consultation questionnaire*

*Appendix E: Policy changes summary*

*Appendix F: Public Consultation outcome report*



**New Housing Allocations Policy for  
The Borough of Spelthorne**

**To be introduced: Spring 2018**

**This policy is as required by Part 6 of the Housing Act 1996 as amended by the Homelessness Act 2002. It should be read in conjunction with the Spelthorne Search Moves User Guide.**

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## **1 Introduction and Aims of this Policy**

### **1.1 Introduction**

The overall aim of this policy is to ensure that social housing in the borough is allocated fairly and objectively, having regard to any legislative requirements, regulations or Codes of Guidance issued by Department of Communities and Local Government, and homelessness and tenancy strategies.

### **1.2 Key features of the Allocations Policy**

This Allocations Policy has been established with a view to meeting the following principles and key objectives:

- To operate a lettings policy based on housing need; which is simple, easy to understand, transparent, open and fair.
- To ensure that every application is dealt with fairly and consistently.
- To give adequate priority to people who fall within the Government's "Reasonable Preference" categories.
- To provide timely information, advice and assistance and make the best use of the powers and resources available to assist people to solve their housing problems in a way more suited to their needs.
- To ensure that applicants have ready access to information on their prospects of housing.
- To give adequate priority to homeless people whilst maintaining a balance between the needs of the homeless and other applicants in housing need.
- To give most applicants choice where practicable to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing.
- To give adequate priority to residents in housing need who are in low income employment, and who have served in the Armed Forces, whilst maintaining a balance to all other applicants.

In addition to the above, this policy has been designed to make best use of the housing stock in the borough to ensure that:

- Sustainable and balanced communities are maintained.
- Re-let times are minimised.
- Difficult to let properties are dealt with.
- Under-occupation is reduced.
- Best use is made of Supported Housing for those who are suitable for this type of housing and in the greatest need of the support.

### **1.3 The Legislative Framework**

Legislation states that when making an allocation a local authority must comply with the provisions of Part 6 Housing Act 1996 and the Localism Act 2011. This states that the policy should be set out to ensure that reasonable preference is given to specific groups of people:

- People who are homeless (within the meaning of Part VII of the Housing Act 1996).
- People who are owed duties under s.190(2), 193(2) or 195(2) of the Housing Act 1996 or similar duties under the Housing Act 1985 or who are occupying accommodation secured by the Council under s.192(3) of the Housing Act 1996.
- People occupying unsanitary or overcrowded housing or living in unsatisfactory housing conditions.

- People who need to move on medical or welfare grounds, including grounds relating to disability.
- People who need to move to a particular locality to avoid hardship to themselves or others.

This policy gives reasonable preference to these categories of people.

Information on the priority given to applicants in these groups, alongside other priority categories is set out in **Appendix 1**.

## **2 The Housing Register**

### **2.2 Housing Register Eligibility**

In certain circumstances, applicants may not be eligible for an allocation of social housing and they will be excluded from the housing register they apply to. These are people from abroad who are ineligible for social housing. A full list of those who are ineligible for an allocation of social housing is contained in **Appendix 3**.

Any applicant who is excluded from the housing register as ineligible will be notified in writing of the reasons why the decision has been made. There is a statutory right to review or appeal this decision. See Section 7 for further information on the review procedure.

### **2.3 Housing Register Qualification**

Under this policy housing will only be allocated to a 'qualifying' person. Housing will not be allocated to a disqualified person. The criteria for qualification or disqualification are set out below.

However in exceptional circumstances the Housing Options Manager or Head of Service or equivalent will consider whether to disapply the qualification / disqualification criteria.

Any applicant who is excluded from the housing register because they do not meet the qualification criteria will be notified in writing of the reasons why the decision has been made. There is a statutory right to review or appeal this decision. See Section 7 for further information on the review procedure.

### **2.4 Qualification Criteria**

In order to qualify to be included on the housing register applicants must fulfil the following criteria:

#### **(i) Age**

An applicant must be at least 16 years old. As an applicant under 18 cannot legally hold an independent tenancy a guarantor will normally be required before any 16 / 17 year old is offered a property.

#### **(ii) Local Connection**

Only applicants who meet the requirements set out below with regard to local connection will qualify to be included on the housing register.

##### Current Residence

- Applicants who currently live within the borough of Spelthorne and have done so for at least the last three years. Or,

#### Previous Residence

- Applicants who have previous continuous residence within the borough of Spelthorne amounting to five or more continuous years in that borough within the last 10 years (only residence as an adult will be taken into account). Or,

#### Family

- Applicants who have immediate family (mother / father / brother / sister / adult son / adult daughter) who are currently living in the borough of Spelthorne and have done so for at least five years or more. Or,

#### Work

- Applicants who have a permanent job in the borough of Spelthorne (at least 18 hrs. a week and an existing contract of 12 months or more), Or,
- Zero hours contracts will be considered on a case by case basis but must demonstrate they have worked more than 18 hours a week on average

#### Special Circumstances

- Applicants who have a connection with the borough of Spelthorne because of any special circumstances, such as the need to be near specialist medical or support services which are only available in a particular district.

#### **(iii) Property ownership**

To qualify, applicant(s) or a member of their household MUST NOT own or part own a property, either in the UK or aboard

#### **(iv) Income Thresholds**

To qualify, applicant(s) joint household income MUST NOT be greater than £50,000 a year gross

#### **(v) Saving Thresholds**

To qualify, applicant(s) total household savings MUST NOT be greater than £30,000

### **2.4.1 Exceptions to qualification criteria**

#### **(i) Homeless Households**

A household who has been accepted as homeless by Spelthorne Borough Council and it has been determined that they are owed the full housing duty under S193 of the Housing Act 1996 (and has not been referred to another authority on 'local connection' grounds) and that duty has yet to be discharged, will be deemed to be a qualifying person with regard to local connection within this policy.

#### **(ii) Special Arrangements for Armed Forces**

Under this policy we will not disqualify the following applicants on the grounds that they do not have a local connection with the authority's district:

- Members of the regular Armed Forces and former personnel of the regular Armed Forces, where the application is made within five years of discharge.
- Bereaved spouses and civil partners of members of the regular Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death is wholly or partly attributable to their service).
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.



**(iii) Relevant social housing tenants - Need to Move for the purpose of work**

Under this policy we will not disqualify relevant social housing applicants on the grounds that they do not have a local connection with the authority's district subject to the following conditions.

They must be a secure or introductory tenant in England or assured tenant of a Registered Provider in England. They must also have a reasonable preference under s.166 (3) Housing Act 1996 because of a need to move to the district and where failure to meet that need would cause hardship to themselves or to others

They must have a need to move because they work in the authority's district or have been offered work in the authority's district and the authority is satisfied there is a genuine intention of taking up the offer of work.

This section will not apply if the need to move is associated with work or the offer of work which is short term or marginal in nature, ancillary to work in another district or voluntary work.

**(iv) Households who have a reasonable preference need**

Persons who do not meet the qualification criteria (in 2.4) but who fall within the statutory reasonable preference groups (as per paragraph 1.3 above) will be deemed to qualify to join the register.

**2.5 Disqualification Criteria**

The following categories of persons will be not included on the housing register.

**(i) Unacceptable Behaviour**

Unacceptable behaviour is classed as behaviour that would allow a landlord, acting reasonably, to obtain any form of possession order against the tenant.

If the behaviour of an applicant (or a member of their household) is likely to affect their suitability to be a tenant this will be taken into account when deciding whether to exclude them. For example, if a household contains somebody who has been served with an Anti-Social Behaviour Order (ASBO) this would be taken into account when deciding whether to exclude the applicant.

Applicants that have been excluded or removed in the past can make a new application if they can demonstrate they have improved their behaviour. When considering a new application, the severity and persistence of any previous anti-social behaviour (ASB) will be taken into account and the length of time that has elapsed since the previous incidents / anti-social behaviour.

All relevant information, such as health problems, people who are dependent on the applicant and other issues will be considered before a decision on whether to exclude is made. The interests of the applicant and their household will be considered balanced against the interests of the people who live and work in any of the partner organisations housing areas.

**(ii) Fraudulent Applications and Tenancy Fraud**

Where an applicant or a member of the household is discovered to have knowingly or recklessly made false statements or knowingly withheld information in respect of his / her application for housing, consideration will be given to excluding the applicant from the housing register. The period of exclusion will be at the discretion of the Head of Service, Housing Options Manager or equivalent and may last for a period of up to five years.

Consideration will also be given to pursuing a criminal prosecution under s.171 of the Housing Act 1996 (or other similar legislation that may be applicable).

If an applicant or member of the household is discovered to have previously committed tenancy fraud they will be disqualified for a period of up to five years.

## **2.6 Joint Applications**

Joint applications may be made by:

- Husband and wife.
- Civil partnership couples.
- Partners.
- Parent and child over 18 years of age.
- Siblings.

By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. Local arrangements may apply and this will be subject to the discretion of the landlord offering the property.

## **2.7 Applicant Consent and Declaration**

Each applicant will be expected to complete the application form and sign the declaration at the back of the form confirming that the details they have provided are correct. Where an application is made online the applicant will be required to confirm the details provided are correct. Checks will be made as part of the verification process that the details are correct but the onus is on the applicant to give the correct information on their application.

Legal action can be taken against any applicant or a member of their household who provides false information when applying for housing (including a fine of up to £5,000). Under Section 172 of the Housing Act 1996 it is an offence to:

- Deliberately provide false information. Or,
- Deliberately withhold information that should have been given.

Possession proceedings can be instigated if a tenancy was obtained by giving false information.

Applicants will also be expected to sign to give authorisation to contact other agencies, e.g., Housing Associations, Social Services, current or former landlords, to obtain and share relevant information about them.

## **2.8 Change of Circumstances**

Applicants who move home or whose circumstances change after they have been accepted onto the housing register, (e.g. someone joining or leaving their household, or a change in income or employment etc.) should immediately contact Spelthorne Borough Council and notify them of the change. An applicant may have to complete a further housing application form.

If the change of circumstances affects an applicant's banding or priority date they will be informed in writing of the outcome of the reassessment. See Section 2.11 regarding priority date.

## **2.9 Review of Applications**

All applications will be periodically reviewed and applicants may be removed from the housing register if their circumstances have changed or they fail to respond to correspondence.

#### **2.10 Pre-tenancy training**

Applicants to Spelthorne's housing register may be required to complete pre-tenancy training arranged by the Council (or by a Housing Association in conjunction with the council) regarding the responsibilities of holding a tenancy.

#### **2.11 Banding**

All applications are assessed and awarded a Band to reflect the level of need of the applicant and local connection. There are seven bands:

- **Band A1** – Emergency / Priority.
- **Band A2** – Emergency / Priority (transfer cases)
- **Band B1** – Urgent need to move.
- **Band B2** – Urgent need to move (transfer cases)
- **Band C1** – Identified need to move
- **Band C2** – Cases with a reasonable preference need but no local connection
- **Band D** – Low housing need and no 'deemed' housing need.

A detailed list of the factors, taken into account when awarding these Bands, is set out in **Appendix 1**.

All **Band A** cases will be reviewed on a six monthly basis.

#### **2.12 Priority Date (Effective Date of Application)**

All applications are given a priority date, which is usually the date they join the register.

If a change of circumstances affects an applicant's banding they will be informed in writing of the outcome of the reassessment. Applicants will retain their original registration date as their priority date if their banding changes except if they are placed in **Band A1/A2 or B1/B2**. In this case their priority date will be the date their application was moved to **Band A1/A2 or B1/B2A** (see **Appendix 1** for information on the Banding Scheme).

**If an application has been cancelled, for any reason, any subsequent application will have a new priority date based on the date of the new application.**

#### **2.13 Cumulative Need**

If an applicant (or one or more members of their household who will move with them, as applicable) has more than one identified housing need (cumulative need) within the priority band in which they have been placed, they may in exceptional circumstances be placed in a higher band to recognise their cumulative need.

#### **2.14 Applicants Who Have Deliberately Worsened Their Housing Circumstances**

If there is evidence that an applicant has deliberately made their housing circumstances worse to get more priority on the housing register their application may be placed in **Band D**.

#### **2.15 Medical or Welfare Needs**

Additional priority may be awarded on medical or welfare grounds if the information received indicates a move will benefit the health and wellbeing of the applicant and / or their household following consideration by an officer and / or advice from an independent medical adviser. The medical assessment will reflect the household as a whole and one banding will be awarded per application which will take into account the factors for the applicant and if relevant, any individual household members.

Where an applicant requires a live-in carer, the carer will be treated as a member of the household and the bedroom requirement will be assessed accordingly.

The awards are as follows:

**Band A1/ A2** – where the applicant is assessed as having an “emergency” medical or welfare need to move because the current property is unsuitable. (Transfer cases will fall into band A2; all other cases will fall into A1)

This award should be for the most extreme cases where the need to move is seen as an emergency and it is highly probable the applicant’s life might be at risk or there is a risk of severe injury to an applicant or a member of the household included on the application if they continue to occupy the accommodation.

**Band B1/B2** – where the applicant is assessed as having an “urgent” medical or welfare need to move because the current property is unsuitable. (Transfer cases will fall into band B2; all other cases will fall into B1)

**Band C1/C2** – where there is an “identified” medical or welfare need to move because the current property is unsuitable. (Transfer cases will fall into band C2; all other cases will fall into C1)

If there is a relevant change in the applicant’s circumstances, e.g. a change of address, a new application and a medical assessment may need to be completed.

Applicants will be notified in writing of the decision about a medical or welfare award. They will be advised they have the right to appeal against the decision. (See Section 7 for further information on the appeals procedure).

## 2.16 Assessing Overcrowding / Bedroom Shortage

An applicant’s level of overcrowding will be carefully assessed in determining their band.

If an applicant is assessed as being statutorily overcrowded as defined in Part 10 of the Housing Act 1985 they will be placed in **Band A1/A2**. This will normally be assessed by the department using Environmental Health legislation. (Transfer cases will fall into band A2; all other cases will fall into A1)

If an applicant is assessed as overcrowded and requires two or more additional bedrooms they will be placed in **Band B1/B2**. (Transfer cases will fall into band B2; all other cases will fall into B1)

If an applicant requires one additional bedroom they will be placed in **Band C1/C2**. (Transfer cases will fall into band C2; all other cases will fall into C1)

For the purposes of assessing their bedroom shortage (or bedroom need) a separate bedroom is allocated to each of the following:

- The main applicant and partner.
- Two children of either sex where they are both under 10 years of age.
- Two children of same sex where there is an age gap of less than 10 years.

- Two children of same sex where there is more than a 10 year age gap but where both are under 16.
- An overnight carer.

It should be noted that:

- A child will be considered to have a 'need' from birth.
- A single adult within the household (who is not the applicant) would only be entitled to a separate room if there is no other person they can share with within the below table. However an adult would not be expected to share with their own child.

For clarification purposes this is further set out as follows:

Household	Bedroom Need
Adult person – single	Bedsit / One Bedroom
Adult couple	One bedroom
An overnight carer	One bedroom
Two persons / children of the same sex with less than a ten year age gap	One bedroom
Two persons / children of different sex both under 10 years of age	One bedroom
Two persons / children of the same sex with more than a ten year age gap where both are under 16	One bedroom
Two persons / children of different sex, of whom at least one is over 10 years of age	Two bedrooms
Two persons of the same sex with more than a ten year age gap and where at least one is 16 or over	Two bedrooms

In certain circumstances the size of the bedrooms in an applicant's property and the relationship between those sharing a bedroom will be taken into account when carrying out an overcrowding / bedroom shortage assessment.

Houses with two or more bedrooms may be advertised with preference to households with a dependent child under 16. However this preference would only apply where applicants were in the same band so a **Band C1/C2** applicant with dependent children would not be given preference over an applicant with adult children in **Band B1/B2** for example.

Overcrowding priority will not be given if the applicant has caused the situation by moving in others who are not part of their household. E.g. an applicant with a child is living in two-bedroom accommodation and they choose to share a bedroom in order to let the second bedroom to a tenant / acquaintance / extended family member.

In exceptional circumstances, such as a medical need, additional bedroom requirements may be considered.

Children who are away from home, for example at University, will still be treated as part of the household as long as there is a clear intention to return.

## 2.17 Assessment of Cases Where Children are Part of an Application

In assessing whether there is a bedroom shortage for the purposes of awarding a Band and in deciding the size of property an applicant is eligible for, an assessment will be made on the facts of each case. In reaching a decision regard will be had to what is considered to be the child's **prime residence** i.e. where they stay overnight, where there is financial dependency including who claims child benefit, who the child is

dependent upon for daily care as well as social factors such as where the child goes to school.

### **Assessment of Cases Where Children Stay with More Than One Household**

There may be informal agreements between separated parents to share the care of their children and they may stay with each parent on a regular basis. However only in the most exceptional circumstances would a child / children be considered as needing accommodation with more than one parent for the purposes of applications for social housing.

In considering shared custody arrangements the housing authority will take into account any court directives. However it should be noted that a family court order which refers to residence and accommodation arrangements is not binding upon the housing authority with regard to provision of accommodation. It is for the housing authority to determine whether priority should be given in respect of shared custody.

## **2.18 Assessment of Homeless Applicants to whom the Full Duty to Secure Accommodation is owed.**

### **(a) The Council's Legal Duty**

All Local Authorities have a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to make sure that homeless applicants owed the "full" duty under s.193 (2) are provided with suitable accommodation. There is no requirement that this be permanent. Other duties in relation to accommodation or advice / assistance depend on their priority need. **Appendix 1** shows the priority of homeless households within the Banding Scheme.

Homeless households are one of the categories who must be given a reasonable preference and the Spelthorne Allocations policy meets this requirement as outlined below:

### **(b) Priority Banding**

Homeless applicants to whom the full duty is owed will normally be placed in **Band B**.

### **(c) Bidding**

An accepted homeless applicant will be expected to bid for all suitable accommodation, including cross boundary properties. Where a bid results in an offer of accommodation, and this property is deemed to be suitable by the local authority, this will normally be deemed to be a final offer of accommodation which will end the homelessness duty under the Housing Act 1995 part 7. This is subject to right of review.

If bids are not placed by the member the local authority reserves the right to place bids on behalf of the applicant. Direct lets may also be used by the local authority to discharge duty.

## **2.19 Armed Forces Personnel**

It is recognised that those who have served in the Armed Forces have made significant sacrifices for their country and have often moved many times occupying Armed Forces accommodation that is tied to their service. It is intended that such households should not face discrimination under this policy and should receive special consideration for housing. As part of this commitment it should be noted that under this policy, the local connection requirement does not apply to Armed Forces personnel (as set out in 2.4 (iv)). Regular Armed Forces personnel are therefore given equal treatment under this policy regardless of the area they have been living in.

In addition under this policy certain Armed Forces households will also be awarded special priority as follows:

**Band B Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the borough relating to employment or family issues. AND,
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly the same **Band B** Armed Forces priority will be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the borough. AND,
- There are insufficient funds to pursue other options.

**Band C Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months or has come to an end within the preceding 12 months. AND,
- They are losing their accommodation / have recently lost their MoD accommodation. AND,
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

Similarly the same **Band C** Armed Forces priority will also be awarded to recently bereaved spouses (or civil partners) of the regular armed forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There are insufficient fund to pursue other options.

In all other situations, households will be banded according to the banding rules taking into account their current accommodation and any medical or welfare issues. Some Armed Forces households who are losing their MoD accommodation may also need to be dealt with under the Homelessness provisions and may be awarded a priority band relating to their homelessness status.

### 3 Lettings arrangements for vacant properties

#### 3.1 Applicant Choice

Most applicants will be able to choose the type of accommodation that they wish to be considered. This choice is exercised through the Council's Choice Based Lettings Scheme.

However this choice is subject to some restriction and some categories of applicants *may* not be given choice in the allocations process – see section 3.3

### **3.2 Allocation by advertising properties via Choice Based Lettings**

Properties will be advertised through the Search Moves website. Property adverts will clearly set out any restrictions that apply to who may bid as well as any preferential advertising arrangements that may apply.

Property adverts will set out the size and type of the vacant property and only applicants who have been assessed as needing that size or type may apply / bid. For example a one bedroom property would be restricted to single or couples only, a sheltered housing flat would be restricted to elderly applicants only; a property with adaptations suitable for a disabled occupant may be restricted to applicants requiring such adaptations.

Property adverts will also set out if there are to be any factors, other than band, that may be taken into account in prioritising the applicants who have bid.

Further practical details of the Council's choice based lettings scheme and advertising and bidding arrangements are available in an Applicant User Guide, which is available on the Search Moves website

#### **3.2.1 Preferential Advertising**

Property adverts will also set out if there are any other factors, other than banding that may be taken into account in prioritising applicants who have bid

#### **3.2.2 Preferential Advertising for Working Households**

There is some preference to working households and some vacancies will be advertised specifically for working households. Approximately 10% of all properties advertised will be set aside specifically for working households only. Households will still then be further prioritised by band. This may be different for properties where a local lettings plan applies where a higher % may be applied.

This aspect of the scheme will give special recognition to the importance of incentivising work. In addition working households will still be able to apply / bid for all other vacancies.

The overall % of lettings which are allocated to working households will be carefully monitored and if necessary targets will be set (or the 10% quota amended) to ensure more working households are being housed as a result of this policy.

The definition of work for this purpose is a permanent job or temporary contract of 12 months or more and of 18 hours or more per week.

#### **3.2.3 Preferential Advertising in relation to Local Letting Policies**

Some properties (usually new build) will be advertised with the statement "local lettings policy applies". In order to encourage balanced communities it will be necessary, from time to time, for a partner organisation to apply specific criteria designed to address local management issues. The policy will be representative of the needs of the community and promote community cohesion.

Local Lettings Policies will normally apply to any new build scheme or letting of homes following conversion where there are 10 or more units to be let.

Local Lettings Policies may be considered or in existence for the following reasons:



- Planning Restrictions.
- Section 106 agreements.
- The proportion of homeless households on estates.
- Properties may be unsuitable for young children.
- Restriction on the family size on estates to reduce child density.
- Specific housing management reasons. E.g. anti-social behaviour
- People who are in employment.
- Changes to eligibility criteria for difficult to let schemes e.g. lowering the age of applicants to sheltered developments.

All adverts will specify if a local lettings plan is relevant.

### 3.3 Allocation by Direct Offers

Direct Offers may be made in relation to certain categories of application Information will be published each year on the number of direct lets made in this way. The circumstances under which direct offers may be made are as follows:

#### (a) Surrey Mobility Scheme

Where a request for assistance is made through the Surrey Domestic Violence mobility scheme for the re-housing of victims of violence in accordance with the current procedure agreed by the Surrey District Housing Authorities.

#### (b) National Witness Mobility Service

In certain circumstances a Search Moves partner organisation may need to offer accommodation to an applicant who is giving evidence in a criminal or civil case and they are suffering from intimidation or harassment which means they cannot remain in their current home. These applicants will be given **Band A1** priority but if it is unlikely they will receive an offer within a reasonable timeframe, the case may be considered as a general exception to the Banding Scheme and, if appropriate, offers of accommodation will be made before other applicants.

#### (c) MAPPA / PPO Clients

These lets will be managed in liaison with MAPPA and relevant agencies. Each case will be assessed on its individual circumstances.

#### (d) Exceptional Housing Need

In certain circumstances a case may be recognised as having an exceptional housing need. If it is deemed that an applicant is suffering severe hardship on welfare or medical grounds and it is unlikely they will receive an offer of accommodation within a reasonable time frame, at the discretion of the Head of Housing Options or equivalent, they may be considered for a direct offer of accommodation.

#### (e) Homeless 'Duty Accepted' Households

Direct offers may be made to homeless households in some circumstances in order to ensure that the Council can manage its homelessness duties, and ensure that adequate temporary accommodation is available or in circumstances where a homeless household has a need for a specific type of housing or has not actively bid for accommodation.

If the direct offer is to be the final offer to discharge the homeless duty the applicant will be notified of this in writing.

## 4 Applicant bidding

### 4.1 Bidding Process

Applicants in Bands A1, A2, B1, B2, C1, C2 and D will be required to submit 'bids' (expressions of interest) in properties for which they wish to be considered. The bidding process is explained in the Applicant User Guide.

#### **4.2 High Priority Band**

The property will be offered to the applicant who has the highest priority band and priority date on the housing register and meets the property criteria. Once an applicant has accepted an offer of accommodation any other bids placed by them are discounted.

#### **4.3 Size Of Property Applicants Can Bid For**

Applicants can only bid for properties that are of the correct size for their household. This is to ensure that best use is made of the stock and minimises under occupation or overcrowding of homes. Section 2.15 sets out the way that bedroom need is assessed and the size of property applicants are eligible for.

Due to the shortage of larger properties, applicants who are eligible for four and five bedroom properties may also be considered for larger three bedroom properties, for example, a three bedroom property with two separate living areas. Where properties have two living rooms ('parlour' houses) it will be expected that one living room is used as a bedroom as long as this is suitable in relation to the property layout.

### **5 Shortlisting, offering and letting of properties**

#### **5.1 Bidding Closing Date**

Once the deadline has passed for bidding for a property, the Council will consider those who have bid and will select applicants for viewing and offering. As a general rule applicants who have bid for a property will be prioritised in band order (and within each band by date order) subject to any other preferences or restrictions set out in the advert.

#### **5.2 Bypassing of Applicants**

In some situations a property will not be offered to the highest banded applicant who has bid. Shortlisted applicants can be bypassed for a number of reasons and these are set out below. Where shortlisting is carried out by landlord partners on behalf of the Council they may make decisions to bypass applicants within the terms of this policy, however in these circumstances they will report such decisions to the Council and the final decision with regard to the interpretation of these policy provisions shall be made by the Council.

##### **Bypass Reasons**

###### **(a) Applicant is Ineligible or Unsuitable for the Property**

Applicants may be bypassed where their household does not meet the criteria for the property set out in the advert e.g. due to age restriction requirement, due to the household size not matching the property size, due to ages of household members or because any property adaptations in the vacant property are either not required or not matched to the household who has bid.

###### **(b) Applicant is Not Ready to Move and / or to Live Independently**

Applicants may be bypassed where, even though they have bid for a property; they themselves decide they are not ready to move. Applicants may also be bypassed if they are considered not to be ready to move or to live independently due to social or medical reasons. In determining this, regard will be had to any support available.

**(c) Change in Applicant's Circumstances**

Applicants may be bypassed where there has been a change in their circumstances which makes them unsuitable or ineligible e.g. change in medical requirements, change in financial situation

**(d) History of Anti-Social Behaviour**

Applicants may be bypassed where they or their family members have a recent history of significant antisocial behaviour which would make them unsuitable for the property.

**(e) Rent Arrears / Debt**

Applicants may be bypassed where they have current or recoverable former rent arrears with any landlord or other debts with the Council and which are not being satisfactory repaid.

Statutory homeless applicants will generally not be bypassed for this reason but individual circumstances will be assessed the Council and the relevant landlord.

**(f) Community Safety Concerns**

Applicants may be bypassed where there are community safety concerns / risks which relate to the applicant being placed in a particular property or area.

**(g) Fraudulent Application Has Been Made**

An applicant will be bypassed where there are reasonable grounds for believing that false information has been given.

**(h) Circumstances Not Confirmed**

Applicants may be bypassed where the required verification process has not been completed.

**(i) No Response from Applicant**

Applicants may be bypassed where they have been contacted for information relating to their application and / or a potential offer of accommodation and the applicant has not responded to that contact within a reasonable period of time.

**(j) Local Letting Plans**

Applicants may be bypassed where they do not match specific criteria set out in Local Lettings Plans. Local Lettings plans will be adopted for specific areas / schemes to ensure communities are as balanced as possible. Properties subject to local letting plans will be clearly advertised and priority will be given to those that meet the criteria.

**(k) Sensitive Letting**

In exceptional circumstances, an applicant may be bypassed for a property where they are not considered suitable due to housing management reasons. For example an applicant who has a history of drug dependency may be bypassed for a property in an area where the landlord is aware there are a number of other residents with drug problems. Any final decision about whether to bypass an application based on sensitive letting will be made by the Council rather than the landlord.

**(l) Property Not Suitable For Adaptation**

Applicants requiring property adaptations to meet their mobility needs may need to be bypassed if the property they have bid for cannot be adapted to meet their needs.

**(m) Property Advert Withdrawn**

Some properties advertised for letting may need to be withdrawn either because it is urgently needed for a direct letting or because it was being advertised before the previous tenant had left and they have rescinded their notice. This could result in those who have bid being treated as having been 'bypassed'.

**(n) Special Requirement of Landlord**

Some Housing Association landlords have very specific applicant criteria built into their Allocations policies or charitable rules relating to ages of applicants or area of residence for example. These requirements will usually be set out in the adverts but applicants who bid may need to bypass if the requirements are not met.

**(o) Applicant Has Alternative Property Offer Outstanding**

An applicant will be by passed if there is an outstanding offer of accommodation available to them which has not been resolved.

**(p) Properties in Poor Condition**

Transfer applicants may be bypassed if their current home is considered to be in a state of neglect or has been damaged by any household member or visitor to that property. In making this decision, partners will have regard to vulnerable tenants.

**5.3 Appeals Against Bypassing**

Where an applicant believes they have been bypassed for a vacancy that they have bid for (in other words where they otherwise believe they were the highest placed applicant but have not been offered the property for one of the above reasons) then they can appeal against this decision. (See Section 7 for further information on the review procedure).

A successful appeal will not result in the applicant being made an offer of that vacancy, owing to the short timescales within which properties have to be let. It will, however, enable the applicant to bid in the future and not be bypassed unless there is a change of circumstances.

**5.4 Viewings And Offers**

Once the bids have been received and selection of applicants finalised (excluding any bypassed cases) viewings will be arranged by the relevant Landlord.

If the household with the highest banding and priority date does not want to accept the property, it will be offered to the household with the next highest priority.

**5.5 Tenancies**

Offers of some Registered Social Landlord accommodation may be for introductory tenancies, starter tenancies, probationary tenancies and/ or fixed term tenancies

**6 Assistance for vulnerable applicants**

It is recognised that some households may need additional help with the Search Moves Scheme.

Examples may include but are not exclusive to:

- Care Leavers.
- People with a physical or mental disability.
- Domestic violence and serious harassment victims.
- People with Learning disabilities.
- Offenders or ex-offenders.
- Older applicants.
- People with drug or alcohol issues.
- Rough Sleepers.
- Teenage parents.
- People with low literacy skills.
- Applicants whose first language is not English.

**6.1 The Council will use the following methods to identify who will require additional assistance:**

- Ask applicants or their advocate to indicate whether they consider themselves in need of support by completing the relevant documentation or speaking to a staff member.
- Close liaison and information sharing with statutory and voluntary agencies.
- Ask all staff completing interviews and visits to identify potential vulnerable applicants so additional assistance can be given.
- Ensure any medical information submitted is evaluated and any support needs are identified.
- Close monitoring as to who is bidding or not and the suitability of the offers being bid for, so proactive action can be taken to assist.

**6.2 The Council May Assist Vulnerable Applicants in the Following Ways**

- Online translation of Search Moves website.
- Translation of relevant documentation on request.
- Staff from Spelthorne Borough Council will be available to assist vulnerable applicants by identifying suitable properties and directly communicating with the applicant. They will also be able to assist with the bidding process
- Advertisements will be labelled with clear information and symbols to ensure simplicity.
- An online introduction to the Search Moves Scheme and how to use it will be available on the website.
- Applicants will be able to bid for properties online or by contacting the Councils Housing Options Team.
- Extensive communication will take place with agencies and special needs referral panels that represent and advocate on behalf of vulnerable clients.
- A constant review of all aspects and procedures of Search Moves will take place to ensure access and engagement for all vulnerable clients.

**7 Right of Review of decisions relating to applications and Allocations**

Applicants have the right to request a review of the following decisions:

- A decision that an applicant is ineligible for a housing allocation and therefore unable to be included on the housing register.
- A decision that the applicant is not a qualifying person within the terms of the qualification / disqualification criteria set out in Section 2.5.
- Any decision relating to the facts of their case which have been taken into account in considering whether to make an allocation to them e.g. a decision about banding or priority date of an application.
- A decision to bypass an application\*.

Applicants will not be advised that their case has been bypassed but can establish this by specific enquiry if they have bid for a property but find out in the lettings outcome list that the property was offered to someone with a lower banding or later registration than the applicants within the same banding. Appeals against bypassing need to be submitted to Spelthorne Borough Council.

The applicant's review request should be made in writing to the Council within 21 days of the original decision being made. Details of why they are appealing against the decision and any information they wish to be considered should be provided.

An independent senior officer who was not involved in the original decision will consider the review and they will decide whether to overturn or support the original decision. The applicant will be informed in writing of the decision within 21 days of receipt of the

review request. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.

If an applicant is still not satisfied with the decision that has been made they have a right to make a formal complaint.

## **7.1 Complaints**

Applicants can use the Spelthorne Borough Council complaints procedure if they believe:

- Something has been done badly or wrong.
- If something has not been done that should have been done.
- If the service has not been delivered in accordance with policies and procedures.
- If they have been treated in an impolite or discourteous manner.

All applicants who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in the Council's complaints policy.

Information on the Spelthorne Borough Council complaints procedures is available at the Council Offices or via the Council's website. ([www.spelthorne.gov.uk](http://www.spelthorne.gov.uk))

If the applicant has used Spelthorne Borough Council's complaint procedure and remains dissatisfied, they can write to Local Government Ombudsman or apply for a Judicial Review of the Council's actions.

## **8 Monitoring and review of this policy**

This policy and the operation of it will be reviewed regularly. Complaints and feedback from applicants will be considered as part of this review alongside detailed reports on lettings that have taken place.

## **9 Personal information and Data Protection**

### **9.1 Data Protection at Spelthorne Borough Council**

Spelthorne Borough Council will process applicant's personal data in accordance with Data Protection legislation.

### **9.2 Partner organisations**

Personal information provided to the partner organisations as part of an application for housing will be processed in accordance with the Data Protection Act 1998. Information provided will be used to process their application and may be passed to third parties involved in assessing their application and offering them accommodation.

### **9.3 Applicants Accessing Own Personal Data**

Applicants on the Housing Registers have the right to see any entry relating to them that is held on computerised systems. Applicants can also obtain paper copies of their case file subject to any relevant charges. Where there is third party information held on file, the partner organisations will seek their permission before disclosing documents to the applicant.

## **10 Requirement to consult Registered Social Landlords on the Allocations Scheme**

**10.1** Before adopting an Allocations Scheme for housing, or altering its existing scheme, Spelthorne Borough Council is required to:

- Send a copy of the draft scheme, or a new proposal, to all Registered Social Landlords with which the Council has Nomination Agreements. AND,
- Ensure that all such Registered Social Landlords have the opportunity to comment on the proposals.

## **11 Equal Opportunities**

Spelthorne Borough Council will comply with the requirements of the Equality Act 2010 and all related legislation, and have taken account of this legislation and s11 of the Children Act 2004 in drawing up this scheme.

Spelthorne Borough Council is fully committed to equality in housing allocations and will oppose any form of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

## The Banding Scheme

### **Emergency / Priority (Bands A1/ A2)**

Applicants will fall into this banding where:

- An applicant is assessed as having an “emergency” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant’s life would be in immediate danger if they continued to live in their current accommodation and this has been substantiated (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant needs to move because their home in the Borough of Spelthorne is to be demolished or redeveloped within the next six months and, if the applicants are social housing tenants, the demolition and / or redevelopment of the site has been approved by the relevant Head of Housing (or equivalent.) (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant who is a social housing tenant in the Spelthorne borough area and is residing in an adapted property where the adaptations are no longer required will be placed into band A. (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant who is occupying a property that is subject to a compulsory purchase order and there is a statutory duty upon Spelthorne Borough Council to secure accommodation for them, will be placed into band A1. (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant is assessed as statutorily overcrowded within the meaning of Part 10 of the Housing Act 1985 (but only where the applicant has not worsened their housing situation without good reason) (Transfer cases will fall into band A2; all other cases will fall into A1)
- An applicant nominated via the National Witness Mobility Service will be placed into band A1.
- An applicant who is a social housing tenant in the Spelthorne area and is: under occupying a high demand property (and the nature of the under occupation is not related to any special letting criteria for that unit or part of a wider lettings plans for that scheme / development) AND the applicant is moving to a lower demand / smaller property, will be placed into band A1.



## Urgent Need to Move (Band B)

Applicants will fall into this banding where:

- An applicant is assessed as having an “urgent” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant needs to move because of harassment or threat of violence but this is not judged as serious as **Band A**. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant (or joint applicant) who has been accepted as homeless and the full duty to secure accommodation has been accepted by Spelthorne. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant is overcrowded and requires two or more additional bedrooms. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant who is a social housing tenant in the Spelthorne Council area and is under occupying a lower demand property and the nature of the under occupation is not related to any special letting criteria for that unit or part of a wider lettings plans for that scheme / development will fall into band B1.
- An applicant’s accommodation lacks basic facilities, i.e. kitchen, bathroom or toilet and this cannot be provided by the landlord / owner within a reasonable timescale. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant’s accommodation has been assessed under the Housing Health & Safety Rating System as not reasonably suitable for occupation and cannot be rectified by the owner / landlord at a reasonable cost or timescale. (Transfer cases will fall into band B2; all other cases will fall into B1.)
- An applicant who is in supported housing and has been assessed as no longer requiring the support and has a local connection with Spelthorne and is suitable for independent living and the accommodation is needed by other applicants, will fall into band B1.
- An applicant is pregnant or has at least one dependent child and is living in accommodation where the facilities are shared with others and they are lacking at least one bedroom will fall into band B1. (This banding will NOT apply to transfer cases.)
- An applicant needs to move because their home in the Borough of Spelthorne is to be demolished or redeveloped within the next twelve months and, if the applicants are social housing tenants, the demolition and / or redevelopment of the site has been approved by the Head of Housing (or equivalent.) (Transfer cases will fall into band B2; all other cases will fall into B1.)
- Care Leavers with Children’s Services in Surrey who it has been agreed have a local connection with Spelthorne during the time they were in Care and who are aged 18 to 21 years old and are in housing need and suitable for independent living will be placed into band B1.
- An applicant who is unintentionally threatened with homelessness and has a priority need (within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002) and this has been validated and acted upon by the Housing Options Team and there are no other prevention options available, will be placed into band B1

➤ Armed Forces Urgent Need – band B1 will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the borough relating to employment or family issues. AND,
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly the same **Band B1** Armed Forces priority will be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the Borough. AND,
- There are insufficient funds to pursue other options.

## Identified Housing Need (Band C1)

The following applicants will fall into this banding:

- An applicant is assessed as having an "identified" medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing
- An applicant has been assessed as homeless but is not in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002
- An applicant has been assessed as intentionally homeless but is in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (and there has been no relevant change in their circumstances to warrant a reassessment)
- An applicant is overcrowded and requires one additional bedroom
- Singles who are 35 years of age and over and are without children, and who share facilities with others
- Couples, who are without children, and who share facilities with others
- Families with dependent children who share facilities with others
- Other household compositions as agreed by Spelthorne Borough Council who share facilities with others
- An applicant has some other compelling need to live in the Borough of Spelthorne which, if not met, will cause hardship
- **Band C1** Armed Forces Priority - this will be awarded to serving members of the regular Armed Forces (and their families):
  - Whose service is coming to an end within 12 months or is due to come to an end within the preceding 12 months. AND,
  - They are losing their accommodation / have recently lost their MoD accommodation. AND,
  - There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

- Similarly the same **Band C1** Armed Forces priority will also be awarded to recently bereaved spouses (or civil partners) of members of the regular Armed Forces:
  - Where the bereavement is within 12 months. AND,
  - They are losing / have recently lost their MoD accommodation. AND,
  - There are insufficient funds to pursue other options.

## **Housing Need – Reduced priority (Band C2)**

The following applicants will fall into this banding:

- Any cases where there is a Reasonable Preference need identified but where the household does not meet the positive qualification criteria outlined in paragraphs 2.4 & 2.4.1)
- Any household who are living in temporary accommodation which has been provided by a Council other than Spelthorne under any aspect of the Homelessness Legislation (Housing Act 1996, part 7)

## **Low and No 'Deemed' Housing Need (Band D)**

The following applicants will fall into this banding:

- An applicant does not fit into any of the categories in **Band A A1, B, B1, C1 or C2**
- An applicant has deliberately worsened their housing circumstances within the last three years to get more priority on the housing register
- An applicant has given up accommodation within the last three years that was suitable for their needs and by doing so, has knowingly worsened their housing circumstances
- An applicant can afford to buy or part-buy a property in the private sector that is suitable for their needs
- Can afford to rent a privately rented property without recourse to means tested benefits
- An applicant has an asset that could be used to obtain accommodation suitable for their needs
- An applicant owned a property that was suitable for their current needs but transferred or sold the property within the last three years when it was reasonable for them to continue living there
- An applicant who has bid on and been offered two or more properties within a 12 month period and refused for no good and evidenced reason (this band will apply for a period of 12 months.)
- Applicants who qualify under 2.4.1.(iv) but who own or part own a property, either in the UK or abroad (or where such a property is owned by a member of their household)
-

### Officer Roles and Responsibilities

This appendix explains which officers are responsible for taking decisions under the common allocations policy.

Whenever an officer is named, the decision can be taken by a more senior officer in their management line.

#### Eligibility

The Housing Options Team has the authority to decide whether an applicant is eligible to apply to join the housing register in line with the criteria contained in this policy. Some applications may be assessed by an automatic process which follow the policy provisions.

#### Assessing Priority

The Housing Options Team is responsible for assessing an applicant's housing need in line with the Allocations Policy and placing them in a specific banding. Some applications may be banded by an automatic process which follow the policy provisions.

#### Special or exceptional circumstances

The Housing Options Manager or Team Leader or equivalent or designated officer has the authority to put an applicant in a higher banding where their needs, after being assessed, are considered to warrant it.

#### Removing an Application from the Housing Register

The Housing Options Team Assistant or equivalent will decide whether it is appropriate to remove an applicant from the register in line with the policy. Some applications may be assessed by an automatic process which follow the policy provisions.

#### Reviews

If an applicant submits an appeal requesting a review of a decision made, a senior officer who was not involved in the original decision will consider the request and make a decision.

#### Direct Lets

- a) **Supported Housing**  
The Housing Options Manager or equivalent has the authority to make a direct let to an applicant that requires supported accommodation where supported housing is allocated through the housing register and this arrangement exists with the supported housing provider.
- b) **Reciprocals**  
The Housing Options Manager or equivalent has the authority to agree a reciprocal with another Council or Housing Association.
- e) **Homeless Applicants**  
The Housing Options Manager or equivalent (job titles may differ between partner organisations) has the authority to make a direct let to a homeless applicant if appropriate.

f) **Exceptional Housing Need**

The Head of Housing or equivalent has the authority to:

- Agree a priority offer of accommodation if there is evidence of immediate and exceptional need.
- Agree to offer an applicant rented accommodation if their income is of a level where they can afford to part-buy, but they cannot secure a mortgage and there is evidence of immediate and exceptional need.

g) **Significant Adaptations**

Where the applicant has a requirement for significant adaptations and a suitable property matching these requirements becomes available.

## Eligibility and qualification (from Section 3 of Allocation of Accommodation, Code of Guidance, DCLG 2012)

3.1 Housing authorities must consider all applications made in accordance with the procedural requirements of the authority's Allocations scheme (s.166 (3)). In considering applications, authorities must ascertain:

- If an applicant is eligible for an allocation of accommodation,

### Eligibility

3.2 An applicant may be ineligible for an allocation of accommodation under s.160ZA (2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

### *Joint Tenancies*

3.3 Under s.160ZA (1) (b), a housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

### *Existing Tenants*

3.4 The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

### *Persons from abroad*

3.5 A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA (2)), and 11 5 European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

(ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

3.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

### *Persons subject to immigration control*

3.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

3.8 The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) Certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement.

(iv) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)

(v) Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

**3.9** Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

**3.10** If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk. Where UKBA indicates 12 6 Inserted by the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

**3.11** Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- i) *A person granted refugee status*: granted 5 years' limited leave to remain in the UK
- ii) *A person granted exceptional leave to enter or remain in the UK without condition that they and any dependents should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependents are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.
- iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.
- iv) *A person who has humanitarian protection granted under the Immigration Rules 6*:
  - a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

#### **Other persons from abroad who may be ineligible for an allocation**

**3.12** By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) A person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)
- (ii) A person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2) (c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under



regulation 4(2)(a).the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006 / 1003) ('the EEA Regulations').

(iii) A person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations

(iv) A person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

**3.13** See annex 2 for guidance on rights to reside in the UK derived from EU law.

**3.14** The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

a) An EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)

b) An EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)

c) A person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)<sup>7</sup>

d) A person who is a family member of a person referred to in (a) to (c) above

e) A person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations

f) A person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there

g) A person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

**3.15** A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see 14 annexes 2 and 3 for further guidance).

**3.16** The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

**3.17** Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).





# **Housing Allocations Policy for The Borough of Spelthorne**

**April 2022**

**This policy is as required by Part 6 of the Housing Act 1996 as amended by Homelessness Reduction Act 2017. It should be read in conjunction with the Spelthorne Homes4Spelthorne User Guide.**

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# **1 Introduction and Aims of this Policy**

## **1.1 Introduction**

The overall aim of this policy is to ensure that social housing in the borough is allocated fairly and objectively, having regard to any legislative requirements, regulations or Codes of Guidance issued by **Department for Levelling Up, Housing and Communities**, and homelessness and tenancy strategies.

## **1.2 Key features of the Allocations Policy**

This Allocations Policy has been established with a view to meeting the following principles and key objectives:

- To operate a lettings policy based on housing need; which is simple, easy to understand, transparent, open and fair.
- To ensure that every application is dealt with fairly and consistently.
- To give adequate priority to people who fall within the Government's "Reasonable Preference" categories.
- To provide timely information, advice and assistance and make the best use of the powers and resources available to assist people to solve their housing problems in a way more suited to their needs.
- To ensure that applicants have ready access to information on their prospects of housing.
- To give adequate priority to homeless people whilst maintaining a balance between the needs of the homeless and other applicants in housing need.
- To give most applicants choice where practicable to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing.
- To give adequate priority to residents in housing need who are in low-income employment, and who have served in the Armed Forces, whilst maintaining a balance to all other applicants.

In addition to the above, this policy has been designed to make best use of the housing stock in the borough to ensure that:

- **It enables the delivery of more affordable homes**
- **Promotes independence and wellbeing**
- **Prevents homelessness and rough sleeping.**

## **1.3 The Legislative Framework**

Legislation states that when making an allocation a local authority must comply with the provisions of Part 6 Housing Act 1996 and the Localism Act 2011. This states that the policy should be set out to ensure that reasonable preference is given to specific groups of people:

- People who are homeless (within the meaning of Part VII of the Housing Act 1996).
- People who are owed duties under s.190(2), 193(2) of the Housing Act 1996, or 195(2) (as amended by the Homelessness Reduction Act 2017) or similar duties under the Housing Act 1985 or who are occupying accommodation secured by the Council under s.192(3) of the Housing Act 1996.
- People occupying unsanitary or overcrowded housing or living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to disability.

- People who need to move to a particular locality to avoid hardship to themselves or others.

Other legislation or guidance that the local authority will consider are as follows:

- The Children Act 2004;
- The Homelessness Reduction Act 2017;
- Domestic Abuse Act 2021;
- Homelessness Code of Guidance published in February 2018 and updated in January 2021;
- Allocation of accommodation: guidance for local housing authorities in England was published in June 2012 and updated in January 2021.

This policy gives reasonable preference to these categories of people.

Information on the priority given to applicants in these groups, alongside other priority categories is set out in **Appendix 1**.

## **2 The Housing Register**

### **2.1 Housing Register Eligibility**

When an applicant submits a housing application, the applicant would be required to provide supporting documentary evidence to prove they are eligible to rent a property in the UK, as specified in the government's [Right to Rent Guidance](#)

In certain circumstances, applicants may not be eligible for an allocation of social housing, and they will be excluded from the housing register they apply to. These are people from abroad who are ineligible for social housing. A full list of those who are ineligible for an allocation of social housing is contained in **Appendix 3**.

Any applicant who is excluded from the housing register as ineligible will be notified in writing of the reasons why the decision has been made. There is a statutory right to review or appeal this decision. See Section 7 for further information on the review procedure.

### **2.2 Housing Register Qualification**

Under this policy housing will only be allocated to a 'qualifying' person. Housing will not be allocated to a disqualified person. The criteria for qualification or disqualification are set out below.

However, in exceptional circumstances the Housing Options Manager or Head of Service or equivalent will consider whether to disapply the qualification / disqualification criteria.

Any applicant who is excluded from the housing register because they do not meet the qualification criteria will be notified in writing of the reasons why the decision has been made. There is a statutory right to review or appeal this decision. See Section 7 for further information on the review procedure.

### **2.3 Qualification Criteria**

In order to qualify to be included on the housing register applicants must fulfil the following criteria:

#### **(i) Age**

An applicant must be at least 16 years old. As an applicant under 18 cannot legally hold an independent tenancy. A guarantor will normally be required before any 16 / 17-year-old is offered a property.

## **(ii) Local Connection**

Only applicants who meet the requirements set out below with regard to local connection will qualify to be included on the housing register.

### Current Residence

- Applicants who currently live within the borough of Spelthorne and have done so continuously for at least the last three years. Or,

### Previous Residence

- Applicants who have previous continuous residence within the borough of Spelthorne amounting to five or more continuous years in that borough within the last 10 years (only residence as an adult will be taken into account). Or,

### Family Connection

Residence through a family member who gives or receives support from an applicant with a unique health / welfare need:

- Those where any permanent member of the applicant's household has a connection with the Borough of Spelthorne because they:
  - (i) have an adult mother, father, brother, sister, or child over 18 years of age who has lived in the Borough of Spelthorne for at least the past 5 consecutive years, and
  - (ii) the family member or the applicant has a current and ongoing unique welfare and / or health need and the applicant's reason for living in the Borough is to support the family member or to receive support from a family member, which must be evidenced by professionals supporting the household.

Unique means that the care / support need is unique to a specific health service in the Borough of Spelthorne, and cannot be provided anywhere else, including where the applicant currently lives. Support from friends or relatives living in the Borough is not a ground for exceptional need if support is already, or can be, achieved where the applicant currently resides, whether through professional / statutory services, or informal support which may involve travelling. Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the applicant and will be assessed by the Independent Medical Advisor. This ground is meant for exceptional and unique circumstances only

A permanent member of the household means someone who can evidence that they reside with an applicant on a full time basis, and has done so for at least the last 12 months consecutively, and has no interest in another property, either in the private or social sector. This will need to be evidenced through required verification, and where not supplied will result in the household member not being included on an application until such time that they fulfil the requirements of being a permanent member.

### Work

- Applicants who have a permanent job in the borough of Spelthorne (at least 18 hrs. a week and an existing contract of 12 months or more), Or,
- Zero hours contracts will be considered on a case by case basis but must demonstrate they have worked for at least 18 hrs. a week over 12 months
- Self-employed – applicants who have their business registered in Spelthorne Borough for more than 12 months
- Key Workers – as detailed in the Council's Key Worker Policy

### Special Circumstances



- Applicants who have a connection with the borough of Spelthorne because of any special circumstances, such as the need to be near specialist medical or support services which are only available in a particular district, or those who care for a permanent member of the applicant's household within the Borough.

#### Care Leavers

- Care leavers where Surrey is the corporate parent will be able to join the housing register. Care leavers up to the age of 21 have care leavers status. When a care leaver passes the age of 21, they will lose care leaver status on the housing register and be prioritised in the same way as a non-care leaver. The exception to this would be where a care leaver has been granted extended status up to the age of 25 by Surrey County Council Children's Services.
- A care leaver in Surrey where another Tier 1 local authority is the corporate parent will not receive care leaver status on the housing register, although they will be eligible for the housing register if they meet another local connection criteria as stated above.

#### (iii) Property ownership

To qualify, applicant(s) or a member of their household MUST NOT own or part own a property, either in the UK or abroad where they are reasonably able to reside in.

#### (iv) Income Thresholds

To qualify, single person household applicant MUST NOT have an income higher than £30,000 net and applicants joint household income MUST NOT be greater than £60,000 a year net.

#### (v) Saving Thresholds

To qualify, applicant(s) total household savings MUST NOT be greater than £30,000 this excludes monies received as compensation by a member of the Armed forces for an injury or disability sustained on active service

#### (vi) Social housing tenants without an identified housing need / on a probationary tenancy

- Applicants who are already suitably housed in social housing without an identified housing need will not qualify to join the Register, unless in exceptional circumstances per officers discretion
- Applicants who are Introductory / Starter tenants in social housing, will not qualify to join the Register, unless there are exceptional circumstances at the discretion of the Service Manager, Team Leader, Housing Options Manager or the Strategic Housing Lead.

#### 2.3.1 Evidence

- (i) It is the applicant's responsibility to satisfy the Council with appropriate information and evidence to demonstrate that they meet the qualification and eligibility criteria
- (ii) In addition to other information reasonably requested by the Council, applicants may be asked at any point to provide evidence to satisfy the Council of their on-going qualification under the Policy. Such examples could be:
  - To establish whether there is still an on-going exceptional and/or unique welfare and/or health reason for living in the Borough. The applicant will need to provide relevant and current evidence from health professionals. Applicants are reminded of the exceptional and unique nature of this ground

- To establish whether the applicant has been and is in continuous employment for more than 12 months. The applicant may need to provide current payslips, the most recent P60 and/or bank statements to support their local connection through employment.

- To establish whether the applicant has been and is in self-employment for more than 12 months with a current business registered in Spelthorne. The applicant will need to provide business accounts and proof of business registration in the borough of Spelthorne.

- To establish if the applicant's household income remains under the threshold for income and savings.

(iii) All information may be subject to full referencing where necessary, which may also involve referral to the Council's Corporate Fraud Officer for enhanced verification.

(iv) Where applicants have lost employment between the point of application and the point of verification, and where this employment was the applicant's sole local connection to the borough of Spelthorne, the application will be removed. Unless the applicant meets another qualification criteria to remain on the Housing Register. If there are any changes to an applicant's circumstances, then the applicant should complete a change of circumstances form at the earliest opportunity.

### 2.3.2 Exceptions to qualification criteria

#### (i) Homeless Households

A household who has been accepted as homeless by Spelthorne Borough Council and it has been determined that they are owed the statutory homeless duties (and has not been referred to another authority on 'local connection' grounds) and that duty has yet to be discharged, will be deemed to be a qualifying person with regard to local connection within this policy.

#### (ii) Special Arrangements for Armed Forces

Under this policy Spelthorne Borough Council will not disqualify the following applicants on the grounds that they do not have a local connection with the authority's district:

(a) Members of the regular Armed Forces and former personnel of the regular Armed Forces, where the application is made within five years of discharge.

(b) Bereaved spouses and civil partners of members of the regular Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death is wholly or partly attributable to their service).

(c) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

(d) Divorced or separated spouses (or civil partners) of Service personnel who need to move out of accommodation provided by the Ministry of Defence

#### (iii) Relevant social housing tenants - Need to Move for the purpose of work

Under this policy we will not disqualify relevant social housing applicants on the grounds that they do not have a local connection with the authority's district subject to the following conditions.

They must be a secure or introductory tenant in England or assured tenant of a Registered Provider in England. They must also have a reasonable preference under s.166 (3) Housing Act 1996 because of a need to move to the district and where failure to meet that need would cause hardship to themselves or to others

They must have a need to move because they work in the authority's district or have been offered work in the authority's district and the authority is satisfied there is a genuine intention of taking up the offer of work.

This section will not apply if the need to move is associated with work or the offer of work which is short term or marginal in nature, ancillary to work in another district or voluntary work.

#### **(iv) Households who have a reasonable preference need**

Persons who do not meet the qualification criteria (in 2.3) but who fall within the statutory reasonable preference groups (as per paragraph 1.3 above) will be deemed to qualify to join the register.

## **2.4 Disqualification Criteria**

The following categories of persons will be not included on the housing register.

### **(i) Unacceptable Behaviour**

Unacceptable behaviour is classed as behaviour that would allow a landlord, acting reasonably, to obtain any form of possession order against the tenant.

If the behaviour of an applicant (or a member of their household) is likely to affect their suitability to be a tenant this will be taken into account when deciding whether to exclude them. For example, if a household contains somebody who has been served with a **Criminal Behaviour Order (CBO), Community Protection Notice (CPN)** this would be taken into account when deciding whether to exclude the applicant.

Applicants that have been excluded or removed in the past can make a new application if they can demonstrate they have improved their behaviour. When considering a new application, the severity and persistence of any previous anti-social behaviour (ASB) will be taken into account and the length of time that has elapsed since the previous incidents / anti-social behaviour.

All relevant information, such as health problems, people who are dependent on the applicant and other issues will be considered before a decision on whether to exclude is made. The interests of the applicant and their household will be considered balanced against the interests of the people who live and work in any of the partner organisations housing areas.

**Households where the main applicant is in prison, who apply to join the Register will be unable to join, as they will be classified as not having a housing need whilst in prison. However, 56 days before release they can make a homeless application to the Council if they are threatened with homelessness. If they are assessed by the Council as being owed a homelessness prevention duty, they will be able to make a housing register application prior to release.**

**Applicants who are on the Register and subsequently the main applicant serves a prison sentence, will have their application suspended during their prison stay. Any length of time that is accrued during the suspension of the application will not qualify towards the applicant's priority date and thus the priority date will be re-set upon any subsequent reactivation of the application.**

### **(ii) Fraudulent Applications and Tenancy Fraud**

Where an applicant or a member of the household is discovered to have knowingly or recklessly made false statements or knowingly withheld information **or failed to report a change of circumstances** in respect of their application for housing, consideration will be given to excluding the applicant from the housing register. The period of exclusion will be

at the discretion of the **Group Head of Service**, Housing Options Manager or equivalent and may last for a period of up to five years.

Consideration will also be given to pursuing a criminal prosecution under s.171 of the Housing Act 1996, or s.2 and s.3 of the Fraud Act 2006 (or other similar legislation that may be applicable).

If an applicant or member of the household is discovered to have previously committed tenancy fraud, they will be disqualified for a period of up to five years **or in certain circumstances, indefinitely**

#### **(iv) Deliberately worsening of circumstances**

(a) Applicants who give up a home that they owned, rented, shared, or had rights to but chose to leave or dispose of within the last 5 years of an application being made. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonably been expected to reside, or to sell, using the proceeds to resolve housing difficulties. Housing advice should always be sought before giving up a property or rights to a property. Applicants will be disqualified from the Housing Register for five years from the date that the applicant gave up their home.

(b) Applicants who have given up a social housing tenancy within the past five years, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to life and welfare. If any of the previous criteria is claimed, this will need to be clearly evidenced by professionals engaged with the applicant. Evidence from the previous social landlord will be taken into account. Applicants will be disqualified from the Housing Register for five years from the date that the applicant gave up their social tenancy.

(c) Applicants who deliberately overcrowd their home, either with or without the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for five years from the date that the applicant overcrowded themselves.<sup>1</sup>

(d) Applicants who deliberately move to a home which was clearly unaffordable, either with or without the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for five years from the date that the applicant moved into the unaffordable home.

## **2.5 Joint Applications**

Joint applications may be made by:

- **Married couple.**
- Civil partnership couples.
- Partners.
- Parent and child over 18 years of age.
- Siblings.
- **Friends in specific circumstances at officer's discretion**

By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. Local arrangements may apply and this will be subject to the discretion of the landlord offering the property.

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<sup>1</sup> Refer to 2.14

Succession rules are detailed in the Tenancy Strategy.

## 2.6 Applicant Declaration

Each applicant will be expected to complete the application form confirming that the details they have provided are correct. Confirmation will be made by checking the appropriate box within the form. Checks will be made as part of the verification process that the details are correct but the onus is on the applicant to give the correct information on their application.

Applicants will also be advised that the Council will contact other agencies, e.g., Housing Associations, Social Services, current or former landlords, to obtain and share relevant information about them.

Legal action can be taken against any applicant or a member of their household who provides false information when applying for housing (including a fine of up to £5,000). Under Section 171 of the Housing Act 1996 it is an offence to:

- Deliberately or recklessly provide false information. Or,
- Deliberately withhold information that should have been given.

Possession proceedings can be instigated if a tenancy was obtained by giving false information.

## 2.7 Change of Circumstances

Applicants who move home or whose circumstances change after they have been accepted onto the housing register, (e.g. someone joining or leaving their household, or a change in income or employment etc.) should immediately contact Spelthorne Borough Council and notify them of the change. An applicant may have to complete a further housing application form.

If the change of circumstances affects an applicant's banding or priority date they will be informed in writing of the outcome of the reassessment. See Section 2.10 regarding priority date.

## 2.8 Review of Applications

All applications will be periodically reviewed, and applicants may be removed or have a banding review (which may mean that the banding will decrease in priority) if their circumstances have changed or they fail to respond to correspondence.

## 2.9 Banding

All applications are assessed and awarded a Band to reflect the level of need of the applicant and local connection. There are five bands:

- **Band A** – Emergency / Priority.
- **Band B** – Urgent need to move.
- **Band C1** – Identified need to move – all applications including transfer cases
- **Band C2** – Cases with a reasonable preference need but no local connection
- **Band D** – Low housing need and no 'deemed' housing need.

A detailed list of the factors, taken into account when awarding these Bands, is set out in Appendix 1.

All **Band A** cases will be reviewed on a six-monthly basis.

## 2.10 Priority Date (Effective Date of Application)

All applications are given a priority date, which is usually the date they join the register.

If a change of circumstances affects an applicant's banding they will be informed in writing of the outcome of the reassessment. Applicants will retain their original registration date as their priority date if their banding changes except if they are placed in **Band A or B**. In this case their priority date will be the date their application was moved to **Band A or B** (see **Appendix 1** for information on the Banding Scheme).

**If an application has been cancelled, for any reason, any subsequent application may have a new priority date based on the date of the new application.**

## 2.11 Cumulative Need

If an applicant (or one or more members of their household who will move with them, as applicable) has more than one identified housing need (cumulative need) within the priority band in which they have been placed, they may in exceptional circumstances be placed in a higher band to recognise their cumulative need.

## 2.12 Applicants Who Have Deliberately Worsened Their Housing Circumstances

If there is evidence that an applicant has deliberately made their housing circumstances worse to get more priority on the housing register their application may be placed in **Band D**.

## 2.13 Medical or Welfare Needs

Additional priority may be awarded on medical or welfare grounds if the information received indicates a move will benefit the health and wellbeing of the applicant and / or their household following consideration by an officer and / or advice from an independent medical adviser. The medical assessment will reflect the household as a whole and one banding will be awarded per application which will take into account the factors for the applicant and if relevant, any individual household members.

Where an applicant requires a live-in carer, the carer will be treated as a member of the household and the bedroom requirement will be assessed accordingly.

The awards are as follows:

**Band A** – where the applicant is assessed as having an “emergency” medical or welfare need to move because the current property is unsuitable.

This award should be for the most extreme cases where the need to move is seen as an emergency and it is highly probable the applicant's life might be at risk or there is a risk of severe injury to an applicant or a member of the household included on the application if they continue to occupy the accommodation.

**Band B** – where the applicant is assessed as having an “urgent” medical or welfare need to move because the current property is unsuitable.

**Band C1/C2** – where there is an “identified” medical or welfare need to move because the current property is unsuitable.

If there is a relevant change in the applicant's circumstances, e.g. a change of address, a new application and a medical assessment may need to be completed.

Applicants will be notified in writing of the decision about a medical or welfare award. They will be advised they have the right to appeal against the decision. (See Section 7 for further information on the appeals procedure).

## 2.14 Assessing Overcrowding / Bedroom Shortage

An applicant's level of overcrowding will be carefully assessed in determining their band.

If an applicant is assessed as being statutorily overcrowded as defined in Part 10 of the Housing Act 1985 they will be placed in **Band A**. If the applicant is assessed under the Housing Health & Safety Rating System as a Category 1 Hazard, they will be placed in **Band B** or if assessed as a Category 2 Hazard, they will be placed in **Band C1** (Assessments must be carried out by relevant professionals within the Council's Environmental Health team).

If an applicant is assessed as overcrowded and requires two or more additional bedrooms they will be placed in **Band B**.

If an applicant requires one additional bedroom they will be placed in **Band C1**.

For the purposes of assessing their bedroom shortage (or bedroom need) a separate bedroom is allocated to each of the following:

- The main applicant and partner.
- Two children of either sex where they are both under 10 years of age.
- Two children of same sex where there is an age gap of less than 10 years.
- Two children of same sex where there is more than a 10 year age gap but where both are under 16.
- An overnight carer.

It should be noted that:

- A child will be considered to have a 'need' from birth.
- A single adult within the household (who is not the applicant) would only be entitled to a separate room if there is no other person they can share with within the below table. However, an adult would not be expected to share with their own child.

For clarification purposes this is further set out as follows:

Household	Bedroom Need
Adult person – single	Bedsit / One Bedroom
Adult couple	One bedroom
An overnight carer	One bedroom
Two persons / children of the same sex with less than a ten year age gap	One bedroom
Two persons / children of different sex both under 10 years of age	One bedroom
Two persons / children of the same sex with more than a ten year age gap where both are under 16	One bedroom
Two persons / children of different sex, of whom at least one is over 10 years of age	Two bedrooms
Two persons of the same sex with more than a ten year age gap and where at least one is 16 or over	Two bedrooms

In certain circumstances the size of the bedrooms in an applicant's property and the relationship between those sharing a bedroom will be taken into account when carrying out an overcrowding / bedroom shortage assessment.

Houses with two or more bedrooms may be advertised with preference to households with a dependent child under 16. However, this preference would only apply where applicants were in the same band so a **Band C1** applicant with dependent children would not be given preference over an applicant with adult children in **Band B** for example.

Overcrowding priority will not be given if the applicant has caused the situation by moving in with others who are not part of their household. E.g. an applicant with a child is living in two-bedroom accommodation and they choose to share a bedroom in order to let the second bedroom to a tenant / acquaintance / extended family member.

In exceptional circumstances, such as a medical need, additional bedroom requirements may be considered.

Dependants who are away from home, for example at University, will still be treated as part of the household as long as there is a clear intention to return.

## **2.15 Assessment of Cases Where Children are Part of an Application**

In assessing whether there is a bedroom shortage for the purposes of awarding a Band and in deciding the size of property an applicant is eligible for, an assessment will be made on the facts of each case. In reaching a decision, regard will be had to what is considered to be the child's **prime residence** i.e. where they stay overnight, where there is financial dependency including who claims child benefit, who the child is dependent upon for daily care as well as social factors such as where the child goes to school.

### **Assessment of Cases Where Children Stay with More Than One Household**

There may be informal agreements between separated parents to share the care of their children and they may stay with each parent on a regular basis. However only in the most exceptional circumstances would a child / children be considered as needing accommodation with more than one parent for the purposes of applications for social housing.

In considering shared custody arrangements, the housing authority will take into account any court directives. However, it should be noted that a family court order which refers to residence and accommodation arrangements is not binding upon the housing authority with regard to provision of accommodation. It is for the housing authority to determine whether priority should be given in respect of shared custody.

## **2.16 Assessment of Homeless Applicants to whom the Main Duty to Secure Accommodation is owed.**

### **(a) The Council's Legal Duty**

All Local Authorities have a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) to make sure that homeless applicants owed the "main" duty under s.193 (2) are provided with suitable accommodation. There is no requirement that this be permanent. Other duties in relation to accommodation or advice / assistance depend on their priority need. **Appendix 1** shows the priority of homeless households within the Banding Scheme.

Homeless households are one of the categories who must be given a reasonable preference and the Spelthorne Allocations policy meets this requirement as outlined below:

### **(b) Priority Banding**



Homeless applicants to whom the relief/main duty is owed will normally be placed in **Band B**.

### **(c) Bidding**

An accepted homeless applicant will be **registered for auto bidding** for all suitable accommodation. Where a bid results in an offer of accommodation, and this property is deemed to be suitable, this will normally be deemed to be a final offer of accommodation which will end the homelessness duty under Part 7 of the Housing Act 1996 and Homelessness Reduction Act 2017. This is subject to right of review.

If bids are not placed, Spelthorne Borough Council reserves the right to place bids on behalf of the applicant. Direct lets may also be used by Spelthorne Borough Council to discharge duty.

## **2.17 Armed Forces Personnel**

It is recognised that those who have served in the Armed Forces have made significant sacrifices for their country and have often moved many times occupying Armed Forces accommodation that is tied to their service. It is intended that such households should not face discrimination under this policy and should receive special consideration for housing. As part of this commitment it should be noted that under this policy, the local connection requirement does not apply to Armed Forces personnel (as set out in 2.3.2 (ii)). Regular Armed Forces personnel are therefore given equal treatment under this policy regardless of the area they have been living in.

In addition, under this policy certain Armed Forces households will also be awarded special priority as follows:

**Band B Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the borough relating to employment or family issues. AND,
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly, the same **Band B Armed Forces priority** will be awarded to **divorced or separated spouses (or civil partners) of Service personnel who need to move out of accommodation provided by the Ministry of Defence and** recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the borough. AND,
- There are insufficient funds to pursue other options.

**Band C1 Armed Forces Priority** – this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months or has come to an end within the preceding 12 months. AND,
- They are losing their accommodation / have recently lost their MoD accommodation. AND,

- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

Similarly, the same **Band C1** Armed Forces priority will also be awarded to **divorced or separated spouses (or civil partners) of Service personnel who need to move out of accommodation provided by the Ministry of Defence and** recently bereaved spouses (or civil partners) of the regular armed forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There are insufficient fund to pursue other options.

In all other situations, households will be banded according to the banding rules considering their current accommodation and any medical or welfare issues. Some Armed Forces households who are losing their MoD accommodation may also need to be dealt with under the Homelessness provisions and may be awarded a priority band relating to their homelessness status.

**If taking into account an applicant's financial resources in determining priorities between households with a similar level of need any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.**

### **3 Lettings arrangements for vacant properties**

#### **3.1 Applicant Choice**

Most applicants will be able to choose the type of accommodation that they wish to be considered. This choice is exercised through the Council's Choice Based Lettings.

However, this choice is subject to some restriction and some categories of applicants may not be given choice in the allocations process – see section 3.3

#### **3.2 Allocation by advertising properties via Choice Based Lettings**

Properties will be advertised through the Homes4Spelthorne website. Property adverts will clearly set out any restrictions that apply to who may bid as well as any preferential advertising arrangements that may apply.

Property adverts will set out the size and type of the vacant property and only applicants who have been assessed as needing that size or type may apply / bid. For example, a one bedroom property would be restricted to single or couples only, a sheltered housing flat would be restricted to elderly applicants only; a property with adaptations suitable for a disabled occupant may be restricted to applicants requiring such adaptations.

Property adverts will also set out if there are to be any factors, other than band, that may be taken into account in prioritising the applicants who have bid.

Further practical details of the Council's choice based lettings scheme and advertising and bidding arrangements are available in an Applicant User Guide, which is available on the Homes4Spelthorne website

##### **3.2.1 Preferential Advertising**

Property adverts will also set out if there are any other factors, other than banding that may be taken into account in prioritising applicants who have bid

### **3.2.2 Preferential Advertising for Working Households/or households with community contributions.**

There is some preference to working households or those providing a community contribution and some vacancies will be advertised specifically for these types of households. Approximately 10% of all properties advertised will be set aside specifically for these applicants. Households will still then be further prioritised by band. This may be different for properties where a local lettings plan applies where a higher % may be applied.

This aspect of the scheme will give special recognition to the importance of incentivising work and community contribution. In addition, working households or those providing a community contribution will still be able to apply / bid for all other vacancies.

The overall % of lettings which are allocated to these applicants will be carefully monitored and if necessary, targets will be set (or the 10% quota amended) to ensure more working households or households contributing to the community are being housed as a result of this policy. Substantially adapted properties will be excluded from the quota.

Spelthorne Borough Council recognises that some households may be limited under the definition of community contribution given below. Where any applicant cannot reasonably make a community contribution, for example work-related activity, because they have a protected characteristic (as outlined in the Equality Act 2010 and in section 11 of this policy), Spelthorne Borough Council will consider such cases on an individual basis upon written request and use discretion to award community contribution where appropriate and with the approval of the Housing Options Manager.

As defined for the purposes of this Housing Allocations policy, the main applicant or their partner must make one of the following community contributions to qualify:

#### **Employment**

Have a permanent job in the borough of Spelthorne of at least 18 hours a week with an existing contract of 12 months or more. Zero hours contracts will be considered on a case by case basis but applicants must also demonstrate that they work at least 18 hours a week over 12 months. Applicants who are self-employed must have their business registered in the borough of Spelthorne for more than 12 months and must demonstrate a minimum of 18 hours per week are worked. Employment needs to be evidenced by the applicant as outlined in 2.3.1.

#### **Volunteering**

Volunteered for a minimum of 18 hours a week, for at least 6 months out of the last 12 months, for a registered charity which provides a service to the Spelthorne community, which can be evidenced. Volunteering must be for a non-for profit organisation that is recognised by Spelthorne Borough Council or a charity that is registered with the Charity Commission or is funded by the Council, or a faith based community group or organisation. Tenants and Residents Associations which may be classified as not-for profit organisations must be registered with Spelthorne Borough Council or a Registered Social Landlord to qualify.

### **3.2.3 Preferential Advertising in relation to Local Letting Policies**

Some properties (usually new build) will be advertised with the statement "local lettings policy applies". In order to encourage balanced communities, it will be necessary, from time to time, for a partner organisation to apply specific criteria designed to address local

management issues. The policy will be representative of the needs of the community and promote community cohesion.

Local Lettings Policies will normally apply to any new build scheme or letting of homes following conversion where there are 10 or more units to be let.

Local Lettings Policies may be considered or in existence for the following reasons:

- Planning Restrictions.
- Section 106 agreements.
- The proportion of homeless households on estates.
- Properties may be unsuitable for young children.
- Restriction on the family size on estates to reduce child density.
- Specific housing management reasons. E.g. anti-social behaviour
- People who are in employment.
- Changes to eligibility criteria for difficult to let schemes e.g. lowering the age of applicants on sheltered developments.

All adverts will specify if a local lettings plan is relevant.

### 3.3 Allocation by Direct Offers

Direct Offers may be made in relation to certain categories of application. The circumstances under which direct offers may be made are as follows:

#### **(a) Surrey Mobility Scheme**

Where a request for assistance is made through the Surrey Domestic Violence mobility scheme for the re-housing of victims of violence in accordance with the current procedure agreed by the Surrey District and Borough Housing Authorities.

#### **(b) The UK Protected Persons Service (UKPPS)**

In certain circumstances, the Council may need to offer accommodation to an applicant who is giving evidence in a criminal or civil case and who is suffering from intimidation or harassment which means they cannot remain in their current home. These applicants will be given **Band A** priority but if it is unlikely, they will receive an offer within a reasonable timeframe, the case may be considered as a general exception to the Banding Scheme and, if appropriate, offers of accommodation will be made before other applicants.

#### **(c) Multi-agency public protection arrangements (MAPPA)/ Prolific and other Priority Offenders (PPO)**

These lets will be managed in liaison with MAPPA and relevant agencies. Each case will be assessed on its individual circumstances.

#### **(d) Exceptional Housing Need**

In certain circumstances, a case may be recognised as having an exceptional housing need. If it is deemed that an applicant is suffering severe hardship on welfare or medical grounds and it is unlikely they will receive an offer of accommodation within a reasonable time frame, at the discretion of the Head of Housing Options or equivalent with the approval of the Group Head, they may be considered for a direct offer of accommodation.

#### **(e) Homeless 'Duty Accepted' Households**

Direct offers may be made to homeless households in some circumstances in order to ensure that the Council can manage its homelessness duties and ensure that adequate temporary accommodation is available or in circumstances where a homeless household has a need for a specific type of housing.

If the direct offer is to be the final offer to discharge the homeless duty the applicant will be notified of this in writing.

## **4 Applicant bidding**

### **4.1 Bidding Process**

Applicants in Bands A, B, C1, C2 and D will be required to submit 'bids' (expressions of interest) on properties for which they wish to be considered. The bidding process is explained in the Applicant User Guide.

### **4.2 High Priority Band**

The property will be offered to the applicant who has the highest priority band and priority date within that band on the housing register and meets the property criteria. Once an applicant has accepted an offer of accommodation any other bids placed by them are discounted.

### **4.3 Size Of Property Applicants Can Bid For**

Applicants can only bid for properties that are of the correct size for their household. This is to ensure that best use is made of the stock and minimises under occupation or overcrowding of homes. Section 2.14 sets out the way that bedroom need is assessed, and the size of property applicants are eligible for.

Due to the shortage of larger properties, applicants who are eligible for four and five bedroom properties may also be considered for larger three bedroom properties, for example, a three bedroom property with two separate living areas. Where properties have two living rooms ('parlour' houses) it will be expected that one living room is used as a bedroom as long as this is suitable in relation to the property layout.

## **5 Shortlisting, offering and letting of properties**

### **5.1 Bidding Closing Date**

Once the deadline has passed for bidding for a property, the Council will consider those who have bid and will select applicants for viewing and offering. As a general rule, applicants who have bid for a property will be prioritised in band order (and within each band by date order) subject to any other preferences or restrictions set out in the advert.

### **5.2 Bypassing of Applicants**

In some situations, a property will not be offered to the highest banded applicant who has bid. Shortlisted applicants can be bypassed for a number of reasons, and these are set out below. Where shortlisting is carried out by landlord partners on behalf of the Council, they may make decisions to bypass applicants within the terms of this policy, however in these circumstances, they will report such decisions to the Council and the final decision with regard to the interpretation of these policy provisions shall be made by the Council.

#### **Bypass Reasons**

##### **(a) Applicant is Ineligible or Unsuitable for the Property**

Applicants may be bypassed where their household does not meet the criteria for the property set out in the advert e.g. due to age restriction requirement, due to the household size not matching the property size, due to ages of household members or because any property adaptations in the vacant property are either not required or not matched to the household who has bid.

##### **(b) Applicant is Not Ready to Move and / or to Live Independently**

Applicants may be bypassed where, even though they have bid for a property; they themselves decide they are not ready to move. Applicants may also be bypassed if they are considered not to be ready to move or to live independently due to social or medical reasons. In determining this, regard will be had to any support available.

**(c) Change in Applicant's Circumstances**

Applicants may be bypassed where there has been a change in their circumstances which makes them unsuitable or ineligible e.g. change in medical requirements, change in financial situation

**(d) History of Anti-Social Behaviour**

Applicants may be bypassed where they or their family members have a history of significant antisocial behaviour which would make them unsuitable for the property.

**(e) Rent Arrears / Debt**

Applicants may be bypassed where they have current or recoverable former rent arrears with any landlord or other debts with the Council and which are not being satisfactorily repaid.

Statutory homeless applicants will generally not be bypassed for this reason but individual circumstances will be assessed by the Council and the relevant landlord.

**(f) Community Safety Concerns**

Applicants may be bypassed where there are community safety concerns / risks which relate to the applicant being placed in a particular property or area.

**(g) Fraudulent Application Has Been Made**

An applicant will be bypassed where there are reasonable grounds for believing that false information has been given.

**(h) Circumstances Not Confirmed**

Applicants may be bypassed where the required verification process has not been completed.

**(i) No Response from Applicant**

Applicants may be bypassed where they have been contacted for information relating to their application and / or a potential offer of accommodation and the applicant has not responded to that contact within a reasonable period of time.

**(j) Local Letting Plans**

Applicants may be bypassed where they do not match specific criteria set out in Local Lettings Plans. Local Lettings plans will be adopted for specific areas / schemes to ensure communities are as balanced as possible. Properties subject to local letting plans will be clearly advertised and priority will be given to those that meet the criteria.

**(k) Sensitive Letting**

In exceptional circumstances, an applicant may be bypassed for a property where they are not considered suitable due to housing management reasons. For example, an applicant who has a history of drug dependency may be bypassed for a property in an area where the landlord is aware there are several other residents with drug problems. Any final decision about whether to bypass an application based on sensitive letting will be made by the Council rather than the landlord.

**(l) Property Not Suitable for Adaptation**

Applicants requiring property adaptations to meet their mobility needs may need to be bypassed if the property they have bid for cannot be adapted to meet their needs.

**(m) Property Advert Withdrawn**

Some properties advertised for letting may need to be withdrawn either because it is urgently needed for a direct letting or because it was being advertised before the previous tenant had left and they have rescinded their notice. This could result in those who have bid being treated as having been 'bypassed'.

**(n) Special Requirement of Landlord**

Some Housing Association landlords have very specific applicant criteria built into their Allocations policies or charitable rules relating to ages of applicants or area of residence. These requirements will usually be set out in the adverts but applicants who bid may need to bypass if the requirements are not met.

**(o) Applicant Has Alternative Property Offer Outstanding**

An applicant will be by passed if there is an outstanding offer of accommodation available to them which has not been resolved.

**(p) Properties in Poor Condition**

Transfer applicants may be bypassed if their current home is considered to be in a state of neglect or has been damaged by any household member or visitor to that property. In making this decision, partners will have regard to vulnerable tenants.

**5.3 Appeals Against Bypassing**

Where an applicant believes they have been bypassed for a vacancy that they have bid for (in other words where they otherwise believe they were the highest placed applicant but have not been offered the property for one of the above reasons) then they can appeal against this decision. (See Section 7 for further information on the review procedure).

A successful appeal will not result in the applicant being made an offer of that vacancy, owing to the short timescales within which properties have to be let. It will, however, enable the applicant to bid in the future and not be bypassed unless there is a change of circumstances.

**5.4 Viewings And Offers**

Once the bids have been received and selection of applicants finalised (excluding any bypassed cases) viewings will be arranged by the relevant Landlord.

If the household with the highest banding and priority date does not want to accept the property, it will be offered to the household with the next highest priority.

**5.5 Tenancies**

Offers of some Registered Social Landlord accommodation may be for introductory tenancies, starter tenancies, probationary tenancies and/ or fixed term tenancies

**6 Assistance for vulnerable applicants**

It is recognised that some households may need additional help with the Homes4Spelthorne Scheme.

Examples may include but are not exclusive to:

- Care Leavers.
- People with a physical or mental disability.
- Domestic **abuse** survivors and serious harassment victims.
- People with Learning disabilities.
- Offenders or ex-offenders.
- Older applicants.

- People with drug or alcohol issues.
- Rough Sleepers.
- Young parents.
- People with low literacy skills.
- Applicants whose first language is not English.

**6.1 The Council will use the following methods to identify who will require additional assistance:**

- Ask applicants or their advocate to indicate whether they consider themselves in need of support by completing the relevant documentation or speaking to a staff member.
- Close liaison and information sharing with statutory and voluntary agencies.
- Ask all staff completing interviews and visits to identify potential vulnerable applicants so additional assistance can be given.
- Ensure any medical information submitted is evaluated and any support needs are identified.
- Close monitoring as to who is bidding or not and the suitability of the offers being bid for, so proactive action can be taken to assist.

**6.2 The Council May Assist Vulnerable Applicants in the Following Ways**

- Online translation of Homes4Spelthorne website.
- Translation of relevant documentation on request.
- Staff from Spelthorne Borough Council will be available to assist vulnerable applicants by identifying suitable properties and directly communicating with the applicant. They will also be able to assist with **the set-up of auto bidding** and the bidding process.
- Advertisements will be labelled with clear information and symbols to ensure simplicity.
- An online introduction to the Homes4Spelthorne Scheme and how to use it will be available on the website.
- Extensive communication will take place with agencies and special needs referral panels that represent and advocate on behalf of vulnerable clients.
- A review of all aspects and procedures of Homes4Spelthorne will take place to ensure access and engagement for all vulnerable clients, as required.

**7 Right of Review of decisions relating to applications and Allocations**

Applicants have the right to request a review of the following decisions:

- A decision that an applicant is ineligible for a housing allocation and therefore unable to be included on the housing register.
- A decision that the applicant is not a qualifying person within the terms of the qualification / disqualification criteria set out in Section 2.5.
- Any decision relating to the facts of their case which have been taken into account in considering whether to make an allocation to them e.g. a decision about banding or priority date of an application.
- A decision to bypass an application.

Applicants will not be advised that their case has been bypassed but can establish this by specific enquiry if they have bid for a property but find out in the lettings outcome list that the property was offered to someone with a lower banding or later registration than the applicants within the same banding. Appeals against bypassing need to be submitted to Spelthorne Borough Council.

The applicant's review request should be made in writing to the Council within 21 days of the original decision being made. Details of why they are appealing against the decision and any information they wish to be considered should be provided.



An independent senior officer who was not involved in the original decision will consider the review and they will decide whether to overturn or support the original decision. The applicant will be informed in writing of the decision within 21 days of receipt of the review request, **this decision is final and binding**. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.

## 7.1 Complaints

Applicants can use the Spelthorne Borough Council complaints procedure. Any complaint raised must relate to the process, not to banding determination.

All applicants who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in the Council's complaints policy.

Information on the Spelthorne Borough Council complaints procedures is available at the Council Offices or via the [Council's website](#).

**If the applicant has used Spelthorne Borough Council's complaint procedure and remains dissatisfied, they can write to the Local Government and Social Care Ombudsman or apply for a Judicial Review of the Council's actions.**

## 8 Monitoring and review of this policy

This policy and the operation of it will be reviewed regularly, and at a minimum, **every 5 years**. **Complaints** and feedback from applicants will be considered **in conjunction with emerging case law** as part of this review alongside detailed reports on lettings that have taken place.

The monitoring of the review of this policy will be the responsibility of the Strategic Housing Group.

## **9 Personal information and Data Protection**

### **9.1 Data Protection at Spelthorne Borough Council**

**Spelthorne Borough Council will process applicant's personal data in accordance with Data Protection legislation – Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR).**

### **9.2 Partner organisations**

**Personal information provided to the partner organisations as part of an application for housing will be processed in accordance with the Data Protection legislation. Information provided will be used to process the application and may be passed to third parties involved in assessing the application and offering accommodation.**

**In accordance with the Council's obligations under the Data Protection legislation, applicants will be made aware when they apply that their personal information will be held and shared with housing providers and other relevant external agencies. This is for the purposes of assessing an application, considering an offer of accommodation being made or to prevent fraud in accordance with the applicant declaration when making an application.**

### **9.3 Applicants Accessing Own Personal Data**

**In accordance with Data Protection legislation applicants on the Housing Registers have various rights including:**

- The right to see any entry relating to them and their household that is held on computerised systems. Note: Files are edited where necessary to withhold information in the following types of situations:**

- Where disclosure may identify a third party and that party has not given their consent to disclosure;
- Where the information concerns an applicant's health and disclosure may cause serious harm to their wellbeing;
- Where information is subject to Legal Professional Privilege;
- Information is held for the purpose of prevention or detection of crime or in respect of some other legal proceedings.

- Applicants have the right to challenge the accuracy of the information held about them and may request the erasure or correction of records which they believe to be inaccurate. Subject to the Housing Option Manager responsible for housing assessments agreeing the information held is inaccurate, the record will be corrected. If the Housing Options Manager does not agree the information is inaccurate, or refuses access to the information, the applicant has a right of review by the Information Governance Team and subsequent right of complaint to the Information Commissioner.

## 10 **Requirement to consult Registered Social Landlords on the Allocations Scheme**

10.1 Before adopting an Allocations Scheme for housing, or altering its existing scheme, Spelthorne Borough Council is required to:

- Send a copy of the draft scheme, or a new proposal, to all Registered Social Landlords with which the Council has Nomination Agreements. AND,
- Ensure that all such Registered Social Landlords have the opportunity to comment on the proposals.
- Consult with people directly affected and the broader community.

## 11 **Equal Opportunities**

Spelthorne Borough Council will comply with the requirements of the Equality Act 2010 and all related legislation, and have taken account of this legislation and s11 of the Children Act 2004 in drawing up this scheme.

Spelthorne Borough Council is fully committed to equality in housing allocations and will oppose any form of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation.

## **Appendix 1**

### **The Banding Scheme**

#### **Emergency / Priority (Bands A)**

Applicants will fall into this banding where:

1. An applicant is assessed as having an “emergency” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing
2. An applicant’s life would be in immediate danger if they continued to live in their current accommodation and this has been substantiated
3. An applicant needs to move because their home in the Borough of Spelthorne is to be demolished or redeveloped within the next six months and, if the applicants are social housing tenants, the demolition and / or redevelopment of the site has been approved by the relevant Head of Housing (or equivalent.)
4. An applicant who is occupying a property that is subject to a compulsory purchase order and there is a statutory duty upon Spelthorne Borough Council to secure accommodation for them, will be placed into band A.
5. An applicant who is a social housing tenant in the Borough of Spelthorne and is residing in a substantially adapted property where the adaptations are no longer required will be placed into band A.
6. An applicant is assessed as statutorily overcrowded within the meaning of Part 10 of the Housing Act 1985 (but only where the applicant has not worsened their housing situation without good reason)
7. An applicant who is a social housing tenant in the Spelthorne area and is: under occupying a high demand property (and the nature of the under occupation is not related to any special letting criteria for that unit or part of a wider lettings plans for that scheme / development) AND the applicant is moving to a lower demand / smaller property, will be placed into band A.

## Urgent Need to Move (Band B)

Applicants will fall into this banding where:

1. An applicant is assessed as having an “urgent” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing.
2. An applicant needs to move because of harassment or threat of violence but this is not judged as serious as **Band A**. **It will be determined on case-by-case basis.**
3. An applicant (or joint applicant) who has been accepted as homeless and the main duty to secure accommodation has been accepted by Spelthorne Borough Council.
4. An applicant is overcrowded and requires two or more additional bedrooms.
5. An applicant’s accommodation lacks **access to** basic facilities, i.e. kitchen, bathroom or toilet and this cannot be provided by the landlord / owner within a reasonable timescale.
6. An applicant’s accommodation has been assessed under the Housing Health & Safety Rating System (Category 1) as not reasonably suitable for occupation and cannot be rectified by the owner / landlord at a reasonable cost or timescale.
7. An applicant who is in supported housing and has been assessed as no longer requiring the support and **had a local connection at point of referral** with Spelthorne Borough Council and is suitable for independent living and the accommodation is needed by other applicants, will fall into band B.
8. An applicant is pregnant or has at least one dependent child and is living in accommodation where the facilities are shared with others, and they are lacking at least one bedroom will fall into band B. (This banding will NOT apply to transfer cases.)
9. An applicant needs to move because their home in the Spelthorne Borough Council is to be demolished or redeveloped within the next twelve months and, if the applicants are social housing tenants, the demolition and / or redevelopment of the site has been approved by the Head of Housing (or equivalent).
10. Care Leavers with Children’s Services in Surrey who it has been agreed have a local connection with Spelthorne Borough Council during the time they were in Care and who are aged 18 to 21 years old and are in housing need and suitable for independent living will be placed into band B. **When a care leaver passes the age of 21 they will lose care leaver status on the housing register and be prioritised in the same way as a non-care leaver. The exception to this would be where they have been granted extended status by Surrey County Council up to the age of 25**
11. An applicant who is unintentionally threatened with homelessness and has a priority need **and under a homelessness relief** duty (within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002) and this has been validated and acted upon by the Housing Options Team and there are no other homelessness prevention/**relief** options available, will be placed into band B.
12. Armed Forces Urgent Need – band B will be awarded to serving members of the regular Armed Forces (and their families):
  - Whose service is coming to an end within 12 months of their application or has come to an end within the preceding 12 months. AND,
  - They are losing / have recently lost their MoD accommodation. AND,
  - There is a specific need to move to the borough relating to employment or family issues. AND,  
There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being ended / has ended due to issues relating to misconduct).

Similarly, the same **Band B** Armed Forces priority will be awarded to divorced or separated spouses (or civil partners) of Service personnel who need to move out of accommodation provided by the Ministry of Defence and recently bereaved spouses (or civil partners) of members of the regular Armed Forces:

- Where the bereavement is within 12 months. AND,
- They are losing / have recently lost their MoD accommodation. AND,
- There is a specific need to move to the Borough. AND,
- There are insufficient funds to pursue other options

## Identified Housing Need (Band C1)

The following applicants will fall into this banding:

1. An applicant is assessed as having an “identified” medical or welfare need to move, including grounds relating to a disability, and this is seriously affected by their current housing
2. An applicant has been assessed as intentionally homeless but is in priority need within the meaning of **Part VII of the Housing Act 1996**, as amended by the Homelessness Act 2002 (and there has been no relevant change in their circumstances to warrant a reassessment)
3. An applicant’s accommodation has been assessed under the Housing Health & Safety Rating System (Category 2) as not reasonably suitable for occupation and cannot be rectified by the owner / landlord at a reasonable cost or timescale.
4. An applicant is overcrowded and requires one additional bedroom
5. Singles who are 35 years of age and over and are without children, and who share facilities with others
6. Couples, who are without children, and who share facilities with others
7. Families with dependent children who share facilities with others
8. Other household compositions as agreed by Spelthorne Borough Council who share facilities with others

**9. Care Leavers with Children’s Services in Surrey who do not have a local connection with Spelthorne Borough Council during the time they were in Care and who are aged 18 to 21 years old and are in housing need and suitable for independent living will be placed into band C1. When a care leaver passes the age of 21 they will lose care leaver status on the housing register and be prioritised in the same way as a non-care leaver. The exception to this would be where they have been granted extended status by Surrey County Council up to the age of 25**

10. Armed Forces Priority - this will be awarded to serving members of the regular Armed Forces (and their families):

- Whose service is coming to an end within 12 months or is due to come to an end within the preceding 12 months. AND,
- They are losing their accommodation / have recently lost their MoD accommodation. AND,
- There are insufficient funds to pursue other options.

(NB. This priority will not be awarded in situations where service is being / has ended due to issues relating to misconduct).

- Similarly, the same **Band C1** Armed Forces priority will also be awarded to **divorced or separated spouses (or civil partners) of Service personnel who need to move out of accommodation provided by the Ministry of Defence and recently bereaved spouses (or civil partners) of members of the regular Armed Forces:**
- Where the bereavement is within 12 months. AND,

- They are losing / have recently lost their MoD accommodation. AND,
- There are insufficient funds to pursue other options.

## **Housing Need – Reduced priority (Band C2)**

The following applicants will fall into this banding:

1. Any cases where there is a Reasonable Preference need identified but where the household does not meet the positive qualification criteria outlined in paragraphs 2.3
2. Any household who are living in temporary accommodation which has been provided by a Council other than Spelthorne under any aspect of the Homelessness Legislation (**Housing Act 1996, part 7**)

## **Low and No ‘Deemed’ Housing Need (Band D)**

The following applicants will fall into this banding:

1. An applicant does not fit into any of the categories in **Band A, B, C1 or C2**
2. An applicant has deliberately worsened their housing circumstances within the last three years to get more priority on the housing register
3. An applicant has given up accommodation within the last three years that was suitable for their needs and by doing so, has knowingly worsened their housing circumstances
4. An applicant can afford to buy or part-buy a property in the private sector that is suitable for their needs
5. An applicant has an asset that could be used to obtain accommodation suitable for their needs
6. An applicant owned a property that was suitable for their current needs but transferred or sold the property within the last three years when it was reasonable for them to continue living there
7. An applicant who has bid on and been offered two or more properties within a 12-month period and refused for no good and evidenced reason (this band will apply for a period of 12-months)
8. Applicants who qualify under 2.3.2. (iv) but who own or part own a property, either in the UK or abroad (or where such a property is owned by a member of their household)



## Appendix 2

### Officer Roles and Responsibilities

This appendix explains which officers are responsible for taking decisions under the allocations policy.

Whenever an officer is named, the decision can be taken by a more senior officer in their management line.

#### Eligibility

The Housing Options Team has the authority to decide whether an applicant is eligible to apply to join the housing register in line with the criteria contained in this policy. Some applications may be assessed by an automatic process which follow the policy provisions.

#### Assessing Priority

The Housing Options Team is responsible for assessing an applicant's housing need in line with the Allocations Policy and placing them in a specific banding. Some applications may be banded by an automatic process which follow the policy provisions.

#### Special or exceptional circumstances

The Housing Options Manager or Team Leader or equivalent or designated officer has the authority to put an applicant in a higher banding where their needs, after being assessed, are considered to warrant it.

#### Removing an Application from the Housing Register

The Housing Options Team Assistant or equivalent will decide whether it is appropriate to remove an applicant from the register in line with the policy. Some applications may be assessed by an automatic process which follow the policy provisions.

#### Reviews

If an applicant submits an appeal requesting a review of a decision made, a senior officer who was not involved in the original decision will consider the request and make a decision.

#### Direct Lets

- a) **Supported Housing**  
The Housing Options Manager or equivalent has the authority to make a direct let to an applicant that requires supported accommodation where supported housing is allocated through the housing register and this arrangement exists with the supported housing provider.
- b) **Reciprocals**  
The Housing Options Manager or equivalent has the authority to agree a reciprocal with another Council or Housing Association.
- e) **Homeless Applicants**  
The Housing Options Manager or equivalent has the authority to make a direct let to a homeless applicant if appropriate.
- f) **Exceptional Housing Need**

The Housing Options Manager or equivalent has the authority to:

- Agree a priority offer of accommodation if there is evidence of immediate and exceptional need.
- Agree to offer an applicant rented accommodation if their income is of a level where they can afford to part-buy, but they cannot secure a mortgage and there is evidence of immediate and exceptional need.

g) **Significant Adaptations**

Where the applicant has a requirement for significant adaptations and a suitable property matching these requirements becomes available.

## **Appendix 3**

### **Eligibility and qualification (from Section 3 of Allocation of Accommodation, Code of Guidance, DCLG 2012)**

3.1 This chapter provides guidance on the provisions relating to an applicant's eligibility and qualification for an allocation of social housing.

3.2 Housing authorities must consider all applications made in accordance with the procedural requirements of the authority's allocation scheme (section 166(3)). In considering applications, authorities must ascertain:

- if an applicant is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

#### **Eligibility**

3.3 An applicant may be ineligible for an allocation of accommodation under section 160ZA(2) or (4). Authorities are advised to consider applicants' eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

#### **Joint tenancies**

3.4 Under section 160ZA(1)(b), a housing authority must not grant a joint tenancy to 2 or more people if any one of them is a person from abroad who is ineligible. However, where 2 or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

#### **Existing tenants**

3.5 The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a private registered provider. Most transferring tenants fall outside the scope of the allocation legislation (section 159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5).

#### **Persons from abroad**

3.6 A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under section 160ZA of the 1996 Act. There are 2 categories for the purposes of section 160ZA:

- (i) a person subject to immigration control – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (section 160ZA(2)), and
- (ii) a person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (section 160ZA(4)).

3.7 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended) ('the Eligibility Regulations').

#### **Persons subject to immigration control**

3.8 The term 'person subject to immigration control' is defined in section 13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

3.9 The provisions of section 7(1) of the Immigration Act 1988 and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to protect the rights of EEA citizens, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement.

This will ensure that EEA citizens, and their family members, who:

have acquired limited leave to enter and remain in the UK (also known as pre-settled status) by virtue of Appendix EU of the Immigration Rules ("the EU Settlement Scheme"); or

were frontier working in the UK prior to 31 December 2020

will continue to be treated as 'persons not subject to immigration control' in the instances where they would previously have been, so that their eligibility for the allocation of social housing can be judged on the basis of regulation 4 of the Eligibility Regulations as was the case prior to 31 December 2020.

3.10 EEA citizens, and their family members, who have been granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, do not need the savings to apply to them. Their eligibility should be judged on the basis of Class C of Regulation 3 of the Eligibility Regulations, as is the case for persons subject to immigration control who have been granted indefinite leave to remain. In general, they should be eligible provided they can demonstrate habitual residence in the Common Travel Area.

For the purpose of this guidance references to "the Withdrawal Agreement" in this note are to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019/C 384 I/01). Equivalent provisions are to be found in separation agreements relating to the European Economic Area/European Free Trade Agreement and the EU/Swiss Free Movement of Persons Agreement, which are also given effect in domestic law by the European Union (Withdrawal Agreement) Act 2020.

3.11 The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.14 (iii) below) with the UK which allows free movement
- (iv) by operation of the savings provisions referred to in paragraph 3.9 above, EEA citizens, and their family members, who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement, i.e. those who were residents and exercised a right to reside in the UK derived from European Union law or any provision under section 2(2) of the European Communities Act 1972, and those who were frontier working, before 31 December 2020. Whether an EEA citizen (or family member) has exercised a particular right to reside in the UK or rights to be treated as a frontier worker will depend on their circumstances, at that particular time. For example, whether the EEA citizen is, for the purposes of the Immigration (European Economic Area) Regulations 2016 ('the EEA Regulations') (as preserved by the savings provisions) a jobseeker, a worker, a self-employed person and so on.

(v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel

For the purpose of this guidance, 'EEA citizens' means citizens of any of the EU member states, and citizens of Iceland, Norway, Liechtenstein and Switzerland.

3.12 Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see below).

3.13 If there is any uncertainty about an applicant's immigration status, it is recommended that authorities contact the Home Office.

### **Persons subject to immigration control who are eligible for an allocation of social housing**

3.14 Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- (i) a person granted refugee status: normally granted 5 years' limited leave to remain in the UK
- (ii) a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave'
- (iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for 5 years since the date of entry – or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first 5 years, the applicant will be eligible for an allocation of accommodation
- (iv) a person who has humanitarian protection granted under paragraphs 339C-344C of the Immigration Rules
- (v) a person who is habitually resident in the Common Travel Area and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules
- (vi) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Act, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds
- (vii) a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules

- (viii) a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules (effective from 1 November 2018)
- (ix) a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules
- (x) a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU to the Immigration Rules
- (xi) a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds
- (xii) a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally-employed staff in Afghanistan
- (xiii) a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died

#### **Other persons from abroad who may be ineligible for an allocation**

3.15 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions – see paragraph 3.17 below)
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the EEA Regulations
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations
- (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations
- (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above

3.16 For the purposes of determining eligibility for an allocation of social housing, a person who is not subject to immigration control and who falls within categories (ii) or (iii) in paragraph

3.15 above should be treated as ineligible. This is regardless of whether such person has been granted limited leave to enter or remain in the UK by virtue of Appendix EU of the Immigration Rules; or a family permit issued under the EU Settlement Scheme granting them limited leave to enter the UK by virtue of the Immigration (Leave to Enter and Remain) Order 2000.

### **Persons exempted from the requirement to be habitually resident**

3.17 The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- (i) an EEA citizen who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (ii) an EEA citizen who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (iii) a person who is treated as a worker for the purpose of the definition of 'qualified person' in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (as amended), (right of residence of an accession State citizen subject to worker authorisation)
- (iv) a person who is a family member of a person referred to in (i) to (iii) above and has been granted pre-settled status;
- (v) a person who is in the UK as a result of their deportation, expulsion or other removal by compulsion of law from another country to the UK
- (vi) a person who is in the United Kingdom as a frontier worker for the purpose of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (as defined in paragraph 3.18 below)
- (vii) a person who is a family member of a person referred to in (vii) above and has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom, as a family member of a relevant EEA citizen, under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act
- (viii) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021

3.18 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

- (a) is temporarily unable to work as the result of an illness or accident; or
- (b) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:
  - (i) was employed for one year or more before becoming unemployed; or
  - (ii) has been unemployed for no more than 6 months; or
  - (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
- (c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

3.19 EEA citizens who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement can be joined by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed before/on 31 December 2020 and still exists when the family member wishes to join the EEA citizen in the UK. The family member will have 3 months from their date of arrival, to apply to the EU Settlement Scheme. If the family member is a third country citizen, they can apply for an EU Settlement Scheme family permit or EEA family permit. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired indefinite leave to remain in the UK in their own right, for example, a family member at the point they are eligible and are granted settled status under the EU Settlement Scheme.

### **The Habitual Residence Test**

3.20 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

3.21 Applicants who have been resident in the Common Travel Area continuously during the 2 year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where 2 years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 2 for further guidance).

### **Managing applications for social housing from EEA citizens from 1 July 2021**

3.22 EEA citizens who have not applied to the EU Settlement Scheme and who do not have a different form of UK immigration status will be considered to have no lawful basis for remaining in the UK. They will need to obtain status under the EU Settlement Scheme or another UK immigration status to resolve this. In line with the Withdrawal Agreements, late applications to the EU Settlement Scheme will be accepted where there are reasonable grounds for missing the 30 June 2021 deadline. An applicant who has made a valid application for the EU Settlement Scheme and is awaiting a decision, who was resident and exercising a qualifying right to reside in the UK by 31 December 2020 should be treated as eligible if they have a permanent right to reside (normally acquired after 5 years), or are working, self employed or a Baumbast Carer at the time of their application for social housing.

3.23 Newly arriving EEA citizens and their family members who have moved to the UK from 1 January 2021 will (unless they are eligible to apply to the EUSS in another capacity, such as being a joining family member) come under the new points-based immigration system. Under that system, access to social housing will be the same for EEA and non-EEA citizens. They will generally be considered eligible after indefinite leave to remain is granted, usually after five years of continuous residence; unless they are within one of the exempted categories under regulation 3 of the Eligibility Regulations.

### **Qualification**

3.24 Housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (section 160ZA(6)(a)). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exceptions for members of the Armed and Reserve Forces and for social tenants who need to move for work related reasons, a housing authority may decide the classes of people who are, or are not, qualifying persons.

3.25 Housing authorities are encouraged to adopt a housing options approach as part of a move



to a managed waiting list. A strong and pro-active housing options approach brings several benefits: people are offered support to access the housing solution which best meets their needs (which might be private rented housing, low cost home ownership or help to stay put); expectations about accessing social housing are properly managed; and social housing is focused on those who need it most. A lower waiting list can also be a by-product.

3.26 In framing their qualification criteria, authorities will need to have regard to their duties under the equalities legislation, as well as the requirement in section 166A(3) to give overall priority for an allocation to people in the reasonable preference categories.

3.27 Housing authorities should avoid setting criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing, for example on medical or welfare grounds. However, authorities may wish to adopt criteria which would disqualify individuals who satisfy the reasonable preference requirements. This could be the case, for example, if applicants are disqualified on a ground of antisocial behaviour.

3.28 When deciding what classes of people do not qualify for an allocation, authorities should consider the implications of excluding all members of such groups. For instance, when framing residency criteria, authorities may wish to consider the position of people who are moving into the district to take up work or to escape violence, or homeless applicants or children in care who are placed out of borough 5 .

3.29 The government believes that authorities should avoid allocating social housing to people who already own their own homes. Where they do so, this should only be in exceptional circumstances; for example, for elderly owner occupiers who cannot stay in their own home and need to move into sheltered accommodation.

3.30 There may be sound policy reasons for applying different qualification criteria in relation to existing tenants from those which apply to new applicants. For example, where residency requirements are imposed, authorities may wish to ensure they do not restrict the ability of existing social tenants to downsize to a smaller home. Authorities may decide to apply different qualification criteria in relation to particular types of stock, for example properties which might otherwise be hard to let.

3.31 Whatever general criteria housing authorities use to define the classes of persons who do not qualify for social housing, there may be exceptional circumstances where it is necessary to disapply these criteria in the case of individual applicants. An example might be an intimidated witness 6 who needs to move quickly to another local authority district. Authorities are encouraged to make explicit provision for dealing with exceptional cases within their qualification rules.

3.32 As with eligibility, authorities are advised to consider whether an applicant qualifies for an allocation at the time of the initial application and when considering making an allocation, particularly where a long time has elapsed since the original application.

3.33 We have made regulations to provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection 7 with the authority's district:

- (a) members of the Armed Forces and former Service personnel, where the application is made within 5 years 8 of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

3.34 These provisions recognise the special position of members of the Armed Forces (and their

families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support 9 .

**Joint tenants**

3.35 In the case of an allocation to 2 or more persons jointly, at least one of the persons must be a qualifying person (section 160ZA(6)(b)) and all of them must be eligible.

**Fresh applications**

3.36 Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (section 160ZA(11)).

**Reviews of decisions on eligibility and qualification**

## Equality Analysis

<b>Directorate:</b> Community Wellbeing <b>Service Area:</b> Housing Strategy & Policy	<b>Lead Officer:</b> Marta Imig <b>Date completed:</b> 28 March 2022
<b>Service / Function / Policy / Procedure to be assessed:</b> Housing Allocations Policy 2022	
<b>Is this:</b> New / Proposed <input checked="" type="checkbox"/> Existing/Review <input type="checkbox"/> Changing <input type="checkbox"/>	<b>Review date:</b> The Housing Allocations Policy will be reviewed at least every 5 years or where suitable, sooner. The equality analysis will need reviewing in parallel with any changes made to the policy.

**Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.**

**What are the aims and objectives/purpose of this service, function, policy or procedure?**

Every local authority must have a housing allocations scheme to determine housing priorities, and a procedure to be followed when allocating accommodation. The policy aims to meet this duty by ensuring that social housing in the borough is allocated fairly and objectively, having regard to any legislative requirements, regulations or Codes of Guidance issued by Department for Levelling Up, Housing and Communities, and homelessness and tenancy strategies. In exercising their functions under Part 6 of the Housing Act 1996, local authorities must have due regard to statutory guidance issued by the Secretary of State. This includes ensuring that reasonable preference is given to specific groups of people including people who are owed a duty under the Housing Act/Homelessness Reduction Act, people who occupy unsanitary or overcrowded housing or living in unsatisfactory housing conditions, people who need to move on medical or welfare grounds relating to disability, or people who need to move to a particular area to avoid hardship.

Aims of the service are highlighted within the policy as:

- To operate a lettings policy based on housing need; which is simple, easy to understand, transparent, open and fair.
- To ensure that every application is dealt with fairly and consistently.
- To give adequate priority to people who fall within the Government’s “Reasonable Preference” categories.
- To provide timely information, advice and assistance and make the best use of the powers and resources available to assist people to solve their housing problems in a way more suited to their needs.
- To ensure that applicants have ready access to information on their prospects of housing.
- To give adequate priority to homeless people whilst maintaining a balance between the needs of the homeless and other applicants in housing need.
- To give most applicants choice where practicable to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing.
- To give adequate priority to residents in housing need who are in low income employment, and who have served in the Armed Forces, whilst maintaining a balance to all other applicants.

In addition to the above, this policy has been designed to make best use of the housing stock in the borough to ensure that:

- It enables the delivery of more affordable homes
- Promotes independence and wellbeing
- Prevents homelessness and rough sleeping.

**Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?**

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment	✓	
	✓	

Advancing equality of opportunity		
Fostering good community relations	✓	

**If not relevant to any of the three equality duties and this is agreed by your Head of Service**, the Equality Analysis is now complete - please send a copy to **NAMED OFFICER**. **If relevant**, a Full Equality Analysis will need to be undertaken (PART B below).

## PART B: Full Equality Analysis

### Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

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<p><b>What outcomes are sought and for whom?</b></p>	<p>The main outcome of the policy is to ensure that social housing in the borough is allocated fairly and objectively, having regard to any legislative requirements, regulations or Government Codes of Guidance.</p> <p>Affected groups will include (not exhaustive):</p> <ul style="list-style-type: none"> <li>• All adults (and associated dependants) who live or work in the borough;</li> <li>• Those who are unable to access the housing market locally due to high property prices and increasing rents;</li> <li>• Those who are homeless or at risk of homelessness, including rough sleepers;</li> <li>• Partners involved in the delivery of affordable housing, such as Registered Providers, developers, health and social care providers;</li> </ul>
<p><b>Are there any associated policies, functions, services or procedures?</b></p>	<p>Corporate Plan  Health &amp; Wellbeing Strategy  Local Plan  Economic Development Strategy  Asset Management Plan  Housing Act 1996 (as amended by various)  Housing Strategy  Homelessness and Rough Sleeping Strategy</p>
<p><b>If partners (including external partners) are involved in delivering the service, who are they?</b></p>	<p>Whilst registered providers have a role in delivering some elements of the policy, the overall policy and its implementation is the responsibility of Spelthorne Borough Council.</p>

## Step 2 – What does the information you have collected, or that you have available, tell you?

**What evidence/data already exists about the service and its users?** (in terms of its impact on the ‘equality strands’, i.e. race, disability, gender, gender identity, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

### General Spelthorne context

Almost half of Surrey’s 20 most deprived super output areas are in Spelthorne. Three are in the ward of Stanwell North, two in Ashford North and Stanwell South and one in each of Ashford East and Sunbury Common. Spelthorne has the highest number of lone parent families and the highest level of child poverty in Surrey; it also has the highest under-18 conception rate in the county. That said, residents are largely healthy, with life expectancy for both males and females slightly above the national average.

Although the number of VAT and/or PAYE-registered business has fallen slightly over the past four years, Spelthorne has a low rate of unemployment: 1.4% of those economically active aged 16 to 64, compared to the South East (2.2%) and UK as a whole (3.5%). Heathrow Airport is a significant local employer, with 8.3% of Spelthorne’s working population employed there. Significantly, 21.5% of those in work in Stanwell North are in low level employment compared to an average of 11.6% in Surrey. Average wages are slightly above regional averages at £630 per week for full-time employees.

Whilst house prices remain well above the national average, most residents are owner-occupiers (73%), followed by private rented (13%) and social rented (12%).

### Gender / gender identity

Census data from 2011 shows that 50.5% of residents in Spelthorne were female, with the remaining 49.5% being male. There is no data known to be held in relation of other gender identities.

Source: ONS Census, 2011 - neighbourhood statistics for residents aged 16 to 74

*A White Paper published in December 2018 (Help shape our future: the 2021 Census of population and housing in England and Wales) sets out the Office for National Statistics’ (ONS) recommendations for what the census should contain and how it should operate. The White Paper recommends that the census in 2021 includes a question about gender identity, asking respondents whether their gender is the same as the sex they were registered as at birth. The question will be separate from the question about sex (i.e., whether the respondent is male or female), which will be phrased in the same way as previous years. There is currently no official data about the size of the transgender population (the word ‘transgender’ is used here to describe people whose gender identity does not match the sex they were assigned at birth). The Government Equalities Office (GEO) has said that there may be 200,000 to 500,000 transgender people in the UK, but stresses that we don’t know the true population because of the lack of robust data. The ONS has identified user need for official estimates in order to support policy-making and monitor equality duties.*

Source: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8531>

### Age

Spelthorne has a slightly lower population of under-30s (34%) compared to the rest of the country (37%), and a slightly higher population of 30-69 year olds (42%) compared with the UK average of (40%), The number of 70+ is 23%, which is broadly in line with the rest of the UK (24%).

Source: <https://commonslibrary.parliament.uk/local-data/constituency-statistics-population-by-age/>

### Ethnicity

The ethnic make-up of Spelthorne is largely in line with the UK average, although we have more residents who identify as Asian and fewer residents who identify as Black than the national average.

Ethnic group	Spelthorne		Region	UK
	Number	%	%	%
White	83,455	87.3%	90.7%	87.2%
Mixed	2,382	2.5%	1.9%	2.0%
Asian	7,295	7.6%	5.2%	6.9%
Black	1,545	1.6%	1.6%	3.0%
Other	921	1.0%	0.6%	0.9%
Total	95,598	100.0%	100.0%	100.0%

Source: <https://commonslibrary.parliament.uk/home-affairs/communities/demography/constituency-statistics-ethnicity/>

### Disability

*As of July 2019 there were around 2,020 PIP claimants in Spelthorne constituency. In comparison, there was an average of 2,500 claimants per constituency across the South East. Within Spelthorne, psychiatric disorders were the most common reason for claiming PIP. They accounted for 37% of awards, compared to 36% in Great Britain. 'Psychiatric disorders' include anxiety and depression, learning disabilities and autism. The second most common reason for awards was musculoskeletal disease (general), which accounted for 17% of awards within the constituency and 21% in Great Britain. Musculoskeletal disease (general) includes osteoarthritis, inflammatory arthritis and chronic pain syndromes.*

Source:

<http://data.parliament.uk/resources/constituencystatistics/personal%20independence%20payment/PIP%20claimants%20in%20Spelthorne.pdf>

### Religion

Residents of Spelthorne predominately identify themselves as either Christian or having no religion. There is a smaller Muslim population compared with the national average, but a larger Hindu and Sikh population.

	Constituency		Region	UK
	Number	%	%	%
<b>Has religion</b>	<b>67,392</b>	<b>70.5%</b>	<b>65.0%</b>	<b>66.7%</b>
of which				

Christian	60,954	63.8%	59.8%	58.8%
Muslim	1,808	1.9%	2.3%	4.5%
Hindu	2,332	2.4%	1.1%	1.4%
Buddhist	420	0.4%	0.5%	0.4%
Jewish	206	0.2%	0.2%	0.4%
Sikh	1,325	1.4%	0.6%	0.7%
Other	347	0.4%	0.5%	0.4%
<b>No religion</b>	<b>21,511</b>	<b>22.5%</b>	<b>27.7%</b>	<b>26.1%</b>
<b>Not stated</b>	<b>6,695</b>	<b>7.0%</b>	<b>7.4%</b>	<b>7.2%</b>

Source: <https://commonslibrary.parliament.uk/home-affairs/communities/constituency-data-religion/>

Sexual orientation

*There is no accurate dataset which can be used to reflect solely Spelthorne. The White Paper recommends asking a new question about sexual orientation. The ONS has identified a user need for better data on sexual orientation – particularly for small areas – to inform policy-making and service provision, as well as monitoring equality duties. The ONS has previously used the Annual Population Survey (APS) to estimate the size of the lesbian, gay and bisexual (LGB) population in the UK. According to these estimates, just over 1 million people identified as LGB in 2016 (around 2% of the population). However, the sample population used in the APS isn't big enough to provide robust estimates of the LGB population in smaller areas.*

Source: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8531>

Marriage / Civil Partnership

More people in Spelthorne are married compared to the rest of England and Wales, and fewer people identify as single.

<b>Marital Status</b>	<b>Spelthorne</b>		<b>England and Wales</b>	
All usual residents aged 16+	78,089		45,496,780	
Single (never married or never registered a same-sex civil partnership)	24,562	31%	15,730,275	35%
Married	38,984	50%	21,196,684	47%
In a registered same-sex civil partnership	153	0%	104,942	0%
Separated (but still legally married or still legally in a same-sex civil partnership)	2,042	3%	1,195,882	3%
Divorced or formerly in a same-sex civil partnership which is now legally dissolved	6,870	9%	4,099,330	9%
Widowed or surviving partner from a same-sex civil partnership	5,478	7%	3,169,667	7%



**Has there been any consultation with, or input from, customers / service users or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

TBC

**Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?**

TBC

### Step 3 – Identifying the negative impact.

**a. Is there any negative impact on individuals or groups in the community?**

#### **Barriers:**

What are the potential or known barriers/impacts for the different 'equality strands' set out below? Consider:

- **Where** you provide your service, e.g. the facilities/premises;
- **Who** provides it, e.g. are staff trained and representative of the local population/users?
- **How** it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?
- **When** it is provided, e.g. opening hours?
- **What** is provided, e.g. does the service meet everyone's needs? How do you know?

\* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.

#### **Solutions:**

What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:

- Other arrangements that can be made to ensure people's diverse needs are met;

- How your actions might help to promote good relations between communities;
- How you might prevent any unintentional future discrimination.

<b>Equality Themes</b>	<b>Barriers/Impacts identified</b>	<b>Solutions (ways in which you could mitigate the impact)</b>
<b>Age</b> (including children, young people and older people)	Young people aged 16-17 cannot hold tenancies and so housing options are severely limited.	Young people aged 16-17 receive enhanced services via the Surrey Joint Protocol. They have access to specialist young peoples homelessness accommodation.
<b>Disability</b> (including carers)	Anecdotally we know that physically disabled people accessing settled accommodation in Spelthorne have much more limited options available to them due to potential property adaption requirements.	<p>When the level of need is identified for specific types of accommodation, such as disabled adapted, the Council's disposal protocol helps inform the acquisition delivery programme. This ensures that the Council maximises opportunities to support physically disabled people into affordable settled accommodation that meets their needs. Equally, those who may not have a physical disability but are instead impacted by severe anxiety, depression or poor mental health may have specific property requirements, such as, the need for homes on lower floor levels, sound proofing rooms or homes within a quieter part of the Borough. With a disposal protocol and property acquisition policy, the Council is able to secure dispersed affordable homes that will potentially meet with some of these more specialised needs.</p> <p>The Council has also recently reviewed the availability of accessible accommodation options for this affected group and are working with Knowle Green Estates on future developments to ensure future homes meet resident needs.</p> <p>The Council is responsible for administering Disabled Facility Grants. Where appropriate and households are allocated properties that do not</p>

		meet current needs relating to physical disabilities, Disabled Facility Grants or solutions under the principles of the Better Care Fund will be utilised to adapt properties
<b>Gender</b> (men and women)	Within the policy, sex is included within the calculation of assessing bedroom need. This is governed by the Governments guidance on calculating bedroom need for benefit entitlement purposes.	The policy aims to be inclusive as possible for people who identify as non-binary or gender fluid.
<b>Race</b> (including Gypsies & Travellers and Asylum Seekers)	Accommodation for people seeking asylum is the responsibility of the Home Office. Provision for pitches for gypsies and travelling showpeople are dealt with under the Local Plan.	N/A
<b>Religion or belief</b> (including people of no religion or belief)	No negative impacts have been identified.	N/A
<b>Gender Re-assignment</b> (those that are going through transition: male to female or female to male)	No negative impacts have been identified.	N/A
<b>Pregnancy and Maternity</b>	No negative impacts have been identified.	N/A
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)	No negative impacts have been identified.	N/A

#### Step 4 – Changes or mitigating actions proposed or adopted

Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure? What changes or mitigating actions are proposed?

No changes required.

#### Step 5 – Monitoring

How are you going to monitor the existing service, function, policy or procedure ?

The Housing Allocations policy will be monitored by the Council's Strategic Housing Group who meet monthly, with any required changes to the policy being recommended to elected members (where required) as a result.

### Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
n/a	n/a	n/a	n/a

### Equality Analysis approved by:

Group Head:	Date:
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Please send an electronic copy of the Equality Analysis to the Equality & Diversity Team and ensure the document is uploaded to the EA Register which will be available to the public:

**This Equality Analysis Template is the intellectual property of The National Equality Analysis Support Service Ltd (NEASS) and must not be distributed to or used by any other private or public body, any commercial organisation or any third party without the express permission of NEASS who can be contacted on:**

**The National Equality Analysis Support Service Ltd, 71 – 75 Shelton Street, Covent Garden, London, WC2H 9JQ  
Office: 0203 500 0700    Email: [info@equalityanalysis.org.uk](mailto:info@equalityanalysis.org.uk)    Web: [www.equalityanalysis.org.uk](http://www.equalityanalysis.org.uk)**

Housing Allocations Policy Consultation	
Demographic Q's	Answer Type:
Select one of the following that best describes who you are?	Spelthorne resident; Work in Spelthorne but do not live in Spelthorne; Councillor; County Councillor; On behalf of a Registered Provider; On behalf of a Statutory Organisation; On behalf of a Voluntary Organisation; Other
If you are a Spelthorne resident, which postcode does your address fall under?	TW15, TW16, TW17, TW18, TW19, Not Applicable
Do you currently have an application with Spelthorne Borough Council's existing housing register?	Yes; No
How would you describe your household make-up?	Single person; Couple without children; Family with 1 child; Family with 2 children; Family with 3 children; Family with 4+ children;
Which age range do you fall under?	Under 18, 18-34, 35-54, 55+, prefer not to say
Which of the following best describes your gender?	Male; Female; Non-Binary; Prefer not to say; Other
Which of the following best describes your sexual orientation?	Heterosexual; Homosexual; Bisexual; Prefer not to say; Other
Which of the following best describes your ethnicity?	<b>White</b> English; Welsh; Scottish; Northern Irish; Irish; British; Gypsy or Irish Traveller; <b>Asian or Asian British</b> Indian; Pakistani; Bangladeshi ; Chinese ; <b>Black, African, Caribbean or Black British</b> African; Caribbean; <b>Mixed or Multiple ethnic groups</b> White and Black Caribbean; White and Black African; White and Asian; Prefer not to say; Any Other Ethnic Group
Which of the following best describes your region or your belief?	No religion or belief; Buddhist; Christian; Hindu; Jewish; Muslim; Sikh; Prefer not to say; Other
Do you consider yourself to have a disability, long-term illness or health condition	Yes; No; Not Sure; Prefer not to say
Which of the following best describes your employment status?	Student; Employed/Self Employed; Unemployed; Apprenticeship Scheme/Training; Retired; Prefer not to say; Other
Are you currently serving or a veteran in the UK Armed Forces, a member of service personnel's immediate family or a reservist or in part time service such as the Territorial Army?	Yes; No; Not Sure; Prefer not to say
Policy Q's	Answer Type:
How far do you agree with our proposed banding system?	Strongly Agree; Agree; Neither Agree or Disagree; Disagree; Strongly Disagree. Allow free text box for additional comments.
How far do you agree with the local connection criteria?	Strongly Agree; Agree; Neither Agree or Disagree; Disagree; Strongly Disagree. Allow free text box for additional comments.
How far do you agree with the following proposal? Housing register applicants who subsequently serve a prison sentence will have their housing register application suspended for the duration of their prison stay.	Strongly Agree; Agree; Neither Agree or Disagree; Disagree; Strongly Disagree. Allow free text box for additional comments.
How far do you agree with our proposal to set up automatic bidding for certain groups on the housing register?	Strongly Agree; Agree; Neither Agree or Disagree; Disagree; Strongly Disagree. Allow free text box for additional comments.
Currently, working households are given preferential advertising on 10% of properties that become available to let. How far do you agree with our proposal to also include applicants who contribute to the community by volunteering for charity?	Strongly Agree; Agree; Neither Agree or Disagree; Disagree; Strongly Disagree. Allow free text box for additional comments.
Do you think our draft policy is clear and easily understandable?	Yes; No. Allow free text box for additional comments.
Do you have any final comments?	Free text box

<p><b>Housing Act 1996 Section 166A (13)</b> - requires (a) to send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements, and</p> <p>(b)afford those persons a reasonable opportunity to comment on the proposals.</p> <p><b>Housing Act 1996 Section 168 (3)</b> requires that when an authority makes an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time [take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it].</p> <p><b>Gov Allocations Guidance</b> - requirement to consult RP's only</p> <p><b>LGA Public Consultation Guidance</b> - Best practice to consult public on major policy changes for a minimum of 6 weeks (up to 12 weeks)</p>
<p><b>Consultation to include the revised policy and a document summarising the changes to read and a questionnaire.</b> Each question could relate to a specific change in the policy and a reference to the paragraph and page in the policy were included.</p> <p>Need to use Housing Strategy email address for queries, use social media, press release, write to all existing housing register applicants and print hard copies and make available on request. Consider focus groups? MI to present to health and wellbeing board?</p> <p>When consultation concludes - need to prepare a consultation report that analyses the results; include sample comments.</p> <p>Draft policy may need to go to MAT for approval before going to consultation</p>

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## **Background**

Section 166a of the Housing Act 1996 requires local housing authorities to have a policy in place for determining priorities and procedures to be followed in allocating housing. The Allocation Policy must set out the Council's policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies. Priority for accommodation must be given to the groups who fall within the statutory reasonable preference categories, namely:

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996);
- People who are owed a duty by a local housing authority;
- People occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds;
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The latest Housing Allocation Policy was last published in Spring 2018 and is due to be updated to reflect wider policy and law changes. In response to increasing demand for social housing and the existing levels of homelessness, amendments to the allocations policy are needed to ensure that it reflects current priorities, and to ensure that applicants with most acute need are prioritised. There are currently over 3,000 households on the housing register with less than 200 lets being made per annum. It is therefore likely that many of those on Spelthorne Borough Council's housing register will never move into social housing.

In light of the above, a number of changes to the existing Housing Allocations Policy have been proposed to ensure the Housing Allocation Scheme more accurately reflects the rehousing priorities for the borough. The priorities for the Allocations Policy are:

- Reducing the number of homeless households who are living in unsuitable and costly emergency accommodation;
- Reducing under occupation and severe overcrowding;
- Supporting those who are fleeing domestic abuse;
- Delivering on our corporate responsibilities, including our role to support members of the armed forces who are in housing need;

Spelthorne Borough Council are now inviting the public to respond to the consultation and an outline of the main changes to the policy are summarised below.

## The Proposed Changes to the Housing Allocations Policy

### Changes to the banding structure (Section 2.9 and Appendix 1)

- Reducing the existing number of 7 bandings to 5. The new bandings will be:

Band A	Emergency/Priority
Band B	Urgent need to move
Band C1	Identified need to move – all applications including transfer cases
Band C2	Cases with a reasonable preference need but no local connection
Band D	Low housing need and no 'deemed' housing need

- Applicants assessed for overcrowding by the Council's Environmental Health team will now be placed in the associated banding depending on the assessment outcome and varying level of need. Those assessed as Statutorily Overcrowded (within the meaning of Part 10 of the Housing Act 1985) where the applicant has not worsened their housing situation without good reason will be placed into a band A. If the applicant is assessed under the Housing Health & Safety Rating System as a Category 1 Hazard, they will be placed in Band B or if assessed as a Category 2 Hazard, they will be placed in Band C.
- As in line with the Armed Forces statutory guidance introduced in June 2020 by Department for Levelling Up, Communities and Housing (DLUCH), banding priority will now also be awarded to divorced or separated spouses (or civil partners) of service personnel who need to move out of accommodation provided by the Ministry of Defence.

### Changes to the qualification criteria (Section 2.3 and 2.4)

- Where family connection is used as an applicant's only local connection to the borough of Spelthorne, the applicant must be able to demonstrate (through evidence) that the family member or the applicant has a current and ongoing unique welfare and / or health need and the applicant's reason for living in the Borough is to support the family member or to receive support from a family member, which must be evidenced by professionals supporting the household.
- Where employment is used as an applicant's local connection, the applicant must be able to demonstrate a certain number of hours worked based on household make-up. For a single person, this is 16hrs per week and for a couple, 24hrs per week. These hours are replicated from DWP's calculation of tax credits. Furthermore, this local connection has been amended to detail the considerations for zero-hour contracts, self-employed applicants who have a business registered in the borough of Spelthorne and Key Workers as detailed in a separate Key Worker policy.
- As in line with the Armed Forces statutory guidance introduced in June 2020 by DLUCH, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded from the savings threshold. All other applicants must not have a total household savings greater than £30,000.



- The maximum income threshold to qualify for the housing register has been updated and differentiated for single and joint applicants. To qualify, single person household applicants must not have an income higher than £30,000 net and applicants joint household income must not be greater than £60,000 a year net.
- Social housing tenants on a probationary tenancy without an identified housing need will not qualify for the housing register unless in exceptional circumstances per Spelthorne Borough Council's discretion.
- Applicants have the responsibility to satisfy the Council with appropriate information and evidence to demonstrate that they meet the qualification and eligibility criteria throughout the lifetime of the application. Such examples include, providing payslips to demonstrate continuous employment in Spelthorne for local connection or bank statements to demonstrate an applicant remains under the threshold for income and savings. All information may be subject to enhanced verification checks.
- People in prison who apply to join the register will now be unable to join, as they will be classified as not having a housing need whilst in prison. However, 56 days before release they can make a homeless application to the Council if they are threatened with homelessness. If they are assessed by the Council as being owed a homelessness prevention duty, they will be able to make a housing register application prior to release. Furthermore, applicants who are on the Register and subsequently serve a prison sentence, will have their application suspended during their prison stay. Any length of time that is accrued during the suspension of the application will not qualify towards the applicant's priority date and thus the priority date will be re-set upon any subsequent reactivation of the application.
- The disqualification criteria outlines a specific section for those who are deemed to have 'deliberately worsened' their circumstances and will therefore be disqualified from the housing register for a minimum of 5 years. Such examples include:
  - Applicants who give up a home they that owned, rented, shared, or had rights to but chose to leave or dispose of within the last 5 years of an application being made. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonable been expected to reside, or to sell, using the proceeds to resolve housing difficulties
  - Applicants who have given up a social housing tenancy within the past five years, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to life and welfare.
  - Applicants who deliberately overcrowd their home, either with or without the objective of obtaining priority for social housing (section 2.14 outlines assessment of overcrowding and bedroom shortages).

- Applicants who deliberately move to a home which was clearly unaffordable, either with or without the objective of obtaining priority for social housing.

### Other Changes

- Joint applications may now be made by friends in specific circumstances at the discretion of the Council
- Introduced auto bidding for all accepted homeless applicants. This maximises the number of properties available to let and where a bid results in an offer of accommodation, and this property is deemed to be suitable, this will normally be deemed to be a final offer of accommodation which will end the homelessness duty under Part 7 of the Housing Act 1996 and Homelessness Reduction Act 2017. This is subject to right of review.
- Moving from the 'SEARCH Moves' domain to 'Homes4Spelthorne' due to the partnership split between the Council's of Runnymede and Spelthorne. Homes4Spelthorne will be exclusive to applicants on Spelthorne Borough Council's housing register.
- Preferential advertising to working households has been updated to reflect the value placed in community contribution. The existing policy sets aside approximately 10% of all properties advertised to working households which are then further prioritised by band. This is to give special recognition to the importance of incentivising work. This section of the policy has now been expanded to give preferential advertising to applicants who are volunteers and who have volunteered for a minimum of 16 hours a week, for at least 6 months out of the last 12 months, for a registered charity which provides a service to the Spelthorne community.
- The overall policy has been updated to reflect wider policy and legislation changes since its last inception. For example, Homelessness Reduction Act 2017, Data Protection Act 2018, Improving Access to Social Housing for Members of the Armed Forces Statutory Guidance 2020, Domestic Abuse Act 2021, Homelessness Code of Guidance 2018 (updated 2021), and Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012 (updated 2021).

## **Public Consultation Outcome Report**

### Background

Section 166a of the Housing Act 1996 requires local housing authorities to have a policy in place for allocating housing. The Allocation Policy must set out the Council's policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.

Spelthorne Borough Council's latest Housing Allocation Policy was last published in Spring 2018 and is due to be updated to reflect wider policy and law changes. In response to increasing demand for social housing and the existing levels of homelessness, amendments to the allocations policy are needed to ensure that it reflects current priorities, and to ensure that applicants with most acute need are prioritised. There are currently over 3,400 households on the housing register with less than 200 lets being made per annum. It is therefore likely that many of those on Spelthorne Borough Council's housing register will never move into social housing.

When changes are needed to a Housing Allocations policy, the Housing Act 1996 Section 166A (13) requires:

- (a) a copy of the draft scheme, or proposed alteration, to be sent to every private registered provider of social housing and registered social landlord with which the council has nomination arrangements, and
- (b) afford those persons a reasonable opportunity to comment on the proposals.

Furthermore, the Housing Act 1996 Section 168 (3) requires that when an authority makes an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time, take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it.

Additionally, the Local Government Association suggests that it is best practice to consult the public on major policy changes for a minimum of 6 weeks<sup>1</sup>.

Therefore, Spelthorne Borough Council held a public consultation on the revised Housing Allocations policy from Wednesday 20<sup>th</sup> April 2022 to Wednesday 1<sup>st</sup> June 2022 via the Council's consultation website (hard copies were also available to residents upon request). Respondents provided feedback through a short questionnaire which included a mixture of closed and open questions. A focus group with registered providers was held Wednesday 18<sup>th</sup> May 2022 providing an opportunity for comments and suggestions. In both instances, copies of the proposed revised policy, a summary of the main changes and a privacy notice were provided.

### How was the consultation promoted?

To ensure as many residents as possible had the opportunity to take part in the consultation, the council used a variety of communication channels. This included the publication of a press release,

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<sup>1</sup> Source: <https://www.local.gov.uk/our-support/leadership-workforce-and-communications/comms-hub-communications-support/resident>

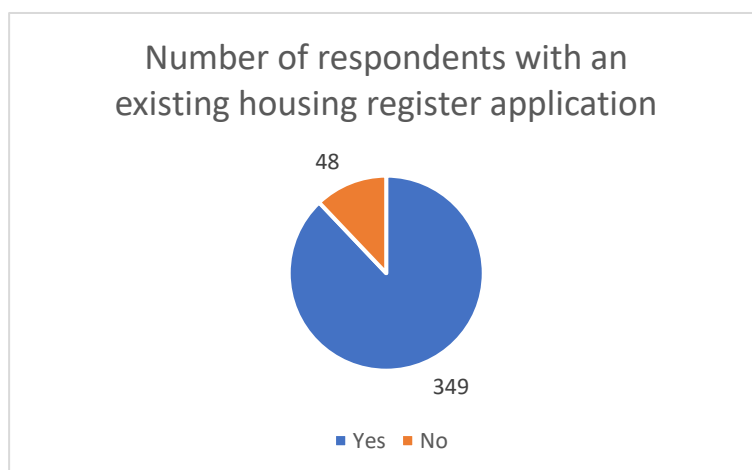
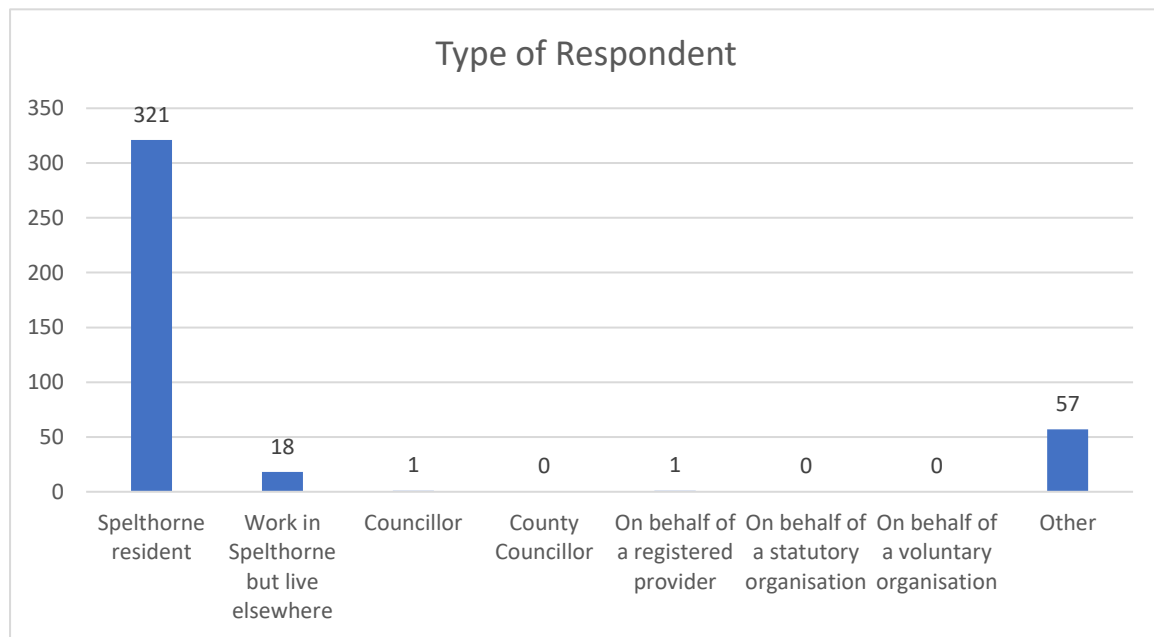
information on the news and consultation sections of the website, repeated posts on social media channels, an article in the e-newsletter, email alerts, posters on neighbourhood noticeboards and adverts on digital screens in the town centre.

To ensure those most impacted by the changes were made aware of the consultation, an article was placed on the SEARCH moves website (where housing register applicants bid for properties). A direct email was also sent to all housing register applicants to advise them of the consultation details and to invite them to respond.

All councillors were emailed advising them of the consultation details and to give them an opportunity to provide comments ahead of the public consultation. Furthermore, partners across Surrey were informed of the consultation at Spelthorne’s Homelessness Prevention Forum 29<sup>th</sup> March 2022 and advised to share with colleagues and clients.

Breakdown of responses

In total, there have been 398 responses to the public consultation. The majority have responded online with 6 responses being received via post. The majority are Spelthorne residents living across the borough and the vast majority have an existing application on the housing register. There was a mixture of respondents from various household types as demonstrated below.



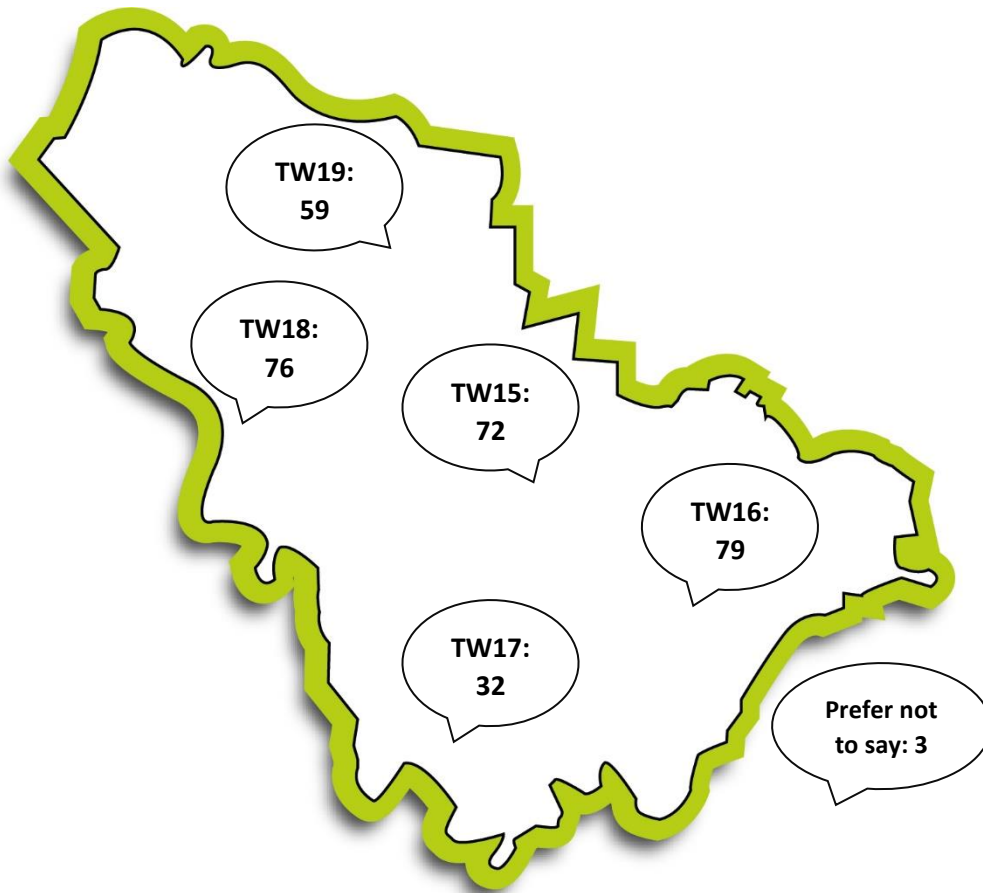
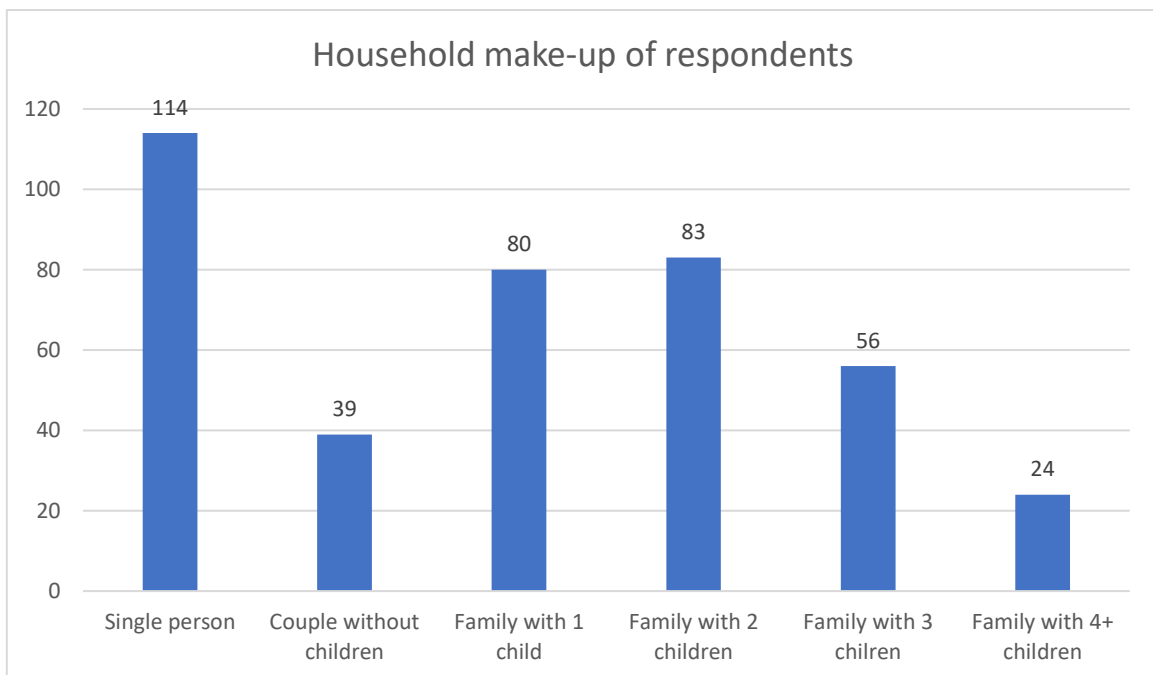
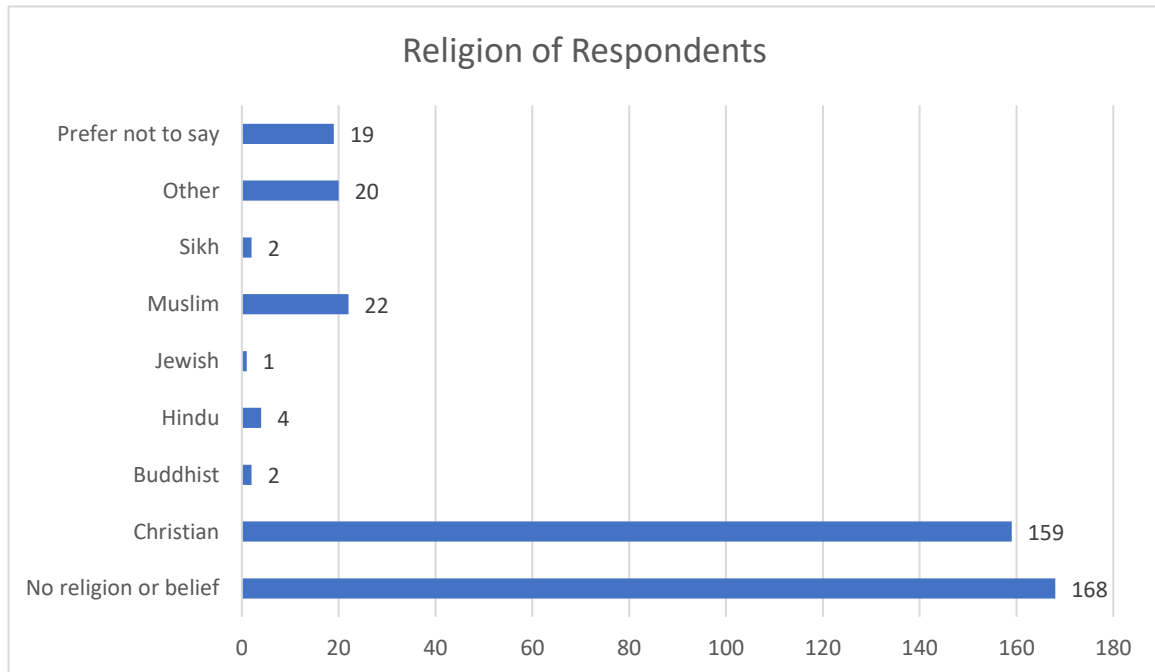
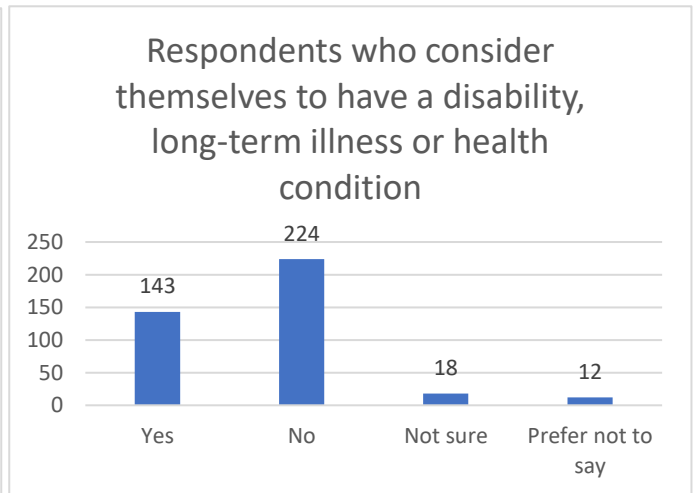
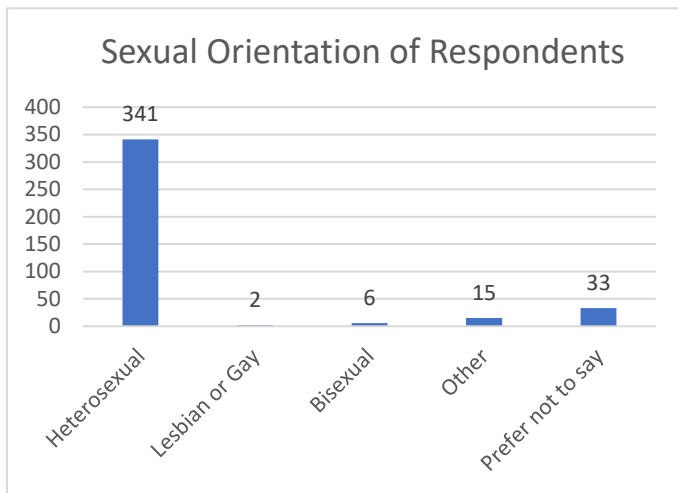
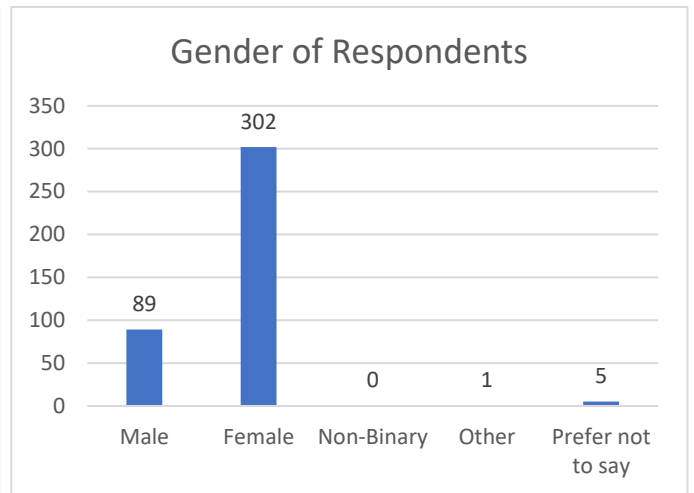
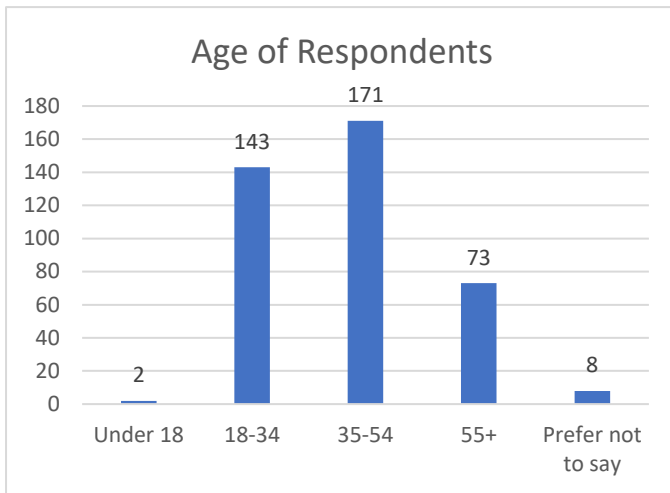


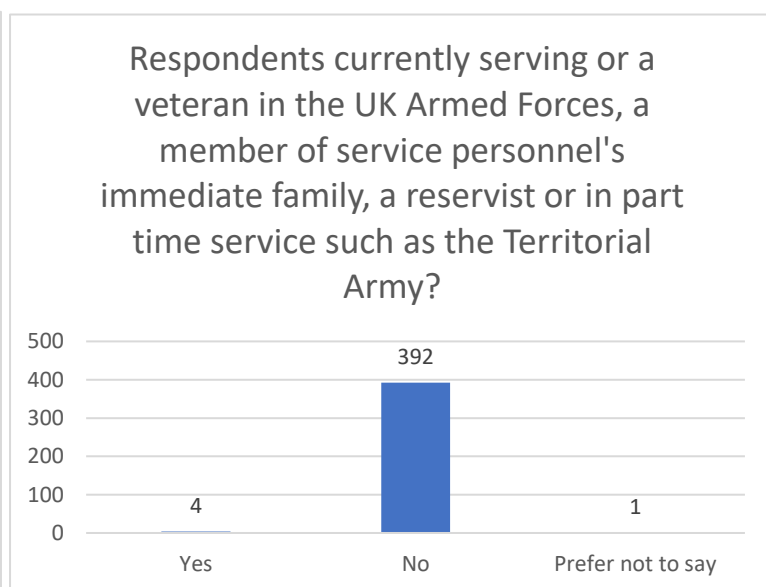
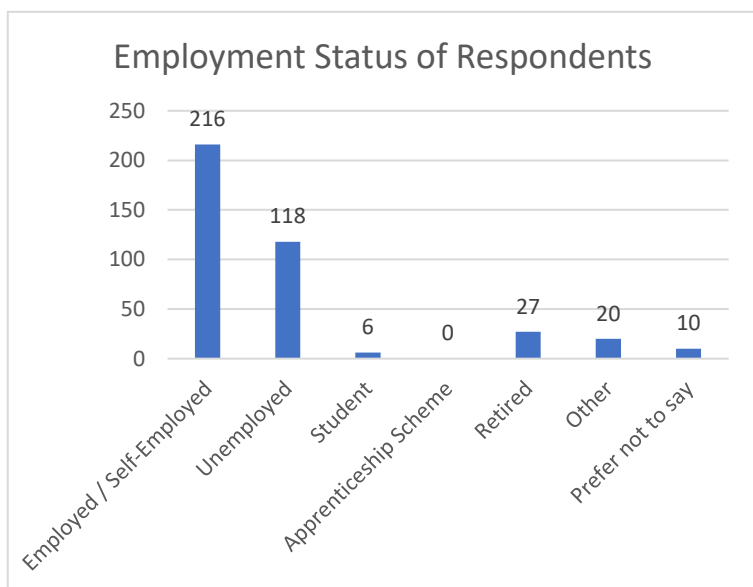
Figure 1 Respondents by postcode (where indicated as a resident)



The graphs below demonstrate the data collected for equality and monitoring purposes:



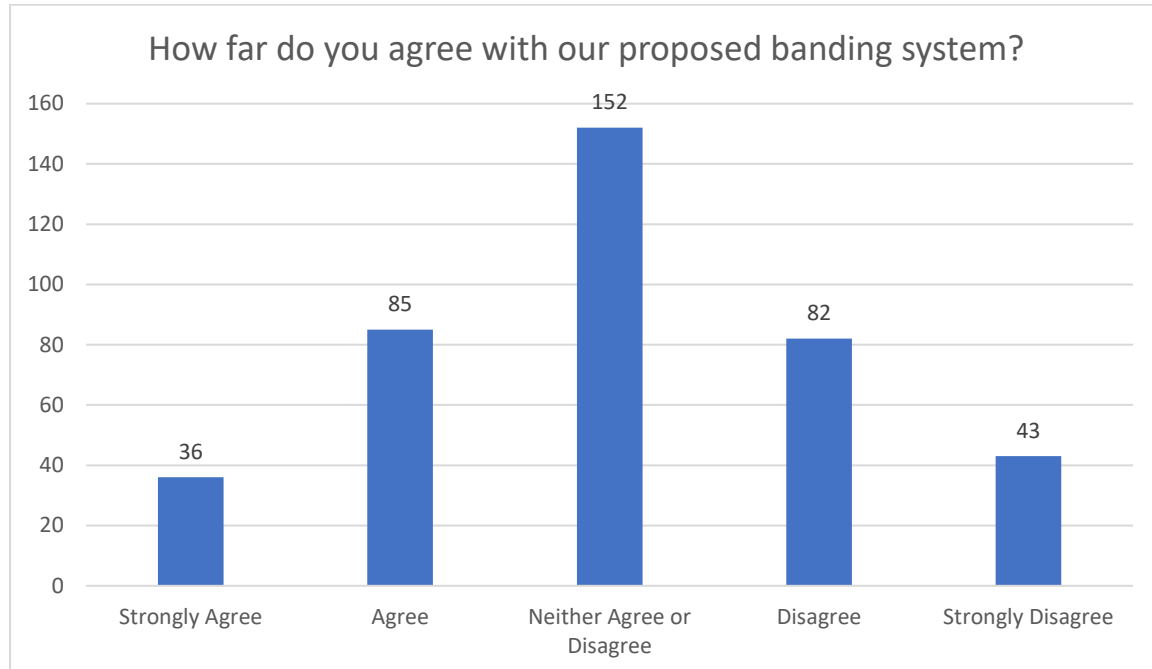
Ethnicity of Respondents		Number of Respondents
<b>White</b>		
	British	221
	English	55
	Welsh	0
	Scottish	2
	Northern Irish	1
	Irish	2
	Gypsy or Irish Traveller	0
	Other	31
<b>Asian or Asian British</b>		
	Indian	9
	Pakistani	6
	Bangladeshi	1
	Chinese	2
	Other	12
<b>Black, African, Caribbean or Black British</b>		
	African	11
	Caribbean	3
	Other	5
<b>Mixed or Multiple Ethnic Groups</b>		
	White and Black Caribbean	4
	White and Black African	5
	White and Asian	2
	Other	4
<b>Arab</b>		3
<b>Any Other Ethnic Group</b>		9
<b>Prefer Not to Say</b>		9



There were seven specific questions in relation to the policy itself. A free text box was included with each question for additional comments to be given.

Each question is broken down below with a few sample quotes to support responses.

### Question 1:



The overall response to question 1 has been fairly neutral with residents having split views about the new banding system. Comments reflected a split view on who should be prioritised more. There were some suggestions for the bandings to be A-E without a second tier in band C and some concern that amalgamation of bands would be unfair. However, the majority of comments reflected a general frustration around waiting times and lack of lets available. A sample of quotes are given below:

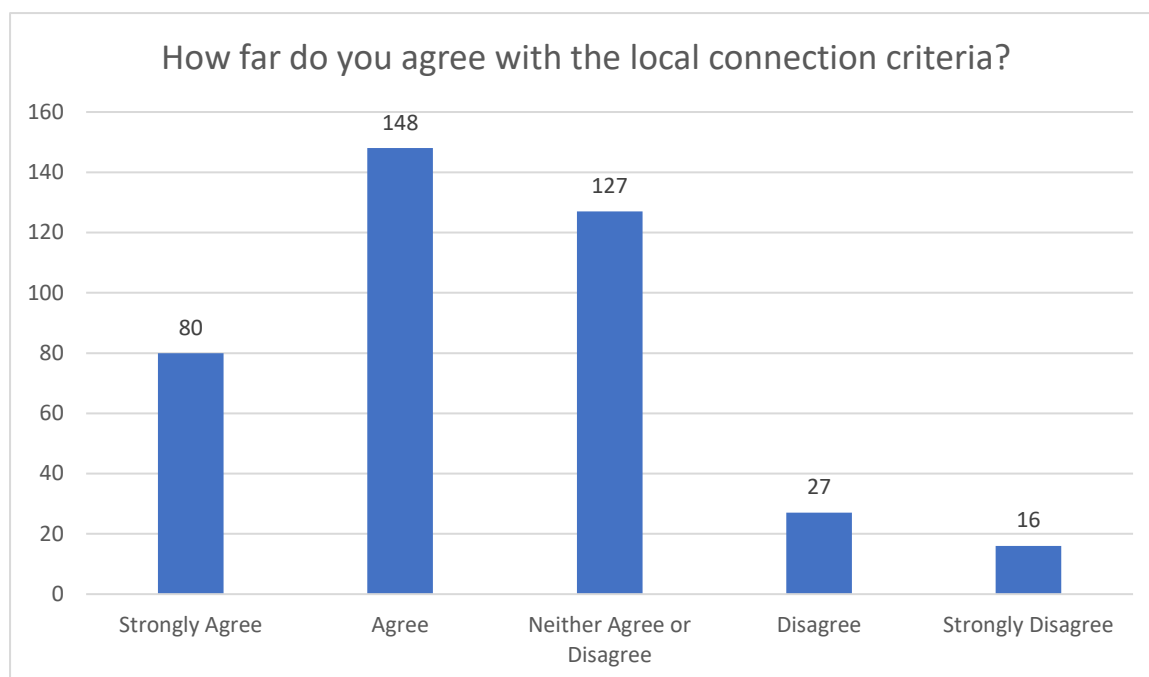
- “I think the banding should be from A to E, not A;B;C1; C2; D. To avoid doubt or confusion.”
- “It’s unfair all round if b1 and b2 are now just 'b', people will get moved up and down unfairly, more clarity and examples are needed as to how the new integration would work
- “It has been made to be fairer.”
- “It’s unfair and doesn’t work because there are still people homeless, families and single people waiting too long”.
- “Even high bands aren’t very prioritised and do take time on the housing list.”

The existing banding format is proposed due to the Council’s obligation to afford those with a reasonable preference some priority on the housing register but not as much as those who have a local connection to the borough. Therefore, there is a split level within band C to reflect this.

Amalgamating B1 with B2 and C1 with C2 is for the purposes of trying to generate more lets. Currently those in social housing can apply to go on the housing register as a ‘transfer’ case but are awarded a lower priority within the band. The Council is hoping that by amalgamating the bands, those in social housing will be able to move to a more suitable property thus freeing up accommodation for others to bid on. The priority date on applications will remain so it does not necessarily mean that those moving from a B2 to a B1 will have a longer priority date.



## Question 2:



The overall response to question 2 has been positive with more respondents choosing to agree. Comments reflected that residency should take preference for local connection. There were split views on whether family connection should be included at all. Further clarity is needed where a joint application is made between two friends and is accepted. A sample of quotes are given below:

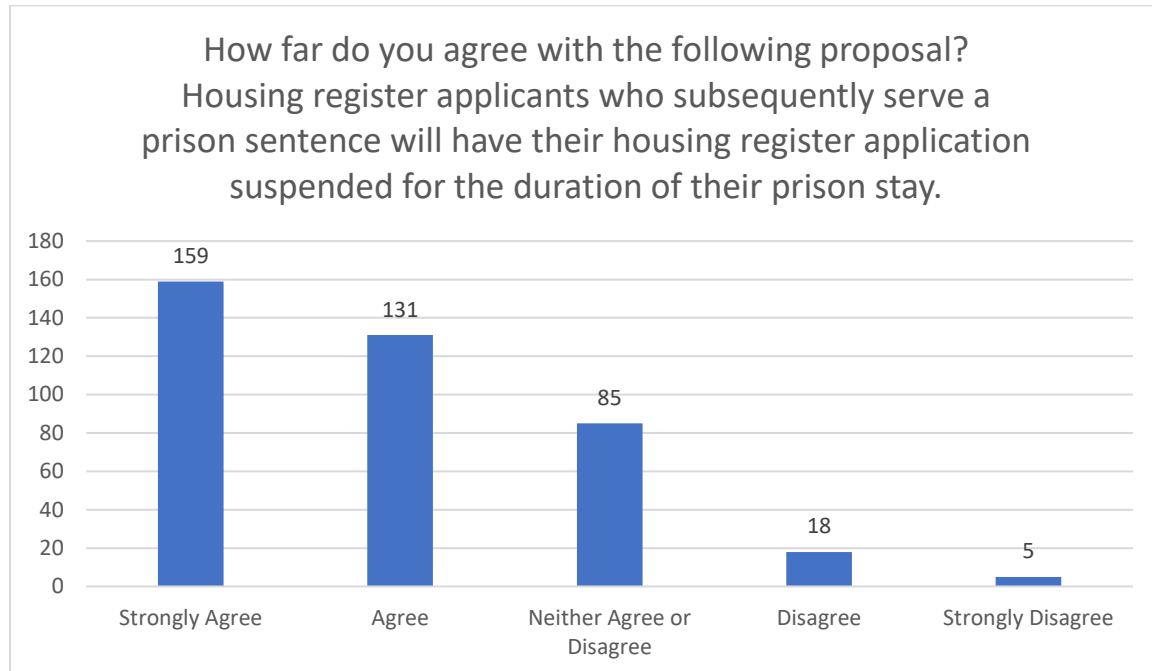
- “Just because someone has family in this area doesn't mean they should be able to move here when people in this area already need council housing.”
- “Should only be for people who already live in the area. Otherwise, the chances for us who have been residents of Spelthorne for so many years are lowered.
- “I feel that once the criteria changes, I will not be entitled to bid on houses in the area I work in as my [partner] is a carer for our [child] and I work 22 hours in Spelthorne borough not 24 so I will not be able to move closer for my work.”
- “Friends can now apply, what is the criteria for them. Each with families? Proof of friendship? Friendships break up as do families, what is the fallback position?”
- “Seems fair given the high numbers waiting on the register.”
- “Should include living near to grandchildren.”

The council has discussed the differentiation in hours for couples and single households to qualify for a local connection through employment. This change was originally proposed to be in line with the way government calculates working tax credits. However, after considering the various scenarios and purposes of having a certain number of hours for local connection, the council have decided to amend the policy to a minimum of 18 hours for both couples and single households.

Consultation feedback reflected support towards simplifying the scheme. Therefore, it would become complex to prioritise applicants further by reason for local connection. Whilst the council recognises the desire of residents to prioritise residency for local connection, it would create complications to have further tiers. Furthermore, family connection has been further defined within the new policy to reflect that family connection can now only be used in instances of unique welfare or medical reasons and not simply due to family residency in the borough.

The addition of 'friendship' when making a joint application will only be accepted in exceptional cases and is at the discretion of the council, for example, where mutual support is needed by an applicant due to a medical need; supporting evidence from professionals will be required.

Question 3:



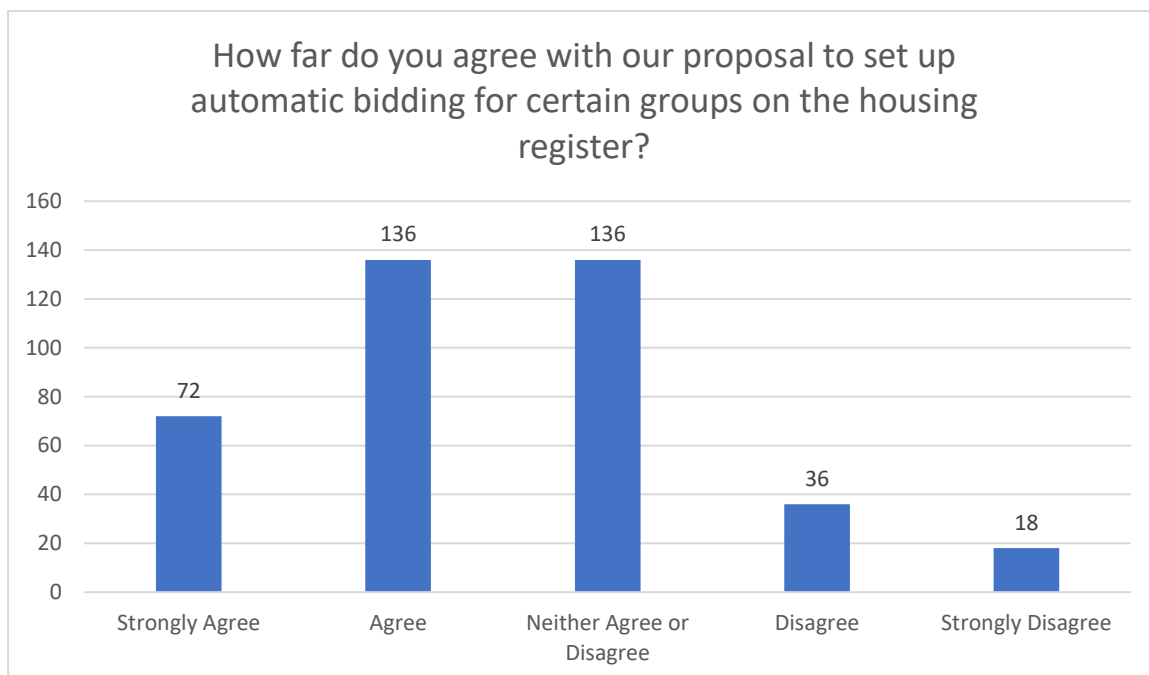
The overall response to question 3 has been positive with 73% of respondents either choosing to agree or strongly agree. Comments reflected a strong view that applicants who serve a prison sentence should have their application suspended with only a minority suggesting this should be considered on case-by-case basis. A sample of quotes are given below:

- “Depending on the time in prison should determine if they have to reapply, someone doing 6 months or more shouldn't be allowed to stay on register.”
- “Why wouldn't they, they are being housed somewhere else for a duration. Somebody else could do with that property as the housing system is at crisis point in this country.”
- “This will affect their family who was not involve in crime. But where there is no family, I agree to be taken.”
- “Shouldn't have to bid if in prison as property can go to families who needs it the most.”

The council has considered the feedback provided by residents and agree further clarity is needed where the applicant has other household members included on the application who may be adversely impacted by the suspension. In these circumstances, joint applicants can request to become the main applicant and ask for the household member to be removed.

Furthermore, although there is no specific legislation advising that we cannot remove applicants entirely, the council may be open to legal challenges, such as discrimination. Therefore, the council chose not to remove applicants when going into prison as upon release they are likely to be homeless and require housing. These are people that should not be penalised, however if it is a suspension, it is appropriate to pause their priority. There is no reasonable justification to have them removed off the register entirely.

Question 4:



The overall response to question 4 has been neutral to positive. Comments reflected support for auto-bidding for homeless households due to the sense of urgency but with some reservations about choice and suitability. There was a lack of understanding on how auto-bidding works. A sample of quotes are given below:

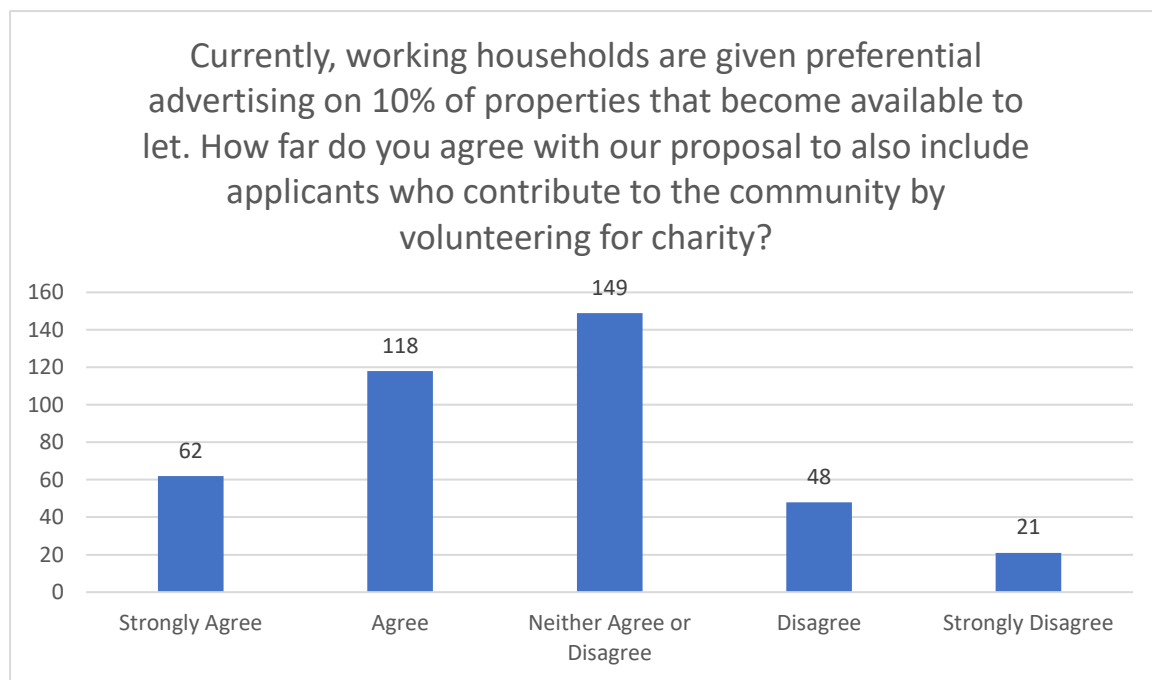
- “Some of the properties that are available to bid on aren't always appropriate for all tenants. Automatic bidding may put a family in a property that's either not affordable or not appropriate.”
- “Automatic bidding to my mind means that there is no human interaction in making such crucial decisions, which can so hugely impact lives.”
- “This will ensure that the households are given properties suitable for them and that this is done quickly. If they are homeless then they should be happy to have a roof over their head.”
- “Homeless people shouldn't have a choice on where they are given as they are in need for emergency, same with domestic abuse victims moving out the area for protection from abuser finding them.

Automatic bidding will be set-up for all homeless households. Final offers made to homeless applicants will only be made if the property is deemed suitable. Auto-bidding is voluntary for all other housing register applicants, should an applicant be unhappy with the systems auto-bid, they can make up to 2 refusals within a 12 month period<sup>2</sup>. Furthermore, auto bidding can be adjusted on the system to suit need, for example, if an applicant has mobility difficulties and requires ground floor accommodation, then the system can be adjusted to only bid on suitable properties that meet this need. Auto-bidding can be adjusted based on property type and area to ensure suitability for each applicant.

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<sup>2</sup> There are separate arrangements for those who have made a homeless application. The number of refusals allowed is dependent on the type of duty owed to the applicant.

Question 5:



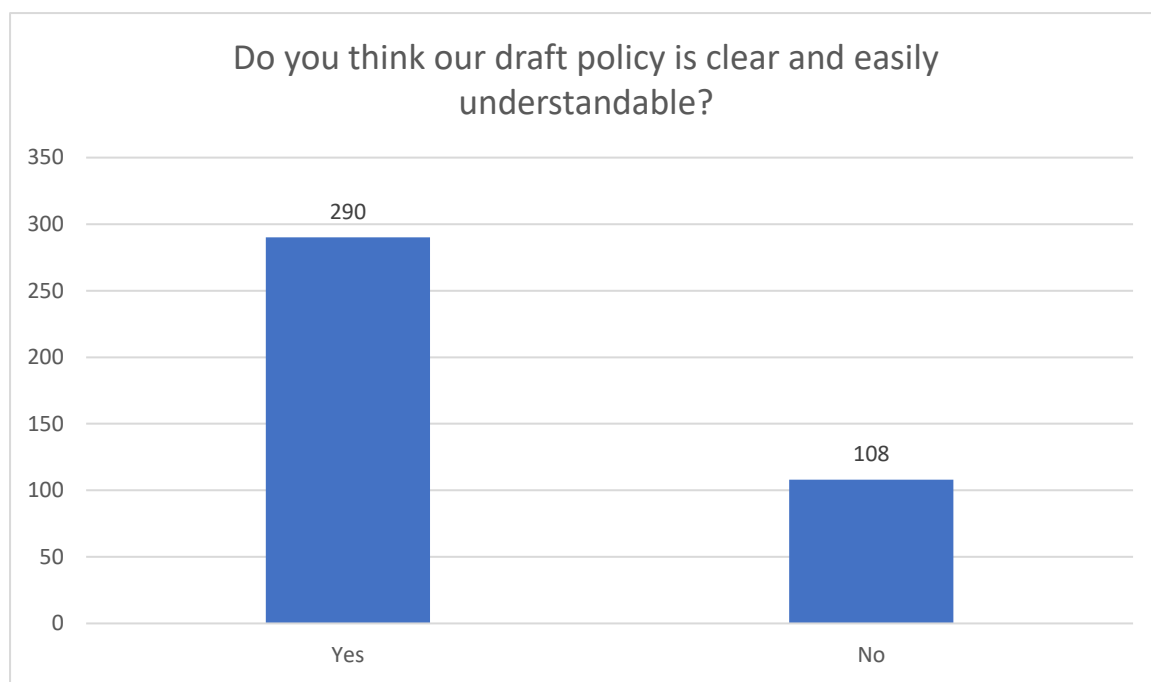
The overall response to question 5 has been neutral to positive. Comments reflected support for volunteers to be included as part of preferential advertising with some clarity needed for those who are unfit to work or volunteer. A sample of quotes are given below:

- “Working households should only be given priority for properties for workers. Changing it will open it up to people who only help for charity or community for a short period of time to obtain housing.”
- “There should be preferential advertising for those who are most at risk, this should not be based solely on working/volunteering.”
- “All applicants should have access to bid on all properties as sometimes their circumstances stop them from working and is not their fault.”
- “Strongly agree, both contribute to society.”
- “Depends on whether applicants can, callously, use their voluntary status as a tool to be included, when they would not normally volunteer for anything. Checks would need to be put in place.”
- “Volunteering work is as important, if not more, than paid workers, as people are giving their time freely so deserve preferential consideration”

To ensure no resident is discriminated against, section 3.2.2 of the draft Housing Allocations policy clarifies that where an applicant cannot reasonably make a community contribution, because they have a protected characteristic (as outlined in the Equality Act 2010), the council will consider such cases on an individual basis upon written request and use discretion to award community contribution where appropriate.

Where an applicant declares to be volunteering, this will need to be verified through supporting evidence. The applicant must volunteer for a minimum of 18 hours a week, for at least 6 out of the last 12 months, for a registered charity that provides a service to the Spelthorne community.

### Question 6:



The overall response to question 6 has been positive with approximately 73% agreeing that the policy is clear. A sample of quotes are given below:

- "I think the majority of people will be able to understand points made in this policy. However, I did struggle with understanding some of the wording used."
- "There should be an 'easy read' document for those who struggle with large text, there are many subsections which is difficult for some individuals to interpret and understand."
- "Not [easy to read] on mobile it's not."
- "Draft policy is clear. However, I think bullet points should be numbered or alphabetised so that they can be easily identified. Bullet points can lead to confusion."
- "Agreed so long as the proposer remembers that there are still many of us who have to seek help with electronic applications".

The council appreciates that some wording within the policy may be complex due to the legislative nature of it. Certain regulation needs to be included to ensure the policy is not misinterpreted. Therefore, it may not be appropriate to simplify the policy into an 'easy read' guide. However, the Housing Options team are available to support residents with questions they have on the policy and are on hand to assist with housing register applications where a suitable advocate is unavailable. There are also [help pages](#) available on the existing SEARCH moves website which will be rewritten for the new Homes4Spelthorne website. The new website will also be mobile friendly. Some of the policy bullet points have been updated with letters for ease of referencing.

### Question 7:

Question 7 was a free text box that asked respondents to share any final comments. Comments reflected a frustration with waiting times and a suggestion to improve property adverts with videos, photos, maps and more information. A sample of quotes are given below:

- "How can a couple on up to £60,000 be considered for council housing."

- “I do strongly believe that a real distinction needs to be made at every opportunity, between Housing Need and Affordable Homes. The current planning rules DO NOT support Housing Need requirements sufficiently, but SHOULD, and it should be monitored.”
- “I would request as it is not possible to view a property until after your bid has been successful that many more photos, internal and external, are added to the listings to give a better idea of size of the property and surrounding area plus a much more detailed description of the property. This may stop bids being placed on housing that would turn out to be inappropriate.”
- “We are a family of four living with a [relative]. We have always worked and just because we earn an average wage does not always necessarily mean we can afford private rent. For us private renting has always been a nightmare, never a permanent property. The cost of a mortgage of part buy part rent is ridiculous.”
- “We have been on the housing list for over 3 years and still waiting [for] that phone call/text from your office.”
- “It would be more helpful if we could bid and actually get a chance of having some option to rent properties if working.”
- “Thanks for your good service and communication.”
- “When you have been on the list for several years like I have due to private rent taking all my wages. Your system is not fair to key workers. It needs to help people more who have been waiting years for a home.”
- “Social housing is now encouraging people not to work or to separate with partners or to divorce them in order to get a house quickly. This is upsetting for those who are working and paying tax but unable to afford decent accommodation.”
- “I find the current register impossible. It’s awful. I have been bidding for over a year and have had nothing suitable offered! I’m registered disabled and have specific needs.”
- “I’ve been on the housing register for almost 4 years and I haven’t even had a chance to view somewhere.”
- “The need for housing is greater than the supply, I will always be stuck in private renting with no way out of the situation.”
- “The policy seems fair as possible given the demand for social housing and lack of homes.”

The council have increased the income threshold for both single and joint applicants due to the increased cost of living. It is also to encourage applicants to seek employment and to not adversely affect those who are working. Furthermore, comments from applicants who are employed highlighted a concern that they were at a disadvantage despite working, increasing the threshold supports those in employment and key workers who may be above the previous income threshold.

The council are exploring the technical capabilities of the new Homes4Spelthorne website to identify if property adverts can be improved. This will also rely on the registered provider who owns the property to provide imagery that can be uploaded to the system.

There is a shared understanding that many housing register applicants will not be rehoused due to great demand and lack of supply. As a result, many are waiting for long periods and are frustrated with lack of move-on options available to them. The council’s Strategic Planning team are looking at ways of increasing the number of affordable homes currently being delivered in the borough.

### Feedback from focus group with Registered Providers

All Registered Providers in Spelthorne were sent a copy of the revised Housing Allocations policy and were invited to a focus group to discuss the proposed changes.

Registered Providers who attended the focus group were broadly supportive of the refresh to the policy and agreed the register needs to be updated to identify true housing need in the area.

- Clarity was provided that joint tenancies made by friends would only be in exceptional circumstances e.g. due to a mutual support need.
- It was discussed that a separate key worker council policy is in place and that the council are looking at how to easily identify key workers from the pool of housing register applicants.
- A suggestion was made to explore technical capabilities for adding virtual property tours on property adverts placed on the new Homes4Spelthorne website.
- The group discussed auto-bidding and the issues around homeless applicants being unhappy with auto-bids and the delays caused to void turnaround times. The Housing Options team are undertaking training on how to make effective final offers and discharge the homeless duty. The group agreed there needs to be a balance between tenant choice and minimising emergency accommodation duration times.
- A2Dominion agreed to meet the council separately to discuss the impact of the policy on the existing large scale voluntary transfer arrangements.
- Suggestions were made to add wording and clarity on relationship breakdown and the consequences for those giving up social housing.
- All agreed that it is best practice to notify the council when a property is going to be vacant to allow the council sufficient time to advertise and find a suitable nominee. This in turn will minimise void times.
- There was a shared understanding that if the policy is approved by committee, then the system reconfiguration will begin which will involve a re-registration of all housing register applicants.

### Conclusion

The overall consultation response has been positive towards the proposed policy changes with a few suggestions of further improvements. In light of this, a working group of key officers have considered all the feedback received and have made several minor changes to the policy prior to committee approval. These changes include further clarification on prisoner application suspensions and adjusting employment hour thresholds for local connection as well as general formatting improvements. The Housing Options team are also exploring the technical capabilities of the new Homes4Spelthorne website to ensure it is user friendly and informative.

The number one take away message of this consultation is that whilst the public are broadly supportive of the changes proposed in the allocations policy, there is a shared frustration with the lack of affordable housing available in the borough. Housing register applicants are disappointed with waiting times rather than opposed to the policy itself. The council are aware of the lack of affordable housing available in the borough and are working to deliver 618 homes per year for the next 15 years as targeted by the government. Further details are available in the publication of Spelthorne Borough Council's emerging Local Plan.

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# Community Wellbeing & Housing Committee



Date of meeting – 14<sup>th</sup> June 2022

<b>Title</b>	Discretionary £150 Council Energy Rebate Scheme
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Stuart Wilkins Housing Benefit Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community and Service Delivery
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <p>Evaluate the following options and decide which of them Spelthorne should adopt in the administration of the discretionary energy rebate scheme. The following list is the potential categories of residents on a low income who we could approve payments for:</p> <ul style="list-style-type: none"> <li>• Council tax support claims who live in Band E to H</li> <li>• Targeted top up to disabled claimants of all bands (included ESA claimants and carers) who are in receipt of council tax support</li> <li>• Targeted top up to all council tax support claimants</li> <li>• Targeted top up to just pensioners on council tax support</li> <li>• Targeted top up to council tax support claimants in properties band A to D</li> <li>• Have the scheme open to individual applications for people who are not in receipt of council tax support</li> </ul>
<b>Reason for Recommendation</b>	Due to the financial hardship to our residents that this scheme is intended to help with; it was felt that the Committee should make the final decision on the criteria of this scheme

## 1. Key issues

- 1.1 As part of the measures introduced by central government in February to help households with the increase in energy bills; the government allocated funding to local authorities to issue payments to local residents. It was mandated that every household in council tax bands A to D would receive a

one-off payment of £150 which is being processed by the Customers Services department. Spelthorne received an allocation of £3.9 million to cover this expenditure. In addition to this local authorities were instructed to administer a discretionary scheme to issue payments to qualifying residents who did not receive an automatic payment. Spelthorne was allocated funding of £309,000 for discretionary payments.

1.2 A decision needs to be made on how this funding should be distributed

## **2. Options analysis and proposal**

2.1 As this scheme is targeted at residents who are suffering financial difficulties due to their circumstances it has been determined that we should use our existing data base records in relation to people in receipt of council tax support as the most efficient way of identifying eligible recipients. As by definition they are receiving help with their council tax liability, they are on a low income and do not have the financial ability to cope with large increases in their energy bills

### **Option 1 - Council Tax Support claims who live in Band E to H**

We have 535 claims (Band E – 424; Band F – 95; Band G – 16)

Potential payment and cost: £150 to 535 claims = £80,250

Within the limited guidance received from central government (see appendix A - point 37) this is the one area of residents that there is an expectation to receive a discretionary payment of £150. Officers therefore recommend that this option should be part of the approved package.

Under the guidance received, authorities are also allowed to make targeted top up payments to residents who have qualified for the automatic payment. The following options 2 to 5 list potential groups of residents who we could issue extra payments too.

### **Option 2 - Targeted top up to council tax support claimants in property band A to D**

We currently have 3,891 claims

Potential payment and cost: £55 top up to 3,891 claims = £214,005

This would be a quick and efficient method of making sure we spend the vast majority of our budget allocation within the time constraints, and it being sent to the people who are in need of it as they are already in receipt of assistance with their council tax liability

### **Option 3 - Targeted top up to pensioners who are in receipt of council tax support**

We currently have 1,602 claims

Potential payment and cost: £50 top up to 1602 claims = £80,100

We can action this targeted top up however pensioners are scheduled to receive a higher level of help through the second phase of the Household Support Fund on the instructions of Surrey County Council working within the parameters set by central government.

#### **Option 4 - Targeted top up to disabled claimants of all bands (included ESA claimants and carers)**

We have a total of 2,067 claims who receive council tax support in this category (Pensioners – 452 claims / Working Age – 1,615 claims)

Potential payment and cost: £50 top up to all 2,067 claims = £103,350

This option would potentially help households who have higher energy costs due to their medical condition

#### **Option 5 - Targeted top up to all claimants who receive Council Tax Support**

We have 4,426 claims (pensioners – 1,602 / working age 2,824)

Potential payment and cost: £45 top up to 4,426 claims = £199,170

This option would help all claimants on our records, but we would only be able to issue a smaller payment to ensure we do not overspend our government funding allocation

#### **Option 6 – Allow applications from any individual resident who has either not received a payment under the above approved options or wishes to make an additional claim on the fund**

Although this could be an option if we accept these applications unfortunately, we do not know how many applications we will receive but we would also have to devise a set of criteria to assess each claim. For example, the claimant would have to receive any income based DWP benefit or set capital limits (e.g., limit of £6,000).

Any criteria that are set will still mean that there will be some cut off where potential claimants will not qualify for the energy payment

- 2.2 All of the above options have merits, but we do have to factor in the time constraints with this scheme and the need to try and distribute all of our funding allocation.
- 2.3 The suggested payment amounts in the targeted top up payment options can be adjusted if it is felt that the amounts should be different
- 2.4 On the basis of the guidance received we would need to complete option 1 and pay council tax support claimants in band E and above.
- 2.5 In addition to this we propose the approval of option 2 so that all the funding can be distributed promptly and successfully

### **3. Financial implications**

- 3.1 Spelthorne's budget for this scheme is £309,000

- 3.2 Any expenditure over this budget figure would have to be met by the local authority.
- 3.3 There is no expectation from central government for the authority to spend more than its allocated budget
- 3.4 Local authorities are not receiving any administration funding for this scheme, so it is important to make the scheme as simple as possible to reduce the expense of running this scheme

**4. Other considerations**

- 4.1 All funding needs to be allocated to residents by the 30<sup>th</sup> November 2022, so the scheme needs to be completed promptly

**5. Equality and Diversity**

- 5.1 All options are solely based on the financial situation of the claimant

**6. Sustainability/Climate Change Implications**

- 6.1 This scheme will help residents in financial difficulty

**7. Timetable for implementation**

- 7.1 Once a criteria for the scheme is decided then letters will be sent to residents who we have identified as qualifying for a discretionary payment and all payments will be issued well before the 30<sup>th</sup> November 2022 which is the Government deadline

**Background papers: There are none.**

**Appendices:**

**Appendix A - Central government Energy Support Guidance**

1. Home (<https://www.gov.uk/>)
  2. Regional and local government (<https://www.gov.uk/regional-and-local-government>)
  3. Local government (<https://www.gov.uk/regional-and-local-government/local-government>)
  4. Council Tax (<https://www.gov.uk/regional-and-local-government/local-government-council-tax>)
  5. The council tax rebate 2022-23 – billing authority guidance (<https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance>)
- Department for Levelling Up, Housing & Communities (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>)

## Guidance

# Support for energy bills - the council tax rebate 2022-23: billing authority guidance

Updated 16 March 2022

## Contents

Introduction  
The Council Tax Rebate  
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The Discretionary Fund  
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New burdens  
Annex A: allocations



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1. This guidance is issued by the Secretary of State for Levelling Up, Housing and Communities to billing authorities in England. It is intended to support billing authorities in administering the Council Tax Rebate and associated Discretionary Fund for households, announced on 3 February as part of a package of support for rising energy costs.
2. This guidance applies to England only. The devolved administrations will receive around £576 million corresponding funding through the Barnett formula, which will enable them to provide similar support.
3. Any enquiries about this document or administration of the Rebate should be addressed to: [Council.tax@levellingup.gov.uk](mailto:Council.tax@levellingup.gov.uk).

## Introduction

4. The government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, worth £9.1 billion in 2022-23. This includes:
  - A £200 discount on their energy bill this autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years.
  - A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.
  - £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.
5. This guidance covers the operation and delivery of the Council Tax Rebate and Discretionary Fund. The Department for Business, Energy and Industrial Strategy will separately set out details on the energy bill discount scheme in a consultation in the spring.
6. Funding will be paid to billing authorities in March 2022. Funding for the Council Tax Rebate will be based on the number of eligible properties recorded in the [2021 council tax base statistics](https://www.gov.uk/government/statistics/council-taxbase-2021-in-england) (<https://www.gov.uk/government/statistics/council-taxbase-2021-in-england>). For eligible classes of exemption, allocations assume that the band distribution matches that across all exemption classes, in the absence of a breakdown by property band for each individual exemption class. Allocations are at [Annex A](#).
7. Funding paid to billing authorities for the Council Tax Rebate is to be passed on directly as one-off £150 grants to households that are eligible under the terms set out in paragraphs 10 to 18. All Council Tax Rebate grants should be paid as soon as possible from April. Later in 2022, the government will run a reconciliation exercise against actual expenditure under these terms, as certified by Chief Financial Officers. All payments within scope of the reconciliation process will need to have been made by 30 September 2022. Any over-funding of grant to billing authorities will be required to be paid back to government and any under-funding will be settled with billing authorities following the reconciliation.
8. Funding for the Discretionary Fund will be allocated to billing authorities as set out at [Annex A](#). Allocations have been calculated based on the index of multiple deprivation and estimated number of local council tax support claimants in bands E to H. A full methodology note is published alongside this guidance.
9. Funding paid to billing authorities for the Discretionary Fund is to be passed on directly as one-off grants to households that the billing authority chooses to support, having considered the guidance at paragraphs 36 to 40. Any unspent funding by 30 November 2022 will be required to be repaid to government and in the event of an overspend, no additional funding will be provided.

## The Council Tax Rebate

### Eligibility

10. The government recognises that many households will need support to deal with the rising cost of household bills in 2022-23, driven by increasing energy bills. While these rising costs will affect most households across the country, they are more likely to disproportionately affect those on lower incomes, who tend to spend a higher proportion of their income on utility bills.

11. To provide some immediate relief for these rising costs, while targeting those most likely to require support, the government expects billing authorities to provide a £150 one-off payment to a liable council tax payer (or an occupant where the property is exempt) where they occupy a property which meets all of the following criteria on 1 April 2022<sup>[footnote 1]</sup>:

- i. It is valued in council tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme;
- ii. It is someone's sole or main residence;
- iii. It is a chargeable dwelling, or in exemption classes N, S, U or W\*

\*The Ministry of Defence will be in touch with residents of armed forces accommodation that is exempt under class O about corresponding cost of living support.

12. This means that:

- Where the council is aware that the liable council tax payer for a chargeable dwelling does not occupy the property (for example in a House in Multiple Occupation or residential care home), no-one will be eligible for the rebate in relation to that property. Councils might consider supporting occupants in these circumstances through their discretionary fund.
- Where a property is in exemption classes N (other than HMOs for council tax purposes), S, U or W and the council is able to contact an occupant, the occupant **will** be eligible for support.
- A property that meets all the criteria, but has a nil council tax liability as a result of local council tax support, **will** be eligible.
- A property that has no permanent resident and is someone's second home **will not** be eligible.
- An unoccupied property (for the purposes of calculating council tax) **will not** be eligible.

13. For the purpose of the Council Tax Rebate, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

14. Eligibility should be determined based on the position at the end of the day on 1 April 2022<sup>[footnote 2]</sup>. Where a council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, they should withhold the payment and take reasonable steps to determine the correct information.

15. Where records relating to the liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 are retrospectively updated, councils should take reasonable steps to pay or clawback payments.



16. Where the property band recorded on a valuation list is amended retrospectively to 1 April 2022, for example as a result of a successful appeal made to the Valuation Office Agency ('VOA') that concluded after this date, councils are not required to pay or clawback payments. The exception is where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility should be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022.

17. Where a review, proposal or appeal pre-dating the announcement on 3 February 2022 is successful after 1 April 2022 and as a result, a property would have been eligible for the rebate, councils may wish to provide support using their Discretionary Fund.

18. It is for a billing authority to determine eligibility for the fund, with reference to this guidance and (in the case of the discretionary scheme), their published eligibility criteria. The government does not have a role in the case of disputes, which should be resolved through a billing authority's usual complaints processes. Any disputes about council tax banding should be resolved through the Valuation Office Agency's usual process for reviews, proposals and appeals.

## **Making payments**

19. Payments should be provided directly from billing authorities to eligible households. Only one £150 payment should be made under the core Council Tax Rebate per household, regardless of the number of occupants or liable council taxpayers.

## **Where a council holds live direct debit instructions for a liable council tax payer of an eligible household**

20. Where a council holds live direct debit instructions for a liable council taxpayer of an eligible household, they should make an automatic payment as early as possible in the 2022-23 financial year, provided that they are assured that the household is eligible and the bank details have been verified. Where multiple residents of an eligible household are jointly and severally liable for council tax, and a council holds live direct debit instructions for that household, the full £150 payment should be made to the direct debit account. Councils should, as far as possible, exclude any direct debits from automated payments (and follow the steps from paragraph 23 onwards) where the name on the bank details does not match a liable party.

21. Councils should make clear to recipients that the grant is being provided on the assumption that they were a liable council tax payer (or would have been if the property were not exempt) and that the property met the criteria set out at paragraph 11 on 1 April 2022. They should set out that, if this is not the case, the grant may be liable for recovery. They should also make clear that the grant is being provided to support all residents of the household.

22. Councils may wish to take additional steps before payment to prevent erroneous payments and the need for clawback. These may include waiting to make payment until after the first direct debit council tax payment for 2022-23 has been taken on the given live instruction, or asking taxpayers to self-certify that they meet the eligibility criteria. Councils should be aware of the risk of mandate fraud and may want to exercise particular caution where direct debit details have been changed or newly provided since the scheme was announced on 3 February 2022.

## **Where a council does not hold live direct debit instructions for an eligible household**

23. Where a council does not hold live direct debit instructions for an eligible household, the government expects them to make all reasonable efforts to contact the household as early as possible to make them aware of the scheme and invite them to make a claim.

24. Councils can determine an appropriate claims method locally, considering the software solutions available to them, but should include an option for residents who are digitally excluded, for example assisted applications by phone. Payment methods other than BACS are acceptable, but all payments within scope of the reconciliation process should be made by 30 September 2022. As part of the claims process, councils can choose whether to offer £150 credit to an eligible household's council tax account as a payment option.

25. Councils should ask the claimant to self-certify that they are (or would be in the case of exempt property) a liable taxpayer, that they meet the eligibility criteria at paragraph 11, and that are claiming on behalf of the household. In doing so, councils can refer taxpayers to their powers under section 3(1)(c) of the Council Tax (Administration and Enforcement) Regulations 1992 to request information for the purposes of identifying the liable taxpayer.

26. Councils should include information on how households can contact them if they have any doubt that it is the council making contact. The government will not tolerate any council tax payer falsifying their records or providing false evidence to gain access to the Council Tax Rebate or Discretionary Fund. A ratepayer who provides false information or makes false representation in order to benefit from the Council Tax Rebate or Discretionary Fund may be guilty of fraud under the Fraud Act 2006. Councils may wish to alert claimants to this as part of the claims process.

27. Councils will be required to undertake pre-payment checks prior to payment of any grant which is not awarded to a live direct debit holder. These should allow them to:

- a) Satisfy themselves that the person who is applying is entitled to payment; and
- b) Satisfy themselves that payment details provided (if applicable) belong to an entitled person and relate to the relevant address<sup>[footnote 3]</sup>

28. Councils should retain a record of:

- i) all evidence provided as part of claims, and
- ii) all pre-payment checks undertaken

29. To assist the pre-payment checks discussed in paragraph 28 above, the government will make available Spotlight, its due diligence risking tool. The fees incurred to use Spotlight for checks carried out for the Council Tax Rebate and Discretionary Fund will be covered by the government, and not be councils themselves. Spotlight can assist with the pre-payment checks listed above with its bank account verification function, which allows councils to confirm the name and address of a payee against the bank details provided. It can also check for instances of multiple applications being made with the same bank account. Workshops will be made available to explain how to use the toolkit and understand the results. The use of Spotlight or an equivalent tool to support pre-award due diligence is required, and evidence of checks undertaken needs to be retained by councils for audit purposes. Councils should hold a record of any instances of attempted or successful fraud, either uncovered by Spotlight (or an equivalent tool), or other processes such as via tip-offs.

## Council tax billing and communication

30. Councils are required to ensure that households are provided with clear and timely information about the Council Tax Rebate.

31. The Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022 came into force on 12 February 2022. The regulations require the following explanatory sentence to be included in council tax demand notices (bills) issued to households in

respect of 1 April 2022: “The Government is providing a £150 one-off Energy Bills Rebate for most households in council tax bands A-D”.

32. The regulations do not prevent councils from including the prescribed text in bills issued to households in bands E to H, or in bills which do not relate to 1 April 2022 – for example because a person’s council tax liability for a dwelling begins on or after 2 April 2022.

33. Alongside this guidance the government is providing an information pamphlet about the terms and implementation of the Council Tax Rebate. It is a condition of the grant provided to administer the rebate that councils must send the pamphlet to all dwellings shown on the valuation list in bands A to D. Where administratively preferable it may also be issued to other households.

34. Whenever possible, the pamphlet should be issued in hard copy alongside the council tax demand notice, unless the council and household have an electronic billing arrangement in place. Where an electronic billing arrangement is in place, councils can attach an electronic copy of the leaflet or, where not possible, include a prominently signposted link to a digital version.

35. If the pamphlet cannot be issued with the demand notice it should be sent out in hard copy as soon as possible afterwards, and no later than 28 March 2022. Councils must issue the pamphlet in the format provided but may do so in either A4 or A5 size. They may also print the pamphlet in black and white where this is essential to enable it to be issued alongside the demand notice. If absolutely necessary, councils can add short additional explanatory text to the pamphlet to aid taxpayer understanding of local handling arrangements provided this does not alter the leaflet format or any of its content.

## The Discretionary Fund

36. The government recognises that billing authorities may also wish to provide support to other energy bill payers who are not eligible under the terms of the core scheme, or to provide carefully targeted ‘top-up’ payments to the most vulnerable households in bands A to D. It will therefore provide every billing authority with a share of a £144 million Discretionary Fund, as per the allocations at [Annex A](#).

37. Councils can determine locally how best to make use of this funding to support those suffering financial hardship as a result of the rising cost of living. This could include households living in property valued in bands E to H that are on income related benefits or those where the energy bills payers are not liable for council tax. Where councils consider it the best means of supporting those in financial difficulty, they can use the discretionary fund to offer carefully targeted ‘top-up’ payments to the most vulnerable households in bands A to D (for example, those on means tested benefits), or to offer discretionary support exceeding £150 per household. Occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households. Discretionary support should not be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support. Support from the Discretionary Fund does not have to be provided in relation to the position on 1 April 2022.

38. Once determined (and approved where considered appropriate by elected members), councils should publish their agreed guidelines setting out the eligibility criteria for their Discretionary Fund.

39. Councils should undertake pre-payment checks similar to those described at paragraphs 23 to 29 before providing support from the Discretionary Fund.

40. Allocations from the discretionary fund should be spent by 30 November 2022. Any remaining funding will be required to be repaid to government.

## Impact of payments

41. To ensure that households already receiving council tax support receive the full benefit of the rebate scheme, the Secretary of State made the Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022 which came into force on 12 February 2022. The Regulations require that from 1 April 2022 all local council tax support schemes (including those for persons of working and pension age) must disregard scheme payments in determining a person's eligibility for a council tax reduction and the amount of any such reduction. Where a council has already determined its local council tax support scheme for 2022-23, it will need to revise it by the statutory deadline of 11 March 2022, taking a proportionate approach to the local consultation requirements set out at paragraph 3(1) of Schedule 1A of the Local Government Finance Act 1992.

42. All payments made under the Council Tax Rebate or Discretionary Fund are to be treated as local welfare provision and therefore will not be taken into account in the calculation of income related benefits. For Universal Credit, the Department of Work and Pensions will legislate to ensure payments are disregarded. DWP will write separately to councils to confirm this approach.

43. All payments made under the Council Tax Rebate or Discretionary Fund are non-taxable. Recipients do not need to inform HMRC of the amounts received and those who are self-employed do not need to report the amounts on their Self Assessment tax returns. As these payments are non-taxable they do not impact tax credits. Tax credits claimants do not need to report these payments as income to HMRC.

## Monitoring and reporting requirements

44. Local authorities should maintain a record of expenditure under the Council Tax Rebate and Discretionary Fund, through all payment methods. The Department for Levelling Up, Housing and Communities will undertake a monthly DELTA collection exercise to monitor implementation progress. Councils should therefore ensure they put in place arrangements to support this data collection process. In particular, councils should ensure that they are able to monitor and report on expenditure and numbers of benefiting households (both from the Rebate Scheme and Discretionary Fund) at Parliamentary constituency level and local authority level.

## New burdens

45. The government recognises that the implementation of this policy will place an additional burden on local authorities. In accordance with the New Burdens doctrine the government will conduct an assessment of the expected reasonable additional costs associated with the implementation of the policy, working closely with local government in doing so.

## Annex A: allocations

Local Authority	Discretionary Fund (£)	Non-Discretionary Fund (£)	Total Fund (£)
England	144,000,000	2,925,444,900	3,069,444,900
Adur	103,350	3,754,500	3,857,850
Allerdale	181,050	6,094,950	6,276,000
Amber Valley	206,250	7,573,050	7,779,300
Arun	373,350	8,238,150	8,611,500

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Ashfield	256,050	8,003,250	8,259,300
Ashford	327,000	5,909,550	6,236,550
Babergh	142,350	4,816,950	4,959,300
Barking and Dagenham	560,400	11,065,650	11,626,050
Barnet	2,856,300	11,726,850	14,583,150
Barnsley	562,200	15,803,700	16,365,900
Barrow-in-Furness	162,000	4,629,900	4,791,900
Basildon	475,500	9,508,050	9,983,550
Basingstoke and Deane	272,550	8,435,400	8,707,950
Bassetlaw	216,000	7,086,300	7,302,300
Bath and North East Somerset	278,400	9,125,700	9,404,100
Bedford UA	342,300	8,876,700	9,219,000
Bexley	667,200	10,952,100	11,619,300
Birmingham	3,606,300	60,410,700	64,017,000
Blaby	119,850	5,477,850	5,597,700
Blackburn with Darwen UA	427,650	8,442,750	8,870,400
Blackpool UA	524,850	9,872,850	10,397,700
Bolsover	157,200	5,170,350	5,327,550
Bolton	705,150	16,918,950	17,624,100
Boston	119,250	4,389,000	4,508,250
Bournemouth, Christchurch and Poole	816,000	21,227,250	22,043,250
Bracknell Forest UA	184,650	5,305,200	5,489,850
Bradford	1,503,600	28,276,200	29,779,800
Braintree	229,200	7,667,850	7,897,050

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Breckland	240,900	8,088,150	8,329,050
Brent	1,933,800	13,748,100	15,681,900
Brentwood	206,100	2,758,950	2,965,050
Brighton and Hove	594,450	15,896,700	16,491,150
Bristol	961,200	27,202,350	28,163,550
Broadland	151,200	7,565,700	7,716,900
Bromley	1,015,950	11,461,350	12,477,300
Bromsgrove	163,800	4,159,050	4,322,850
Broxbourne	346,800	4,198,650	4,545,450
Broxtowe	148,650	6,800,400	6,949,050
Buckinghamshire UA	1,211,400	18,819,600	20,031,000
Burnley	263,100	5,806,950	6,070,050
Bury	393,750	11,017,800	11,411,550
Calderdale	469,050	12,498,600	12,967,650
Cambridge	245,850	6,239,250	6,485,100
Camden	2,420,100	8,337,000	10,757,100
Cannock Chase	162,300	6,193,200	6,355,500
Canterbury	313,950	7,801,500	8,115,450
Carlisle	199,200	7,083,000	7,282,200
Castle Point	178,950	4,683,750	4,862,700
Central Bedfordshire UA	429,450	13,790,100	14,219,550
Charnwood	231,300	9,444,000	9,675,300
Chelmsford	263,850	8,315,100	8,578,950
Cheltenham	162,450	6,691,350	6,853,800

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Cherwell	235,800	7,687,650	7,923,450
Cheshire East UA	661,050	19,190,550	19,851,600
Cheshire West and Chester UA	623,850	18,471,300	19,095,150
Chesterfield	204,300	6,900,750	7,105,050
Chichester	274,650	5,110,650	5,385,300
Chorley	181,200	6,389,100	6,570,300
City of London	30,300	213,450	243,750
Colchester	313,800	9,777,600	10,091,400
Copeland	140,400	4,451,250	4,591,650
Cornwall UA	1,239,450	33,408,450	34,647,900
Cotswold	152,850	3,913,950	4,066,800
Coventry	737,850	20,019,900	20,757,750
Craven	92,100	2,999,550	3,091,650
Crawley	201,750	5,891,250	6,093,000
Croydon	1,616,550	17,466,000	19,082,550
Dacorum	289,350	6,611,100	6,900,450
Darlington UA	233,700	6,824,550	7,058,250
Dartford	266,850	5,422,200	5,689,050
Derby UA	516,600	15,273,900	15,790,500
Derbyshire Dales	130,800	3,398,250	3,529,050
Doncaster	724,350	19,329,000	20,053,350
Dorset UA	877,800	18,379,050	19,256,850
Dover	244,500	6,487,050	6,731,550
Dudley	639,900	19,027,500	19,667,400

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Durham UA	1,161,900	33,668,400	34,830,300
Ealing	1,866,300	14,633,400	16,499,700
East Cambridgeshire	113,700	4,502,100	4,615,800
East Devon	269,850	7,116,750	7,386,600
East Hampshire	177,900	4,887,750	5,065,650
East Hertfordshire	244,500	5,757,600	6,002,100
East Lindsey	342,000	9,212,550	9,554,550
East Riding of Yorkshire UA	539,250	19,204,950	19,744,200
East Staffordshire	208,800	6,570,300	6,779,100
East Suffolk	441,450	14,162,400	14,603,850
Eastbourne	232,500	5,941,800	6,174,300
Eastleigh	132,600	6,926,400	7,059,000
Eden	101,550	3,053,250	3,154,800
Elmbridge	381,150	3,507,300	3,888,450
Enfield	2,279,250	12,839,850	15,119,100
Epping Forest	377,550	4,795,050	5,172,600
Epsom and Ewell	188,250	2,323,950	2,512,200
Erewash	184,950	7,120,500	7,305,450
Exeter	188,700	7,426,800	7,615,500
Fareham	122,400	5,367,000	5,489,400
Fenland	217,500	6,329,400	6,546,900
Folkestone and Hythe	302,100	5,990,550	6,292,650
Forest of Dean	167,400	4,564,950	4,732,350
Fylde	181,350	4,320,750	4,502,100



<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Gateshead	447,750	13,116,900	13,564,650
Gedling	172,800	6,884,700	7,057,500
Gloucester	235,950	7,818,450	8,054,400
Gosport	142,950	4,844,250	4,987,200
Gravesham	249,150	5,297,100	5,546,250
Great Yarmouth	265,350	6,385,500	6,650,850
Greenwich	891,750	15,111,600	16,003,350
Guildford	235,500	4,789,050	5,024,550
Hackney	1,931,400	14,377,950	16,309,350
Halton UA	348,000	7,825,200	8,173,200
Hambleton	153,450	4,174,350	4,327,800
Hammersmith and Fulham	1,614,000	7,180,950	8,794,950
Harborough	106,800	4,149,300	4,256,100
Haringey	1,464,750	13,125,900	14,590,650
Harlow	202,500	5,107,950	5,310,450
Harrogate	253,350	7,323,900	7,577,250
Harrow	1,262,550	8,167,050	9,429,600
Hart	146,400	3,168,600	3,315,000
Hartlepool UA	269,250	5,937,900	6,207,150
Hastings	258,750	5,791,200	6,049,950
Havant	259,050	6,925,650	7,184,700
Havering	684,900	12,007,950	12,692,850
Herefordshire UA	481,350	9,410,850	9,892,200
Hertsmere	340,500	3,745,200	4,085,700

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
High Peak	150,600	5,199,300	5,349,900
Hillingdon	1,120,350	11,854,650	12,975,000
Hinckley and Bosworth	143,100	6,354,600	6,497,700
Horsham	251,100	5,384,850	5,635,950
Hounslow	1,266,300	11,550,150	12,816,450
Huntingdonshire	211,350	9,276,750	9,488,100
Hyndburn	215,250	5,227,200	5,442,450
Ipswich	274,350	8,450,250	8,724,600
Isle of Wight UA	331,650	8,540,250	8,871,900
Isles of Scilly	17,550	53,250	70,800
Islington	2,465,100	10,604,700	13,069,800
Kensington and Chelsea	2,018,850	3,832,500	5,851,350
King's Lynn and West Norfolk	319,800	9,015,150	9,334,950
Kingston upon Hull UA	769,200	17,593,650	18,362,850
Kingston upon Thames	687,600	5,665,950	6,353,550
Kirklees	964,800	24,670,650	25,635,450
Knowsley	497,550	9,905,250	10,402,800
Lambeth	1,525,500	16,417,200	17,942,700
Lancaster	299,700	8,408,550	8,708,250
Leeds	1,795,200	46,264,650	48,059,850
Leicester UA	836,250	19,602,000	20,438,250
Lewes	222,150	4,987,650	5,209,800
Lewisham	890,550	17,269,650	18,160,200
Lichfield	140,700	5,148,600	5,289,300

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Lincoln	196,950	6,103,200	6,300,150
Liverpool	1,612,500	32,305,050	33,917,550
Luton UA	457,950	11,446,050	11,904,000
Maidstone	396,300	7,861,050	8,257,350
Maldon	132,000	2,914,800	3,046,800
Malvern Hills	152,850	3,661,050	3,813,900
Manchester	1,626,150	32,448,150	34,074,300
Mansfield	229,800	7,059,000	7,288,800
Medway UA	604,350	14,907,600	15,511,950
Melton	73,050	2,719,050	2,792,100
Mendip	195,150	6,098,100	6,293,250
Merton	565,350	8,834,400	9,399,750
Mid Devon	143,550	4,228,800	4,372,350
Mid Suffolk	161,250	5,199,300	5,360,550
Mid Sussex	200,550	5,993,550	6,194,100
Middlesbrough UA	461,850	8,730,750	9,192,600
Milton Keynes UA	503,100	14,044,500	14,547,600
Mole Valley	236,850	2,428,800	2,665,650
New Forest	320,850	8,206,350	8,527,200
Newark and Sherwood	195,900	6,929,400	7,125,300
Newcastle upon Tyne	709,200	17,856,150	18,565,350
Newcastle-under-Lyme	206,250	7,460,250	7,666,500
Newham	1,086,300	16,883,400	17,969,700
North Devon	192,000	5,655,750	5,847,750

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
North East Derbyshire	162,450	6,060,900	6,223,350
North East Lincolnshire UA	375,300	10,188,300	10,563,600
North Hertfordshire	216,600	6,268,050	6,484,650
North Kesteven	121,800	6,747,150	6,868,950
North Lincolnshire UA	302,700	10,250,700	10,553,400
North Norfolk	226,350	6,216,450	6,442,800
North Northamptonshire	561,450	19,817,700	20,379,150
North Somerset UA	395,250	11,103,150	11,498,400
North Tyneside	352,800	13,761,150	14,113,950
North Warwickshire	134,100	3,572,850	3,706,950
North West Leicestershire	133,350	5,740,650	5,874,000
Northumberland UA	647,250	19,091,400	19,738,650
Norwich	292,050	9,291,150	9,583,200
Nottingham UA	847,050	19,875,600	20,722,650
Nuneaton and Bedworth	247,800	7,999,050	8,246,850
Oadby and Wigston	72,450	3,021,450	3,093,900
Oldham	605,400	13,407,900	14,013,300
Oxford	327,300	6,777,000	7,104,300
Pendle	232,200	5,439,900	5,672,100
Peterborough UA	429,000	11,757,900	12,186,900
Plymouth UA	556,500	16,633,350	17,189,850
Portsmouth UA	433,800	12,318,900	12,752,700
Preston	349,200	8,516,400	8,865,600
Reading UA	299,550	8,959,500	9,259,050

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Redbridge	1,175,850	11,146,650	12,322,500
Redcar and Cleveland UA	329,400	8,789,100	9,118,500
Redditch	170,100	4,761,900	4,932,000
Reigate and Banstead	331,650	5,153,400	5,485,050
Ribble Valley	88,500	2,822,850	2,911,350
Richmond upon Thames	832,200	5,420,400	6,252,600
Richmondshire	91,350	2,197,500	2,288,850
Rochdale	591,600	12,980,250	13,571,850
Rochford	125,250	4,080,000	4,205,250
Rossendale	144,450	4,226,400	4,370,850
Rother	294,000	4,528,800	4,822,800
Rotherham	615,900	16,421,400	17,037,300
Rugby	165,450	5,632,050	5,797,500
Runnymede	169,800	3,193,050	3,362,850
Rushcliffe	130,950	5,527,500	5,658,450
Rushmoor	134,550	4,942,650	5,077,200
Rutland UA	43,050	1,688,250	1,731,300
Ryedale	110,250	2,770,800	2,881,050
Salford	711,150	17,208,300	17,919,450
Sandwell	886,650	19,187,550	20,074,200
Scarborough	254,550	6,975,600	7,230,150
Sedgemoor	241,350	6,785,400	7,026,750
Sefton	708,150	16,431,900	17,140,050
Selby	125,250	4,734,000	4,859,250

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Sevenoaks	307,350	4,197,150	4,504,500
Sheffield	1,204,050	33,848,100	35,052,150
Shropshire UA	584,700	16,785,300	17,370,000
Slough UA	363,450	7,223,850	7,587,300
Solihull	503,250	9,930,000	10,433,250
Somerset West and Taunton	292,200	8,356,950	8,649,150
South Cambridgeshire	209,850	6,531,150	6,741,000
South Derbyshire	152,550	5,734,200	5,886,750
South Gloucestershire UA	337,650	14,950,950	15,288,600
South Hams	173,700	4,332,600	4,506,300
South Holland	131,250	5,854,500	5,985,750
South Kesteven	189,900	8,104,350	8,294,250
South Lakeland	191,250	5,193,450	5,384,700
South Norfolk	185,100	7,595,250	7,780,350
South Oxfordshire	214,050	5,796,750	6,010,800
South Ribble	170,850	6,481,800	6,652,650
South Somerset	298,350	8,994,450	9,292,800
South Staffordshire	186,600	5,324,550	5,511,150
South Tyneside	369,000	10,158,150	10,527,150
Southampton UA	528,150	15,267,000	15,795,150
Southend-on-Sea UA	394,650	10,260,600	10,655,250
Southwark	1,529,100	15,838,200	17,367,300
Spelthorne	309,000	3,932,400	4,241,400
St Albans	336,900	4,484,550	4,821,450

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
St Helens	447,600	11,530,050	11,977,650
Stafford	177,900	7,225,200	7,403,100
Staffordshire Moorlands	162,300	5,411,850	5,574,150
Stevenage	161,550	4,922,400	5,083,950
Stockport	599,100	15,898,800	16,497,900
Stockton-on-Tees UA	450,000	11,389,800	11,839,800
Stoke-on-Trent UA	647,100	16,674,600	17,321,700
Stratford-on-Avon	252,900	5,742,150	5,995,050
Stroud	166,800	5,983,350	6,150,150
Sunderland	656,400	18,234,600	18,891,000
Surrey Heath	136,500	2,760,300	2,896,800
Sutton	491,550	8,947,950	9,439,500
Swale	355,050	7,900,500	8,255,550
Swindon UA	371,400	12,482,400	12,853,800
Tameside	530,400	14,545,050	15,075,450
Tamworth	133,050	4,607,700	4,740,750
Tandridge	284,850	2,535,750	2,820,600
Teignbridge	273,300	7,107,900	7,381,200
Telford and Wrekin UA	381,300	10,386,450	10,767,750
Tendring	407,250	9,161,100	9,568,350
Test Valley	178,050	5,705,100	5,883,150
Tewkesbury	152,400	4,602,000	4,754,400
Thanet	397,350	8,738,700	9,136,050
Three Rivers	205,050	2,908,050	3,113,100

<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
Thurrock UA	351,000	8,980,950	9,331,950
Tonbridge and Malling	288,600	5,213,100	5,501,700
Torbay UA	375,750	8,397,900	8,773,650
Torrige	143,250	4,039,050	4,182,300
Tower Hamlets	2,881,350	14,080,350	16,961,700
Trafford	371,850	12,220,200	12,592,050
Tunbridge Wells	185,100	4,839,600	5,024,700
Uttlesford	177,000	3,120,450	3,297,450
Vale of White Horse	164,100	5,718,150	5,882,250
Wakefield	735,450	21,799,500	22,534,950
Walsall	732,600	15,889,950	16,622,550
Waltham Forest	776,250	14,269,350	15,045,600
Wandsworth	1,205,100	13,376,700	14,581,800
Warrington UA	367,950	11,647,200	12,015,150
Warwick	228,900	7,013,250	7,242,150
Watford	239,850	4,824,600	5,064,450
Waverley	216,600	3,997,500	4,214,100
Wealden	327,000	6,475,950	6,802,950
Welwyn Hatfield	251,100	5,007,750	5,258,850
West Berkshire UA	195,450	6,839,250	7,034,700
West Devon	110,550	2,875,350	2,985,900
West Lancashire	259,500	6,033,450	6,292,950
West Lindsey	169,950	5,632,050	5,802,000
West Northamptonshire	701,550	21,280,800	21,982,350



<b>Local Authority</b>	<b>Discretionary Fund (£)</b>	<b>Non-Discretionary Fund (£)</b>	<b>Total Fund (£)</b>
West Oxfordshire	131,400	5,040,900	5,172,300
West Suffolk	270,300	9,533,400	9,803,700
Westminster	2,270,250	6,811,950	9,082,200
Wigan	667,200	20,384,250	21,051,450
Wiltshire UA	877,050	23,241,450	24,118,500
Winchester	193,200	4,666,950	4,860,150
Windsor and Maidenhead UA	294,150	4,597,950	4,892,100
Wirral	816,600	19,511,100	20,327,700
Woking	174,900	3,917,850	4,092,750
Wokingham UA	206,100	5,492,700	5,698,800
Wolverhampton	650,100	15,509,700	16,159,800
Worcester	174,300	6,018,900	6,193,200
Worthing	200,850	6,175,500	6,376,350
Wychavon	270,150	5,922,600	6,192,750
Wyre	266,100	6,592,050	6,858,150
Wyre Forest	227,850	5,924,700	6,152,550
York UA	249,600	11,382,900	11,632,500

1. A billing authority is defined at section 1(2) of the Local Government Finance Act 1992. The disabled band reduction scheme refers to reductions provided under the Council Tax (Reductions for Disabilities) Regulations 1992. A chargeable dwelling is as defined at section 4 of the Local Government Finance Act 1992. Classes N, S, U and W are set out at article 3 of the Council Tax (Exempt Dwellings) Order 1992 (as amended by the Council Tax (Exempt Dwellings) (Amendment) Order 1993, the Council Tax (Discount Disregards and Exempt Dwellings) (Amendment) Order 1995 and the Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) Amendment Order 1997). A local authority is as defined at section 270 of the Local Government Act 1972 and includes any authority listed at section 138C(1) of that Act.
2. This is consistent with the liability provisions at section 2(2) of the Local Government Finance Act 1992.

3. In exceptional circumstances a council may consider it appropriate for a payment to be made to a third party if nominated by an eligible, liable council taxpayer. Councils should still undertake the appropriate pre-payment checks in relation to the nominated individual.
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## Community Wellbeing & Housing Committee

Date of meeting – 14<sup>th</sup> June 2022

<b>Title</b>	Household Support Fund Phase 2
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Terry Collier
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	<i>Note applicable</i>
<b>Corporate Priority</b>	Community and Service Delivery
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ul style="list-style-type: none"> <li>• To note the allocation Spelthorne received from Surrey County Council and the proposed allocation basis are both in line with national parameters and a Surrey wide agreed approach.</li> <li>• Have the scheme open to individual applications for people who are not just in receipt of council tax support but receive an income based DWP benefit</li> <li>• Agree the proposed payment option for pensioner households or a combination of bank transfers for those households we have bank account details and posting out cheques for those we do not have details for.</li> <li>• That in the event of any funds being unallocated in the “General Allocation Pot” as at the end of August that the decision as to how to apply those funds through voluntary sector partners will be made by the Deputy Chief Executive in consultation with the Chair and Vice Chair of the Committee</li> </ul>
<b>Reason for Recommendation</b>	Due to the financial hardship to our residents that this scheme is intended to help with; it is important that the Committee is aware of the support being provided to our residents

## **1. Key issues**

- 1.1 As part of the measures introduced by the Chancellor in his Budget statement the Government extended the national Household Support Fund scheme by a further £500m to help households struggling with the increase in energy bills, price of food and essentials. The Government allocated funding to upper local authorities, i.e. Surrey County Council to agree with lower tier councils a basis for apportionment across the districts and boroughs and a methodology for getting funds local residents in need
- 1.2 In phase 1 which had to be distributed between November 2021 and 31 March 2022 Spelthorne received an allocation of £345k which we fully applied (after taking into account a £14.4k administration set aside to cover resourcing costs). For phase 1 the Government put a particular emphasis on supporting households with children with at least 50% of the funds required to go to such households. In phase 2 the Government has shifted the emphasis towards supporting households with pensioners with at least a third of the funds to go to such households.
- 1.3 For Phase 2 Spelthorne has been allocated by Surrey County Council a total pot of £265,313 - £182,866 to be distributed to pensioner households and £82,447 for a general pot to provide support for working age households. Collectively the Surrey Councils have agreed to aim to pay £100 per household with pensioners.

## **2. Options analysis and proposal**

- 2.1 In phase 1 the demographic with the lowest take up was households with pensioners. The Surrey Councils mindful of this has spent a considerable amount of time discussing options such as whether to have an online application process as was the case for phase 1 and then secondly how to get the funds to the eligible households. For the later issue there are three options. On the first issue there is general agreement it is better to identify eligible households on basis of benefits data and automatically make awards rather than inviting applications. Spelthorne has approximately 1,600 households with pensioners claiming Local Council Tax Support so this would essentially allocate the vast majority of the funds for pensioners.
- 2.2 Payment option 1: Bank transfer – this is the approach we used in Phase 1 but relies on the Council having bank account details of the households and obtaining those details for households whose details we do not have we would have to ask households to provide details via a form which would reduce take up.
- 2.3 Payment option 2: Post Office vouchers – Surrey County Council are offering districts and boroughs to make use of Post Office vouchers. We have confirmed that we would not be breaching GDPR requirements if we shared relevant personal data to facilitate this. However, this option would still require the households to get to Post Offices to present and cash in the vouchers which we believe would diminish take up. Also there is a potential charge for vouchers that are not used.

- 2.4 Payment option 3: Combination of bank transfers for those we have details and posting out cheques for those we do not have details. The older demographic are still familiar with cheques, and in contrast to Post Office vouchers there are more options for cashing them. No personal data would need to be shared with a third party
- 2.5 For the £82k pot for working age households we propose allocating on the basis of the successful applications from non-pensioner households we received in phase 1 (we received 1,380 applications) while also accepting new claims from residents who would now qualify due to a change in income circumstances or have recently moved into the borough and were not entitled to claim during the first phase of the scheme. Any unspent funds could then be distributed in a similar basis to phase 1 through food banks and voluntary sector partners

### **3. Financial implications**

- 3.1 3.1 Spelthorne's combined funded budget for this scheme is £265,313. The proposed approach to distribution would minimise administration and resourcing pressures. There is no expectation from central government for the authority to spend more than its allocated budget

### **4. Other considerations**

- 4.1 All funding needs to be allocated to residents by the 30<sup>th</sup> September 2022 for phase 2, so the scheme needs to be completed promptly. Note however a further £500m phase 3 extension has been announced as part of the Government latest fuel price impact support measures.

### **5. Risk Considerations**

The proposed approach will minimise the risk of not maximising take up and of not getting this much needed support out as quickly as possible. There is a risk that some cheques may remain uncashed at the end of phase 2 period, we have discussed reconciliation arrangements with Surrey County Council.

### **6. Equality and Diversity**

- 6.1 All options are solely based on the financial situation of households.

### **7. Sustainability/Climate Change Implications**

- 7.1 This scheme will help residents in financial difficulty.

### **8. Timetable for implementation**

- 8.1 We are looking to make the payments to pensioner households as soon as possible. This would be the same for working age claimants. We will agree a distribution schedule for the food banks and charities if appropriate.

**Background papers: There are none.**

**Appendices:**

**Appendix A - Central government Household Support Fund Guidance**

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# Household Support Fund (1 April 2022 – 30 September 2022): – FINAL Guidance for County Councils and Unitary Authorities in England

## Introduction

1. £421 million has been made available to County Councils and Unitary Authorities in England to support those most in need to help with significantly rising living costs. This funding covers the period 01 April 2022 to 30 September 2022 inclusive. Local Authorities have discretion on exactly how this funding is used within the scope set out in the accompanying grant determination and this guidance. The expectation is that it should primarily be used to support households in the most need particularly those including children and pensioners who would otherwise struggled with energy bills, food and water bills. Energy bills may be of particular concern to low income households during the period of the scheme and Local Authorities should especially consider how they can support households with the cost of energy. It can also be used to support households with essential costs related to those items and with wider essential costs. In exceptional cases of genuine emergency it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.
2. The Department for Work and Pensions (DWP) is providing funding to County Councils and Unitary Authorities (including Metropolitan Councils and London Boroughs), under section 31 of the Local Government Act 2003, to administer the scheme and provide assistance to households most in need. It is important to stress this covers a wide range of low income households in need including families with children of all ages, pensioners, and other low income households, particularly those who cannot increase their income through work, to prevent escalation of problems.  
**Note: County Councils and Unitary Authorities will be referred to as ‘Authorities’ throughout the remainder of this guidance.**
3. Authorities have the ability to deliver the scheme through a variety of routes including providing vouchers to households, making direct provision of food or goods, or issuing grants to third parties (with the exception of grants for advice provision). Authorities have the local ties and knowledge, making them best placed to identify and help those most in need. Authorities must work together with District Councils to ensure the funding meets its objectives by identifying those most in need.
4. This guidance sets out the required collaboration between DWP, Authorities, including their delivery partners, including District Councils as well as any charitable organisations etc, to successfully meet the policy intent within the agreed framework. It also provides the constraints that Authorities need to work within and the distribution of funding and reporting arrangements.
5. Rather than focus on one specific vulnerable group, Authorities should use the wide range of data and sources of information at their disposal to identify and provide support to a broad cross section of vulnerable households to prevent escalation of problems. Authorities should particularly consider how they can support low income households that cannot increase their income through work, such as pensioners, people with disabilities, unpaid carers and parents of very young children in their

area. Authorities have access to DWP's Searchlight portal which provides information on individual citizens' entitlement to (and confirms receipt of) DWP welfare benefits. Since June 2021 we have provided Authorities with information relating to Universal Credit (UC) claims with limited capability for work or earnings below the free school meals and free prescription thresholds in their area. Authorities may find this information useful in identifying those most in need. From April 2022 DWP will be establishing a further data share covering people receiving the Guarantee Credit and/or Savings Credit elements of Pension Credit.

6. However, support is not restricted to vulnerable households in receipt of benefits. Therefore, Authorities should also use other sources of information to identify vulnerable households, including advice from professionals who come into contact with vulnerable households such as social workers and Supporting Families advisors.
7. This guidance applies to Authorities in England only and should be read in conjunction with the Household Support Fund Grant Determination issued alongside it.

## **Communication**

8. The Authority must, as appropriate and practical, reference that the grant is funded by the Department for Work and Pensions or the UK Government in any publicity material, including online channels and media releases.

## **Objective and key principles**

9. The objective of the Household Support Fund is to provide support to vulnerable households in most need of support to help with significantly rising living costs.
10. Although this is an extension to the original Household Support Fund, it is a new grant subject to its own grant conditions as set out in the Grant Determination letter. Any underspends from the previous scheme cannot be carried forward.
11. Funds should be spent or committed before 30 September 2022 and cannot be held over for future usage.
12. When administering this scheme, you are encouraged to adopt the following principles:
  - use discretion on how to identify and support those most in need, taking into account a wide range of information;
  - use the funding from 01 April 2022 to 30 September 2022 to meet immediate needs and help those who are struggling to afford energy, food and water bills, and other related essentials. You can also use the funding to support households who are struggling to afford wider essentials;
  - In exceptional cases of genuine emergency, the funding can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need, subject to the provisions at paragraph 17 below.
  - This includes payments made, or committed to, by the Authority or any person acting on behalf of the Authority, from 01 April 2022 to 30 September 2022. For example, this would allow any vouchers issued before the end of the funding period to be redeemed in October 2022. All authorities are encouraged to ensure that any vouchers issued are redeemed before the end of the scheme, or shortly thereafter, or consider recycling unused vouchers;



- work together with District Councils including, where necessary and appropriate, other local services, such as social and care workers to help identify and support households within the scope of the scheme.

13. When deciding how to help people, you should consider:

- how you plan to provide support to vulnerable households, i.e. paying into bank accounts, use of cash and vouchers;
- any risks associated with these payment methods – see section Managing the risk of fraud.

## **Working with other organisations**

14. Authorities should develop a ‘local eligibility framework and approach’ to enable them to distribute grant funding that best supports households most in need. At least one third of the funding is for vulnerable households with children (see the definition of a child under paragraph 22 below and paragraph 5(a) of the Grant Conditions). At least one third of the funding is for pensioners. The remainder of the funding (up to one third) can be available for other vulnerable households (without children or pensioners including individuals) or for additional spend on the named groups

15. Authorities have flexibility to develop a local delivery approach that best fits the scheme’s objectives. Where Authorities choose to work with multiple organisations to provide a local delivery network or where Authorities engage with District Councils to deliver this grant on their behalf, detailed arrangements and funding should be made available to those organisations as soon as possible so that support for vulnerable households can be provided as soon as is practically possible.

16. Authorities must work collaboratively with District Councils and other organisations in their area who may come into contact with those households who are eligible and would benefit from this grant. Authorities that do not have the mechanisms in place to administer this grant should consider whether District Councils are better placed to do so on their behalf. If Authorities decide to engage with District Councils in this way they are encouraged to do so as quickly as possible to ensure roles, responsibilities and effective arrangements are put in place to deliver the scheme promptly and efficiently. Where Authorities are working with Third Party Organisations (TPOs), this should be done on an objectively fair, transparent and non-discriminatory basis, having regard to the time available to deliver the scheme.

## **Establishing eligibility**

17. Authorities have the flexibility within the scheme to identify which vulnerable households are in most need of support and apply their own discretion when identifying eligibility. In doing so they should particularly consider households who cannot increase their income through work. Authorities can request applications for support or can proactively identify households who may benefit or can take a mixture of the two approaches. Where Authorities are proactively identifying households they should consider how they can ensure that they are focusing on those in the most need to prevent escalation of problems. There is no requirement for Authorities to undertake a means test or conduct a benefit check unless this specifically forms part of the Authority’s local eligibility criteria. However, in relation to housing costs, Authorities must establish whether other forms of support are available to the household, such as Discretionary Housing Payments (DHPs). In accordance with

their general legal duties, Authorities must have a clear rationale or documented policy/framework outlining their approach including how they are defining eligibility and how households access the scheme. We expect Authorities to review any existing approach and to have a strong rationale for their targeting so that funding is available to the households who most need it.

18. Awards must be based on the following framework:

- at least one third of the total funding will be ring-fenced to support households with children, at least one third of the total funding will be ring fenced to support pensioners with up to one third of the total funding to other households genuinely in need of support. This may include households not currently in receipt of DWP welfare benefits;
- Eligible spend includes:
  - Energy and water. The Fund should primarily be used to support with energy bills for any form of fuel that is used for the purpose of domestic heating, cooking or lighting, including oil or portable gas cylinders. It can also be used to support with water bills including for drinking, washing, cooking, and sanitary purposes and sewerage.
  - Food. The Fund should also primarily be used to provide support with food whether in kind or through vouchers or cash.
  - Essentials linked to energy and water. The Fund can be used to provide support with essentials linked to energy and water (including sanitary products, warm clothing, soap, blankets, boiler service/repair, purchase of equipment including fridges, freezers, ovens, etc.), in recognition that a range of costs may arise which directly affect a household's ability to afford or access energy , food and water.
  - Wider essentials. The Fund can be used to support with wider essential needs not linked to energy and water should Authorities consider this appropriate in their area. These may include, but are not limited to, support with other bills including broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle or paying for fuel. This list is not exhaustive.
  - Housing Costs. In exceptional cases of genuine emergency where existing housing support schemes do not meet this exceptional need, the Fund can be used to support housing costs. Where eligible, ongoing housing support for rent must be provided through the housing cost element of Universal Credit (UC) and Housing Benefit (HB) rather than the Household Support Fund. In addition, eligibility for DHPs must first be considered before emergency housing support is offered through the Household Support Fund. The Authority must also first consider whether the claimant is at statutory risk of homelessness and therefore owed a duty of support through the Homelessness Prevention Grant (HPG).

- In exceptional cases of genuine emergency, households in receipt of HB, UC, or DHPs can still receive housing cost support through the Household Support Fund if it is deemed necessary by their Authority. However, the Fund should not be used to provide housing support on an ongoing basis or to support unsustainable tenancies.
  - Individuals in receipt of some other form of housing support could still qualify for the other elements of the Household Support Fund, such as food, energy, water, essentials linked to energy and water and wider essentials.
  - The Fund cannot be used to provide mortgage support, though homeowners could still qualify for the other elements of the Fund (such as energy, food, water, essentials linked to energy and water and wider essentials). Where a homeowner is having difficulty with their mortgage payments, they should contact their lender as soon as possible to discuss their circumstances as lenders will have a set procedure to assist.
  - The Fund can exceptionally and in genuine emergency be used to provide support for historic rent arrears built up prior to an existing benefit claim for households already in receipt of Universal Credit and Housing Benefit. This is because these arrears are excluded from the criteria for DHPs. However, support with rent arrears is not the primary intent of the fund and should not be the focus of spend.
- Reasonable administrative costs. This includes reasonable costs incurred administering the scheme. These include for example:
  - staff costs
  - advertising and publicity to raise awareness of the scheme
  - web page design
  - printing application forms
  - small IT changes, for example, to facilitate MI production
- Eligible spend does not include:
  - Advice services including debt advice;
  - Mortgage costs.
- It is expected that the focus of support should be on bills and food and that support for housing costs should only be given in exceptional cases of genuine emergency. Beyond this, Authorities have discretion to determine the most appropriate scheme for their area, based on their understanding of local need and with due regard to equality considerations.
- Individual awards can be whatever type and amount is deemed appropriate by Authorities for the receiving household, bearing in mind the overall spend eligibility priorities listed above and the risk of fraud and error. Awards to any given household can either cover only one of the spend eligibility categories listed above, or can cover several.

- Authorities should not make Household Support Fund eligibility conditional on being employed or self-employed, or directly linked to a loss of earnings from employment or self-employment. This will ensure that there is no National Insurance Contribution liability payable on any payments by either the claimant, the Authority or employer.

## **Funding overlap**

19. Authorities should consider household circumstances when making a decision to spend this grant. Households may be receiving other forms of support, and this should be taken into account to avoid duplicating provision where possible. However, families receiving other forms of assistance are not excluded from receiving support through this grant.

## **Individuals with No Recourse to Public Funds**

20. Authorities can provide a basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, for example if:

- there are community care needs
- they have serious health problems
- there is a risk to a child's wellbeing

21. The rules around immigration status have not changed. Authorities must use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance.

## **Definitions**

22. For the purpose of this grant (and without prejudice to other schemes):

- The definition of a household with a child is a household containing any person:
  - who will be under the age of 19 as at 30 September 2022 or
  - a person aged 19 or over in respect of whom a child-related benefit (for example, Child Benefit) is paid or free school meals are provided.
- Where an eligible child lives on his or her own, they are a household that includes a child covered in the one third allocation for households with children.
- The definition of a household with a pensioner is any household containing any person:
  - who has reached state pension age by 30th September 2022 (and no eligible children as defined above are resident)

23. Households which include a person aged 19 to 25 with special educational needs and disability (SEND) and/or care leavers may still be eligible for grant support however that support falls within the one third allocation to other households (without children or pensioners).

24. There is no prescriptive definition of essentials. Authorities have discretion to assess what is reasonable to assist those in genuine need this winter with regard to the examples above.
25. Third party organisations may include but are not limited to:
- Registered charities and voluntary organisations
  - Schools
  - Food banks
  - General Practitioners
  - Care organisations

## **Access to data**

26. The Household Support Fund is being classified as Local Welfare Provision (LWP). The provision of DWP data to LAs is under the terms of the Memorandum of Understanding (MoU) 'Department for Work and Pensions and local authorities (Access, handling, exchange and protection of Department for Work and Pensions' and HM Revenue and Customs' data)'.
27. Local authorities who have signed and returned the relevant section (Annex C) of the current DWP/LA MoU have legal permission to access DWP's Searchlight portal and specific UC and Pension Credit data via a monthly data share for the purpose of this grant.
28. LAs will need to ensure they sign future iterations of the MoU and the appropriate Annex to continue to have the legal permission to access the below data sources for Local Welfare Provision.
29. Staff accessing Searchlight will need to be registered with the Employee Authentication System (EAS). Further information on Searchlight can be found in the local authority Searchlight Training Pack available in the Searchlight folder on Glasscubes (the LA/DWP online collaboration tool). If your Authority needs to discuss access to Glasscubes, contact DWP at [LAWELFARE.LASUPPORT@DWP.GOV.UK](mailto:LAWELFARE.LASUPPORT@DWP.GOV.UK)

### DWP Searchlight

30. This portal provides information on individual citizens' entitlement to (and confirms receipt of) DWP welfare benefits. Therefore, this data can be used to help Authorities identify those families and individuals to whom to target this support. Authorities may also wish to establish if other forms of support are available to the household. In relation to housing costs they must do so including by checking whether the household could receive Discretionary Housing Payments The Authority must also first consider if the claimant is at statutory risk of homelessness and therefore owed a duty of support through the Homelessness Prevention Grant (HPG).
31. Authorities do not have permission for the purposes of this scheme to access the 'Income' data provided on Searchlight for the Test and Trace Support Payment Scheme.
32. Searchlight can only be used to verify a specific individual's DWP benefit information. Therefore, if an Authority identified a group of potential customers who may be eligible for the scheme from their own records, they can access Searchlight to verify

each claimant's DWP benefit entitlement (although benefit entitlement is not a condition of support).

### Monthly Data Share

33. We are providing Authorities with details of UC claimants in their Authority whose income is below the Free School Meal and Free Prescription thresholds and those with a limited capability for work both at individual level and summary level by Ward.
34. We are also providing Authorities with details of customers in receipt of Guarantee Credit and/or Savings Credit element of Pension Credit and their appointees if appropriate.
35. The UC and Pension Credit data is provided monthly via Transfer Your File.
36. LAs will receive 2 data shares on a monthly basis.

**File one** contains Individual data of -

the National Insurance number and names of Universal Credit (UC) claimants within the LA area and:

- Income below the thresholds of £7,400 per year for Free School Meals and income below the Free Prescription threshold of £935 per month as identified in their last UC assessment period;
- those with a Limited Capability for Work indicator within the last assessment period; and
- the number of children in the household.
- those in receipt of Benefit Cap
- those in receipt of RSRs and LHA (available May/June 2022)
- the National Insurance number, names, addresses and contact telephone numbers of customers in receipt of Guarantee Credit and/or Savings Credit element of Pension Credit and their appointees if appropriate

**File two** – contains aggregate data showing those UC people at or below the:

- Free School Meal income threshold;
- Free Prescription income threshold; and
- are in the Limited Capability for Work group.

For a full breakdown of the file contents see **Annex B**

37. Authorities also have access to their own non-DWP data to help identify vulnerable households who may be eligible for support under this scheme.

### **Reporting requirements**

38. Authorities are required to make two Statements of Grant Usage and management information (MI) returns – **see the Grant Determination**. The deadline for completing these returns is shown in the table below. Completed MI returns should be sent to LAWELFARE.PDT@DWP.GOV.UK
39. An interim MI return is required by 22 July 2022 for spend for the period 01 April 2022 to 30 June 2022. The interim MI return will be used to determine eligible spend

to 30 June 2022 and an interim grant payment will be made to your LA for this period when the information in your return has been verified.

40. A final MI return is required showing total spend from 01 April 2022 to 30 September 2022 by 21 October 2022. The final MI return will be used to determine total eligible spend to 30 September 2022 and a final grant payment will be made to your Authority for this period when the information in your return has been verified.

41. Authorities should use the standard MI reporting template provided, which incorporates the Statement of Grant Usage. For the purpose of this section:

- **Grant allocation** – refers to the amount of grant allocated to a TPO to distribute to vulnerable households.
- **Grant award or spend refers** to the amount provided or paid to vulnerable households under the remit of this grant.

MI return	Reporting period		Deadline
Interim MI return	From: 01 April 2022	To: 30 June 2022	<b>Deadline:</b> 22 July 2022
Final MI return	From: 01 April 2022	To: 30 September 2022	<b>Deadline:</b> 21 October 2022

42. It is the responsibility of Authorities to provide the MI returns to DWP. Failure to return the MI by the deadline may result in a delayed payment or a payment being refused.

43. Where Authorities (including District Councils) issue awards directly to vulnerable households they should either obtain information at source or via information or data they have access to, to complete the split of spend and number of awards across the eligibility criteria. i.e. households with and without children and pensioners and food, energy bills, essentials linked to food and energy bills, wider essentials and (in exceptional circumstances) housing support. Where Authorities decide to deliver support to vulnerable households through TPOs they should use whatever information the TPO holds, or other available data, to split the level of spend and volume of awards across the eligibility criteria to the best of their ability.

The different elements of the MI template are shown below together with guidance on how to complete them.

**Table 1**

<b>Table 1: Governance</b>	<b>Response</b>
Local Authority (full name)	
Section 151 officer (name)	
Section 151 officer (email address)	
Is the Section 151 officer / CFO copied into the return to DWP? (Y/N)	
Reporting Period	01/04/22-30/09/22
Approved signed off by	
LA Single Point of Contact	
Date Returned to DWP	

44. Each MI return must include your Section 151 Officer's name and email address to provide assurance on validation of funding spend. If they are the same contact, please input details in both response fields.
45. We also require you to copy your Chief Financial Officer/Section 151 Officer into the email, providing this assurance when you return the MI template to DWP. This will be checked against DWP records. By doing this you confirm that the S151 Officer has agreed the correctness of spend reported.
46. Please indicate that you have done this in row 4 of the table "Is the section 151 officer / CFO copied into the return to DWP?" If the MI is incomplete/incorrect it will be returned to the authority by the DWP for correction and re-submission which must also be copied to your Chief Financial Officer/Section 151 Officer.

**Table 2**

<b>Table 2: Total Awards</b>	
<b>Item</b>	<b>Spend (£s)</b>
a) Total amount provided to vulnerable households	£ -
b) Administration Costs	
c) Total LA spend (a+b)	£ -

- **Total Amount provided to vulnerable households** – this is the total amount of the grant fund that has been paid/awarded to vulnerable households. It includes amounts paid by Authorities and by TPOs on behalf of Authorities. It should not include amounts allocated to TPOs that have not been spent during the reporting period. This cell will automatically populate from the total in table 3. Note, all cells which automatically populate are shaded grey and are protected.
- **Administration costs** – this includes reasonable costs incurred administering the scheme. These include for example:
  - staff costs



- advertising and publicity to raise awareness of the scheme
- web page design
- printing application forms
- small IT changes, for example, to facilitate MI production
- **Total Spend** – this is the total of the above. It is the amount that will be used to determine the grant funding payment, from DWP to cover the full cost of administering the grant in your area. A single grant payment will be made in arrears on the receipt of a fully completed and verified MI return. This cell will automatically populate from the figures in rows a and b.

**Table 3**

Table 3: Total Value of Awards split by Household Composition					
		a) Households with Children	b) Households with Pensioners	d) Other households	d) Total amount provided to vulnerable households (a+b+c)
Row 1	Spend (£s)				£ -
Row 2	Volumes				-

47. Table 3 relates to grant spend and the volume of awards made in relation to families with children, pensioners and all other households. Rows 1 and 2 relate to grant awards made by Authorities (including District Councils) directly to vulnerable households, and grant awards to vulnerable households made by TPOs.

48. **Spend (£s)** - this is the amount paid/awarded to vulnerable households within the eligibility criteria. Authorities should make every effort to gather information to establish the household type. For example for Households with children whether a child resides in the household (including being the only member of the household) in order to complete the template as fully as possible. This information is important for DWP to evaluate how successful the scheme has been in providing support to households with and without children.

49. Authorities should either gather information or check existing records they hold or have access to, to establish whether the household includes a child or a pensioner (as defined above) and complete columns a b and c accordingly. Responsibility for MI reporting rests with Authorities. Where Shire Counties pass grant allocations to District Councils, District Councils should pass the information relating to columns a and b to the County Council/Unitary Authority to collate the information and send one collated template to DWP.

50. Where a household includes both a child and a pensioner, for the purpose of the MI you should count it as a household containing a child.

51. **Volumes** - this is the number of individual/separate payments made to vulnerable households within the eligibility criteria. If multiple awards are made to the same household throughout the period of the scheme each award should be counted separately. Where an award is made to a household with multiple children, it should be classed as a single award.

52. **Reporting TPO Spend and TPO Volumes** - we acknowledge that some TPOs, for example, charitable and voluntary organisations such as food banks, have limited or no access to household information and may not be in a position to provide this

information to the same level of accuracy as Authorities. We are therefore asking Authorities and TPOs to report the actual level of spend and the volume of awards across the different eligibility criteria in rows 1 and 2 to the best of their ability.

**Table 4**

Table 4: Total Value of Awards Split by Category						
	a) Energy and Water	b) Food	c) Essentials linked to Energy and Water	d) Wider Essentials	e) Housing Costs	e) Total amount provided to vulnerable households (a+b+c+d+e)
Spend (£s)						£ -
Volumes						-

53. Table 4 relates to grant spend and the volume of awards made in relation to food, energy and water bills, essentials linked to energy and water bills, wider essentials, and (in exceptional circumstances) housing costs.

54. Spend (£s) - this is the amount paid/awarded to vulnerable households in respect of each category.

55. Volumes - this is the number of individual/separate payments made to vulnerable households within the eligibility criteria. If multiple awards are made to the same household throughout the period of the scheme each award should be counted separately.

56. Rows 1 and 2 relate to awards/payments made directly to vulnerable households by Authorities including District Councils and grant funding spent by TPOs e.g. charitable and voluntary organisations.

57. TPO Spend and TPO Volumes - we acknowledge that some TPOs, for example, charitable and voluntary organisations have limited MI and may not be in a position to provide this information to the same level of accuracy as Authorities. We are therefore asking Authorities and TPOs to provide, the level of spend and the volume of awards across the different eligibility criteria in rows 1 and 2 to the best of their ability.

58. Total - Table 3 Row 1 column c and Table 4 row 1 column e are protected and will automatically add up spend across the different headings. This figure will automatically populate Table 2 row a.

59. When allocating spend and the volume of awards across the eligibility criteria please follow the guidance below.

60. Table 3 and Table 4 ask for spend and award volumes to be recorded against two sets of criteria. Therefore, the details of each award need to be recorded twice once against one set of criteria and then a second time against the other criteria. Shown below is a worked example of how the MI template should be completed.

61. The eligibility criterion is set against the category of spend, at least one third for households with children and at least one third for pensioners. We are collecting information on food, energy and water bills, essentials linked to energy and water bills, wider essentials, and (in exceptional circumstances) housing costs to provide ministers and interested bodies (e.g. the National Audit Office) assurance over how the Household Support Fund is being spent.

62. Authorities are asked to report and manage spend in relation to both these areas. For example, if a £100 award is made to a household with children for food, you

would allocate £100 to the 'Households with children' section in Table 3 and £100 to the 'food' section in Table 4. You would also allocate one award in both these sections of Table 3 and Table 4.

63. Each award needs to be allocated twice – one allocation to each of the eligibility category tables so that when you report on the total spent on family composition and the total spent on the type of support, both eligibility criteria categories will total the amount you have paid. The total volume of awards in Table 3 and Table 4 should also be the same.

### **Additional guidance and examples when working with TPOs**

64. Please include, where possible, the amount of spend across the following categories:

- households with children, households with pensioners, other households, and
- energy and water bills, essentials linked to energy and water bills, wider essentials, and (in exceptional circumstances) housing costs.

65. For example, if you have allocated:

- grant funding to a food bank to provide food to vulnerable people, establish the amount of that allocation the food bank has spent and enter the full amount spent under food as you know that the grant allocation has been spent in respect of food, and provide the split across households with and without children to the best of your ability in accordance with the example below.
- grant funding to a charity that specialises in providing vulnerable children with clothing, establish the amount of that allocation the charity has spent and enter the full amount spent in 'households with children' and the full amount of the grant spent in 'wider essentials'. This is because you know that the purpose of the grant is for children and the nature of support is clothing which comes under wider essentials.

66. The amount of MI available will vary considerably across each TPO. Please use whatever information is already available or reasonable to collect to be as accurate as possible.

67. Shown below are some examples of how to complete the template.

#### **Example 1**

68. A food bank operates on an open basis where anyone can turn up and pick up food and supplies. This is not an award made directly to vulnerable households by an Authority. The cost is picked up by a TPO, for example, the food bank. The MI template should be completed as per guidance below.

69. The total value of grant spent and the volume of awards made by the charity or voluntary organisations providing the food bank should be entered in Table 3 and Table 4. The Authority or food bank provider will need to provide the split between households with children and households with pensioners to the best of their ability.

#### **Example 2**

70. The Authority directly provides vouchers to vulnerable households. These could be redeemable at a number of food outlets including supermarkets or food banks. Food voucher amounts can vary depending on how many children reside in the household. Authorities are expected to collect or verify information to establish whether the award is made to a household with children or a household with pensioners. The MI template should be completed as follows:

- the value of awards should be entered in Table 3 in 'spend' row 1 column a and row 1 column b based on the information the Authority has been capturing to split spend across these categories;
- the volume of awards should be included in Table 3 row 2 (Volumes) column a and row 2 column b based on the information the Authority has been capturing to split the volume of awards spend across these categories;
- the value of awards should be entered in Table 4 row 1 column a because it relates to food;
- the volume of awards should be included in Table 4 row 2 (Volumes) column a because it relates to food;

## **DWP engagement**

71. LA relationship managers from DWP's LA Partnership, Engagement and Delivery division will contact Authorities to provide support and gather information throughout the scheme. Examples where LA relationship managers will contact Authorities for initial compliance include:

- the MI templates have not been completed and returned;
- the MI templates have not been copied to the Authority's S151 officer or CFO.
- An incorrect template has been used – MI should only be returned on the MI template provided no local versions or PDF copies are acceptable.

72. They will also contact Authorities where further clarification is needed in respect of the information provided on the MI reporting template, if for example:

- critical data is missing, or the data looks odd, or
- the Authority is reporting a high value of awards where they have not been able to establish the household composition. We may need the Authority to explain why that is the case and provide supporting evidence.
- the Authority is reporting a high value of administration costs. We may need the Authority to explain why that is the case and provide supporting evidence.
- there is a significant gap between actual and allocated spend. We may need the Authority to explain why spend was so low.

73. They will look to identify good practice and identify case studies where appropriate.

74. They will also engage with Authorities around completion of the questionnaire issued with this guidance regarding delivery plans for the grant. Please complete and return this questionnaire to DWP by 29 April 2022. At the end of the scheme we will also ask for a summary of spend against the original delivery plan.

75. DWP will also continue to engage with Authorities to respond to questions we receive via the designated inbox as quickly as possible.
76. Where Authorities work with District Councils and TPOs it is the responsibility of Authorities to collect and collate MI and complete one collated MI return and submit to DWP.

## **DWP funding arrangements**

77. The Household Support Fund is ring-fenced to be spent as detailed in this guidance and the accompanying grant determination, including the specific condition that at least one third be spent on families with children and one third to be spent on pensioners. To ensure that the objectives of the fund are being met during the course of the grant and reduce administration costs for all concerned, including the need for DWP to recover underspend, grant payment will be made in arrears upon DWP being satisfied with the MI returns. This will enable DWP to adjust the amount of the payment based on the MI returns.
78. Payment of the grant from DWP to Authorities will be made in arrears after the interim MI return in July 2022 and the final MI return at the end of grant period in October 2022 after we have verified the MI. If an Authority feels that the payment arrangements will create significant cash flow problems please notify DWP as soon as possible with supporting evidence. Both an interim and a final MI return will be required and grant payments will be made in respect of the periods 01 April 2022 to 30 June 2022 and 01 April 2022 to 30 September 2022.
79. MI returns **must be endorsed by the S151** officer in accordance with their statutory assurance responsibility in order for the grant payment to be made by copying your Chief Financial Officer and Section 151 Officer into the email.
80. The guidance for completion is provided on a separate tab within the MI template.
81. The definition of spend includes grant funding that has been provided to vulnerable households, within the scope of the eligibility criteria, and within the period of the scheme 01 April 2022 to 30 September 2022.
82. Spend also includes 'committed spend'. For the purpose of this scheme committed spend relates to grant funding that has been spent and delivered to vulnerable households even though the vulnerable household may not have used their grant funding. An example would be the award of a food voucher on 30 September 2022 to a vulnerable household. It would be unreasonable to expect the family to be restricted to redeem the voucher on the day of receipt. In this example spend has been committed by the Authority, support has been provided to a vulnerable household and, therefore, should be included as eligible grant spend. It would be reasonable to expect the vulnerable household to redeem the food voucher during the month following the end of the scheme.
83. However, committed spend does not include large volumes of food vouchers, procured quite late in the scheme, which cannot be distributed to vulnerable households within the period of the scheme.
84. Authorities that plan to order vouchers in bulk should attempt to be realistic in the volumes ordered to avoid holding large stocks of unused vouchers at the end of the scheme. Alternatively, Authorities may want to consider:

- purchasing vouchers on a sale or return basis, so that they can return any unused vouchers, or
- if the Authority wants to use the vouchers after the end of the Household Support Fund scheme they should be funded through other means.

85. The definition of committed spend for the purpose of this scheme does not affect its accounting treatment in accordance with normal rules.

86. The timetable for provision of funding and MI returns is as follows:

**Funding:**

<b>Payment</b>	<b>Amount (%)</b>	<b>Date</b>	<b>Notes</b>
Interim	Actual grant spend up to 100% of grant allocation*	August/September 2022	Payment made in arrears
Final	Actual grant spend up to 100% of grant allocation*	December 2022 /January 2023	Payment made in arrears

\*subject to eligible spend criteria

**Managing the risk of fraud**

87. Fraudsters can target funds of this type.

88. As with any welfare payment to vulnerable recipients there is a risk of fraud, as recipients might appear to be eligible when they are not.

89. To help mitigate this risk, Authorities should involve District Councils and other organisations chosen to administer this scheme to help identify vulnerable families, households and individuals.

90. Authorities wishing to work with TPOs to deliver the scheme must carry out suitable due diligence checks to ensure they are viable and able to deliver the support. So, for example, ensuring all charities are registered and taking extra caution if they are new organisations.

91. Authorities are also encouraged to ensure checks are in place to verify the identity of those eligible.

92. Authorities are encouraged to ask neighbouring authorities to work together to help prevent double provision and/or no provision – especially where allocation of provision is by school in one area and by residential address in another.

93. It is for Authorities to decide how payments are made to recipients. However, when making decisions, Authorities should consider the risks involved. Although they still carry fraud risks, vouchers should be used instead of cash where possible as this helps to mitigate the risk of the money being spent by the recipient on things outside of the policy intent.
94. Authorities should ensure that they consider and put in place suitable controls when making use of vouchers as part of this scheme. Authorities may wish to consider restricting access to these vouchers; and also consider restricting usage to ensure that they cannot be spent outside the intended scope of this Scheme.
95. It is important to be vigilant to fraud and error risks in relation to housing costs, and to assure yourself that the appropriate checks are in place. Authorities should take appropriate steps to ensure they take into consideration household income and rent liability which may be requested and reviewed as set out in paragraphs 17 and 18 of the grant determination. We expect Authorities to work with district councils to ensure support is going to those with genuine need and to help minimise the risk of fraud on housing support.
96. Where possible, any payments made into a bank account should be in the same name of the person that is eligible for that payment. Authorities have access to a range of data sources, and checks can be carried out against this data to verify the identity of the recipient. Authorities are also encouraged to use existing tools at their disposal to verify personal bank accounts.
97. If the Authority has any grounds for suspecting financial irregularity in the use of any grant paid under this Determination, it must notify the department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes 'financial irregularity' includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.
98. If you suspect fraud, you should notify DWP of the:
- number of instances
  - total amount lost
99. This will help DWP identify any emerging threats and share them with other Authorities, so they can take steps to prevent and detect any fraud in their schemes.

### **Complying with Subsidy (previously State Aid) rules**

100. The funding is intended to benefit households most in need of support with food, energy bills, related essentials, wider essentials and (exceptionally) housing costs as the economy recovers this winter. The funds should not be used for any economic undertaking.
101. Whichever way you use the funding, including where you work in partnership with others, you should consider all Subsidy rules (previously state aid) issues. Check whether the 'de minimis' regulation exception applies. You should also follow government procurement procedures where relevant.

### **Administration costs**

102. The Household Support Fund funding allocation includes reasonable administration costs to enable Authorities to deliver the scheme. Authorities should deduct their administration costs from the total allocation to determine the amount remaining.
103. In all cases, Authorities should keep administrative costs to a reasonable level.
104. Administration costs for each Authority will be published on [www.gov.uk](http://www.gov.uk) alongside detail of all spend related to this scheme.

### **Public Sector Equality Duty**

105. In accordance with the public sector equality duty, DWP has had due regard for the potential equalities impacts of this grant.
106. Under the Equality Act 2010, all public authorities must comply with the Public Sector Equality Duty. For the purposes of this grant, you should consider how any support that helps people facing severe financial hardship impacts those with characteristics protected under the Equality Act.
107. When developing your local delivery frameworks, you should ensure people are not disadvantaged or treated unfairly by this scheme. For example, any application process should be easy to access and to navigate.

### **Questions and answers**

108. Questions and answers can be found at Annex A

### **Contact**

109. If you have any queries about the content of this guidance or use of the funding, you can contact DWP: [LA-PED.LAGRANTSPROJECTTEAM@DWP.GOV.UK](mailto:LA-PED.LAGRANTSPROJECTTEAM@DWP.GOV.UK)



## Questions and answers

### **Q1. Why is DWP asking County Councils and Unitary Authorities to administer this instead of District Councils?**

A1. County Councils and Unitary Authorities have a statutory duty regarding children and are generally responsible for Local Welfare Assistance. This is not to suggest that District Councils are not capable of delivering support. It reflects the focus of this grant and that support could take many, broad, forms and, therefore, the funding sits better with County Council and Unitary Authorities.

We require County Council and Unitary Authorities to work with their district partners, particularly in relation to any support exceptionally provided with housing costs, as well as other organisations, as appropriate, to ensure the most effective support is delivered to as many vulnerable households as possible.

### **Q2. Is it acceptable to use the grant funding for Free School Meals?**

A2. The Household Support Fund is not intended to replicate or replace Free School Meals and Authorities should avoid duplicating provision where possible.

However, Authorities have discretion over how they use the funding within the grant framework and within the stipulated time period.

Therefore, Authorities may choose to offer awards to families in receipt of Free School Meals if they consider this to be appropriate in their area. In doing so, Authorities should take account of provision available through the Department for Education's Holiday Activities and Food programme.

### **Q3. Can the Scheme be used flexibly for more strategic activity such as advice provision around financial hardship?**

A3. Advice provision is not included in the scope of this scheme.

Should Authorities choose to fund advice as part of their support they must do so through means other than the Household Support Fund.

### **Q4. Can we make multiple awards to the same people or families?**

A4. A family or individual can be supported on multiple occasions throughout the lifetime of the scheme, should an Authority deem it to be necessary. However, each award should be reported separately. Although multiple awards to the same households are possible, funding should not be used to support unsustainable tenancies. Where eligible, ongoing housing support should be provided through the housing cost element of Universal Credit and through Housing Benefit – and if needed, through Discretionary Housing Payments.

**Q5. Can Searchlight information be used by Authorities to help identify suitable recipients?**

A5. Searchlight can only be used to verify a specific individual's DWP benefit information. Universal Credit award information is available on Searchlight. Therefore, if an Authority identified a group of potential claimants who may be eligible for the scheme from their own records, they can access Searchlight to verify those claimants' DWP benefit details.

DWP is sharing UC and Pension Credit data with LAs each month which LAs can use to identify vulnerable households eligible for payments under the Household Support Fund.

**Q6. Does there need to be a complaints and appeals process?**

A6. The appeals process falls within each Authority's normal complaints and appeals process. Authorities will be responsible for making determinations on eligibility and as such will need to decide how they administer any complaints or appeals.

**Q7. Are there any other sources of guidance?**

A7. DWP will continue to update a comprehensive Q&A log based on questions raised by Authorities. This will be reissued in due course.

**Q8. Why can't we carry over funding from the previous Household Support Fund?**

A8. DWP's funding for the original Household Support Fund was a separate grant and the grant period for that grant ended on 31 March 2022. Funding cannot be carried forward into the new grant period.

**Q9. How should Authorities reporting funding which goes to a household that includes a child and a pensioner?**

A9. This funding should be reported under 'Households with Children'.

**Q10. Can more than one third of funding be spent on households that include a child or on households that include a pensioner?**

A10. Yes, at least one third should be spent on each of these groups, but more than this proportion can go to these groups if necessary.



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## Spelthorne Borough Council Services Committees Forward Plan and Key Decisions

This Forward Plan sets out the decisions which the Service Committees expect to take over the forthcoming months, and identifies those which are **Key Decisions**.

A **Key Decision** is a decision to be taken by the Service Committee, which is either likely to result in significant expenditure or savings or to have significant effects on those living or working in an area comprising two or more wards in the Borough.

Please direct any enquiries about this Plan to [CommitteeServices@spelthorne.gov.uk](mailto:CommitteeServices@spelthorne.gov.uk).

## Spelthorne Borough Council

### Service Committees Forward Plan and Key Decisions for 25 June 2021 to 14 June 2022

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee 14 06 2022	Allocation Policy Review	Non-Key Decision	Public	Marta Imig, Housing Strategy and Policy Manager
Community Wellbeing and Housing Committee 14 06 2022	DFG Policy	Non-Key Decision	Public	Stephen Mortimer-Cleevely, Senior Team Manager, Independent Living
Community Wellbeing and Housing Committee 14 06 2022	Leisure Centre Operator Contract Specification Report seeking committee decision on matters relating to the specification of the Leisure Centre Procurement project.	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Confidential	Kamal Mehmood, Strategic Lead for Leisure and Community Development
Community Wellbeing and Housing Committee 14 06 2022  Environment and Sustainability Committee 05 07 2022	Emergency Assistance Centre Plan Report to note – may go in briefing pack	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Community Wellbeing and Housing Committee 14 06 2022	Discretionary £150 Council Energy Rebate Scheme	Non-Key Decision	Public	Stuart Wilkins, Housing Benefits Manager

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee 14 06 2022	Household Support Fund Phase Two	Non-Key Decision	Public	Terry Collier, Deputy Chief Executive
Community Wellbeing and Housing Committee 14 06 2022	Homes for Ukraine Scheme	Non-Key Decision	Public	Stephanie Green, Housing Strategy and Policy Officer
Community Wellbeing and Housing Committee 14 06 2022	Q4 Capital Monitoring Report	Non-Key Decision	Public	Paul Taylor, Chief Accountant
Community Wellbeing and Housing Committee 14 06 2022	Q4 Revenue Monitoring Report	Non-Key Decision	Public	Paul Taylor, Chief Accountant

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