



CHOICE-BASED LETTINGS POLICY

MAY 2008

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1. Introduction: Your Home, Your Area, Your Choice

In April 2005, Dartford Borough Council amended its Allocations Policy and developed a new approach to lettings which moved away from a points-based system to one that allows more choice for customers. Choice-Based Lettings allows applicants to select properties that they are interested in, rather than the Council allocating the property to the next person on the waiting list. The scheme is a more open and transparent process, helping applicants make informed choices about where they want to live.

The housing needs of a person, however, must be taken into consideration and to meet this obligation, the Council has adopted a 'Banding' system. Band D for example, will contain applicants who have no local connection, but who have a statutory right to be placed on the Housing Register and Band A will contain those who are in high housing need. In some cases, allocations will be made outside of the scheme and this is discussed further in the Policy document.

Applicants are also referred to as Homeseekers and both terms are used throughout the Policy document.

The Council believes that, Council and housing association owned housing should be seen as one of a range of options available to applicants. Information on all available housing options can be obtained from the Housing Options and Advice Section of the Council.

Kent Home Choice

Dartford Borough Council intends to take part in a Kent-wide Choice-Based Lettings Scheme called 'Kent Home Choice' by 2010. When this Scheme becomes operational, this Policy should be read in conjunction with the framework document outlining the Kent Home Choice Scheme.

2. Aims of Dartford Borough Council's Choice-Based Lettings Policy

Dartford Borough Council's Choice-Based Lettings policy aims to:

- Provide its Homeseekers (both existing and prospective tenants) with 'reasonable' choice and preference over where they live, giving access to good quality affordable housing for those in housing need
- Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time
- Meet the wider objectives of the Borough's housing needs as set out in the Housing Strategy Statement
- Maximise the use of, and efficiently let, all housing stock available to the Council, including housing association stock
- Provide applicants with sufficient information to make informed choices about opportunities for rehousing and understand the criteria and processes adopted by the Council
- Offer applicants open and fair access to housing, provide choice and recognise diverse needs
- Promote sustainable communities and ensure that local people benefit from the regeneration and development taking place in the Borough

3. Housing Act 1996

This Policy has been drafted to comply with the requirements of Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, and takes account of guidance issued by the Communities and Local Government (formally Office of the Deputy Prime Minister). Section 9 of this document, entitled Legal Framework, sets out those categories of applicants to whom **reasonable preference** must be given when deciding who will be offered a property.

4. Applying to be a Homeseeker

4.1. All Homeseekers will be encouraged to take an active role in applying for a property of their choice, in an area of their choice. The Council does not approach Homeseekers with a direct offer of accommodation, except in certain circumstances (see Section 10) or where an expression of interest has been successful (see Section 6).

4.2. *Eligibility to join the scheme*

- The applicant must be sixteen years of age or over. If an applicant is aged 16 or 17, someone else, aged 18 or over, will need to hold the tenancy on the applicant's behalf until they reach 18 years of age
- Applicants are eligible to apply if they do not belong to one of the groups listed as ineligible to join the Housing Register outlined in Section 8
- Existing tenants' home and gardens must be in an acceptable standard of decoration and cleanliness to be eligible to apply for a property. This may be verified by a Housing Officer at the time of application
- Tenants of housing associations living in Dartford will require the written approval of their landlord before they join the Choice-Based Lettings Scheme

4.3. *Transitional arrangements for existing tenants housed under Part VII of the Housing Act 1996*

Existing tenants of the Council, (those currently housed in a non-secure tenancy, under Part VII of the Housing Act 1996 up to 2 April 2005) will be offered the secure tenancy of the property they already occupy. However, those who do not wish to accept their present tenancy, can apply for a transfer and will be placed in Band A after they have completed 12 months as a non-secure tenant.

Any time spent on the list over the initial 12 month period in a non-secure tenancy will be taken into account when registering an expression of interest for a particular property.

4.4. *Help with an application*

Homeseekers requiring assistance to apply may nominate a friend, relative or advocacy worker from an appropriate agency to apply on their behalf or they can contact the Housing Options and Advice Section of the Council where a Housing Advisor will be pleased to assist in making an application.

4.5. *Registering a new application*

Before applicants can apply for a property of their choice they will need to register to become a Homeseeker with Dartford Borough Council. To do this they will need to complete a **Choice-Based Lettings Application Form**.

4.6. *Obtaining an application form*

Application forms can be obtained by:

- Collecting a form from the Housing Options and Advice Section at the Civic Centre.
- Telephoning Housing Options and Advice on: 01322 343814 (Monday to Thursday 8.45 to 17.15 and Friday 8.45 to 16.45)
- E-mailing: housingadvice@dartford.gov.uk and requesting one be sent by post.
- Printing and downloading a form from the Council's website www.dartfordhomeseeker.co.uk.

Once the application form has been returned, it will be registered and an application number will be issued. The Homeseeker will then be advised of the Band their application has been placed into. Banding categories and criteria for inclusion in each Banding are detailed in Section 5.

5. Banding Categories

5.1. BAND A – High Housing Need

A1

a) New Homeseekers – those seeking social housing:

Any of:

Multiple need: Having more than one Band A2 need.

b) Existing Homeseekers: those who wish to transfer to a new property:

Any of:

Multiple need: Having more than one Band A2 need.

A2

a) New Homeseekers – those seeking social housing

Any of:

Accommodation: Any of: Shared use of an external WC or no flush sanitation; complete lack of a bathroom; complete lack of a kitchen.

Medical circumstances: Confirmation received from the Council's Medical Officer that a Homeseeker's living conditions are seriously affecting the health of any person included in the application.

Social need: Any of: husband and wife/partners who are forced to live apart; children who are unable to live with their parents, or with someone else with whom they would normally be expected to reside.

Insecurity of tenure: Under a valid Notice to Quit and assessed as being in a priority group and unintentionally homeless.

Homeless households: A non-secure Introductory Tenancy will be provided for homeless applicants where the Council has accepted or would have accepted a duty under s193 of Part VI of the Housing Act 1996.

One offer of suitable accommodation will discharge the Council's duty towards the applicant under homelessness legislation. The Council considers a suitable offer to be where the property is the right size for the household and meets medical needs where applicable. However, the applicant has a right to a review of a decision when an offer has discharged the duty and will be informed of his/her right to request a review under Part VII of the Housing Act 1996. **A review in this situation is not part of the Lettings Policy.**

A leaflet entitled '**Information on Reviewing Your Homeless Decision**' contains detailed information on the review process and is included in all offer letters. It is also available on request from the Housing Options and Advice section of the Council.

b) Existing Homeseekers: those who wish to transfer to a new property:

Any of:

Accommodation: The accommodation is too small for their needs (See Section 9).

Medical circumstances: Confirmation received from the Council's Medical Officer that an applicant's living conditions are seriously affecting the health of any person included in the application.

Existing tenants (under transitional arrangements only as detailed in Section 4.3) occupying a non-secure tenancy under Part VII of the Housing Act 1996, having satisfactorily completed a minimum period of 12 months to their tenancy.

A3

Any of:

Accommodation under the Joint Assessment and Referral Scheme (JARS): The Council has a service agreement in place with West Kent Social Services and West Kent National Health Services and Social Care Trust to re-house up to 20 households per year under a Joint Assessment Scheme.

Accommodation following move-on from Women's refuges and mother and baby units: Applicants accommodated in Women's refuges within the Borough and supported housing schemes for mothers and babies.

Downsize for Cash Scheme: Qualifying tenants who occupy accommodation too large for their needs and who wish to downsize into smaller accommodation.

Reciprocal lettings: Where the Council is approached by another social landlord outside of the Borough seeking to re-house an applicant because of exceptional circumstances, such as witness protection.

Adapted Properties: A move into an adapted property.

Management Transfers: A move agreed in exceptional circumstances due to significant issues associated with the tenant's occupation that has resulted in imminent personal risk to the household if they remain. Accommodation will be offered on a 'like for like' basis depending on the availability of the housing stock. If a move takes place on a 'like for like' basis, the applicant, if registered on the housing list, will retain their position on the waiting list for future bids under CBL.

Allocations not covered by Part VI of the Housing Act 1996:

- 1) Where the Council is carrying out repairs or improvements to the Council property or where, for reasons of demolition or development, tenants are required to move from their homes.
- 2) Where the Council has a duty to re-house residential occupiers following a compulsory purchase and provides suitable alternative accommodation under the Land Compensation Act 1973, s39.
- 3) Where the Council grants an introductory tenancy to a former owner-occupier or statutory tenant of a defective dwelling house under the Housing Act 1985.

Homeless households accommodated in the private sector: The household has been accommodated under the Private Sector Leasing (PSL), Private Sector Accommodation Scheme (PSA), or Dartford Private Leasing Scheme (DPLS).

5.2. BAND B – Moderate Housing need

a) New Homeseekers - those seeking social housing:

Any Of:

Accommodation: Any bedroom shortage, any sharing of kitchen or bathroom facilities.

Where two households are amalgamated into a single family unit

Medical circumstances: Confirmation received from the Council's Medical Advisor that an applicant's living conditions are moderately affecting the health of any person included in the application.

b) Existing Homeseekers: those who wish to transfer to a new property:

Any of:

Accommodation: Families with children under 12 years of age living in flats or maisonettes and wishing to move to houses.

Medical Circumstances: Confirmation from the Council's Medical Advisor that an applicant's living conditions are moderately affecting the health of any person included in the application.

5.3. BAND C – Low level or no particular housing need

New and existing Homeseekers, who have a low level or no particular housing need, for example a medical condition that is only mildly affecting the health of any person included in the application or where a tenant has no housing need but wishes to move to a different locality.

This Band will also include applications from former residents aged 60 years and above who are seeking elderly person's accommodation within the Borough (to qualify under this category, applications must be made within a two year period of leaving the Borough).

5.4. BAND D – Households from outside the Borough who do not fall into ANY reasonable preference category

Applications from outside the Borough will be placed in this Band, where the Council has carried out an assessment of housing need and the applicant does not fall into any category of reasonable preference groups (see Section 8, 8.2). This Band will also include applications from former residents aged 60 years and above who are seeking elderly person's accommodation within the Borough but are doing so outside of the two year qualifying period described above.

Applicants have a right to request a review of their Banding category as detailed in Section 12.

6. Finding a property, Expressions of Interest and the Lettings Process

6.1. Once a Homeseeker becomes eligible to express an interest in a property, it will be their responsibility to find out the details of the properties that are available. Homeseekers who require assistance may nominate a friend, relative or advocacy worker (including a Housing Advisor of the Council), to express an interest in a property on their behalf. Properties will be advertised on a two weekly basis, from Thursday to Monday inclusive. Information on available properties can be found by:

- Looking at the 'Available Property' board in the Civic Centre, or the cash office at the Swanscombe Town Council Offices
- Telephoning the 24 hour dedicated Homeseekers line on: 01322 343100 and listening to the property details
- Accessing the internet and logging onto: www.dartfordhomeseeker.co.uk
- Accessing information at the Council's supported housing schemes

6.2. *Expressing an Interest in a property*

Once a Homeseeker has found a property of choice an Expression of Interest will need to be made. These should be made within five days from the date of advertisement. This can be done by:

- Completing an 'Expression of Interest' Form, available from the Civic Centre, or the cash office at the Swanscombe Town Council Offices, ensuring that the application number is included. The completed form should be returned to the Civic Centre by post, or in person by posting the application in the reception area
- Registering an interest by telephoning 01322 343371 (lines are open from 8.45 to 17.15 Monday to Thursday and 8:45 to 16:45 Friday)
- Sending an email to: housingadvice@dartford.gov.uk. The email should include your registration number, name, address, date of birth and the property reference number. (An automated email will be sent to you confirming receipt)
- Accessing the internet and logging onto: www.dartfordhomeseeker.co.uk and completing an on-line form
- Sending a text to 07881 668706 quoting "cbl", your application number, the reference number of the property you are interested in and your date of birth.

Before any offer or invitation to express an interest in a property is made, all applications will be checked and verified. This is to ensure the accuracy of the Council's records and compliance with the rules of the scheme as set out in this document. An offer or invitation to register an interest will not be made to applicants whilst the application is suspended. Further details of this are as described in Section 8.

Offers or invitations are also made subject to the applicant having had a satisfactory rent account for six months.

6.3. *Direct offers of suitable accommodation*

All Band A3 applicants and homeless households in Band A2 can either bid for a property under Choice-Based Lettings or will be given a direct offer of suitable accommodation, whichever is quicker for the applicant.

If a direct offer of suitable accommodation is refused, the case will be reviewed to determine whether the housing need is still high enough to remain in the present Band. If the review finds the applicants housing needs have changed and they are no longer eligible to be in their current Band, they will be placed in whatever Band is appropriate to their needs. If the review finds that the applicants needs have not changed, they will be able to make bids again up until the point where another direct offer of suitable accommodation is made.

6.4. *Tied cases*

Where two applicants have equal priority, for example, have the same length of time in their Band and have the same requirements for size, type and area of property, offers will be made taking account of the requirements and housing needs of both applicants. The property will be offered to the applicant for whom the property is deemed most suitable, taking all other factors into consideration.

6.5. *Successful Expressions of Interest*

Successful Homeseekers will receive a formal written offer from the Council. If an applicant has not received a formal written offer within 10 working days from the specified closing date, it can be assumed that the expression of interest has been unsuccessful for this particular property. For housing association properties, the time taken to receive a formal written offer may vary.

In order for Homeseekers to be able to make a judgement regarding how long they may have to wait for a property of their choice, information on successful applications is regularly displayed and can be obtained by:

- Accessing the internet and logging onto: www.dartfordhomeseeker.co.uk
- Telephoning Housing Options & Advice on: 01322 343814
Monday to Thursday 8.45 to 17.15 and Friday 8.45 to 16.45
- Looking at the 'Available Property' boards

The information contained on the boards and website will not include any personal details of the successful Homeseeker.

6.6. *Letting and Refusal of an Offer*

When an offer has been made, the property can then be viewed by the applicant, accompanied by a Housing Officer. If accepted, the tenancy will commence on the Monday following the delivery of the keys for the new property. Existing Council tenants are required to arrange the return of all of the keys including the front door, shed, window lock and communal door keys, available for collection. Failure to return the keys will lead to the tenancy continuing and rent charges applying for a full week.

All tenancies end on a Sunday, with new tenancies beginning on a Monday. Upon receipt of the keys the tenant will be informed of the tenancy start date and details of arrangements to connect services. Where tenants feel that they require longer to move, this is to be agreed by Estate Management and they will be required to pay rent on two properties.

If an offer of accommodation is refused by the applicant, the property will be offered to the next eligible Homeseeker who has expressed an interest in the same property. A refusal of a property does not hold any suspension based penalties.

Once an offer of accommodation has been accepted and the tenancy has commenced, the application will be cancelled.

6.7. Dartford Borough Council Introductory Tenancies

All new Council tenants will be given Introductory Tenancies which will last for 12 months, however, under the provisions to be introduced by the Housing Act 2004, the introductory period may also be extended in certain circumstances.

Introductory Tenancies have fewer rights than a secure tenancy. For example there is no entitlement to purchase the property under the Government's 'Right to Buy' scheme. Normally it will lead to the granting of a secure tenancy on the anniversary of the tenancy start date, unless any of the tenancy conditions are broken, for example, failure to pay rent or instances of anti social behaviour. If this happens, possession proceedings may be taken to end the tenancy.

7. The Housing Register: General information

7.1. Operation of the Register

Dartford will operate a Housing Register and lettings will be made predominately from this Register. Within the Register, priority is determined by two main factors: the applicant's broad level of housing need and length of time on the Register. The broad levels of housing need are reflected by Bands contained within the Register (see section 5). Applications will be assessed and placed in the appropriate Band of the Register. Once in a Band, applicants are housed in date order. Offers will be made to the Homeseeker who has waited the longest in the highest Band and who expresses an interest in a property.

7.2. Household members who can be included in an application:

- The partner (aged 16 or over) of the applicant, including married, unmarried and same sex partners. When partners are not currently living together, the housing applications will be considered as if the two households were living together at either address. The applicants will be placed in the Band which best reflects their housing needs
- The following close adult relatives living permanently with the applicant/s: parent, sibling, adult offspring, grandparent/grandchild, aunt/uncle, niece/nephew for a minimum of one year
- Dependent children (aged under 18) living with the applicant, or for whom the applicant or their partner has principal care and control
- An unpaid carer where the Council's Medical Advisor has agreed.

7.3. Ineligible members of the household

Although an applicant may be eligible to go on the Housing Register, it may be that one or more members of the household are ineligible persons and the Housing Act 1996 specifies that they cannot be taken into account when calculating housing need. This may particularly affect the size of accommodation required, the level of overcrowding and whether the specific medical needs of that individual are met. Ineligible persons are those specified under s160 A (1) and (5) of the Housing Act 1996. (See Section 8, Ineligibility Restricted Priority and Suspension). People who are deemed ineligible are entitled to request a review of the decision (See Section 12).

7.4. Applications from existing Council or Housing Association tenants wishing to transfer to alternative accommodation

Existing Homeseekers (secure or assured tenants of Dartford Borough Council or a housing association) can apply for a property of their choice after completing twelve months in their present tenancy.

- 7.5. Applications from tenants with Right to Buy applications**
When a tenant of the Council applies to buy their property under the Right to Buy scheme (RTB), if they have applied to transfer to alternative accommodation, this will be suspended. If the RTB is completed, the transfer will be cancelled. If the RTB is cancelled, the transfer request will be re-instated.
- 7.6. Homeless applicants housed in the private sector**
The Council makes use of private sector accommodation through a Private Sector Leasing Scheme (PSL) and a Dartford Private Leasing Scheme (DPLS). These schemes offer homeless households accommodation in the private sector.
- Applicants who agree to be housed under these schemes assist the Council by relieving pressure on Council housing stock and minimising the use of temporary accommodation. Applicants who approach the Council for assistance and are accommodated in the private sector under these schemes are to be placed in Band A3 for future bids under Choice-Based Lettings.
- 7.7. Change of circumstances**
Applicants must notify the Housing Options and Advice Section of the Council of any change of circumstances that occur. When there is a relevant change that alters the level of priority, the application will be reassessed and, if appropriate, placed in a different Band.
- 7.8. Waiting time**
Waiting time determines priority for housing within each Band. A new applicant will be placed in a Band that reflects their housing need. In all Bands, new applicants' waiting time will commence from the date of their registration. The length of time an applicant waits for a property will, therefore, be determined by their Band, the length of time they have spent on the list, the number of properties available, and their choice of areas and accommodation type.
- 7.9. Housing Register review**
Applications will be reviewed once a year on the date of the anniversary of the initial application. If the applicant fails to reply within three months of this date, it will be assumed that s/he no longer wishes to be on the Register and the application will be cancelled.
- 7.10. Offers causing possible homelessness**
Where to proceed with an offer of accommodation would cause homelessness to another person or household, the Council will suspend the application until the issue of potential homelessness has been resolved.

8. Housing Register Applicants: Ineligibility, Restricted Priority and Suspension

- 8.1. Ineligibility**
The Officer making the decision that an applicant is ineligible to join the Housing Register, or be suspended from the Housing Register, will be the Housing Options and Advice Manager. The following households will be ineligible for housing:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless the secretary of State has prescribed that they should be eligible for housing
- Applicants, or other household members included in the application, who have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority. This decision will be based on the circumstances at the time of the application and the Council will consider all relevant circumstances in reaching its decision. If an applicant has, in the past, been deemed to be ineligible, considers that his/her unacceptable behaviour should no longer be held against them due to changed circumstances, s/he can make a fresh application. Unless there has been a considerable lapse of time, it will be the applicant's responsibility to show that his/her circumstances or behaviour have changed. An applicant will be notified in writing of the decision that he/she is ineligible and has a right to request a review of the decision as detailed in Section 12.

8.2. **Restricted Priority**

In Dartford the demand for all types of affordable housing far exceeds supply. For this reason, it is not possible to give applicants from outside the Borough the same priority as people already living in the Borough.

Applications from people from outside the Borough will however, be assessed the same way as in-borough applicants, in terms of deciding whether they have a reasonable preference, in order to establish their Band. The application will then be placed in one Band lower than the assessment, except where an application is assessed as Band C, this will stay in Band C. Out of Borough applicants who do not fall into any reasonable preference category will be placed in Band D.

Local connection will not be established in the following circumstances:

- If the applicant is in need of short-term Supporting People accommodation based funded services.
- Where a person is admitted for care to a facility in the Dartford area because there is no similar facility in the area where they live.
- If the applicant is ex-service personnel, who has lived in the Borough during service, or prior to serving in the armed forces, they will be considered to have established a local connection .

8.3. **Suspension of an application**

The following circumstances may lead to a suspension:

- **Applicants with unpaid rent or other arrears which affect their suitability to be a tenant:** Any applicant with a history of rent or other debt still owing to the Council or any Private Sector Landlord will be suspended from the scheme. Waiting time however, will still accrue. The Council will look at all the relevant circumstances in determining whether the history of arrears is serious enough to affect the applicant's suitability to be a tenant.
- **Applications will be suspended if the condition of the tenant's present property and garden is not in an acceptable state of decoration and cleanliness:** The property should be in good condition, the paintwork should be clean, the doors undamaged and opening and closing properly, the wall coverings in good order and not torn. If the property has a garden it must be clean and in a tidy condition.

- **Applicants with a history of behaviour which affects their suitability to be a tenant:** This will include applicants where they, or a person living in their household, have a history of anti-social behaviour, threatening or violent behaviour and/or damage to their own or other's property. These applicants will be suspended from the Housing Register. Waiting time however, will still accrue. The decision to suspend applicants as a result of the applicant's suitability to be a tenant will be reviewed on a 12 monthly basis taking account of factors such as the incidence and frequency of complaints, relevant information from other agencies and whether the perpetrator is still resident in the household. Whilst an applicant is suspended from the Register, they will be unable to submit expressions of interest for a property.
- **Applications from owner occupiers, or former owner occupiers who have a capital asset** will be suspended from the register until their circumstances are such that they fall within one or more of the reasonable preference categories (see Section 9).

An applicant will be notified in writing of a decision that their application has been suspended and has the right to request a review of the decision as detailed in Section 12.

8.4. **Definition of anti-social behaviour**

'Behaviour that is capable of causing a nuisance, annoyance or distress to any person living in, working in or visiting the Borough.' (Dartford Anti-Social Behaviour Policy)

9. Legal Framework

9.1. **Requirements of the Housing Act 1996**

The Housing Act 1996 sets out the circumstances of applicants where reasonable preference must be given. Part VI of the Act covers:

- Allocations of local authority stock to new tenants
- Transfers requested by local authority tenants
- Allocations of local authority stock to current tenants of housing associations
- Nominations that the Council makes to housing associations

9.2. **Situations when the Policy does not apply**

The Policy does not apply to the following situations where:

- A secure tenant dies and there is a person qualified to succeed the tenancy
- A secure tenancy is assigned to someone who would be qualified to succeed to the tenancy
- A Court makes an order about who is to be the secure tenant under:
 - a) The Matrimonial Causes Act 1973, s24 (property adjustment orders in connection with matrimonial proceedings)
 - b) The Matrimonial and Family Proceedings Act 1984, s17(1) (property adjustment orders after overseas divorce) or
 - c) The Children Act 1989, Schedule 1, para. 1 (orders for financial relief against parents)
- Where the Council is able to facilitate a move that meets a specific housing need of a household through the allocation of a particular property to a particular household, e.g. to release a disabled adapted property

9.3. **Reasonable Preference**

Under Section 167 of the Housing Act 1996 the Council is required to operate a Letting Scheme for determining priorities and the procedure to be followed in allocating housing accommodation. Section 167 (2) of the Housing Act 1996 also requires that the scheme is framed to give reasonable preference to the following groups:

- People who are homeless within the meaning of Part VII Housing Act 1996
- Homeless people who are owed a duty by any local authority under section 190(2); 193(2) or 195(2) of the Housing Act 1996 (or the equivalent provisions in the Housing Act 1985) who are occupying accommodation secured by any such authority under section 192(3)
- People occupying insanitary or overcrowded accommodation or otherwise living in unsatisfactory housing conditions
- People needing to move to a particular locality within the Borough to avoid hardship to themselves or others. Examples include those needing to move to give or receive care, access specialised medical treatment, or to take up particular employment, education or training opportunities
- Households consisting of or including someone with a particular need on medical or welfare grounds

Additional preference can also be given to people with an urgent housing need. Examples include victims of domestic violence; racial harassment; witnesses of crime and victims of crime at risk of intimidation amounting to violence; and people with urgent medical reasons.

10. Discretion to Accommodate Outside the Banding System

10.1. The following applicants may be dealt with outside the Banding system in order that the Council can manage its stock effectively and meet its statutory and other obligations as a landlord.

10.2. *Local Lettings Plans*

The Council will work closely with housing associations to develop local lettings plans that seek to ensure that a sensible balance is achieved between housing priority and the longer term sustainability of the local area.

Local lettings plans will include measures to ensure that existing tenants living in the locality of a new development of 20 units or more are given reasonable, additional priority for properties. This will be achieved by ensuring that a proportion of new properties are let to local people. The exact proportion will be decided on each individual development and local lettings plan. Any local lettings Plan will have regard to housing management considerations such as the social mix of tenants within the block, estate or area. Such considerations will be set out in the Local Lettings Plan and may include child density, age range, vulnerability of tenants and community stability.

10.3. *Nominations for Housing Association properties not currently taking part in the Council's Choice-Based Lettings scheme*

For housing associations not currently taking part in Choice-Based Lettings, the nominations for available properties will be from those Homeseekers who have expressed an interest in housing association properties on their application form. Those Homeseekers who are in the highest Band and have been waiting for the longest period of time will be nominated.

10.4. *Re-housing of Schedule 1 Offenders*

Applications from registered Schedule 1 Offenders, under the Crime and Disorder Act 1998, will be dealt with outside of this policy. If eligible to go on the Housing Register, a multi-agency risk assessment including representatives from housing,

police, social services and the probation service will be undertaken before any offer of accommodation is made.

10.5. *Dartford Private Leasing Scheme (DPLS) and Private Sector Leasing (PSL) participants*

When a person is placed into DPSL or PSL accommodation and their circumstances change, and they are no longer eligible to claim housing benefit, they will be made one direct offer of accommodation into Council accommodation under an introductory tenancy.

10.6. *Direct offers of accommodation for certain Band A applicants*

There are some Band A applicants who can take part in Choice-Based Lettings, but the Council will at the same time actively seek accommodation for them and may choose to use discretion to accommodate outside of the Banding System. These applicants will therefore be housed either by expressing a successful interest in a property or by the Council making a direct offer of accommodation, whichever comes first. The particular applicants that this applies to are as follows:

- Homeless households
- Accommodation under the Joint Assessment and Referral Scheme (JARS)
- Accommodation following move on from Women's refuges and teenage mothers units
- Downsize for Cash Scheme applicants
- Reciprocal lettings
- Adapted property moves
- Management Transfers
- Allocations not covered by part VI of the Housing Act 1996:
 - 1) Where the Council is carrying out repairs or improvements to the Council property or where, for reasons of demolition or development, tenants are required to move from their homes.
 - 2) Where the Council has a duty to re-house residential occupiers following a compulsory purchase and provides suitable alternative accommodation under the Land Compensation Act 1973, s39.
 - 3) Where the Council grants an introductory tenancy to a former owner-occupier or statutory tenant of a defective dwelling house under the Housing Act 1985.

11. General Information

11.1. **Household and accommodation size information**

Under this Policy, Homeseekers are entitled to express an interest in any property of their choice but excludes properties which are larger than their existing needs. However, Homeseekers *are* permitted to express an interest in properties that are smaller than their existing accommodation or smaller than their existing needs, as long as the move does not cause the property to be statutorily overcrowded, as specified by the Housing Act 1985. For example, a couple with one child may express an interest in a one bedroom property if they wish, but would not be allowed to express an interest in a three bedroom property. The following table shows the criteria for determining property size according to household size.

Household size	Number of bedrooms	Number of living rooms
Single Person	1 bedroom or bedsit	1 living room Combined living and bedroom
Couple or single parent with a child under 1 years old	1 bedroom	1 living room
Couple or single parent with 1 child over 1 years old	1 bedroom for parent/s 1 bedroom for child	1 living room
Couple or single parent with 2 children of same sex	1 bedroom for parent/s 1 bedroom for children	1 living room
Couple or single parent with 2 children of opposite sex	1 bedroom for parent/s 2 bedrooms for children (1 bedroom per child)	1 living room
Couple or single parent with 3 or 4 children	1 bedroom for parent/s 2 bedrooms for children (one bedroom for females and one for males)	2 living rooms
Couple or single parent with 5 or more children	1 bedroom for parent/s 3 bedrooms for children	2 living room

11.2. *Offers of alternative accommodation after a relationship breakdown*

Where a relationship breakdown occurs and the children are already accommodated with one parent, they will be considered to have a permanent residence and cannot therefore be included in any application for housing made by the other parent.

11.3. *Racial Harassment*

The Council condemns all incidents of racial harassment whether perpetrated by its tenants, employees, contractors or third parties. The Council is committed to taking swift and effective action against perpetrators of such anti-social behaviour with the aim of protecting the victim, stopping the abuse and preventing further incidents.

11.4. *Services to minority groups*

Dartford Borough Council offers the following services to people from minority groups:

- The use of Language Line for those requiring linguistic support
- The provision of information leaflets in minority languages on request

11.5. *Removal expenses*

Where, for reasons of development or demolition, tenants are required to move from their homes, reasonable removal expenses and a disturbance allowance will be paid.

Where a tenant is required to move temporarily because of improvement or major works to their property, removal expenses plus a one off payment will be made.

11.6. *Disabled Access*

There is provision for those with physical disabilities at the Civic Centre via disabled parking bays, ramped access, and interview and W.C. facilities suitable for wheelchair users. There are also automated access doors at the main entrance. Disabled access is also available at the Swanscombe Town Council Offices.

11.7. *Auditing lettings*

There is a full record of how each letting has been made.

11.8. *Equal Opportunities*

Dartford Borough Council has adopted a Comprehensive Equalities Policy. All staff are required to respect cultural differences and carry out all of our services to ensure equality of opportunity and without prejudice on the grounds of: race, ethnic origin, nationality, religion, cultural background, gender, sexual orientation, domestic circumstances, disability, illness (such as HIV and AIDS) and age. All members of society will be treated equally and without prejudice.

11.9. *Pets in Council Properties*

The keeping of pets in Council tenancies is permitted on the condition that any pets are of a suitable type and size for the accommodation. Owners are required to take full responsibility for their pets ensuring they do not cause a nuisance to neighbours, and in the case of dogs ensure they clear up after their animals in accordance with the Dog Fouling laws. If a dog causes a nuisance or harms a person, tenants may be required to remove it from the home.

Residents in flats, maisonettes and supported housing schemes that share a single common entrance are welcome to keep fish, birds or an assistance dog if they wish. For other pets such as cats and dogs, the tenant must obtain the written consent of the Council.

11.10. *Training*

Dartford Borough Council is committed to training its employees to ensure a high level of service is offered to Homeseekers.

12. Right to Information about Applications and Reviews

12.1. An applicant has the following rights to information about their application:

- To ask for general information about how the application is likely to be treated and when housing may be offered
- To ask the Council to inform him/her of any decisions about the facts of his/her case which may affect a decision about whether to allocate housing
- To be notified in writing of any decision that he/she may be ineligible for housing under the Choice-Based Lettings Scheme, either because he/she is a person from abroad who is excluded or because he/she is guilty of unacceptable behaviour
- To be notified that their application has been suspended because of unacceptable behaviour serious enough to make them unsuitable to be a tenant

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

- That he/she is ineligible
- That he/she has been suspended from the Register because of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant
- The Banding assessment

In each case, the applicant will be informed of the decision of the review in writing and the reasons for it.

The right to request a review applies to decisions made on an initial application, it does not apply to a reply for a request for confirmation of the status of a current application.

12.3. *Particular decisions*

a) *Decision as to whether the applicant is eligible to join the Housing Register:*

- If it is decided that the applicant is eligible, he/she will be notified and will be told which Band he/she is in and the date of joining the Band
- If it is considered that further information is required to determine the application, he/she will be notified and will be given notice. This notice will:
 - i) ask the applicant to provide further information needed to make the decision;
 - ii) give a deadline for this information, which should be no less than 28 days from the date the applicant received the notice;
 - iii) tell the applicant that the Council may decide he/she is ineligible if either:
 - a) the requested information is not provided, in which case a decision will be taken on the facts available to the Council; or
 - b) information is provided which gives reason to decide that he/she is ineligible
- If it is decided that the applicant is ineligible, he/she will be notified of this in writing and be notified of the right to ask for a review.

The Officer will notify the applicant of the decision within 28 days. The applicant will be given written reasons for the decision and will be notified of the right to ask for a review. The review request must be sent within 21 days of receiving the

decision. This period may be extended in very exceptional circumstances at the discretion of the Council.

If the Council upholds the decision that the applicant is ineligible, any further application will be a fresh application and not a request for a further review.

b) *Decision to suspend an application because of unacceptable behaviour*

- An applicant who is eligible to join the Register but whose behaviour is serious enough to make them unsuitable to be a tenant will be notified in writing that their application has been suspended and the reasons for it. The applicant will be informed in writing of the right to request a review of the decision. The review request must be sent within 21 days of receiving the decision
- The Council will review the decision to suspend the application periodically and the applicant has a right to a review of any subsequent decision to continue to suspend the application

c) *Decision as to which Band is appropriate for the applicant:*

- If the applicant disagrees with a decision he/she should ask for a statement of the reasons for the decision, within 21 days of receiving that decision.
- If, after having looked at the Council's statement of the reason, the applicant still disagrees with the decision, he/she can ask for a review of the facts that have been taken into account to reach the decision. An Officer will prepare a statement and will inform the applicant of the reviewed decision. The statement and any reviewed decision will be sent to the applicant within 56 days of receiving the request.

12.4. Procedure for reviews

On receipt of a request for a review, the Council will write to:

- a) explain the review procedure
- b) explain that the applicant, or someone acting on their behalf can make written representations and/or ask for a hearing and give the timescales for a decision
- c) give the timescale for a decision

The Council will review its original decision taking into account any representations and any other relevant facts. The Officer carrying out the review will be someone who has not been involved in the decision taken.

There will be a hearing as part of the review if;

- a) the applicant requests it; and
- b) the reviewing officer considers it will provide the best opportunity to review all relevant circumstances;

The decision on the review will generally be made within 56 days unless a longer period is agreed with the applicant. When a decision has been made, the applicant will be notified and reasons will be given.

An applicant does not have the right to request a further review, but if dissatisfied with the outcome, he/she should seek independent advice about the situation.

13. Acts of the UK Parliament

This Policy has been framed with reference to the following Acts of the UK Parliament:

13.1. *Data Protection Act 1998*

Dartford Borough Council is committed to adhering to the provisions of the Data Protection Act 1998. Individuals are entitled under the Act to request details of their personal data held by Dartford Borough Council. The Council may charge for providing this information. Further information is available from the Council's Data Protection Officer (Head of Legal Services) or via the Council's website.

13.2. *Disability Discrimination Act 1995*

The Disability Discrimination Act 1995 makes it unlawful for the Council to discriminate against disabled people.

13.3. *Family Law Act 1996*

A spouse's right of occupation will be taken into consideration.

13.4. *Freedom of Information Act 2004*

Dartford Borough Council complies with the provisions of the Freedom of Information Act 2004. Further information is available from the Council's Freedom of Information Officer (Head of Legal Services) or via the Council's website.

13.5. *Human Rights Act 1998*

In accordance with articles 8 and 14 of the Human Rights Act 1998, the Lettings Policy ensures that the right to respect for applicant's private and family life is taken into account when assessing housing need. The housing need is assessed taking into consideration a variety of factors including support requirements; bearing in mind the need to not discriminate on grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, or association with a national minority.

13.6. *Race Relations (Amendment) Act 2000*

The Race Relations (Amendment) Act 2000 places the Council under a general duty to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Council will not tolerate any form of racial discrimination.

13.7. *Sex Discrimination Act 1975*

The Sex Discrimination Act 1975 makes it unlawful for the Council to discriminate on the basis of sex or gender in the provision of housing.