

Appendix TKP1.2

Council's FOI response 7 August 2025



Housing Allocation Scheme

November 2023



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1. Introduction

The Housing Act 1996 requires every local housing authority to have a scheme for determining priorities, and the procedures to be followed when allocating housing accommodation. Under section 168 of this act, each authority must publish its allocation scheme and make a copy available for inspection by the public.

This document sets out Tandridge District Council's Housing Allocation Scheme. In drawing up this scheme the Council has consulted with all Registered Social Landlords (RSLs) with which the Council has nomination arrangements, local voluntary and statutory agencies, Residents' Forum, housing applicants and tenants on the housing register. The Council has also had regard to the following:

- The Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011 and other relevant legislation;
- The Code of Guidance on the Allocation of Accommodation published by the Department for Communities and Local Government (DCLG) in June 2012 as subsequently amended;
- The Supplementary Code of guidance "Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England" published by DCLG in December 2013;
- "Right to Move Statutory guidance on social housing allocations for local housing authorities in England", published by DCLG in March 2015;
- Relevant statutory regulations including SI 1997/483, SI 2002/3264, SI 2006/1294, SI 2012/1869, SI 2012/2989, SI 2015/967;
- The Council's Homelessness Strategy;
- The Council's Tenancy Strategy;
- The Equality Act 2010;
- Existing case law.

The Housing Allocation Scheme is available for inspection at the Housing reception desk on the ground floor of the Council Offices, Station Road East, Oxted.

Copies of this document can be downloaded from the Council's website www.tandridge.gov.uk.

Hard copies of the document are also available on request at a charge of £5. However, leaflets summarising the allocation scheme are available free of charge.

2. Aims and Objectives

This policy has been established with a view to meeting the following aim and objectives:

2.1 Aim

To meet the housing needs and, as far as possible, the aspirations of applicants to Tandridge District Council's Housing Register, ensuring the best possible use of the Council's and its partners' housing stock.

2.2 Objectives

To –

- Give priority to people that fall within the Government's "Reasonable Preference Categories", ensuring that priority is given to those in the highest housing need.
- Maintain an appropriate balance between the needs of homeless households and others in housing need.
- Provide accommodation that is affordable and suitable for the needs of an applicant and their household.
- Make best use of the housing stock in the District ensuring -
 - Sustainable and balanced communities are maintained
 - Difficult to let properties are dealt with and re-let times are minimised
 - Under-occupation is reduced
- Offer applicants as much choice as possible within the boundaries of high demand for housing and limited availability of resources.
- Ensure that every application is dealt with fairly and consistently in accordance with the Council's Equality and Diversity Scheme.
- Ensure that priority is given to applicants with an established connection to the District of Tandridge or an identified need to live here.



3. Allocation Scheme Summary

3.1 The Council holds a single list for people in need of affordable housing. This is called the Housing Register and is used by the Council for allocating all housing under Part VI of the Housing Act 1996. This would apply where the Council:

1. Selects someone to be offered a secure (including a flexible or fixed term secure tenancy) or introductory tenancy by the Council
2. Nominates someone to be offered a secure or introductory tenancy by another council (or another body able to grant a secure tenancy);
3. Nominates someone to be offered an assured tenancy from a housing association or other registered social landlord (RSL).

3.2 Not all lettings made by the Council are allocations made under Part VI of the Housing Act 1996. This applies to lettings made in the following circumstances, which will not be covered by this Allocation Scheme:

1. Offers of secure tenancies of their current homes to introductory tenants of the Council;
2. Offers to homeless households of non-secure Council tenancies in discharge of any duty owed under Part VII of the Housing Act 1996;
3. Offers that are made to secure or introductory tenants of the Council at the Council's own instigation, rather than in response to an application from them. This includes an offer of a new Council tenancy (whether of the same or an alternative property) to an existing flexible fixed term tenant on the expiry of the fixed term of their current property;
4. Offers of tied accommodation (service tenancies or licences) made to Council employees;
5. Assignments of Council tenancies;
6. Successions to Council tenancies;
7. Mutual exchanges of Council tenancies, including lettings made in response to a request under section 158 of the Localism Act 2011;
8. Nominations for offers of any tenancy or licence from a private landlord;
9. Offers of suitable alternative accommodation under section 39 of the Land Compensation Act 1973 (duty to re-house residential occupiers);
10. Offers of a secure tenancy under sections 554 and 555 of the Housing Act 1985 (grant of tenancy to former owner-occupier or statutory tenant of defective dwelling-house);
11. An offer of accommodation to a person who occupies accommodation let under a family intervention tenancy i.e. a family intervention tenant who the authority notify is to become a secure tenant.
12. Any other situations, added by the Secretary of State through the making of regulations, in which the allocation scheme will not apply.

4. Eligibility for the Housing Register

All persons aged 16 years or over will be considered eligible for the Housing Register unless they are:

1. An ineligible person from abroad (e.g. those subject to immigration control or not habitually resident in the Common Travel Area, see 4.1 below).
2. In a class of applicants that the Council has decided should be considered non-qualifying applicants. Currently these classes would comprise:
 - a) Those considered to be guilty of unacceptable behaviour (see 4.2 below).
 - b) Those who are property owners who have an asset that could be used to obtain accommodation suitable to their needs.
 - c) Those with an annual household gross income in excess of £60,000 or savings/assets in excess of £75,000.
 - d) Those who have within 5 years of the date of their application, disposed of an asset which they could reasonably have been expected to use to resolve their own housing difficulties, or
 - e) Those who have previously benefitted from the Right to Buy of a social housing property whether in Tandridge or another local authority area. Exceptions may be made on a case by case basis, such as relationship breakdown, where one partner is unable to live in the property and has no legal rights to force sale or release any equity.

In relation to classes b) – e) above, applicants over 65 years of age or, in exceptional circumstances, those otherwise assessed as eligible for sheltered housing will be entitled to join the Housing Register for consideration for sheltered housing. However, they will be subject to reduced preference, as described in section 6 later.

Any applicant regarded by the Council as ineligible to join the Housing Register may request a review of this decision (see Section 12 later).

4.1 Persons from abroad

Persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible to join the Housing Register unless they are -

1. In a category of persons specified by the Secretary of State as being eligible for an allocation of accommodation under Part VI of the Housing Act 1996.
2. An existing secure or introductory tenant of a council (or other housing authority).
3. An existing assured tenant of housing allocated to them by a council (or other housing authority)

Most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel Area and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Register. The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.



4.2 Unacceptable behaviour

This will apply where there is evidence that any member of the applicant's household has behaved in such a way that, as a result, the Council considers the applicant to be unsuitable to be a tenant of the Council. Furthermore, that they are still unsuitable to be a tenant of the Council because of that person's behaviour.

Examples of such unacceptable behaviour would include:

- Significant rent arrears or breach of tenancy obligations.
- A conviction for using accommodation or allowing it to be used for immoral or illegal purposes such as drug dealing.
- Serious damage or neglect of a property.
- Anti-social behaviour or criminal activity including (but not limited to) serious nuisance or annoyance to neighbours for example, the granting of an Anti-Social Behaviour Order (or equivalent), or the granting of a Possession Order on the basis of anti-social behaviour or nuisance, threats or use of violence, racial harassment and domestic abuse.
- An unspent conviction (under the Rehabilitation of Offenders Act 1974) for an offence that in the view of the Council, and that of other relevant statutory agencies, would mean that the applicant or a member of the household would pose an unacceptable risk of re-offending in the District.
- Violence or threats of violence towards other residents, an employee of the Council or its representatives, a former landlord, or staff of statutory agencies.
- Where the applicant is held to be seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances.
- Where the applicant has an unspent conviction (under the Rehabilitation of Offenders Act 1974) for housing or welfare benefit related fraud.
- Where the applicant has previously obtained a tenancy by deception and/or attempted tenancy fraud.

Each application will be considered on its own merits but where the Council is satisfied that these conditions are met, the applicant will be regarded as ineligible for the Housing Register.

However, where the Council has reason to believe that unacceptable behaviour is due to a physical, mental or learning disability, the person will not be determined as ineligible without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Social Services, the Council's independent medical adviser and local providers of support services.

Any applicant regarded by the Council as ineligible to join the Housing Register because of unacceptable behaviour may request a review of this decision (see Section 12 later).

If the review upholds the decision to regard the applicant as ineligible, the applicant may still make a fresh application to the Council at a future date when they believe that they should no longer be regarded as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be necessary for the applicant to show that their behaviour has changed significantly.

4.3 Applicants under 18 years of age

Applicants aged 16 or 17 years old will be accepted onto the Housing Register providing they are not otherwise ineligible. However, a person under the age of 18 cannot be the legal owner of an interest in land, including a tenancy. Therefore, unless there are exceptional reasons, the Council will not allocate a tenancy to a person under the age of 18.

In exceptional circumstances, the Council may grant a tenancy where a trustee has been appointed. The trustee would become the legal owner of the interest in the land and hold it in trust for the young person until they reach the age of 18. Any such case will need to be jointly assessed by the Housing Department and Social Services before an offer of accommodation is made. Furthermore, a suitable guarantor for the tenancy until the applicant reaches the age of 18, would also need to be identified. A person under 16 years of age is not eligible for the Housing Register.

5. Reasonable Preference & Housing Need Assessment

All applicants will have their priority for housing assessed according to the same standard process. This assessment will consider the following factors:

- Eligibility for the Register
- Housing Need / Reasonable Preference Entitlement
- Local Connection
- Financial Assessment

5.1 Priority Banding

Every application for housing will be assessed using a system of priority banding. This is intended to ensure that priority is awarded to all applicants who are entitled to reasonable preference, in accordance with Section 166A(3) of the Housing Act 1996.

The reasonable preference categories are as follows:

- People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3) of the Housing Act 1996;
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds, including grounds relating to a disability;
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

5.2 Reasonable preference

Applicants entitled to reasonable preference will then be further assessed according to their degree of local connection with Tandridge District and the financial resources available to them.

