

# BRENT HOUSING ALLOCATIONS SCHEME

(Revised March 2022)



**As required by Part VI of the Housing  
Act 1996, as amended by the Homelessness  
Act 2002, the Localism Act 2011 and  
the Homelessness Reduction Act 2017**

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# 1. Introduction

This document is the London Borough of Brent's Housing Allocations Scheme for:

- Assessing applications to the Council's Housing Register, and
- Allocating social housing which are homes owned by the Council and Registered Providers (RP's) like Housing Associations

Applicants are advised there is an extremely limited supply of social housing in Brent. Due to the high demand for social housing in the borough; most applicants who are able to join the Housing Register are unlikely to be offered a council or housing association home. The Housing Register enables the Council to prioritise those households in greatest need for social housing in line with this Allocations Scheme.

## 1.1 Statement of choice

1.1.1 The council is committed to provide a fair and transparent service to meet the needs of everyone who is eligible and qualifies to join the Housing Register. Our aim is to achieve this by:

- Listening to and responding to the needs of our customers.
- Ensuring that any allocation does not discriminate in relation to any of the nine protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sex.
- Ensuring that every allocation is in accordance with our Public Sector Equality Duty under section 149 of the Equality Act 2010.
- Offering choice of accommodation, within the constraints of available supply.
- Giving the applicants the opportunity to express preferences about their accommodation whenever possible, whilst at the same time allowing us to meet the needs of the borough in relation to housing, health and social care, sustainable communities and value for money.
- Meeting our legal and strategic obligations and requirements in a way that also takes into account the needs of local communities.
- Setting out clear standards for the services we provide, so that everyone knows what to expect.
- Writing our publications in plain English and offering translations, large print or a reading service where needed to help customers make informed choices about their housing.
- Ensuring that decisions are made in accordance with this Allocations Scheme and confirmed in writing to applicants.
- Providing comprehensive and accurate advice and information (in person and over the telephone) about social housing and other housing options including how to access them.
- Signposting and linking customers to the appropriate team, service or organisation where specialist advice is required.

1.1.2 If you are applying for housing, it is your responsibility to:

- Provide full and accurate details on all forms or correspondence in relation to your application for housing.
- Tell us immediately if your circumstances change in any way, for example, your address, family details or medical condition.
- Respond to all of our requests for information.

- Make a decision on viewed properties within the specified timescale agreed with the landlord.

## 1.2 Brent's housing register

1.2.1 Brent's Housing Register is a local register of housing need. All applicants seeking social housing in Brent must apply through its Housing Register. Throughout this document, we refer to people seeking access to social housing for rent or low cost home ownership options as "applicants".

1.2.2 Applicants are advised that, due to the high demand for social housing in the borough, the demand for housing exceeds supply therefore, applicants are encouraged to consider alternative housing options based on their identified need.

1.2.3 The Housing Register also provides information on local needs, which the Council and its partners use to develop new affordable housing.

1.2.4 The Housing Allocations Scheme sets out:

- The objectives of the Housing Allocations Scheme
- How the Housing Register operates
- Who is eligible to be rehoused
- How applicants' housing needs are assessed
- How social rented homes are let
- How the choice based lettings allocations scheme operates

1.2.5 The Housing Allocations Scheme will operate through a choice based letting (CBL) system and Housing Allocations Scheme. However, there may be local variations in order to make best use of social housing, in which case eligibility for properties will be clearly labelled in the advertisement.

1.2.6 The choice based letting system is designed to be easy to use, and allows applicants to have an understanding of their housing situation, enabling them to make the best choice from the housing options available to them.

## 1.3 Partner organisations

1.3.1 Brent Housing Management – BHM is an in-house Council department which manages council owned homes that become available to let. This is the largest stock of social housing in the borough.

1.3.2 All of the homes that Brent Housing Management manages that are secure tenancies (including fixed term flexible tenancies) are let in accordance with this Housing Allocations Scheme.

1.3.3. Partner Registered Providers (often referred to as 'housing associations') advertise their available homes through the choice based lettings scheme, where nomination arrangements exist. This is when the Council has the right to nominate prospective tenants to a property; in these cases, the landlord will normally be required to advertise the vacancy through the scheme. The Council will, except where set out below, nominate applicants in accordance with the Housing Allocations Scheme.

1.3.4 In the Housing Allocations Scheme, unless stated otherwise, references to registered providers or housing associations relate to partner organisations that have entered into nomination arrangements with the Council. They may also be referred to as 'partner organisations'.

## 1.4 What is a housing allocation?

1.4.1-As a local housing authority, the London Borough of Brent has a legal duty to decide which applicants should be offered a Council or Registered Provider property to which the London Borough of Brent has rights of nomination.

1.4.2 An allocation concerns the rules under which the London Borough of Brent decides the applicants that should be placed on its Housing Register and the process by which those on the Housing Register can obtain a tenancy of a Council property or a to which the Council has nomination rights.

## 1.5 Choice based lettings

1.5.1 In order to maintain a system of allocation of housing in which those applicants who are on the Council's Housing Register and to provide as much choice as possible, the London Borough of Brent operates a bidding system for available Council properties and properties managed by Registered Providers to which the London Borough of Brent have nomination rights for.

1.5.2 The record of every applicant who meets the criteria to be on our Housing Register will specify:

- The number of bedrooms required by the household as assessed by the Council.
- Any specific housing requirements such as accessibility/adaptations/mobility levels of the applicant/member of their household.

1.5.3 The available properties will be advertised online -this is referred to as Locata Choice Based Lettings Scheme. All properties on the Locata Scheme will be categorised by reference to their number of bedrooms and accessibility.

1.5.4 Any registered applicant can bid for those properties on the Locata Scheme, which correspond to their bedroom and access requirements.

1.5.5 The priority of each bid is determined as following:

- The priority band – Band A being the highest and C – the lowest and
- The priority date – as there will be bidders (other applicants) with the same priority band, the priority date confirms the period of time the applicant has been on the Housing Register in that Band.

1.5.6 All home seeker and transfer applicants registered for housing with any partner Local Authority or Registered Provider become members of Locata. Applicants are only allowed to be on one partner's Housing Register.

The current Locata partners are:

- London Borough of Brent
- London Borough of Ealing
- London Borough of Harrow
- London Borough of Hillingdon
- London Borough of Hounslow
- A2 Dominion Housing Association
- Catalyst Housing Association



- Paradigm Housing Association
- Shepherds Bush Housing Association
- Network Homes Housing Association
- Thames Valley Housing Association
- Notting Hill Housing
- Westway Housing Association
- Notting Hill Genesis Housing Association
- Inquilab Housing Association
- Hyde Group
- Octavia Housing
- Sir Oswald Stoll Foundation

1.5.7 Please refer to the current issue of the Locata Scheme User Guide for an up to date list of partner organisations. ([www.locata.org.uk](http://www.locata.org.uk)).

## 1.6 Aims and objectives of the housing allocations scheme

- Encourage and maintain the diverse mix of communities within our borough.
- Prevent homelessness where possible and minimise the use of emergency accommodation for homeless households.
- Make the best use of the limited social housing available to meet local housing need.
- Provide a simple system which is fair, transparent and easy to understand.
- Fulfil our statutory duties for the allocation of social housing.

The Council and its partners will develop the Housing Allocations Scheme in accordance with the principles agreed locally. All assessment of need and allocations will be made in accordance with the agreed Scheme.

The Housing Allocations Scheme aims to provide applicants with sufficient information to explain where homes are more likely to become available. This will allow them to make informed choices about their housing options.

## 1.7 How the housing allocation scheme will operate

1.7.1 Brent is part of the Locata choice based letting scheme. This is the choice based lettings scheme operating in West London.

1.7.2 Applicants who join Brent's Housing Register are placed in one of **4** priority Bands to reflect their housing need.

1.7.3 Most vacant homes are advertised for a set period of time on a regular basis. This is called an advertising cycle.

1.7.4 Applicants can only express an interest in the homes for which they are eligible. They must, for example, meet the criteria for the number of bedrooms in the home.

1.7.5 They may express an interest by bidding through the website or by calling in person at one of the Council's designated offices.

1.7.6 Once the deadline of the advertising cycle is reached, a shortlist of the applicants who have expressed an interest is provided by the Locata system.

1.7.7 The Housing Allocations Scheme is then used to determine who is prioritised for housing from the shortlist.

1.7.8 Feedback on lettings is made when a property has been let.

1.7.9 The feedback will include information about the priority and effective date of the selected applicant, but not any personal information relating to them.

1.7.10 The choice based lettings scheme will not operate when applicants are made a direct offer of housing.

## 2. The legal framework

### 2.1 Housing Act 1996 (as amended)

2.1.1 The London Borough of Brent's Housing Allocations Scheme sits within a tight and complex legal framework. It is governed by the following legislation and guidance, subject to the issue of any further guidance by the Secretary of State:

- **Housing Act 1996 (as amended)**

2.1.2 This Scheme has been drafted to comply with the requirements of part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and Homelessness Reduction Act 2017.

2.1.3 Part 6 of the Housing Act 1996 requires Local Authorities to make allocations and nominations in accordance with a published Housing Allocations Scheme. It covers:

- Allocations of local authority housing to new tenants
- Transfers requested by local authority tenants
- Allocations of local authority housing to current tenants of Registered Providers and
- Nominations that the Council makes to Registered Providers

2.1.4 Under Part 6 of the Housing Act 1996, the London Borough of Brent's Allocation Scheme is framed to ensure "reasonable preference" (which means giving more priority) to some types of applicants as set out below.

2.1.5 The Scheme takes into account the following legislation and regulations:

Part 6 of the Housing Act 1996 (as amended)

- Housing Act 2004, s223 Allocation of housing accommodation by local authorities
- The Homelessness Reduction Act 2017
- The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended.
- Homelessness Code of Guidance for Councils (published in February 2018, updates available from the government's website: [www.gov.uk/homelessness-code-of-guidance-for-local-authorities](http://www.gov.uk/homelessness-code-of-guidance-for-local-authorities) )
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of accommodation guidance for Local Housing Authorities in England (revised version published in December 2020, updates available from the government's website: [www.gov.uk/government/collections/social-housing-allocations-guidance](http://www.gov.uk/government/collections/social-housing-allocations-guidance))

- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012
- The Council's current Homelessness Strategy and Tenancy Strategy and the London Housing Strategy.
- [Improving access to social housing for victims of domestic abuse](#) (published in November 2018)
- [Improving access to social housing for members of the Armed Forces](#) (published in June 2020)
- The Domestic Abuse Act 2021

## 2.2 Reasonable preference

2.2.1 Section 166A(1) of the Housing Act 1996 provides that local housing authorities must have an allocation scheme for determining priorities and the procedure to be followed in allocating housing accommodation. The scheme must be framed so as to give reasonable preference to any applicant who falls within the statutory reasonable preference categories in section 166A (3). Local housing authorities may frame their scheme so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs for example armed forces personnel, victims of domestic abuse, foster carers and adopters.

2.2.2 While the Localism Act 2011 grants local authorities more flexibility over some aspects of allocations, the reasonable preference criteria still apply. Under Section 166A(3) Part 6 of the Housing Act 1996, the London Borough of Brent's Allocations Scheme is framed to ensure that reasonable preference is given to people with housing needs who fall into one or more of the following groups:

- Applicants who are homeless (within the meaning of part VII of the 1996 Housing Act, as amended by the Homelessness Act 2002 and Localism Act 2011).
- Applicants who are owed a duty 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 s192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability as well as those who are recovering from the impact of domestic ~~abuse and abuse~~ who are also likely to have medical and welfare needs, including physical and mental health issues, which may be complex and long-lasting
- People who need to move to a particular locality in the housing authority area, where failure to meet that need would cause hardship (to themselves or others)

Although there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities will need to demonstrate that, overall, reasonable preference has been given to all the reasonable preference categories.

There is no requirement for housing authorities to frame their scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis.

This scheme aims to comply with these requirements and does not seek to give any additional priority to households falling into more than one of the reasonable preference categories.

All applicants will have their housing needs assessed and awarded a priority Band according to their individual circumstances. This will take into account the reasonable preference set out in the legislation above. Homes will generally be let to the applicant in the highest housing needs Band who has been waiting the longest, having expressed an interest in the home and met the criteria in the property advertisement.

2.2.3 Vulnerable people will be appropriately supported to access the Housing Allocations Scheme. A number of measures will be taken to ensure that vulnerable applicants are not disadvantaged such as:

- Providing appropriate advice and assistance.
- Translating documents on request.
- Providing information in other formats on request.
- Partnership working with support agencies.
- Undertaking monitoring and regular reviews of the Allocations Scheme.

2.2.4 Properties that have been adapted or developed for people with a disability will be advertised as such and due to the shortage of adapted properties, preference will be given to households needing that adaptation. Please be advised property advertisements will confirm which groups may express an interest in these types of accommodation.

## 2.3 Equality and diversity

Brent is one of the most diverse boroughs in the UK. The Council will ensure that its Housing Allocations Scheme is applied in a manner that actively promotes equality and complies with its statutory obligations under the Equality Act 2010, in particular in relation to the nine protected characteristics and to ensure that having due regard to Public Sector Duty under section 149 of the Equality Act 2010.

In addition, the Council undertook an Equality Impact Assessment (EIA) in March and April 2013, which looked at the overall impact of the scheme and considered how key policy changes would affect groups protected by the Equality Act 2010. Further EIA/Equality Analysis has been carried out in relation to the changes in 2014 and 2019 and most recently in December 2021/January 2022 in relation to the current major amendments to the Housing Allocation Scheme.

## 2.4 Reviewing and monitoring the housing allocations scheme

2.4.1 The Housing Allocations Scheme will be reviewed regularly to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and does not operate in a manner that disadvantages, or discriminates against, any particular group.

2.4.2 An annual report on the application of the Housing Allocations Scheme will be considered by the Policy Coordination Group and the Council's Overview and Scrutiny Committee - this will be communicated back to stakeholders.



## 3. Applying to Brent's Housing Register

### 3.1 Who can apply?

3.1.1-Applicants must 16 years or over, be eligible for housing and qualify for inclusion on the Register. Some landlords however, may only offer tenancies to applicants under the age of 18 if they have a guarantor. Eligibility and qualification are explained in further detail below.

### 3.2 Joint applicants

3.2.1 Where more than one eligible applicant wishes to have a shared application they will be joint applicants.

3.2.2 For a joint application, all applicants have to qualify and meet the conditions on eligibility. A joint tenancy will not be granted to two or more people if any one of them is a person from abroad who is ineligible or is a person who is being treated as ineligible because of unacceptable behaviour, length of residency, financial capital and other assets or any other qualification criteria.

### 3.3 People who can be included in an application

3.3.1 An applicant can only include in their application members of their immediate family who normally live with them (or might reasonably be expected to reside with them) as a member of their household or other people who have an extenuating need to live with them. Usually this will mean members of the applicant's immediate family as follows:

- The applicant's spouse or partner. By partner we mean anyone who lives with the applicant as their partner or who would live with them as a couple if they were able to do so.
- Dependent children including where the applicant has a legal guardianship and the children are adopted or fostered, if they are under the age of 21 and live with the applicant full time, or for four or more nights every week. The applicant will be required to provide the London Borough of Brent with formal papers upon request (e.g. court order) and documentation relating to any agreement that is currently in place regarding residency.

3.3.2 If there is an extenuating circumstances to include non-dependent adults ages over 21 the applicant will be required to provide further information and evidence about why they need to be considered as a part of the household such as giving/receiving care. For further clarification please refer to paragraph 3.4 in this document.

3.3.3 If an applicant has been accepted as statutorily homeless by the London Borough Brent, a household will include all members who were on the original homelessness application.

3.3.4 If an applicant is an under occupier applying to transfer to a smaller home (downsizing) and will be awarded Band A priority as an under occupier, then adult family members may be included on the application.

## 3.4 People giving or receiving care

3.4.1 People who have an exceptional need to live with you means people who are not included in the definition of immediate family but who have a real need to live as part of the household in order to give or receive care or support. This may include:

- A child (of the applicant or partner) aged 21 or over who cannot live independently because of a disability or a care need
- A carer, if someone in the household needs full time care and no one in their immediate family is able to provide this.
- An adult (including elderly) relative who needs to receive care. For some elderly people moving to sheltered accommodation is the best alternative.

3.4.2 If applicants wish to include people on their application who are not considered as immediate family, must explain reasons for this in their application, in particular why it is necessary for them to live with the applicant. We may also require you to provide evidence such as a court order, a social services or occupational therapy assessment and/or evidence that you are in receipt of Carers Allowance.

3.4.3 Brent council can decide whether a person is normally resident as a member of the household. The Operational Director of Housing has the discretion to allow additional people to be included on the application when h/she considers it is appropriate, taking into account all of the circumstances. When exercising this discretion Brent Council will also take into account the prevailing housing conditions in the Borough.

## 3.5 Family members not currently living with the applicant

3.5.1 The council will not include on an application any family members who are not resident in the UK at the time an application is submitted.

3.5.2 These household members will only be considered once the family member added to the application for housing has been granted leave to remain and is residing in the UK lawfully and/or recourse to public funds in the UK.

3.5.3 In cases where parents share joint residence of children, and wish to include those children as part of their housing application, the housing arrangements of both parents will be considered. If one parent has adequate accommodation for the children, the children will not be taken into account on the other parent's application. Where a formal residence agreement is not in place, the council will consider factors such as whom the children usually live with (four nights or more), who is the main care provider, who has the financial responsibility for the children; the length of time any arrangement has been in place and where the children go to school; and any other relevant information, for example from social services or health care professionals. This does not prohibit the other parent from maintaining their usual and agreed access to the children.

## 3.6 Applicants who are ineligible for housing

3.6.1 Section 160A of the Housing Act 1996 (as amended) sets out who is ineligible to receive an allocation of housing. Applicants who are ineligible for housing fall into these three categories:

- Certain persons who are subject to immigration control, unless they are re-included by order of the Secretary of State or are exempt because they are already a secure tenant.

- Other persons from abroad whom the Secretary of State deems to be ineligible for an allocation of housing accommodation by a local housing authority or are exempt because they are already a secure tenant.
- Certain persons who the local authority decides to treat as ineligible due to unacceptable behaviour, which would prevent them from being considered as suitable tenants.

### 3.7 Applicants who are ineligible due to immigration rules

3.7.1 Only applicants that are eligible can be included on the Housing Register. The following applicants will be eligible for an allocation of accommodation:

a) Applicants that are subject to immigration control

3.7.2 A person that is subject to immigration control will only be eligible for an allocation of accommodation if they fall within a category of persons that have been prescribed as eligible by regulations made by the secretary of state.

b) Applicants that are not subject to immigration control

3.7.3 A person that is not subject to immigration control will be eligible for an allocation of accommodation unless:

- Their only right of residence is one which has been prescribed as not resulting in eligibility by regulations made by the secretary of state or
- They are not habitually resident in the Common Travel Area or excluded from the requirements on Habitual Residence Test by Regulation 6(2) of the Allocation of Housing and Homelessness (Eligibility) (England) (Regulations 2006).

### 3.8 Do not qualify due to unacceptable behaviour or actions

3.8.1 When deciding whether or not an applicant is eligible for housing, Brent Council may decide that the applicant should be treated as ineligible for housing if it is satisfied that:

- The applicant, or members of the household has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant of the Council and
- In the circumstances at the time of their application is considered they are unsuitable to be a tenant of the authority by reasons of that behaviour.

3.8.2 Behaviour that may be regarded by Brent Council as unacceptable, including the following:

- Behaviour of the applicant(s) which would (if they were a secure tenant of Brent Council) entitles the Council to a possession order of their property under section 84 of the Housing Act 1985 on any grounds mentioned in Part 1 of schedule 2 to that Act (other than ground 8); or
- Behaviour of a member of the applicant's household which would (if they were a person living with a secure tenant of Brent Council) entitles the Council to seek a possession order of their property under section 84 of the Housing Act 1985 on grounds mentioned in Part 1 of Schedule 2 to that Act (other than ground 8).

3.8.3 Brent Council cannot allocate housing to anyone who is not eligible to join the Housing Register, even jointly with someone else who is eligible to join the Housing Register.



### 3.9 Do not qualify due to length of residence in the borough

3.9.1 All applicants must currently be living in the London Borough of Brent and have continuously lived here for the period of 5 years or more prior to joining the housing register and for the avoidance of doubt, must continue to remain living in the borough whilst on the housing register. Applicants who do not meet this criterion will not be eligible to join Brent's Housing Register, subject to the exceptions set out in paragraphs 3.10.3 and 3.10.4 below.

3.9.2 Residents who have been living in Brent for 5 years or more but have been placed in temporary accommodation by another local authority in order to meet a homelessness duty will not qualify.

3.9.3 Applicants who have been placed in temporary accommodation out of borough by the London Borough of Brent in order to meet a homelessness duty will continue to accumulate time towards the residency criteria, and not lose any length of time previously resident in the borough.

3.9.4 Exceptions to the residency rule:

- Existing secure or fixed term tenants of the London Borough of Brent.
- Young People leaving care and referred to Brent Council Children's services assessed by the panel (whether or not they currently live in Brent).
- Those who are homeless within the meaning of Part VII of the Housing Act 1996 to whom the London Borough of Brent has accepted a full housing duty under section 193(1) & (2) of the Housing Act 1996.
- Domestic abuse victims.
- They are temporarily residing outside Brent in prison, hospital or residential care but have the intention of returning to Brent and their last settled address was in Brent immediately prior to moving into prison, hospital or residential care.
- They are (whether or not they currently live in the borough):
  - A serving member of the regular forces or have been such a member within the 5 years preceding their application to be placed on the register.
  - The spouse or civil partner of a deceased member of the regular forces whose death is wholly or partly to that service) and have recently ceased or will cease to be entitled to reside in Ministry of Defence accommodation.
  - Serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

### 3.10 Do not qualify because meet asset/income threshold

3.10.1 Gross household income will be taken into consideration when registering for social housing. Depending on the bedroom size needed, applicants meeting the below income threshold will not qualify for housing (they will not be eligible to join the register) as they are deemed to have sufficient financial resources to buy a home or pay market rent in the borough:

- 1 bed need – £35,000 per annum
- 2 bed need – £45,000 per annum

- 3 bed need – £55,000 per annum
- 4+ bed need – £70,000 per annum

3.10.2 If an applicant owns or has an interest in a property as a free holder or leaseholder in the United Kingdom or anywhere else in the world, or part-owns a property under the shared ownership scheme then they will not qualify to join the Housing Register. This will include people who live in caravans, mobile homes, houseboats and accommodation on seasonal holiday parks.

3.10.3 Applicants who formerly owned a property will be asked to provide evidence of the sale and details of any capital gained from the sale to determine their qualification. If applicants disposed of capital without making adequate housing arrangements, for example, gifting the capital to relatives or friends, they will not qualify.

3.10.4 Those who do not own accommodation but have sufficient savings to buy a property (or share in a property) or obtain private rented property will also not qualify to go on the housing register. The Council consider savings of £50,000 and over to be sufficient. However, discretion can be requested through the Housing Allocations Panel in exceptional circumstances such as fleeing domestic abuse, downsizing or where a member of the household has a physical or mental health problem, which would prevent the household finding suitable accommodation in the private sector.

3.10.5 Where an application is refused because the applicant falls into one of the three ineligible categories defined above, applicants will have the right to request review of that decision under section 167 (4A) of the Housing Act 1996 (as amended). In making a decision whether to accept or refuse an application the decision shall be notified to the applicant in writing, giving full details of the reasons of refusal.

3.10.6 The London Borough of Brent, at the discretion and with the approval of the Operational Director for Regeneration and Growth and the Allocations Panel may make an offer of social housing in exceptional circumstances, for example where an elderly owner occupier who cannot stay in their own home need to move into sheltered accommodation. In these instances, the applicant should not financially benefit from the offer of social housing and is therefore required to sell their accommodation and provide the Council with evidence of the sale.

## 4. How the housing register works

### 4.1 How to apply to join the Housing Register

4.1.1 To apply to join the Housing Register applicants must complete a housing application using the online form (through the Locata website [www.locata.org.uk/brent](http://www.locata.org.uk/brent)) or by visiting the council's designated offices. Multiple applications are not allowed; an applicant may have only one active application on the Housing register.

### 4.2 Civil partnerships and cohabiters

4.2.1 Civil partnership as defined in the Civil Partnership Act 2004 is a legal relationship, which can be registered by two people of the same sex.

4.2.2 For the purposes of the Housing register civil partnerships will be treated in the same way as married applicants including in the following cases:

- Parental responsibility for the other civil partner's child
- Succession and assignment of a tenancy agreement
- Protection from domestic abuse
- Immigration and nationality purposes

4.2.3 Cohabiting couples will be treated in the same way as married applicants, except that some evidence of an abiding relationship will be required before a joint tenancy is awarded.

### 4.3 Applicants consent and declaration

4.3.1 When applicants apply to join the Housing Register, they must sign a declaration to confirm that:

- The information they have provided is complete, true and accurate.
- They will inform the Council immediately of any changes in circumstances.
- They understand that information will be shared with partner organisations such as Registered Providers (RPs) together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.
- They consent to the council making enquiries of any relevant persons (including credit checking/ referencing companies) to confirm that the information on the application form is correct or to add to the information given where necessary to complete an assessment of need or to consider suitability for housing.

### 4.4 Notification of changes in circumstances

4.4.1 Applicants must let the Council known immediately of any change in their circumstances, which may affect their priority for housing. Applicants who have had a change of circumstances and have not informed the Council may have their application set to pending whilst an investigation takes place in order to determine their eligibility and entitlement for housing.

4.4.2 For transfer applicants, it is the responsibility of the applicant to inform the council of any change of circumstance to enable the council to re assess the transfer application accordingly.

4.4.3 Examples of change in circumstances include someone joining or leaving the household, the birth of a child, a change of address, the purchase or acquisition of an interest in a home, or a change in the health or welfare of the applicant and/or a member of their household.

4.4.4 Applicants should notify the London Borough of Brent of any change in their circumstances by completing the online change in circumstances form available on [the Locata website](#).

## 4.5 Renewal of housing applications

4.5.1 To keep the Housing Register up to date, applicants may be contacted to see if they still want help with housing.

4.5.2 Applicants are required to re-register their housing application once a year, in order to confirm that they still want to be considered for housing.

4.5.3 On the anniversary of the date their housing application was registered, applicants will be required to renew their application. Applicants will be notified of the arrangements for completing this renewal and must do so within the specified time period.

4.5.4 When completing their renewal, applicants must confirm that they still want to be considered for housing and provide details of all changes in their circumstances.

4.5.5 Failure to complete renewal within the time period specified (or to respond to a written request for information needed to assess their housing application) will result in the applicant being removed from the Housing Register.

## 4.6 Cancellation of housing applications

4.6.1 A housing application will be cancelled (and removed from the Housing Register) in the following circumstances:

- When the applicant requests it
- When the applicant becomes ineligible for housing
- When the applicant has been housed through the Allocations Scheme
- When the applicant accepts an Assured Shorthold Tenancy via a Council scheme
- When an applicant fails to maintain their housing application (through the renewal process) or they move home and fail to provide the Council with a contact address.
- When an applicant fails to respond to a request for further information within the specified time.
- When an applicant moves out of the borough, except if they are residing in temporary accommodation provided by the Council.

4.6.2 Should an applicant whose application has been cancelled wish to re-join the Housing Register they will receive a new effective date. In exceptional circumstances, the Council may agree to reinstate a cancelled application without revising the priority date if the applicant notifies it within 3 months of the application being removed from the Register.

## 4.7 Verification of housing applications

4.7.1 Before offering an applicant a tenancy of social housing, Brent Council will need to verify the circumstances stated in the application.

4.7.2 The verification interview may take place before or after an applicant is shortlisted for a particular property. The purpose of the interview is to check on the accuracy of the Council's initial assessment.

4.7.3 During the interview, a record will be made of the applicant's current circumstances; a check will be made to ensure that the applicant has been put into the correct Housing Needs Band.

4.7.4 All applicants who are eligible for housing will be expected to produce original documents to verify their housing need at the verification appointment. If they are unable to produce the relevant documents, they may not be able to go ahead with any current bid.

4.7.5 For everyone included in the housing application, the Council will require proof of identity, together with proof of residence for all addresses used during the past five years. Evidence such as proof of income, proof of pregnancy, medical conditions and any disabilities, and a range of other documents, including for example birth certificates, marriage certificates, divorce papers, tenancy agreements, and bank statements, as appropriate will be requested.

## 5. Assessment and prioritising housing applications

### 5.1 Prioritising Housing Register applicants

5.1.1 The London Borough of Brent uses a banding system to prioritise Housing Register applications. Each Band takes into account the statutory reasonable preference categories of housing need and the Council's local priorities as summarised below. Some allocations may be dealt with outside the choice based lettings scheme in exceptional circumstances.

5.1.2 Placing applicants in Bands - all applicants must join the Housing Register by completing the online housing application form. Following assessment, the application will be placed on the Housing Register (if the applicant is eligible for housing) in one of five Housing Needs Bands, based on the information provided, ranking from Band A (applicants with the highest housing need) to Band D those applicants with no identified housing need.

5.1.3 Some allocations will be dealt with outside the choice based lettings scheme; these are explained in sections 6.10 and 6.11

### 5.2 Bedroom entitlement

5.2.1 When deciding the size of the property and number of bedrooms needed for a household, the council applies both the space and room standard as set out in sections 325 and 326 of the Housing Act 1985. The room standard is based on the number and gender of people who must sleep in one room. It is breached in a situation where two people of the opposite sex must sleep in the same room, except cohabiting or married couples, who can live in the same room without causing overcrowding and children under the age of 10, who are completely ignored in the calculation. All living rooms and bedrooms are included in the calculation (this could include a large kitchen).

5.2.2 A separate bedroom is allocated to:

- Each married, civil partnership or co-habiting couple

- Any other person aged 21 years or over (that is allowed to be included on the application, except in the case of accepted homeless households where adult children will be expected to share a bedroom with siblings of the same sex).
- Each pair of children or young people aged between 10-20 of the same sex.
- Each pair of children under 10, regardless of their gender
- Any unpaired person aged between 10-20 is paired, if possible with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.

5.2.3 Households willing to accept small accommodation, particularly a family requiring a 2-bedroomed property that is prepared to accept a 1-bed property, will be able to bid on applicable properties that are advertised. Offers will be made in these circumstances where the applicant agrees to this in writing and the overall permitted occupancy of the property does not result in statutory overcrowding. Please note that some Registered Providers do not allow applicants to bid down for their properties.

5.2.4 The Council will only allow bedrooms for people who are entitled to be on the application. If the applicant or a member of their household is pregnant, the applicant should notify us when the baby is born to update their application (by completing a change of circumstances form in the first instance). Bedroom entitlement will be reviewed depending on the household composition.

5.2.5 In exceptional circumstances, the Council may exercise discretion in deviating from the Space and Room Standard where a household will be offered a larger or smaller accommodation. These are:

- Where applicants require larger accommodation on health grounds. This may be considered where an applicant or a member of their household needs their own bedroom for medical reasons; needs a carer/ personal assistant or some special bulky medical equipment. These will be considered on a case by case basis, taking into account the advice of the Council's District Medical Officer and reports from relevant adult/children social services.
- Occasionally, there may be no suitable cases on the four and five bedroom list due to the space standard of the property. Where this occurs, allocation can be made to applicants providing this does not result in under occupation of the property. In these cases, the Rehousing Officer will match the personage of the household with the personage of the property. For example, a 4-bedroom, 6-person property, in the absence of suitable cases on the 4-bed list, could be offered to a household on one of the 3-bedroom lists that consists of 6 persons, i.e. parent(s) and four children.

## 5.3 Assessment of housing applications

5.3.1 Applicants will receive a letter confirming the outcome of their Housing Register assessment, which will:

- Confirm the priority Band the applicant has been placed in on initial assessment. Some assessments (such as those relating to medical conditions) may take longer and may result in a change in banding.

- Confirm the size (and if applicable the type) of property the applicant is eligible to bid for.
- Confirm the applicant's priority date.
- Include a reminder about informing the Council of any change in the household's circumstances
- Inform of a decision that the applicant is not eligible to join the Housing Register and do not meet the qualification criteria, and offer advice and information on alternative housing options
- Provide details of the appeal and review procedures
- Explain how annual re-registration works

## 5.4 Deciding on priority date

5.4.1 To prioritise between applicants in the same Band, the Council uses the priority date for the applicant. An applicant's priority date is usually the date they joined the Housing Register. Where, for example, the Council finds there are two suitable applicants for a home available for letting, the applicant with the most priority is the one who has the earlier priority date.

5.4.2 Where an applicant has moved from one band to another band, their new priority date will be the date when the change of circumstances causing the banding change is considered and accepted. If an applicant moves up a Band and subsequently has a further change of circumstances that triggers a Band demotion, the original priority date in the lower band will be retained where this demotion is within six months of the change.

5.4.3 Where an applicant receives priority on medical or welfare grounds, their priority date will be the date they applied for this award.

5.4.4 Where an applicant has been accepted as being homeless by Brent council, the priority date will be the date, the Council accepted that they were either threatened with or actually homeless and eligible in accordance with section 166(A)(3) unless they have already been awarded Band C with an earlier priority date.

## 5.5 Applicants who have deliberately made their housing situation worse

5.5.1 The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need and consequently improve their chances of rehousing through the Housing Register.

5.5.2 If the Council decides that the applicant has made their housing situation worse, the applicant will remain in the band that reflects their housing need before the deliberate action (or inaction) that made their situation worse.

5.5.3 If the applicant was not on the Housing Register when the deliberate action (or inaction) that made their situation worse occurred, the assessment of housing need will be based on their housing need immediately before that date

5.5.4 The assessment will be reviewed on request but not normally within the first twelve months of the application being made. If the restriction is removed, the application will be

placed in the band that reflects the applicant's current housing circumstances and their priority date will be the date that the application was moved to the new band.

## 5.6 Owner occupiers

5.6.1 The Housing situation within the Borough is such that the Council is unable to assist home owners with housing. Home owners who have applied to join the Housing Register will be expected to make their own arrangements to resolve any housing need that they have. This includes co-owners, keyworker and shared ownership housing. If it is demonstrated that there is exceptional need (equivalent to Band A) and there is no prospect of resolving the issue in any other way, then the case will be considered by the Allocation Panel. However, there is still no guarantee that housing will be offered. Owners will be advised when they register of the Council's position.

5.6.2 Applicants who have previously owned a property and have sold it will be asked to provide proof of the sale together with evidence of the proceeds received from the sale.



## 6. Finding a home

The London Borough of Brent lets the vast majority of its homes and its nominations through its Choice Based Lettings Scheme (Locata). For all advertised properties, the eligibility of bids received will be checked against the labelling used in the advertisement. Any ineligible bids will be discarded. Where properties are advertised, the allocation of a property will be based on the priority of bids received.

### 6.1 Choice based lettings

6.1.1 Applicants who are accepted onto the Housing Register can bid for properties that are appropriate to their housing need.

6.1.2 Although applicants cannot bid for homes that are larger than they need, applicants who need 2 bedrooms or more may bid for homes that have one bedroom less than they need.

6.1.3 In exceptional circumstances (involving very large families that have little or no prospect of obtaining a home that is large enough for their needs), applicants may be permitted to bid for properties that are up to three bedrooms smaller than they need. Before this can happen, however, the applicant must obtain the permission of the Council.

6.1.4 Where an applicant chooses to accept an offer of accommodation that has fewer bedrooms than they need and subsequently re-applies to join Brent's Housing Register, they will not be awarded any priority for overcrowding unless their circumstances have changed significantly since they accepted the tenancy of their existing home.

6.1.5 Registered Providers (Housing Associations) have their own standards for occupancy and may not offer properties that are smaller than the applicant needs.

### 6.2 Circumstances when eligible applicants will not be able to participate in choice based lettings

6.2.1 Some applicants who are eligible for housing will not be permitted to participate in the choice based lettings scheme if the Council considers that, due to their age or their need for specialist support, they are not yet ready to sustain a tenancy. The circumstances in which this may occur are described in section 6.6 below.

6.2.2 Applicants who are eligible for housing will also not be allowed to participate in the choice based lettings scheme if they have accepted an offer of housing but the property is not yet ready for occupation, or if it has been agreed that they will only receive a 'direct offer' of accommodation.

6.2.3 Applicants who are eligible for housing can be suspended from bidding for homes through the choice based lettings scheme if they refuse two written offers after making successful bids. Any suspension will be effective for up to twelve months.

6.2.4 Decisions on whether or not applicants should be temporarily prevented from participating in the choice based lettings scheme will be made by the Council. Where it decides that an applicant should not be allowed to participate, the Council will inform the applicant of the reasons why they are not able to take part, any conditions that will need to be met before they will again be entitled to take part, and the date that they may request a review of the decision to prevent them from taking part.

## 6.3 Advertising available homes

6.3.1 The London Borough of Brent advertises its own void properties and also partner Registered Provider units for which it has nomination rights. The adverts will appear daily online on Locata. Once the properties have been advertised, registered applicants on the London Borough of Brent's Housing Register are invited to express an interest by bidding for the properties advertised according to their eligibility for the property.

6.3.2 Some registered social landlords may decide not to advertise all of their homes through the choice based lettings scheme. This will depend on the level of tenancy nomination rights that the Council has agreed with them.

6.3.3 In exceptional cases, a home may be excluded from the advertising scheme because it is needed, for example, to deal with an emergency or for use as alternative accommodation for a tenant who has to move out of their home because it has become unsafe or requires extensive repairs. Other examples include homes that are needed for applicants who have specific housing needs and require a property to be adapted to fulfil those particular requirements.

6.3.4 All adverts will include property descriptions, which will be used as set criteria to assess the applicant's eligibility for the property. The following details maybe included:

- Property types, e.g. houses, maisonettes or flats
- Size of property, e.g. double or single bedrooms must be specified so that the minimum and maximum number of persons suitable for occupancy can be identified (defined as bedspace).
- Whether children are allowed
- Stipulation of age limits for Older Persons Dwellings
- Whether pets are allowed.
- Landlord details e.g. London Borough of Brent or Registered Providers
- Floor level of property
- Property characteristics e.g. heating type, lift access etc.
- Weekly rent charges and any other additional charges for each property
- Whether any adaptations exist within the property
- The mobility group
- In the advertisement, the home will be labelled to show whether it is restricted to any particular group of applicants.

## 6.4 Labelling of properties

6.4.1 The Council will label the advertised homes in a way that provides as much information as possible about the property and which applicants are eligible to express an interest. Where an applicant does not meet the criteria outlined, they will not be considered for the home.

6.4.2 Labelling criteria will include:

- Transferring tenant: The Council and registered social landlords may sometimes decide that a home will only be available for their own existing tenants.
- Property size: Applicants must be eligible for the size and type of the property they are bidding for – they will be advised of what they can bid for when they join the scheme.
- Housing needs bands: Some homes may only be offered to applicants who are in particular Bands.
- Adapted homes: Homes that are particularly suitable for people with disabilities will have special symbols to help applicants with those needs to identify them. Adverts for adapted or accessible homes (for example those with wheelchair access) will specify that they are only available for people assessed as needing them.
- Age restrictions: Some homes may have a minimum age requirement.
- Local lettings policies: In order to promote sustainable and settled communities, the Council and Registered Providers may introduce specific lettings policies in some areas, which will vary from this Housing Allocations Scheme. They may do this, for example, where there are too many vulnerable residents in an area or there is a need to reduce child density, tackle serious anti-social behaviour or increase the proportion of tenants who are in employment, education or training.
- Pets: The advertisement will identify whether pets are allowed.
- Home type and facilities: The advertisement will show the type of home, the floor level, the type of heating, the service charges and any other relevant details.

6.4.3 The Council will give priority (label properties) to tenants who have registered on the Housing Register and are assessed to have a priority (in Bands A-C-) to bid for new accommodation that becomes available on their current estate. This will enable residents to continue to live on their estate and prevent the need for them to move away. Each time the council decides to build new homes within an estate, it will determine the boundaries of the area that will be affected prior to new homes becoming available to let. The boundaries of any area in which this policy applies will be determined and published.

## 6.5 Expressing an interest in available homes

6.5.1 To be considered for an available home, applicants must apply for the home by the publicised deadline and meet the labelling criteria.

6.5.2 Applicants will generally be able to make expressions of interest each advertising cycle.

6.5.3 In each cycle, applicants will be able to express an interest in up to three properties for which they are eligible.

6.5.4 The number of homes in which an applicant may express an interest each bidding cycle, the length of the bidding cycle and the frequency with which details of newly available properties are added to the choice based lettings website may be changed after monitoring of the scheme and applicant consultation.

6.5.5 Support will be offered to applicants who require assistance in using the scheme.

6.5.6 Applicants will be able to express an interest in a property by several methods.

- Using the website
- By Smartphone app
- In person at their local designated office
- By using an advocate for any of the above methods

6.5.7 In certain circumstances applicants may bid for properties by proxy. Council staff, support agencies and other providers may be used as proxies for this purpose, subject to the Council's agreement to any such request.

6.5.8 'Autobidding' may be activated for homeless households to place bids on their behalf once the household falls into the longest waiting 5% of households waiting for the relevant property size.

## 6.6 Applicants who may be suspended from bidding

6.6.1 An applicant who is eligible for housing may be suspended from bidding through the choice based letting scheme (or any bid that they make may be disregarded during shortlisting) in any of the following circumstances:

- Where the applicant has been assessed as being incapable of independent living or sustaining a tenancy;
- Where the applicant is only capable of sustaining a tenancy if they are provided with support, but that support is not being provided;
- Where the applicant's eligibility or level of priority is being reviewed because of, for example, a change of circumstances or concerns about possible fraud or the accuracy of the information that has been supplied in relation to their application for housing;
- Where the applicant has already accepted an offer of another property or has been formally offered another property and has not yet confirmed whether or not they will accept that offer;
- Where the applicant repeatedly fails to attend viewings of properties for which they have bid and been shortlisted;
- Where the applicant repeatedly refuses, without good reason, formal written offers of properties for which they have made a successful bid under the choice based lettings scheme.

6.6.2 In deciding whether or not an applicant is ready for independent living and capable of sustaining a tenancy, the Council will be guided by its specialist housing teams, by support providers and the relevant health and social care professionals.

6.6.3 Where it is decided that the applicant is not yet ready for independent living (or is not receiving the support they need to live independently), their situation will be closely monitored by the Council's specialist housing teams and action will be taken to ensure that appropriate housing and support are provided as soon as practicable.

6.6.4 An applicant will normally be deemed to have 'repeatedly' failed to attend viewings or refused formal offers when, without good reason, they have failed to attend 2 viewings or accept 2 formal written offers.

6.6.5 Where it decides that an applicant should be suspended from bidding through the choice based lettings scheme, the Council will inform the applicant of the reasons why they are not able to take part, any conditions that will need to be met before they will again be entitled to take part, and the date that they may request reconsideration of the decision to suspend them from bidding for properties.

## 6.7 Shortlisting of interested applicants

6.7.1 Registered applicants, who submit an eligible bid for a property advertised in Locata, will appear on a "shortlist". The order on the shortlist is dependent on an applicant's priority band and priority date. Therefore, any registered applicant in band A that bids for a property will always come ahead of any registered applicant bidding for the same property in band B or C. However, if a number of applicants bid for a property and are all in the same band, then priority is decided by considering their priority date.

6.7.2 Once the advert deadline has passed, the shortlist of applicants expressing an interest in the home will be produced from those who are eligible and meet the labelling criteria.

6.7.3 Following production of the shortlist, arrangements will be made by the relevant landlord (Brent Council or a Registered Provider) for the shortlisted applicants to view the property as soon as possible.

6.7.4 The landlord will decide whether the applicants view the property individually (with separate appointments) or all at the same time.

6.7.5 During the viewing and/or on the telephone, applicants will be given further information about the property, the repairs to be carried out, the date when the property is expected to be available, and any special conditions of tenancy.

6.7.6 After the viewing, the property will be offered to the eligible applicant who is highest in the shortlist and has confirmed their interest in being offered the tenancy.

6.7.7 When an applicant says that they are no longer interested in a property after the viewing, the applicant who is next on the shortlist will normally be considered for the tenancy.

6.7.8 In the event that all bids on a shortlist are ineligible, the Social Housing Assessments and Lettings Team will decide whether the property is to be re-advertised at a later date or whether it would be suitable for a direct let to an identified emergency case.

## 6.8 Failure to attend a viewing

6.8.1 If the applicant cannot be contacted via their contact details provided on their application, this will be deemed unreasonable and will constitute a refusal to accept a property. It is an applicants' responsibility to ensure their contact details are accurate and up to date.

6.8.2 If an applicant does not respond to the offer to view and subsequently does not attend the viewing, this will be considered as unreasonable. However, a decision may be changed if the applicant makes contact within 48 hours and the reasons given for the non-attendance are considered to be reasonable.

6.8.3 If an applicant confirms attendance for a viewing but subsequently does not attend a viewing, an officer will contact the applicant to find out the reasons(s) for non-attendance. A decision will then be taken as to whether the failure to view was reasonable or not.

6.8.4 If an applicant fails to view twice, their application will be suspended for a period of 12 months and the applicant will not be able to place bids or be considered for direct offers of accommodation in this time.

6.8.5 For failure to attend a viewing, the following are acceptable grounds for a reasonable failure to attend a viewing:

- You will need to demonstrate that no contact has been made by the London Borough of Brent to view the property
- There is a language or literacy problem which means the applicant did not recognise the urgency of responding
- There were unforeseen and urgent circumstances which resulted in the applicant being unable to inform the Council of their emergency:
  1. Hospitalisation of the applicant or their household members
  2. Death of a close family member
  3. Applicant was away on holiday but had informed the Council of this beforehand.

## 6.9 What are allocations under this scheme?

6.9.1 The following are allocations under this Scheme:

- The selection of a person to be a probationary (introductory) or secure tenant of the London Borough of Brent.
- The grant of a new tenancy to an existing tenant by way of transfer upon the tenant's request.
- Nomination of a person to be an Assured or an Assured Shorthold tenant of a Registered Provider via the London Borough of Brent's Nomination rights agreement
- A direct offer of accommodation.

## 6.10 Properties not offered through choice based lettings

6.10.1 The following types of property will not be advertised and let through the Locata choice based lettings scheme:

- Council homes used as temporary accommodations which are then let to the existing resident as an introductory or secure tenancy
- Service tenancies
- Supported housing, including housing for older people
- Properties selected for 'directlets'
- Shared ownership, rent-to-purchase and keyworker homes (although these will be publicised through the choice based lettings advertisements).
- Succession to a tenancy on a tenant's death pursuant to section 89 of the Housing Act 1985 or section 131 of the Housing Act 1996, or
- Assignment of a tenancy by way of a mutual exchange, or

- Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenant's death, or
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or
- A probationary (introductory) tenancy becoming a fixed term tenancy
- Rehousing due to being displaced from previous accommodation by the London Borough of Brent or being rehoused by London Borough of Brent pursuant to Land Compensation Act 1973
- A person granted a family intervention tenancy
- Allocations, which Registered Providers make outside of nominations agreements.
- Allocations to an individual where there maybe public protection risks.
- Offers of tied accommodation made to Council employees
- Contractual duty owed by the Council (ex-service tenants) where stipulated in employment contracts by the London Borough of Brent
- Moves via the Pan London Scheme (Housing Moves)

## 6.11 Properties selected for 'direct lets'

6.11.1 Although most vacancies will be advertised through the choice based lettings scheme, the Council will make a direct offer of accommodation to applicants at the Council's discretion. All direct offers must be authorised by the Allocations Panel and recorded appropriately.

6.11.2 A 'direct let' may be considered for any applicant whose assessment results in them being placed in Band A of the Housing Register and where, in the judgement of the Council, a 'direct let' offers a much better prospect of securing a move than may be achieved by bidding for a suitable home.

6.11.3 The following applicants may qualify for a direct offer of accommodation but only if approved by the Allocations Panel:

- Where an existing council tenant or partner housing association tenant in Brent has been approved by the Allocations Panel for an emergency management transfer because of harassment, domestic abuse or hate crime.
- Where an applicant needs to move urgently because of an emergency medical or welfare need, including emergencies and situations where there are serious safeguarding implications.
- Where it is in the overriding interests of the Council to prioritise an allocation of housing to a particular household and/or it is necessary to comply with a Court Order and/or fulfil an urgent statutory or legal duty.
- Where a council tenant or housing association tenant in Brent is occupying a specially-adapted home or under-occupying a large family home and is willing to transfer to a home that is more appropriate to their needs.
- Where an applicant has been assessed by a Multi-Agency Public Protection Panel (MAPPA) and it is decided by that Panel that the applicant should be offered social housing

- Where an applicant is being moved under a national witness mobility/protection scheme
- Where a specially adapted property has been built, acquired or adapted in order to meet the needs of a specific applicant
- Where a council tenant or housing association tenant in Brent requires extensive disabled facilities that can be provided more appropriately in alternative accommodation of a particular type.
- Where a property is currently occupied by a homeless household (as temporary accommodation and on the basis of a non-secure tenancy) and that property is then offered to them as an introductory / starter tenancy or secure / assured tenancy
- Where an applicant is a former council tenant who has previously surrendered their tenancy (without the need for possession proceedings) on the understanding that, when they leave prison, hospital, rehabilitation or residential care, or have successfully completed a supported housing tenancy, they will be offered the tenancy of a bedsit or one-bedroom home. Where any delay in providing the applicant with suitable accommodation is likely to prove costly to the Council.

6.11.4 Accepted homeless households by Brent Council, who have been identified by the Allocations Panel to be made a direct offer under part 6 of the Housing Act 1996, may be made one direct offer in line with scheme. If the offer is refused on unreasonable grounds, full housing duty will be discharged. Direct offers to approved homeless applicants are made in exceptional circumstances, where it is in the overriding interest of the Council to prioritise an allocation of housing to a particular household and/or it is necessary to comply with a Court order and/or fulfil an urgent statutory or legal duty.

6.11.5 Properties will be selected for direct offers on the basis of the assessed requirements of the applicants.

6.11.6 Where a 'direct let' is made, the property will not be advertised through the choice based lettings scheme. However, to ensure transparency, the Council will report that the property has been used as a 'direct let'.

## 6.12 Sensitive lets assessment

6.12.1 The Council will make an assessment of risk to the community of any applicant who has been convicted of a criminal offence and is considered to present a significant risk to potential neighbours and/or communities. This will include applicants assessed as a risk through MAPPA panel arrangements.

6.12.2 At the time of registration, an applicant will be asked if he/she or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order. The question is asked to all applicants. If the applicant answers yes, a supplementary set of questions is asked and permission sought from the applicant to contact the Police and/or Probation Service.

6.12.3 The result will be one of the following:

- Some applicants will be assessed as not qualifying due to evidence of past unacceptable behaviour



- Some applicants will be deemed lower risk providing they agree to and sign to a behaviour contract. On a case by case basis the Council may only make offers to certain applicants when an appropriate package of support is in place.
- Some applicants will be assessed as requiring a high priority in the interest of the public protection cases and under these circumstances will be awarded a direct offer, as agreed with the appropriate bodies/organisations.

## 6.13 Making an offer of accommodation

6.13.1 Before offering an applicant the tenancy of social housing, the Council will need to verify what the applicant has said in their housing application and ensure that the applicant is in the appropriate Band, has the correct priority date and is eligible for the size and type of the property available.

6.13.2 If an applicant fails the verification process, they will not be offered the tenancy of the accommodation even if they are the highest in the shortlist of applicants who have confirmed an interest in being offered the tenancy. In such cases, the applicant will be advised of the reasons for this decision-

6.13.3 The successful applicant for each home will normally be the one who is eligible, meets any labelling criteria, and has been verified as being in the highest Band and having the earliest effective date.

6.13.4 The Offer letter describes the action the applicant must take to accept the offer of accommodation. The tenancy will commence on an agreed date after the property is ready for occupation. The tenancy commencement date (Rent Liability Date) will normally be the Monday after the sign up date. An alternative date maybe allowed in exceptional circumstances, and agreed between the landlord and the Council.

## 6.14 Refusing an offer of accommodation

6.14.1 When a shortlisted applicant views a home and says they are no longer interested in being offered the tenancy, the next applicant on the shortlist will be considered.

6.14.2 The consequences of refusing an offer of accommodation depend on the circumstances in which the offer is made. It is important for an applicant who is owed a rehousing duty under Part 7 of the Housing Act 1996 (as amended) to understand that the refusal of a suitable offer of accommodation is highly likely to result in the Council's duty to accommodate them under Part 7 being discharged, the loss of any temporary accommodation as well, and the loss of, or reduction of priority under this Housing Allocations Scheme. The applicant may still be entitled to a "reasonable preference" under Band C- under section 166A (3) of the Housing Act 1996 if they are still homeless from the circumstances of their original housing application.

6.14.3 If an applicant (who is not subject to 'auto-bidding') bids for a property through the choice based lettings scheme, they can withdraw their interest in that property without penalty.

6.14.4 However, if they refuse two written offers after making successful bids, the Council may suspend the applicant from bidding for homes through the choice based lettings scheme for a period of up to 12 months.

6.14.5 If an applicant is living in temporary accommodation and is made a direct offer of accommodation, they are expected to accept any suitable offer of accommodation that is made to them. If the offer is refused, the applicant will be invited to reconsider the offer within the

specified time period but applicants are encouraged to accept offers. They have the right, however, to request a review of the suitability of that offer of accommodation. Where such an applicant refuses an offer of suitable accommodation, the Council's duty to accommodate them under Part 7 of the Housing Act 1996 (as amended) will be discharged. This means that, subject to the outcome of any review, the Council will stop providing the applicant with temporary accommodation. As well as losing their priority for housing (based on them being homeless), the applicant will have to make their own arrangements for housing.

## 6.15 Refusing a direct offer of accommodation

6.15.1 All applicants refusing properties offered directly must give their reasons for refusal. While the refusal is being investigated, the relevant team will hold the property for 48 hours. At the end of this period a decision will be made whether to enforce the offer on the applicant or whether the property should be withdrawn. Properties will not be held longer than 48 hours. If medical evidence or any other evidence is needed to substantiate refusal reasons then this information needs to be submitted and investigated within 48-hour time period. It is the responsibility of the applicant to provide this. The Social Housing Assessment and Lettings Team Leader will consider reasons for refusals of direct offers and decide on appropriate action.

6.15.2 If an applicant is offered a 'direct let' (based on an individual assessment of their requirements), the Council will consider the applicant's reasons for refusing the offer and decide whether or not it was reasonable for them to refuse the offer:

- Where the Council decides that it was reasonable for the applicant to refuse the accommodation offered, the Council will make one further offer of a 'direct let' of suitable accommodation.
- Where the Council decides that it was unreasonable for the applicant to refuse the accommodation offered, the Council will make no further offers of a 'direct let' and, if the applicant is living in temporary accommodation, consideration will be given to whether or not that offer discharges the Council's duty to accommodate them under Part 7 of the Housing Act 1996 (as amended).

6.15.3 If an applicant is living in temporary accommodation and is offered a 'direct let', they will be expected to accept any suitable offer of accommodation that is made to them. If the offer is refused, the applicant will be invited to reconsider the offer within the specified time period but applicants are encouraged to accept offers. If they still refuse the offer, the Council's duty to accommodate them under Part 7 of the Housing Act 1996 (as amended) will be discharged. Applicants have the right to request a review of the suitability of that offer of accommodation (except in management transfer cases). Where the Council decides that the accommodation offered was not suitable (so it was reasonable for the applicant to refuse the offer), the Council will make one further offer of a 'direct let' of suitable accommodation. Where the Council decides that the accommodation offered was suitable the Council's duty to accommodate them under Part 7 of the Housing Act 1996 (as amended) will be discharged. This means that the Council will stop providing the applicant with temporary accommodation and the applicant will have to make their own arrangements for housing.

## 6.16 Failing to respond to an offer of accommodation

6.16.1 If an applicant fails to respond to a written offer of accommodation within the timescales specified, without good reason, they will be considered to have refused that offer of

accommodation. In these circumstances, the Council will have discharged its duty under the law and no further offers of accommodation will be made.

## 6.17 Discretionary powers

6.17.1 The Council recognises that there may be exceptional circumstances where the only way to an exceptionally urgent housing need can be resolved is through the use of management discretion. Discretionary decisions are made by the Operational Director for Community Wellbeing who may delegate this responsibility to the Allocations Panel. In the interests of fairness to all these applicants these circumstances are to be kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Emergency cases whose homes are damaged by fire, flood or other disaster maybe provided with another tenancy if it is not possible to repair existing home, or if any work to repair is to take such a long time that there will be serious disruption to family life.
- Households, who on police advice must be moved immediately due to serious threats to a one or more members of the household or whose continuing occupation pose a threat to the community, including the National Witness Mobility Scheme or Safe and Secure.
- An applicant who has an exceptional need that is not covered by the Allocations Scheme as authorised by the Operational Director for Community Wellbeing. For example, where child or public protection issues require rehousing or for severe domestic **abuse** where all other options to remain in the home or secure alternative accommodation have been considered but failed.

6.17.2 Such cases will generally be placed in Band A or maybe made direct offers of accommodation. A list of all cases given Band A and a subsequent let under management discretion will be kept, monitored and reported on annually for the purposes of monitoring this scheme.

## 6.18 Accepting an offer of accommodation

6.18.1 The Offer letter describes the action the applicant must take to accept the offer of accommodation, including signing the tenancy agreement and collecting the keys.

6.18.2 If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal of an offer of accommodation because, at this stage, they are the tenant of that property.

6.18.3 If they have already given notice on their previous home, it may not be possible for them to withdraw the notice. Also, as they have accepted a tenancy, it is likely that their landlord will insist on receiving 4 weeks' notice (and will be entitled to rent during that time) if the tenant decides that they do not want to continue with their new tenancy.

6.18.4 Where the applicant is living in temporary accommodation and refuses to move out of that accommodation after signing a tenancy agreement in respect of alternative, settled accommodation, they will be evicted from their temporary accommodation and the Council's duty to accommodate them under Part 7 of the Housing Act 1996 (as amended) will be discharged. This means that the applicant will have to make their own arrangements for housing.

## 6.19 Withdrawing an offer of accommodation

6.19.1 A written offer of accommodation can only be withdrawn from an applicant (before the tenancy agreement is signed) where one or more of the following situations applies:

- The applicant has made a false declaration or failed to provide the Council with up-to-date information and that, after reviewing their housing application, the Council has determined that the applicant is not eligible for the property;
- The property details available at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property is not, in fact, suitable to the applicant's needs;
- The applicant's eligibility has changed, since the written offer of accommodation, following a review of the application;
- The Operational Director for Community Wellbeing decides that, taking all factors into account, the property should not have been offered to the applicant.

## 6.20 Feedback on the letting of social housing

6.20.1 After each advertising cycle, the Council will provide feedback on the outcomes of the bids it has received in respect of the social housing advertised through the choice based lettings scheme.

6.20.2 For each letting, the Council will provide the following information:

- The size, type and location of the home
- The number of applicants who bid for the property
- The Band and priority date of the successful bidder

6.20.3 In order to ensure transparency, the feedback will also include any homes that were let as 'direct lets' and were not advertised through the choice based lettings scheme

6.20.4 Feedback is important because it helps applicants to assess their housing prospects and make informed choices about their future housing.

## 6.21 Homes in lower demand

6.21.1 Where there are no expressions of interest from eligible applicants, a home will be re-advertised or the criteria for selection will be reviewed.

## 7. Rights of information

### 7.1 Your information and rights

- 7.1.1 In accordance with the Data Protection Act 2018 and the Data Protection Privacy and Electronic Communications (Amendments etc. EU Exit) Regulations 2019, all Housing Register applicants have the right to see information held by Brent Council about them. This includes the right of access to the information held about them and the right to challenge the accuracy of that information.
- 7.1.2 Please visit [www.brent.gov.uk](http://www.brent.gov.uk) for more information about data protection.

### 7.2 Confidentiality

Information about a housing application must only be disclosed to a third party on a “need to know” basis and in the following circumstances:

- For the purpose of effective joint working with health, education, social services and/or other agencies, to ensure the safeguarding of children and vulnerable adults and positive outcomes for households.
- For the purpose of detecting and preventing fraud.
- For maintaining community safety and the detection and prevention of crime.
- For efficient administration of offers of re-housing, lettings, housing association nominations rent and benefit accountancy.
- Where disclosure of information is a legal requirement.

### 7.3 Access to personal files

7.3.1 Applicants have a right of access to their personal data and relevant supplementary information this is known as a Subject Access Request (SARs). Applicants can request to access this online/in writing – please visit [www.brent.gov.uk](http://www.brent.gov.uk) for more information.

### 7.4 Misrepresentation and fraud

- 7.4.1 Brent Council and its partners are committed to prosecuting any applicant who deliberately misrepresents their circumstances or attempts to deceive or defraud the Council in order to secure the tenancy of a council or housing association home to which they are not entitled.
- 7.4.2 The law imposes severe penalties (including substantial fines or imprisonment) where an offence is proved. If the applicant has gained a tenancy through misrepresentation or fraud, legal action will be taken to recover possession of the property and evict them.
- 7.4.3 It is a criminal offence for Housing Register applicants and/or anyone providing supporting information to knowingly or recklessly make false statements or withhold reasonably requested information relevant to their application (s171 Housing Act 1996 or s2 and s3 Fraud Act 2006).

## 8. Reviews, appeals, complaints, Councillors and monitoring

### 8.1. Right of review

8.1.1 Applicants have the right to request a review of decisions made regarding their application. This includes the right to request a review of:

- The decision to refuse an application to join the housing register because the applicant is considered to be ineligible or does not qualify under the Allocations Scheme
- The removal of an applicant from the Housing Register
- Offers of housing
- The facts of an applicant's case which are likely to be or have been taken into account in considering whether or not to allocate accommodation to them
- Homeless applicants may also have a statutory right of review on decisions relating to their homelessness applications, including the suitability of accommodation offered and any discharge of duty.

### 8.2 How to request a review

8.2.1 Applicants who disagree with a decision made by the Council may request a review, in writing, within 21 days of the date of letter that informed them of that decision. The review request must outline the reasons why the applicant thinks the decision is wrong.

8.2.2 If an applicant is unable to put the request in writing, they may be offered an interview to explain why they disagree with the decision.

8.2.3 Where an applicant has requested a review, the Council is required to respond to it, in writing, within 56 days. This period starts from the date that the Council receives the applicant's request for a review.

8.2.4 Where the Review Officer finds in favour of an applicant who has been prevented from joining the Housing Register or has been given 'reduced preference', the original decision will be cancelled and the housing application will be awarded the correct priority date and priority band.

8.2.5 The London Borough of Brent's decision on review is final and any challenge to that decision can only be made through judicial review proceedings.

8.2.6 Reviews will be carried out by a senior member of staff at London Borough of Brent or delegated to an appropriate officer who was not involved in the original decision.

### 8.3 Requesting a review of the suitability of an offer of housing

8.3.1 Under the choice based lettings scheme, there are generally no penalties for most applicants who refuse an offer of permanent accommodation. However, if applicants refuse a direct offer, the Council may discharge its homelessness duty if they refuse an offer of suitable accommodation.

8.3.2 Where an applicant refuses an offer of accommodation, the Council may ask them to complete a form to record the reasons why the property has not been accepted. This information will be used to monitor the lettings process and the standard of accommodation, and to inform future decisions on the way in which services are delivered.

8.3.3 If an applicant wishes to request a review of the suitability of an offer of housing, they must submit their request to the Council in writing within 21 days of the offer being refused. The Council will normally confirm, in writing, the outcome of the review within 56 days and, in its reply, it will describe any further rights of appeal that the applicant has if they are still not satisfied with the decision.

8.3.4 Where the Review Officer decides that the offer of accommodation was not suitable, any penalty that has been imposed (including the discharge of the Council's homelessness duty) will be cancelled:

- Applicants who have not accepted the offer will be entitled to another offer of accommodation (through choice based lettings or a direct offer, as appropriate)
- Applicants who have accepted the offer and taken on the tenancy of that accommodation will be placed in Band A of the Housing Register and will be given an effective date that matches the date that they accepted the tenancy.

## 8.4 The council's complaints procedure

Complaints about the way the Council has implemented the Allocation Scheme or its associated procedures should be made **online via Brent Council's website**

8.4.1 If an applicant is dissatisfied with any aspect of the way in which their application for housing is dealt with (other than one of which a review can be requested), they should contact the Council and, if the matter is not resolved to their satisfaction, complete a complaints form.

8.4.2 Complaints will be dealt with in accordance with the Council's Corporate Complaints Scheme. The Council operates a two-stage complaints procedure:

8.4.3 **Stage 1 – Local Resolution**, investigated by the service manager about which the complaint is made. A written response will be sent within a maximum of 20 working days from the date the complaint was received by the department. For more complex enquiries, requiring further investigation, a holding response may be sent informing the customer of the date they can expect a full response.

8.4.4 **Stage 2 – Final Review**, investigated by a corporate complaints officer. A written response will be sent within a maximum of 30 working days from the date the complaint was received.

8.4.5 If, after stage 2 investigations, the customer remains dissatisfied, the complaint should be made to the Local Government Ombudsman. Details of how the complaint can be escalated to the Local Government Ombudsman, including contact details, will be included in the Final Review response.

## 8.5 Local Government Ombudsman

8.5.1 The Local Government Ombudsman investigates complaints of injustice and unfairness resulting from maladministration by local authorities and other organisations. They can be asked to investigate complaints regarding most council matters including housing.

8.5.2 The Local Government Ombudsman normally asks complainants to give the Council an opportunity to deal with a complaint in the first instance, before agreeing to investigate. However, if the complainant remains dissatisfied with the action the Council has taken, they can send a written complaint to the Ombudsman.

## 8.6 Councillors' involvement in decision making

8.6.1 Elected Councillors cannot be involved in assessing housing applications or the allocation of housing. This does not prevent them, however, from seeking or providing information on behalf of their constituents, or from being involved in developing and approving a future scheme.

### 8.6.2 Members of the Council, staff and their relatives

In order to ensure that the Council is treating all applicants fairly, any application for housing or rehousing from Councillors or employees of the Council or associated persons must be disclosed.

8.6.3 These applications will be assessed in the normal way but any allocation of housing must be approved by the Operational Director for Community Wellbeing.

## 8.7 Equal opportunities and monitoring

Brent Council is committed to the principle of equal opportunities in the delivery of all of its services. Brent Council will seek to ensure that its Housing Allocations Scheme is applied in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, pregnancy or maternity, religion or belief, age, sex, gender reassignment or disability.

8.7.1 Brent Council and its partners will be responsive, accessible and sensitive to the needs of all applicants. They will not tolerate prejudice and discrimination and will actively promote equality.

8.7.2 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, and if they require other special services as a result of visual impairment, hearing difficulties or other disability.

8.7.3 Confidential interview facilities are provided at all Customer Service Centres and the Brent Civic Centre, all of which are wheelchair accessible. Home visits will be carried out as required, especially where the applicant has a disability or mobility problems.

8.7.4 All applicants for housing or re-housing will be asked to provide details of ethnic origin, age, gender, faith, sexuality and disability and other protected characteristics. This will not, however, be a requirement for acceptance of an application. Diversity records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly, and will be reported to the Overview and Scrutiny Committee.

8.7.5 The Brent Housing Allocations Scheme (including amendments) will be reviewed regularly in order to ensure that it does not operate in a manner that disadvantages, or discriminates against any particular group.



## 9. Offering housing to applicants who owe rent

9.1 Tenants on the Housing Register will not normally be offered a new tenancy if they are in rent arrears. This includes current and former rent arrears (including temporary accommodation arrears), damage to a former social housing property or legal costs arising from court action in connection with current or former tenancy.

9.2 Where a tenant owes no more than four times their weekly rent (less any housing benefit payable), they may still be offered housing if they are willing and able to pay all of the rent owing before they sign the tenancy or, if they are a housing association tenant, before they are offered the tenancy. This is checked with the Registered Provider at the time.

9.3 If they are a housing association or council tenant, they may still be offered a new tenancy (despite owing more than four weeks' rent) if:

- They need to move urgently because of a critical medical or welfare need, including emergencies and situations where there are critical safeguarding implications;
- They have been approved for an emergency transfer because of harassment, domestic abuse or hate crime;
- They need to move out of their home (temporarily or permanently) in order to allow repairs or redevelopment to take place;
- They are under occupying a family home that has three or more bedrooms and they are willing to transfer to a home that has at least two fewer bedrooms;
- They are under occupying a specially adapted home and are willing to transfer to a home that is more appropriate to their needs.

9.4 Where an applicant is under occupying their home and entitled to receive a financial incentive for transferring to a smaller home, the transfer incentive payment will be used to reduce or clear any arrears.

9.5 If the applicant is living in temporary accommodation provided by the Council under Part 7 of the Housing Act 1996, as amended, they may still be offered housing if they have been paying their rent regularly, reducing their arrears to the satisfaction of their landlord and entered into an agreement to pay all outstanding rent, by affordable instalments, over an agreed period of time.

9.6 Applicants who have successfully bid for a property will be bypassed if they are found to be in rent arrears unless:

- Their rent arrears do not equate to more than four weeks' of their eligible rent
- The applicant has an arrangement in place to pay the arrears and have demonstrated that they have done so for a period of six months and the amount payable is under £1000

9.6 In exceptional circumstances, where there is an urgent need for a housing association or a council tenant to move on social or housing management grounds, a new tenancy may still be approved, despite the arrears. Approval would be subject, however, to the agreement of the appropriate Operational Director and the applicant's landlord.

## 10. Tenancy matters

### 10.1 Introductory and fixed term tenancies

10.1.1 The Council intends to take full advantage of the freedoms and flexibilities afforded by the Localism Act 2011. The Council's approach to flexible tenancies is set out in the Tenancy Strategy document.

10.1.2 In summary, applicants who are offered permanent housing where the landlord is the Council will be offered an introductory tenancy followed by five year fixed term tenancies (in some instances two year tenancies). Where the landlord is a Registered Provider a starter tenancy or fixed term assured tenancy will be offered, according to their scheme.

10.1.3 Introductory tenancies are 'probationary tenancies' and provide reduced security of tenure during the first year. If the tenancy is conducted to the landlord's satisfaction, it will automatically convert to a fixed term tenancy or fixed term assured tenancy after 12 months have elapsed.

10.1.4 Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer.

### 10.2 Fraud investigation

10.2.1 The Council recognises its duty to protect public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer of re-housing and in other cases as resources allow and maybe made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.

10.2.2 Any applicant seeking to obtain accommodation by making false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

### 10.3 Sustaining a tenancy

10.3.1 The Council intends to scrutinise more closely the ability of applicants to sustain a tenancy that is being sought for two reasons. There needs to be some certainty that the applicant is able to take on the responsibilities associated with a new tenancy and ~~that~~ there is no history of anti-social and/ or criminal behaviour associated with a previous tenancy. In tandem, the Council also needs to be mindful of the Government's welfare reforms, specifically in respect to Universal Credit reforms, which will cap the amount of benefits a household can receive. This is likely to be particularly relevant to households in large family accommodation where a significant proportion of this house type is both expensive and in short supply.

### 10.4 Joint tenancies

10.4.1 The council will normally only offer joint tenancies to applicants (including existing tenants) who have satisfied the Council of their intention to live together on a long-term basis.

10.4.2 There is no right to a joint tenancy and a request for one will not be agreed in the following cases:

- Where there is a current Notice of Seeking Possession or Notice to Quit against the tenant;
- Where Brent Housing Management is contemplating serving or re-serving a Notice of Seeking Possession or Notice to Quit;
- Where there are housing management problems such as nuisance or anti-social behaviour;
- Where an acceptable agreement is not being maintained in respect of rent arrears;
- Where one of the proposed joint tenants is ineligible for an allocation of housing due to their immigration status or behaviour.

10.4.3 Council tenants who hold a joint tenancy but who have experienced a relationship breakdown can apply to the Housing Register. Should one or other party be successful in securing an offer of accommodation, s/he will be required to serve notice to terminate the joint tenancy. The Council will then make a decision on the future of the remaining joint tenant in accordance with succession of tenancy rules. In cases of proven domestic abuse the Council will always seek possession of the property.

# 11 Local lettings policies

## 11.1 Introduction

11.1.1 It is important that, in most circumstances, priority for accommodation goes to those households in greatest need. Consideration needs to be given, however, to whether or not it may also be possible to:

- Achieve a balance between meeting the housing needs existing tenants and new applicants; and
- Promote more sustainable and balanced communities by ensuring a mix of households and widening the opportunities for those who are not in greatest housing need.

11.1.2 In exceptional circumstances, the council and its partners may decide to allocate properties in a different way to promote the interests of building strong and sustainable communities or to deal with particular local issues. This is done through a Local Lettings Policy.

## 11.2 Legislation and guidance

11.2.1 Section 167 (2E) of the Housing Act 1996 (as amended) enables housing authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.

11.2.2 The decision to apply a Local Lettings Policy will be made jointly by the Council and the landlord of the property. Such policies should not directly or indirectly discriminate against any particular person.

11.2.3 Agreed for a specific period of time, a Local Lettings Policy will only be approved if it forms part of a strategy to tackle identified problems or contribute to sustainable communities.

11.2.4 Local Lettings may be dealt with by restrictive labelling of vacancies advertised through the choice based lettings scheme.

## 11.3 Purpose of local lettings policies

11.3.1 The purpose of Local Lettings Policies is to ensure a balance between housing priority (in accordance with legal duties and responsibilities) and the longer term sustainability of local communities.

11.3.2 Local Lettings Policies may be used to achieve a wide variety of housing management and other policy objectives, including:

- Reducing the incidence of anti-social behaviour
- Dealing with concentrations of deprivation
- Improving difficult-to-let estates
- Protecting existing stable communities
- Preventing future problems occurring on newly developed estates or in relation to recently modernised properties
- Helping to create balanced communities and achieve wider community objectives, such as a broader social mix and supporting and encouraging people into employment

- Helping the council to achieve its strategic objective of building more affordable housing for residents for example, building more houses on existing estates or regenerating existing estates
- Making best use of the Council's housing stock.

## 11.4 Local lettings policies – properties

11.4.1 Local Lettings Policies may be used, for example, in an area or a block of flats with serious management problems, which put other tenants at significant risk and where other action has failed.

11.4.2 If a Local Lettings Policy is applied to an area due to history of anti-social behaviour, applicants applying for such properties may be asked to supply a tenancy reference and confirm that they, or a member of their household have no history of criminal convictions (this does not cover those convictions that are legally spent or are covered by the Rehabilitation of Offenders Act 1974).

11.4.3 for existing social housing, action against the perpetrators must be Identified and agreed if possible with the other involved agencies before a decision is made as to whether or not Local Lettings Policy should apply.

11.4.4 Where it is proposed to introduce such a policy, there will need to be clear evidence that it is desirable and a time limit for a review of not more than 2 years will apply. The implications for equal opportunities and the 'reasonable preference' criteria of the law will be considered.

11.4.5 For new social housing, the landlord in agreement with the Council may decide to let properties under a Local Lettings Policy. The reasons for doing so need to be clearly stated and should fall into one or more of the following categories:

- Targeting some properties to lower need Bands on first lettings. Equal opportunities and legal issues would need to be taken into account;
- On first lettings the landlord, in consultation with the Council, may consider under occupying properties to achieve lower child densities;
- On first lettings, the landlord in consultation with the Council may consider restricting the number of vulnerable applicants with high support needs from being offered a property.

11.4.6 Sometimes registered social landlords may have agreed that they will allow a certain amount of their stock to go to their own tenants. If this happens, homes may be advertised accordingly, subject to the Council's agreement.

## 11.5 Local lettings policy – people

11.5.1 A Local Lettings Policy may be used if the Council knows that an applicant has committed serious offences that restrict where they can live. This may include Registered Sex Offenders or those identified as posing a serious risk to a specific community. In such cases, the Council will consult fully with the Police, the Probation Service and other interested parties.

11.5.2 There may also be occasions when it is necessary and appropriate to make sensitive lettings to a property that has become vacant following a period of serious nuisance or anti-social behaviour that has been caused by the drug, alcohol or mental health issues of the former

tenant and/or their associates. In such instances, applicants who have such issues (and are likely to cause similar problems to arise) will be prevented from being considered for the property.

11.5.3 Local Lettings Policies may also be used to support the delivery of local initiatives set up to strengthen local communities and improve communities and improve residents' opportunities. This may involve, for example, prioritising key workers or setting aside a proportion of available lettings in the locality for applicants who are in employment, education or training.

## 11.6 Monitoring and review

9.6.1 To ensure that housing allocations continue to comply with the duty to give reasonable preference to applicants in the reasonable preference category, and also with the Council's equalities duties, the Council will record and monitor the number of local lettings that result from the use of Local Lettings Policies.

## 12 The Banding scheme

12.1 Each application for housing will be assessed and placed in the appropriate Housing Needs Band, based on individual circumstances of each case. Reasonable preference, where appropriate, is awarded in accordance with legislation and guidance.

12.2 The following is a description of the main provisions of the Housing Needs Bands and is intended to provide a summary of these provisions. Applicants should refer to the relevant sections of this Scheme for further information on the provisions of each Band.

### 12.3 Demand groups

#### **Band A: Emergency**

The London Borough of Brent will endeavour to review Band A cases every six months from the date of being awarded to ensure there is still a need to move.

<b>Band A: Identified housing need</b>	<b>Summary of criteria</b>
Decants	<p>Brent Council tenants where the property is imminently required (within 9 months) because of lease expiry or for essential work (e.g. Redevelopment scheme) as agreed by the Operational Director of Housing.</p> <p>Brent Council tenants who need to move to allow major repairs or full scale rehabilitation/conversion work to be carried out. If the works to the property are estimated to take 3 months but this timescale is not achieved; or the health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date, the tenant may be awarded decant priority Band A.</p>
Emergency Medical	Granted only in exceptional circumstances as recommended by the Medical Officer when applicants/tenants or member of their household has a life threatening condition which is seriously affected by their current housing.
Emergency Management Transfer	Applies to Brent Council tenants and tenants of Registered Providers (where the Council has nomination rights) in exceptional circumstances, when all other housing options have been exhausted. Upon a referral, the Allocations Panel can approve a transfer to alternative social housing if the Panel determine that it is essential to ensure the personal safety of the tenant, members of their household and/or the local community. Such households will be moved to appropriate sized accommodation to meet all of their housing needs, including overcrowding.
Exceptional Social Grounds	Applies to Brent Council tenants with exceptional circumstances - following a referral by a case officer to the Allocations Panel whereby the Panel agree that due to significant and

<b>Band A: Identified housing need</b>	<b>Summary of criteria</b>
	<p>insurmountable problems associated with occupation of a dwelling and other housing options have been exhausted.</p> <p>This will include homeless households who are owed the main homelessness duty by Brent under s193 (2) of the Housing Act 1996.</p>
Statutory Duty	Private sector tenants where the Council's Private Housing Services has determined that a property poses a Category 1 Hazard and a Closing Order has been issued. In addition, the Allocations Panel has considered and is satisfied there is no alternative solution and the problem cannot be resolved by the landlord within 9 months.
Social Services (Children In Need)	To enable fostering or adoption by Brent residents where an agreement has been reached to provide permanent accommodation on the recommendation of the Director of Brent's Children's Services and agreed by the Assistant Director of Housing.
Special Guardianships	Where an order has been made by the Family Court pursuant to Section 14 A-G of the Children Act 1989 which places a child or young person to live with someone other than their parent(s) on a permanent basis and gives this person parental responsibility for the child. Rehousing is necessary for this reason on the recommendation of the Director of Brent's Children's Services and agreed by the Assistant Director of Housing.
Release of an adapted home	Where a Brent Council tenant or Housing Association tenant is willing to transfer to a suitable non-adapted property and they are releasing an adapted property to be given to Brent Council under a reciprocal agreement.
Under occupation Incentive Scheme	<p>A Council or Housing Association tenant in Brent who is giving up one or more bedrooms to move to a smaller property.</p> <p>Where a Housing Association tenant is resident in Brent under an assured tenancy and is willing to move to smaller accommodation and the vacant property is given to Brent Council under a reciprocal agreement.</p>
Succession to Tenancy	Where succession has occurred and the succeeding tenant is willing to move to alternative smaller accommodation in line with succession scheme as agreed by the Allocations Panel.
Housing Register	Urgent need to move as agreed by housing in liaison with Social Services/Police/other welfare agency, to give or receive care/support, child protection reasons or other urgent social/welfare reasons and as approved by the Allocations Panel following a referral from the housing department.



<b>Band A: Identified housing need</b>	<b>Summary of criteria</b>
Former Service Tenants	Council employees who have been service tenants for at least five years prior to 01/08/1990 and need to move from accommodation, which is tied to their employment due to retirement because of old age/medical reasons/redundancy as part of a Council decision.

### **Band B: High Priority to move**

The London Borough of Brent will endeavour to review Band B cases every six months from the date of being awarded to ensure there is still a need to move.

<b>Band B: Identified housing need</b>	<b>Summary of criteria</b>
Urgent Medical	<p>Applicant is assessed as having an urgent medical need as recommended by the Medical Officer where the current housing of an applicant or a member of the applicant's household is having a major adverse effect on their medical condition.</p> <p>It will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable.</p>
Management Transfer	Applies to Brent Council tenants only - following a referral by a case officer to the Allocations panel whereby the Panel agree that due to fear of violence or domestic abuse and/or due to exceptional social, educational or economic circumstances associated with occupation of a dwelling and there is a serious risk to the tenant or their family if they remain in the dwelling.
Sheltered Housing	Applicants who require sheltered housing or designated schemes for older people.
Overcrowding -Band B	Applies to all Brent Council tenants who are statutorily overcrowded in accordance with Part X of the Housing Act 1985
Armed Forces	Ex-member of the armed forces in accordance with the regulations.
Move On	<p>Applicants such as young people who are Care Leavers and people requiring move on from hospital, residential care or supported housing – these applicants are nominated for move-on accommodation by named agencies below in accordance with nominations agreement/protocol and agreed by the Allocations Panel on a case by case basis.</p> <p>Children leaving Care - Young people referred by Brent Social Services who are unable to make alternative arrangements.</p> <p>Probation Service - Applicants nominated to Brent Council by the Probation Service to avoid the risk of reoffending and where</p>

<b>Band B: Identified housing need</b>	<b>Summary of criteria</b>
	<p>housing is a particular issue as judged by the Probation Service in Brent.</p> <p>Children Services - Existing tenants and non-tenants referred by Brent Social Services where accommodation is needed on grounds of children's welfare e.g. child protection cases.</p> <p>Adult Social Care - To release supported housing and approved for independent living by Brent Social Services and The Housing Department.</p> <p>Voluntary Sector – To release supported housing but not known to Adult Social Care, and approved for independent living by Brent StartPlus and Housing Needs.</p>

**Band C: Medium priority to move**

<b>Band C: Identified housing need</b>	<b>Summary of criteria</b>
Homeless	<p>Homeless households assessed under the homelessness legislation who are eligible and homeless and owed a full statutory duty and occupying temporary accommodation under s193 (2) of the Housing Act 1996.</p> <p>Other homeless households where the above duty applies but the customer is not in temporary accommodation</p>
Qualifying Offer	Households whose acceptance date precedes 9th November 2012, who have voluntarily accepted a Qualifying Offer into the Private Rented Sector discharging the Homeless Duty will retain their Band C and their Homeless acceptance date as a priority date.
Overcrowding – Band C	Applicants who lack 2 or more bedrooms
Poor Conditions	Applicants living in poor accommodation in Brent as assessed by Private Housing Services.

**Band C - : Lower priority**

<b>Band C - : Identified housing need</b>	<b>Summary of criteria</b>
Band C - : Lower priority	Applicants will be placed in this Band to comply with Section 166A (3) (a) and Section 166A9 (3)(b) of the Housing Act 1996, if they are homeless and eligible.

<b>Band C - : Identified housing need</b>	<b>Summary of criteria</b>
	<p>During the Prevention and Relief duties under Part 7 of the 1996 Act pending a decision as to whether a main housing duty is owed under section 193(2).</p> <p>If they are owed a duty under 65(2) or 68 (2) of the Housing Act 1985</p> <p>After a section 184 decision has been reached which specifies that the applicant does not have priority need (subject to the residency criteria and exceptions)</p> <p>Or a section 184 decision that despite a priority need they are intentionally homeless under sections 191 of the 1996 Act and are owed a section 190(2) duty (subject to the residency criteria and exceptions)</p> <p>Or following a refusal of suitable accommodation under s.193(2) and following the discharge of duty under sections 193(5) and 193(7AA) (s subject to the residency criteria and exceptions)</p>

**Band D**

<b>Band D</b>	<b>Summary of criteria</b>
No priority to move	Band D clients will be able to log in and view their available housing options. However, they will be restricted to place bids on Locata for any properties.

## 13. Explanation of demand groups

Applicants will be placed in the relevant Housing Needs Band, defined by their specific circumstances. Reasonable preference, where appropriate, will be awarded in accordance with legal responsibilities.

### 13.1 Medical assessments

13.1.1 Applicants who have an illness or disability which is adversely affected by their current housing situation are required to complete an online Medical self-assessment form on the Locata website. Assistance in completing this form can be requested from the Social Housing Assessments and Lettings Team or Brent Housing Partnership officers for transfer applicants.

13.1.2 Medical priority is awarded following an assessment and recommendation from the Council's District Medical Officer (DMO).

13.1.3 Medical Forms should be fully completed including as much detail as possible to enable an accurate assessment. It is not enough for an applicant to describe a medical condition; applicants are required to describe how their current housing situation is having an adverse effect on their medical condition. Incomplete medical forms may not be assessed.

13.1.4 The completed medical forms together with any supporting evidence from a GP, Hospital Consultant or Occupational Therapist, as appropriate, are considered by the Council. Medical self-assessment forms will only be referred to the Council's DMO for an assessment and recommendations if the Council is satisfied that there is a serious medical problem that is made substantially worse by their current housing situation. If the information in the form does not warrant any further priority or the same information has been received and assessed before (with no substantial change in circumstances) then it will not be referred to the Council's DMO for an assessment and recommendation.

13.1.5 Medical priority will be awarded depending on the extent the health of the applicant or a member of their household is affected by their current housing situation and the expected benefits of providing suitable alternative settled accommodation. The Council's DMO will take into account all the housing circumstances (including any element of overcrowding, current floor level, requirement of additional bedrooms etc.) when making recommendations. The DMO may defer any recommendations pending further information from the applicants' GP, Consultant or other professionals.

13.1.6 Applicants accepted for rehousing under the homelessness legislation and residing in temporary accommodation provided by the Council, will not normally be eligible for medical priority. If their temporary accommodation is detrimental to their health, or a move to more suitable accommodation would have a positive effect on their health, the Council will first look to provide alternative temporary accommodation.

13.1.7 If the DMO has made a recommendation for a specific type of property, i.e. ground floor only, and medical priority is awarded but the client consistently bids for properties that do not meet this requirement, the priority of the applicant will be reviewed and maybe lowered. Before this action is taken, the bidding process will be discussed with the applicant and the property recommendation will be explained to ensure that they are aware of the specific types of properties in the Council's and their Locata Partner's stock and how to submit bids.

13.1.8 The DMO's recommendation is not final and will be reviewed by the Social Housing Assessments and Lettings Team to ensure that the Council's Housing Allocations Scheme has been observed. If it is established that the DMO's recommendation does not comply with the Allocations Scheme, the Social Housing Assessment and Lettings Team Leader has discretion to override the recommendation. Recommendations for Band A on medical grounds will always be reviewed by the Council's Social Housing Assessments and Lettings Team to either approve or reject the recommendation.

13.1.9 Where an applicant is placed in Housing Band A because of the seriousness of their medical conditions and their urgent need for rehousing, their application and bidding history will be reviewed by the Council's Social Housing Assessments and Lettings Team at least every six months. If the applicant has not secured suitable accommodation within six months, the Council will interview the applicant and decide whether or not they should remain in Housing Needs Band A.

13.1.10 Medical assessments are an assessment of the impact of the applicant's current housing on their medical condition. Applicants are required to inform the Council of all changes in the circumstances relating to their housing application, including their health and the health of members of their household. Such changes may result in an increase or decrease in the level of priority they are awarded.

13.1.11 Where it is decided that the applicant has a medical condition but it is decided that this is not being significantly worsened by their current housing, no medical priority will be awarded.

13.1.12 The decision regarding medical priority will be notified to the in writing. Applicants who indicate dissatisfaction with the recommendations made by the DMO may request a review of that decision. All medical reviews should be made within 21 days of receipt of the decision letter. Reviews submitted outside of this period will not be considered.

13.1.13 The applicant is required to state the reason(s) for submitting their request for review and to supply any additional evidence to support this. The appropriate manager will consider the request for review and if necessary may seek advice from DMO. Medical appeals will not be forwarded to the DMO if the information contained within only duplicates information previously supplied and has already been considered. The applicant will be informed of the decision made regarding their appeal in writing. There is no further right of appeal/review.

## 13.2 Overcrowding

13.2.1 When assessing overcrowding, the Council will only take into account those people who are part of an applicant's household. Applicants who require a larger property than they currently reside in due to a level of overcrowding will be categorised as either statutory or severely overcrowded, as defined by the following:

### 13.2.2 Statutory Overcrowding

13.2.2.1 The Government's minimum standard of space, which it considers a family, requires to live in is defined by Part X of the Housing Act 1985. London Borough of Brent tenants will be assessed using the following to decide if statutory or acute overcrowding exists. This is determined by using two separate calculations:

- How many "people" are considered to be part of the household
- How many of those people are expected to sleep in each of the rooms available for this purpose.

13.2.2.2 The definitions are set by the legislation for these two calculations are as follows:

**People**

An adult living in the property	One unit
A Child aged 10 or over	One unit
Children aged between 1 and 10 years	Half a unit
Children under 1 year	Not Counted/Not considered for room standard

**Room occupancy**

<b>FLOOR AREA OF THE ROOM</b>	<b>NUMBER OF UNITS</b>
110 sq foot or more	2
More than 70 but less than 110 sq foot	1.5
More than 70 but less than 90 sq foot	1
More than 50 but less than 70 sq foot	0.5

As a general rule, the following applies:

1 Room = 2 units

2 Rooms = 3 units

3 Rooms = 5 units

4 Rooms = 7.5 units

5 Or more rooms = 2 units per room

**Rooms available for sleeping:**

- All Bedrooms and living rooms in the accommodation are taken into account in the calculation, whether or not the household is or wishes to use them for sleeping.
- Open plan kitchen/living rooms are included as sleeping accommodation
- Bathrooms and kitchens are not included as sleeping accommodation
- Rooms with a floor area

13.2.2.3 Statutory overcrowding exists when the numbers of room occupancy units are less than the calculated person units. Statutory overcrowding will only be awarded to tenants of the London Borough of Brent).

### 13.2.3 Overcrowding by the space and room standard

13.2.3.1 The Council will consider overcrowding where applicants are lacking 2 (two) or more bedrooms than they require in line with the space and room standard. Priority will not be given for severe overcrowding if the overcrowding is the result of someone moving into the applicants' household. If applicants need an extra room for medical or welfare/hardship reasons, they will instead be assessed for medical or welfare priority. If applicants need an extra room for any other

reason(s) this will be assessed and the Council will exercise discretion in these cases. Due to the high demand for housing, it is likely that this discretion will only be exercised in exceptional cases.

13.2.3.2 Where an applicant is pregnant and will be entitled to a larger property, priority may only be given for overcrowding when that baby is born.

13.2.3.3 Where the applicant is not the main person who cares for the children named in their housing application, the children may not be taken into account in the assessment of overcrowding.

13.2.3.4 A second reception room will be counted as a bedroom in the assessment for overcrowding where it could reasonably be used as such.

13.2.3.5 As the Council has a responsibility to provide suitable temporary accommodation, homeless households will be provided with a home that is of the appropriate size when they first become homeless and, if the subsequently become 'severely overcrowded' (lacking 2 or more bedrooms), they will be offered alternative temporary accommodation as soon as practicable. They will not, therefore, attract any additional priority for overcrowding.

13.2.3.6 Brent Council tenants who are assessed as lacking three or more bedrooms will be given priority Band B for overcrowding.

13.2.3.7 Existing Brent Council tenants who are registered for a transfer on the basis of overcrowding are given priority to bid for all new build Council properties. Higher priority will be given to those tenants living in the new development area for the new build properties over Council tenants living outside the relevant new development area.

13.2.3.8 If you are a Housing Association tenant and your landlord is a member of Locata, you must approach your landlord for a transfer as the Housing Association are responsible for dealing with overcrowding in line with their allocation scheme. If your Housing Association is not a member of Locata, other housing options may be explored with assistance from the Council if required.

### 13.3 Under-occupation

13.3.1 The Council is aware that many of its family homes are currently under occupied and that there are many properties where only one bedroom is used. Whilst we appreciate the rights of secure tenants the Council is aware of the needs of families registered on the on the Housing Register that are in need of more suitable housing.

13.3.2 Brent Council tenants that are under occupying their properties and are willing to move to smaller properties thus giving up one or more bedrooms will be placed in Band A. Additionally, they are entitled to benefit from the under occupation incentive scheme.

13.3.3 Registered Provider (RP) emergency tenants who are resident in the borough and where there is an agreement that the London Borough of Brent receives full nomination rights to any property that is vacated by an RP under occupier will be awarded band A priority to enable them to move. RP tenants are entitled to the under occupation scheme offered by the Council.

13.3.4 If an applicant is an under occupier applying to transfer to a smaller home (downsizing) and will be awarded Band A priority as an under occupier, then adult family members may be included on the application.

13.3.5 Council tenants who are registered for a transfer will be given priority to bid for all new build Council properties. Higher priority will be given to those tenants living in the new development area

for new build properties compared with Council tenants living outside the relevant new development area.

13.3.6 Where the applicant has rent arrears, any financial incentive that they are due to receive from moving to smaller accommodation will be used to clear or reduce those arrears. After this has been done, the balance will be paid to the applicant.

13.3.7 The scheme is not open to those tenants that are required to downsize in regards to succession of tenancy. This includes tenants who:

- Have succeeded a tenancy and are required to downsize by their landlord
- Have no right to succeed but discretion has been issued by their landlord to allow a tenant to move into a smaller property.

## 13.4 Poor, insanitary or unsatisfactory housing conditions

13.4.1 This applies to applicants who are residing in privately rented accommodation or council tenants in council properties. Poor, insanitary or unsatisfactory housing conditions is determined by the Council's Private Sector Housing or by the Council's in-house surveyors in respect of Council properties where:

- The applicants' current property contains category 1 hazards under the Housing Health and Safety Rating System, and
- The problem cannot be resolved by the landlord or the Council within a reasonable period having regard to the severity and extent of the defects, and
- Continuing to occupy the home poses a severe risk to health and/ or a member of their household.

13.4.2 This includes a property that has a severe damp; major structural defects including subsidence; flooding; collapse of roof or has living conditions which are statutory nuisance so far as there is no prospect of the problem being resolved to an acceptable level within a reasonable period having regard to the severity and extent of the defects.

13.4.3 A private sector property, either owned or rented, where a Demolition Order has been issued and is operative under section 165 of the Housing Act 1985.

13.4.4 A private sector property either owned or rented, where a Prohibition Order is operative and recovery of premises is required in order to comply with the order as defined under section 33 of the Housing Act 2004.

13.4.5 Applicants who only have access to shared facilities within shared accommodation will not qualify under these criteria.

13.5 Permanent council decant of council tenants where demolition, refurbishment or sale is approved

13.5.1 This section applies to Brent Council tenants on an estate that are required to move because their home will be demolished, lease expiry, or sale, or for major works and the tenant will not be returning (e.g. development schemes). This may also be necessary if the freehold of the property belongs to another landlord, the lease is due to end and the Council is obliged to return the property with vacant possession.

13.5.2 Applicants are expected to bid actively within the specified time period (usually between 6 and 12 months). Priority is awarded for the period of time during which applicants will be expected



to bid. If they fail to bid or bid inappropriately or unreasonably refuse properties, priority maybe withdrawn and a direct offer, under “one offer only” basis will be made.

## 13.6 Applicants for whom Brent council has accepted a rehousing duty under the homelessness legislation

13.6.1 This applies to applicants who are considered to be homeless under the terms of part VII of the Housing Act 1996, as amended. The Council has a legal duty to secure temporary accommodation for households who are eligible, unintentionally homeless and in priority need. However, the Localism Act 2011 provides that the Council has the power to end any homeless duty in the privately rented sector with a 12-month suitable fixed tenancy for applicants that are approved as homeless after 9 November 2012. Once a suitable offer of privately rented accommodation has been made the full homeless duty will end (be discharged) as will the applicant’s statutory reasonable preference status under this scheme. Given the length of time households have to wait for an offer of public rented housing it is anticipated that the vast majority of accepted homeless households will have their duty ended with a Private Rented Sector Offer (PRSO).

13.6.2 Homeless households residing in temporary accommodation provided by the Council will be actively encouraged to bid for properties through the choice based lettings scheme.

13.6.3 In order to minimise the cost of temporary accommodation (and the amount of time that homeless households spend in temporary accommodation), the Council may bid for properties on behalf of homeless households or, exceptionally, make them a ‘direct offer’ of suitable accommodation.

13.6.4 Households whose acceptance date precedes 9th November 2012 and who have voluntarily accepted a Qualifying Offer into the Private Rented Sector discharging the Homeless Duty will retain their Band C and their Homeless acceptance date as a priority date.

## 13.7 Emergency management transfers

13.7.1 Brent Council tenants and tenants of Registered Providers where the Council has nomination rights, may be provided with an emergency management transfer. This will occur when the Allocations Panel has determined that a transfer to alternative social housing is essential to ensure the personal safety of the tenant, members of their household and/or the local community.

13.7.2 Tenants who are transferred due to an emergency as above, will be offered appropriate size accommodation to meet their housing needs, including overcrowding.

13.7.3 Although most of the transfer requests that are approved relate to extremely serious incidents involving domestic abuse, intimidation and harassment, hate crime or threats to kill, the Allocations Panel will only approve a transfer where it is satisfied that all other ways of resolving the problem have been exhausted and that it would not be reasonable to expect the tenant to continue living in their home.

13.7.4 Where the Allocations Panel approves the transfer, the tenant will be placed in Priority Band A and may be made a ‘direct offer’ of alternative accommodation that meets their needs.

13.7.5 Where the applicant has already been awarded medical priority, the home that they are offered will reflect their assessed needs.

13.7.6 Where the applicant and their household is overcrowded in their existing property and they are transferred due to an emergency, they will be moved to the appropriate size accommodation to

meet all of their housing needs, including overcrowding. Existing Council tenants will also be given priority to bid for all new Council properties.

13.7.7 Given the urgency of the situation, it is essential that the transfer takes place quickly. For this reason, the Council and the relevant housing officer will work closely with the tenant to ensure effective communication and that all available options are fully explained and properly considered.

13.7.7 On completion of the emergency management transfer, the tenant's transfer application will be cancelled or reassessed in accordance with the wishes of the applicant. If the transfer application is reassessed, the original date of application will apply.

### **13.8 Homeless applicants owed a duty to be rehoused under homelessness legislation**

The Council has as legal duty to secure accommodation for households who are eligible; in a priority need category; and unintentionally homeless.

Applicants who are owed the full housing duty by Brent Council, who meet the above criteria are placed in Band C.

The Localism Act 2011 gives local authorities the power to end their homelessness duties by offering a suitable private rented home with a fixed term tenancy without the applicant's consent.

This applies to households requesting the Council's help because they became homeless after 9 November 2012. Given the length of time these households have to wait for an offer of social housing, it is anticipated that the vast majority of accepted homeless households will be offered a suitable Private Rented Sector Offer (PRSO) and the homelessness duty will be discharged in this way.

13.8.1 Homeless households residing in temporary accommodation provided by the Council will be actively encouraged to bid for properties through the choice based lettings scheme.

13.8.2 In order to minimise the cost of temporary accommodation (and the amount of time that homeless households spend in temporary accommodation), the Council may bid for properties on behalf of applicants or a 'direct offer' of suitable accommodation can be made in exceptional cases.

13.8.3 Households whose acceptance date precedes 9th November 2012 and who have voluntarily accepted a Qualifying Offer into the Private Rented Sector discharging the Homeless Duty will retain their Band C and their Homeless acceptance date as a priority date.

13.8.4 Homeless applicants found not to be in priority need or intentionally homeless  
This section applies to applicants who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) or at risk of homelessness who either do not have or are not likely to have a priority need and/or have been found intentionally homeless by the Council are placed in Band C-

13.8.5 Homeless applicants who are owed Prevention and/or Relief duty  
Applicants who are assessed and owed the Prevention/Relief duty in accordance with the Homelessness Reduction Act 2017 are placed in Band C- (minus).

Most of these households will have their homelessness prevented through work with the Council during the 56 days period. The majority of households will be made private rented sector accommodation offers made during the prevention and/or relief duty stage and once housed; their places on the housing register will be reassessed. When homelessness is not prevented or relieved, if the main duty is accepted, the applicant will be moved up to priority band C on Locata. However, if the main duty is not accepted, or the applicant refuses an offer of suitable accommodation, and remains homeless the applicant will remain in Priority Band C- (minus).

## 13.9 Decant moves (for essential repairs)

13.9.1 A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.

13.9.2 Decants will only apply to tenants of local authorities or tenants of housing associations who allocate all their properties through the Brent Council Allocations Scheme. Moves will usually be temporary but in some circumstances consideration will be given to permanent moves arising from a decant.

13.9.3 All such cases will be dealt with outside the Choice Based Lettings Scheme to enable the landlord to move applicants as quickly as possible. To ensure full transparency, these moves will be included in the feedback given in relation to lettings outcomes.

13.9.4 Decants occur when the Allocations Panel has decided that a transfer to alternative accommodation offers the best way of ensuring that essential repairs and redevelopment take place without causing huge disruption or hardship to the tenants.

13.9.5 If a tenant does not want to be permanently decanted to alternative accommodation, they have the right to return to their existing home.

13.9.6 When reaching a decision on whether or not a tenant should be offered another property, the Allocations Panel will consider the likely impact of the planned repairs and improvements and whether they will be so disruptive that it would be unreasonable to expect the applicant to remain in the property while the works are carried out.

13.9.7 The Allocations Panel will also consider whether or not, for technical or safety reasons, it is feasible for the applicant to remain in their home while the works are carried out around them.

13.9.8 For the tenant to be awarded decant priority, the Allocations Panel will need to be satisfied that the work is so disruptive that it cannot be completed with the tenants remaining in occupation and either:

- The work is likely to take more than 3 months to complete; or
- The health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date.

13.9.9 If the work is estimated to take less than three months but cannot be completed with the tenants in occupation, the tenant will be expected to move into temporary accommodation and to return to their permanent home after the work has been completed.

13.9.10 In the event of the tenant refusing a reasonable offer of temporary accommodation, their decant priority will be removed and possession proceedings will be commenced.

13.9.11 If the work is likely to take more than 3 months to complete and/or it would not be reasonable for the tenant to have to leave their home and then move back again at a later date, the tenant may be awarded priority for a transfer to suitable alternative accommodation.

13.9.12 If the work is estimated to take less than three months but then runs on for longer, the tenant may be awarded decant priority, depending on the circumstances of the case and if approved by the Allocations Panel.

## 13.10 Decant moves (for redevelopment/regeneration)

13.10.1 Tenants that need to be decanted from their homes on a permanent basis as a result of redevelopment or regeneration will be moved in a planned way. This relates to Brent Council tenants as well as accepted homeless households living in Temporary Accommodation on an estate that are required to move because their home will be demolished. Each redevelopment/regeneration will be subject to a consultation exercise and approved by the Council's cabinet. A local lettings policy/plan will usually be produced on each redevelopment/regeneration project outlining how the Council would deal with all residents affected including council tenants, lease holders, temporary accommodation residents and those renting privately in the regeneration area. The Council has a policy setting out what will be considered in re-housing those who are displaced by regeneration schemes and this is set out in the appendix to this policy.

13.10.2 Once decant status is authorised, tenants will be placed into Band A to bid for an alternative home. If the tenant has not placed any bids bid for or have been offered accommodation 12 months prior to the Council requiring vacant possession, the Council will reserve the right to make a direct offer of accommodation to the resident. If this offer is refused, a further offer of accommodation will only be considered in exceptional circumstances and if none exist the Council may decide to take possession proceedings.

13.10.3 The Council will give priority to tenants in a Council estate who need a transfer for an allocation of social housing to bid for new accommodation that becomes available on the same estate. This will ensure that local residents have a real stake at new developments in their area. It will also enable residents to continue to live in their estate and prevent the need for them to move away

13.10.4 The Council will give priority to accepted homeless households, living in temporary accommodation provided by the Council on an estate that is to be regenerated, for an allocation of social housing that becomes available on the same estate where the regeneration is taking place.

13.10.5 If a resident's existing council home is going to be directly impacted by the council's development programme they will be notified in writing and will be eligible for permanent decant within the new site boundaries. The boundaries of any area in which this policy applies will be determined and published.

## 13.11. Working households

13.11.1 The Council's Housing Allocations Scheme aims to support economic growth in the area. We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority date to applicants who are working but are on low income and will therefore have difficulty in accessing outright home ownership or low cost home ownership. Applicants who have reasonable preference and are eligible to join the Council's Housing Register will be awarded an extra five years on their priority date. For example, if applicant A and Applicant B apply to join the register on 1 January 2014 and applicant A is working but applicant B is not, then applicant A priority date will be backdated to 1 January 2009 whereas applicant B will retain priority date as 1 January 2014.

13.11.2 Definition of a working household: Households where at least one adult household member is employed and meets the DWP criteria for claiming Working Tax Credit (or equivalent).

Please see table below as an example:

	<b>WORKING STATUS</b>	<b>APPLICATION DATE</b>	<b>PRIORITY DATE</b>
<b>APPLICANT A</b>	Working	1 January 2014	1 January 2009
<b>APPLICANT B</b>	Not Working	1 January 2014	1 January 2014

- Working 30 hours per week for a single person
- Working 16 hours per week for a lone parent
- Working 24 hours per week for a couple, where one party must be working at least 16 hours  
Additional priority will also apply to applicants who are able to work but cannot do so because they are performing full time care duties.

13.11.3 Applicants can apply for the additional waiting time: - At the time of applying to the register, or - Submitting a change in circumstances form online if the applicant already has a live application

13.11.4 Verification will be sought at point of applying for the additional waiting time as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements and any such other documents as evidence confirming to confirm their employment as above.

13.11.5 The following criteria for working households apply:

- **Permanent contract:** working continuously for 9 out of the previous 12 months
- **Temporary work / Self-employed;** applicants will only qualify if the worker has been employed continuously for 2 years

## 13.12 Move-on from specialist or supported accommodation

13.12.1 Applicants with vulnerabilities who are nominated for move on accommodation by named agencies in accordance with the Move On Strategy and an approved nomination agreement that includes a commitment to provide rehousing for applicants on a case by case basis will be placed in Band B. Applicants will be awarded this priority in accordance with protocols agreed between the Housing Needs service and other services within the Council as well as voluntary organisations. There must be an urgent housing need that is best met by the provision of long term, settled housing.

13.12.2 If the applicant has not been rehoused within six months of being placed in Priority Band B, the Council may interview the applicant and decide whether or not they should remain in Band B. The Council may also decide to make one direct offer of accommodation, as approved by the Allocations Panel.

13.12.3 The need to move on will be assessed by the referring organisation and the following:

- An applicant is ready to move to independent settled housing
- The applicant is in need of medium to long term rather than short term ongoing placement
- That support package has been assessed and is in place
- The applicant's vulnerability is such that accommodation in the private sector through its short term nature would have a detrimental effect on their vulnerability

### 13.13 Move on from care

13.13.1 Applicants are awarded this category in accordance with protocols between the Council's Housing Needs Service and Children Services Departments. Any re-housing requirements will be dealt with on a case by case basis by working closely with Social Services. Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. They must be vulnerable and have an urgent housing need that is best met by the provision of long term settled housing. The following will apply:

- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- They possess the life skills to manage a tenancy, including managing the rent account.
- The care leaver is in need of either long term or medium term tenancy support.
- That support package has been assessed and is in place
- Their needs are such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their transition to independent living.

### 13.14 Registered foster carers adopters and special guardians

13.14.1 We recognise the contribution that Brent foster carers and adopters make towards ensuring that children that are under the Council's care receive a good service. In order for housing applicants to be awarded priority under this category they will require evidence from the Council's Children Service confirming that they have been approved as a Brent foster carer and/or adopter and that they are in a position to take one or more placements.

In relation to Special Guardians we will require proof that an order has been made by the Family Court pursuant to Section 14 A-G of the Children Act 1989 placing the child/children on permanent basis and confirming parental responsibility for them.

Any re-housing requirements will be dealt with on a case by case basis by working closely with Children's Service

### 13.15 Applicants in prison

13.15.1 Applicants who are currently in prison will be placed in Band D and therefore they will be unable to place bids through the choice based lettings scheme (Locata). However, in exceptional circumstances (where they have negotiated the surrender of their former council tenancy and Brent Council has given them an undertaking to make them one offer of social housing upon their release from prison, they will be placed in Band A six months immediately prior to their scheduled date of release from prison.

### 13.16 Housing for older people

13.16.1 The Council has designated housing schemes for older residents. These units are offered via the choice based lettings scheme to eligible registered applicants. The main scheme is Sheltered Housing.

13.16.2 Sheltered housing is designated for registered applicants aged 60 years of age or over. Properties are located within a unit managed by a sheltered scheme manager. The units are in low rise blocks no more than three floors in height and all units have lift access.

13.16.3 Sheltered units generally comprise of self-contained of mainly 1-bed flats. Sheltered accommodation is suitable for older persons who have some support needs due to frailty or ill health but are capable of independent living with little or no assistance from care/support services. Each sheltered unit comes with a twenty - four-hour alarm system, which can be accessed in an emergency.

## 13.17 British armed forces

13.17.1 Priority will be given to members of the British Armed Forces if they have previously served in the last five years or are due to be discharged in the following six months from registration. This includes:

- Former members of the British Armed Forces
- Serving members of the British Armed Forces who need to move because of a serious injury, medical injury or disability sustained as a result of service
- Bereaved spouse and civil partners of the British Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the British Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.

## 13.18 Tenants with a specially adapted home that they no longer need

13.18.1 This applies to Council tenants and to the tenants of Registered Providers (where Brent Council has nomination rights) who are occupying a specially adapted home and are willing to transfer to a home more appropriate to their needs.

13.18.2 These applicants are given high priority for rehousing because it is important to free up specially adapted homes to meet the housing needs of applicants who require disabled facilities and are currently living in unsuitable accommodation or unable to leave hospital or residential care. To assist their move, such tenants will be placed in Band A.

## 13.19 Tenancy succession

13.19.1 When a Council tenant dies, it may be possible for someone living with them to take over the tenancy. This is known as succession and the person who takes on the tenancy is called a 'successor'.

13.19.2 To be a 'successor tenant' the applicant has to meet certain rules – they must usually be related to the tenant, or be their partner, and have lived in the property a certain time. The rules for this are in the tenancy conditions for the property.

13.19.3 Succession can only occur following the death of the tenant. If the deceased tenant was a joint tenant, the only person who may be able to succeed the tenancy is the surviving joint tenant.

13.19.4 A succession can only happen once. This means that, if the deceased tenant was a 'successor' to the tenancy, the tenancy cannot be succeeded, again, by a partner or another family member.

13.19.5 The Council's scheme on succession reflects the legal position and the rights of successors as laid out in the Housing Act 1985 and the amendments made in the Localism Act 2011. The law on council tenancy succession has changed for secure tenants (and household members) where a tenancy was created before 1 April 2012 and those created after that date. The scenarios below are based on where a tenant or a joint dies and the remaining joint tenant (if applicable) and/or household member wish to remain in the property.

13.19.6 Where a tenancy was created before 1 April 2012, family members will retain their existing rights to succeed to the tenancy. This may be the tenant's spouse or registered civil partner or could be a cohabiting partner or another family member(s). Family members seeking to succeed the tenancy will need to have lived at the property for at least twelve months before a succession is sought.

13.19.7 Where a tenancy was created on or after 1 April 2012, only a spouse, civil partner or a person who lives with the tenant as if they were a spouse or civil partner will have a statutory right to succession.

13.19.8 Succession may only take place when all of the following apply:

- The deceased tenant had been using the property as their only or principal home before their death.
- The person wishing to succeed to the tenancy is a partner or a member of their family.
- If the person wishing to succeed to the tenancy is the husband, wife or civil partner of the deceased tenant, they must have been living with them at the time of the death.

13.19.9 If the person wishing to succeed to the tenancy is a member of the deceased tenant's family (but not their husband, wife or civil partner), they must have lived with the deceased tenant for at least 12 consecutive months before the date of death. Succession will not be allowed when:

- The deceased tenant had previously succeeded to the tenancy (including a person who was joint tenant and later became a sole tenant after the other joint tenant died).
- The deceased tenant had been living alone.
- The deceased tenant had left the property and was not using it as their only home.
- The deceased tenant had left the property and been admitted to hospital or a residential home for long-term care or treatment.
- There had previously been an assignment of the tenancy or property adjustment order under the Family Law Act.
- The person asking for succession is unable to prove their relationship to the deceased tenant, or their period of residence at the address.

13.19.10 Statutory Succession If the tenancy is succeeded by the husband, wife or civil partner of the deceased tenant, they have a right to stay in the property on a permanent basis, subject to the terms and conditions of the tenancy.

13.19.11 Due to the severe shortage of family-sized and specially adapted accommodation, members of the deceased tenant's household (including partners who are not civil partners and have not married) will not be allowed to stay where they are if their existing home is bigger than they need or it has been specially adapted and they do not require those adaptations. Instead, they will be offered an alternative home that is more suited to their assessed needs.

13.19.12 Where the Council decides that the applicant should move to alternative accommodation, the applicant will be required to join the Housing Register and bid for accommodation through the choice based lettings scheme. To assist their early rehousing, their housing application will be placed in Housing Needs Band A and, where appropriate, they will be made a 'direct offer'.



13.19.13 If the applicant does not secure alternative accommodation within six months, the Council will review their situation and bidding history and may decide to make a 'direct offer'.

13.19.14 If a suitable offer is made and refused, or if the applicant refuses to join the Housing Register, or fails to bid, the Council may commence possession proceedings. On a claim for possession the Council would have to secure alternative accommodation for the applicant and also satisfy the Court that it was reasonable to make an order for possession.

## 13.20 discretionary tenancy

13.20.1 If an occupant has no legal right to succeed to a Council tenancy when the tenant dies, they may still be granted a tenancy at the Council's discretion if there has already been a statutory succession and they have lived in the property continuously for the past 10 (ten) years as their main and principal home immediately prior to the death of the tenant and the individual is not under occupying or residing in an adapted property. When the applicant is residing in one of these types of properties, they may be offered a property appropriate to their needs. This will be offered via a direct offer. The grant of a discretionary may happen in the following situations and will be agreed by the Allocations Panel:

- They are the tenant's partner, civil partner or spouse;
- They are the tenant's child or sibling;
- They were a member of the tenant's household and named on the tenancy agreement when the tenancy started.

13.20.2 In cases where more than one person satisfies the above requirements and they cannot agree between themselves who is to be the tenant, the Council will exercise discretion and select the tenant.

13.20.3 If a suitable offer is made and refused, or if the applicant refuses to join the Housing Register, or fails to bid, the Council may commence possession proceedings. On a claim for possession the Council would not have to secure alternative accommodation for the applicant or show that it was reasonable to make an order for possession.

## 13.21 Ending a secure joint tenancy

13.21.1 This category applies to secure tenants who have a joint tenancy. If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.

13.21.2 For joint tenants deciding to separate, the Council has no duty to house one or both parties. One partner is able to assign the tenancy over to the other partner, however the Council owes no duty to house the partner assigning the tenancy. All tenants must seek the division of the property via the Courts. If one partner retains the property, the other may choose to register for housing on the Council's Housing Register and will be assessed according to the relevant legislation.

13.21.3 The Council does not automatically rehouse a tenant who surrenders or assigns their tenancy to a partner. If both tenants surrender the tenancy, the Council has no duty to rehouse both or either applicants and they can make a housing application to the Council and the application will be assessed according to the relevant legislation.

13.21.4 When one of the joint tenants moves out and the joint tenancy is ended, the remaining former tenant may be offered a sole tenancy of that property or, if appropriate, of an alternative, smaller property.

13.21.5 If the remaining former tenant qualifies to be offered the same property, the Council will offer them the tenancy of that property, which will not be part of the choice based lettings scheme.

13.21.6 If the remaining former tenant qualifies to be offered a smaller property, they will be placed in Priority Band A and will be able to express an interest in properties advertised through the choice based lettings scheme. However, if they have not been rehoused within six months of being placed in Band A, the Council will interview the applicant and decide a 'direct offer' should be made.

13.21.7 If the applicant subsequently refuses a suitable offer, they will have no right to remain in their current accommodation.

## 13.22 Applicants who have negotiated the surrender of their former council tenancy

13.22.1 At the Council's discretion, former tenants of Brent Council may be placed in Housing Needs Band A where they have negotiated the surrender of their tenancy on the understanding that they will be offered accommodation upon their release from prison, hospital, rehabilitation or residential care.

13.22.2 Before agreeing to tenancy surrender, Brent Council must satisfy itself that the tenant meets the following conditions:

- They were a Brent council tenant when taken into custody and the offence did not mean that they had broken their tenancy; and
- They have, or are likely, to be sent to prison for more than 13 weeks (including the time spent on remand) and
- They have conducted their tenancy in a reasonable way and have not broken their tenancy agreement and
- Their rent is up to date and
- They have not been served with a 'notice seeking possession' and
- They were living alone, require only a bedsit or one-bedroom home and offer to end their tenancy.
- They are entering residential care, hospital or rehabilitation on a long term basis.

13.22.3 Applicants in this category will be placed in Priority Band A six months before their release date from prison. They will receive only one offer of suitable accommodation; after which they will lose their priority under this category.

13.22.4 If accommodation is not available at the time the applicant is released from prison, they will have to make their own housing arrangements until they receive a 'direct offer'.

### 13.23 Discretionary powers

In special cases with exceptional needs that may not be covered in this Allocations Scheme, the applicable Operational Director has discretionary power to award additional priority and approve offers of housing.