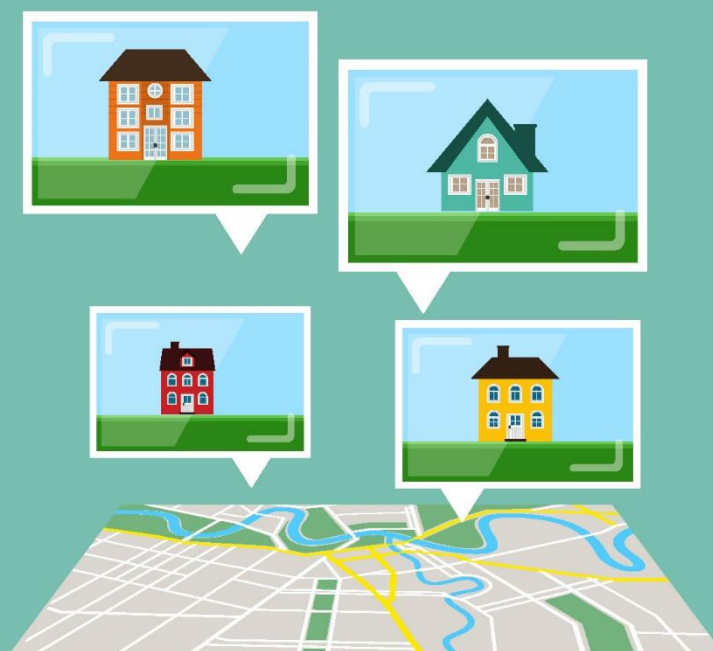


# Keyways Housing Allocation Scheme June 2019



## HELPING YOU TO UNDERSTAND OUR HOUSING ALLOCATION SCHEME

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## 1 INTRODUCTION

This Housing Allocation Scheme explains how Kettering Borough Council allocates housing in the borough through Keyways, our choice based lettings scheme. The housing allocated through this Scheme includes social housing and affordable rented housing owned and managed by both Kettering Borough Council and Registered Providers (housing associations). First and foremost, Keyways is intended to be the single access point to social housing and affordable rented housing in the three boroughs of Kettering, Corby and Wellingborough, while promoting a range of good quality, affordable housing options to resolve the difficulties faced by those in housing need.

The Scheme involves the advertising of vacant properties and the registering of bids by applicants who would like to live in those properties. Our Allocation Scheme, described in this document, shows who is eligible and qualifies for social housing, and how we decide who should have priority for available properties. The Scheme operates in partnership with Corby and Wellingborough Councils and Registered Providers.

The Council is faced with a substantial and increasing demand for social housing in the borough that far outstrips supply. The housing register exists to enable all households who are in need of housing to be included on one list, to maximise their opportunities for housing. The Scheme seeks to offer choice, while giving reasonable preference to those in the greatest housing need and those with a local connection to Kettering borough. However, implementation of the Scheme is entirely dependent upon the availability of accommodation for letting.

By joining the register, those in housing need can be considered for vacancies which occur in properties owned or managed by any of the Keyways landlords (Kettering Borough Council, Corby Borough Council, the Borough Council of Wellingborough and Registered Providers).. The aim is to make the task of applying for social housing as simple as possible, requiring only one form to be completed for all social housing opportunities in all three boroughs. There are some variances between each local authority's Allocation Scheme, therefore any allocation of housing within a particular Borough, will be subject to verification in line with that local authorities Allocation Scheme. All Allocation Schemes can be viewed on the Keyways website ([www.keyways.org.uk](http://www.keyways.org.uk)).

This Allocation Scheme applies to:

- new applicants, and;
- existing Kettering Borough Council, Corby Borough Council, Wellingborough Homes and Registered Provider (RP) tenants who have a need to transfer from one tenancy to another with their current landlord; and
- existing social rented housing tenants who need to transfer from one tenancy to another with a different social landlord.

When developing this Allocation Scheme, we have also had regard to our Tenancy Strategy and our Homelessness Strategy.

## 2 AIMS AND OBJECTIVES

In addition to meeting our statutory duties, the aim of this Allocation Scheme is to help people in housing need choose where they would like to live in Kettering borough, and to promote sustainable communities.

Our objectives are:

- to provide clear, open and transparent information to people who need to move, to enable them to make realistic, informed choices, including choices that take account of what is affordable;
- to support all Keyways landlords in making the best use of their housing stock in our borough, ensuring that larger homes, specialist housing, and homes adapted for disabilities, are made available to those who need them most;
- to support Keyways landlords in managing their homes effectively, by ensuring properties can be let quickly and that tenants are given the best chances of maintaining their tenancies;
- to enable the discharge of the Council's statutory homelessness duty where appropriate;
- to help to ensure that applicants on low incomes can afford their housing costs; and
- to ensure those who contribute to the community, or are looking to continue or take up employment, education or training are provided with the opportunity to secure affordable housing.

This Housing Allocation Scheme will be monitored and reviewed when necessary to ensure it continues to meet local needs and remains legally compliant. As part of the most recent review of the Scheme (completed in May 2017), the Council has consulted with existing social housing tenants in the Borough, applicants on the Keyways Housing Register, Keyways landlords, and other interested client groups and partner agencies.

### 3 THE LEGAL FRAMEWORK

The Council's Allocations Scheme sits within a tight legal framework which is summarised in this section.

The 1996 Housing Act (as amended by the 2002 Homelessness Act, 2011 Localism Act and Homelessness Reduction Act 2017) requires councils to make all allocations and nominations in accordance with a published Allocation Scheme. The Council's Allocation Scheme takes into account the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 and the 2013 guidance: Providing social housing for local people, which replaced all previous statutory guidance on social housing allocations. The Council's Allocation Scheme takes into account the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

The Allocation Scheme is drafted and framed to ensure that it is compatible with the Council's equality duties including the Equality Act 2010 and has been subject to an equality impact assessment.

A summary of the Allocation Scheme must be published and made available free of charge to any person who asks for a copy.

The Housing Act 1996 (as amended) requires councils to state within the scheme, the Council's position on offering applicants a choice of housing accommodation, or offering the opportunity for applicants to express a preference about the housing accommodation to be allocated to them (please refer to section 7.1 of this scheme). The Council operates a Choice Based Lettings system which enables the majority of applicants to place bids on properties of their choosing.

Part VI of the Housing Act 1996 requires local authorities to frame their Allocation Scheme so as to give "reasonable preference" to the following:

- a) people who are homeless (within the meaning of Part VII of the 1996 Act);
- b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) people who need to move on medical or welfare grounds, including grounds relating to a disability; and
- e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

The Localism Act 2011 has introduced significant amendments to Part VI, the main policy objectives being to:

- enable housing authorities to better manage their housing waiting list by giving them the power to determine which applicants do or do not qualify for an allocation of social housing;
- make it easier for existing social housing tenants to move by removing the constraints of Part VI from those social housing tenants who apply for a transfer, unless they have a "reasonable preference"; and

- maintain the protection provided by the statutory “reasonable preference” criteria to ensure that priority for social housing goes to those in greatest housing need.

This has enabled the Council to review the needs of the local area and make arrangements that best suit those needs. As a result, our Allocation Scheme sets out who qualifies for social housing in our borough.

The Homelessness Reduction Act 2017 significantly reforms existing homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness, including the requirement to provide homelessness services to all those affected, not just those in ‘priority need’ categories. The duties includes:

- an enhanced prevention duty extending the period a household is threatened with homelessness for 28 to 58 days
- a new duty for those who are already homeless so that housing authorities are required to support households for 56 to relieve their homelessness

In view of the Homelessness reduction Act 2017, this Allocation Scheme is framed to assist the Council in the prevention and relief of Homeless households and ensures we can discharge our duties to Homeless households in a timely manner.

Any reference to legislative sections contained within the Scheme are sections contained within the 1996 Housing Act.

The following are defined as allocations within this scheme:

- The selection of a person to be a secure, introductory or fixed term tenant of housing accommodation held by the Council or
- Nominating a person to be an assured tenant of housing accommodation held by a registered provider.

The Allocation Scheme will not apply to the following:

- Succession of tenancy
- Assignment of a tenancy through mutual exchange
- Assignment of a tenancy to a person who would be qualified to succeed to the tenancy
- Assignment of a tenancy in pursuance of a relevant court order
- Progression from an introductory to secure / fixed term tenancy
- Renewal of a fixed term tenancy in the same property
- Sole to joint tenancy changes and vice versa;
- Temporary decants in order to complete repairs;
- Lets made by Registered Providers outside of Keyways nomination agreements;
- Properties leased to a support agency.

All decisions, taken in relation to applications for housing made through the provisions of this scheme, will be made by Lettings Officers, Housing Options Advisors or the Allocations Manager; with the following exceptions:

- Decisions, in exceptional circumstances, to allow the qualification of applicants who would not otherwise qualify (see 4.4) – Housing Solutions Manager, and Tenancy Services Manager or at least two managers of equivalent seniority to these posts
- Decision to award a Band A priority (see 6.4.1) – Allocations Manager or manager senior to this post



- Decisions to make direct offers of accommodation to applicants (see 7.5) – Housing Solutions Manager, and Tenancy Services Manager or at least two managers of equivalent seniority to these posts
- Decisions on review (see 8.2.5) - An officer more senior than the original decision maker will carry out reviews with the ultimate decision being one for the Head of Housing and Head of Democratic and Legal Services or their duly delegated representatives.

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## **4 ELIGIBILITY AND QUALIFICATION**

Any person can approach the Council for advice and assistance regarding housing. However due to the high demand for social and affordable rented housing in Kettering Borough, the Council does not maintain an 'open' housing register.

In considering an application, the Council will firstly assess if an applicant is eligible for accommodation by virtue of their immigration status, and secondly, whether an application qualifies for an allocation of accommodation. Any applicant assessed as either not eligible or who does not qualify will not be considered for an allocation and will therefore not have access to the Keyways register.

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

The Housing Act 1996 s160ZA(3) determines that a person(s) who falls(s) into the following categories may not be allocated accommodation:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he or she comes within a class prescribed in regulations made by the Secretary of State)
- A person who is subject to immigration control is defined by the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given)

Or

- Other persons from abroad who are not subject to immigration control but prescribed by regulations as not eligible for an allocation of accommodation

### **4.2 Applicants who are eligible**

The following groups are eligible for an allocation as they do not require leave to enter or remain in the UK, unless they fall with the second category above as a person from abroad prescribed as not eligible:

- British Citizens
- Certain Commonwealth citizens with a right of abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because of the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national or a family member has a right to reside in the UK will depend upon the circumstances and particularly their economic circumstances
- Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK and some military personnel
- Certain Afghan citizens who were locally employed by the UK government in Afghanistan and have since been granted limited leave to remain in the UK.

In addition the following classed of person subject to immigration control are eligible for an allocation of accommodation as set out in Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006:

- A person granted refugee status
- A person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds
- A person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the Common Travel Area
- A person who has humanitarian protection granted under the immigration rules

Any other person not identified above will be a person subject to immigration control and is not eligible for an allocation of accommodation.

The legislation governing eligibility may change from time to time and the description of the current position as set out above is not definitive.

### 4.3 Applicants who do not qualify

A local housing authority can decide what classes of persons are, or are not, qualifying persons for the purposes of allocating housing. This section sets out what classes of persons are not considered to be qualifying persons, and will therefore not be accepted to join the Keyways register for an allocation of housing within the Kettering Borough.

#### 4.3.1 Persons with income/assets

All applicants must declare whether they own a home, or have a legal interest in any land or property, and whether they have any savings, so that we can determine their application.

Applicants who can reasonably be expected to purchase a property to move to on the open market will not normally be accepted onto the Keyways register. Those applicants who have been accepted as eligible for sheltered housing (further to an assessment of their support needs) will not be subject to any income, savings and equity caps for this type of accommodation only.

We define those able to purchase a property on the open market as:

Criteria	Further Information
Home Owners / Savings	Anyone who has equity in their home, or another property in the UK or abroad, or savings, which together totals £16,000 or more, may not be considered qualifying persons.
Higher Income Households	Applicants who have a gross income of more than £45,000 per annum for a single person household, or are a couple or family with a total household gross income of £60,000 or more will not be considered qualifying persons.

When reaching a decision on whether those that own homes / have savings qualify, we will consider:

- The financial resources available
- Ability to access and service a mortgage
- Type of property required
- Size of property required
- Local availability of property required
- Household expenditure
- The ability to rectify any Category 1 Hazards as identified by the Private Sector Housing Team

It is recognized that for some applicants' financial circumstances may not be sufficient to purchase a property to resolve their housing issues on the open market. For example, if:

- The applicant is of retirement age and unable to obtain a mortgage
- The applicant's current financial position/ past credit history means they are unable to obtain a mortgage and they need this to purchase a suitable property
- The applicant requires specialist housing, such as adapted accommodation, or housing with support, which they cannot afford
- The applicant has an established village local connection within the Borough and they wish to exercise their right to live in this village

Such applicants that cannot reasonably afford to move and that can demonstrate that their home is not suitable for their needs / not reasonable for them to occupy, may be accepted onto the Keyways register.

The income and asset limits will be reviewed annually and amended as local incomes, housing costs and/or local property prices change.

Please note that passport benefits and non-contributory disability benefits are not included for the purposes of income in this definition. Any lump sum received by a member of the Armed Forces as a compensation for an injury or disability sustained on active service will be disregarded as savings.

The Council may take into account any previous disposals of assets or capital when calculating the financial resources available, including for example, transfer of ownership and depreciation of capital. In these circumstances each case will be considered on its own merits and where applicants may be accepted onto the housing register, sanctions may apply. See Section 6.4.5.

#### 4.3.2 Persons with no local connection

Applicants who do not establish a local connection to Kettering Borough will not qualify to join the Keyways register in our area. A local connection to Kettering Borough will be established by virtue of any permanent member of the household meeting any of the criteria set out in the table below:

Criteria	Additional Detail
<p>Current residency in Kettering Borough with a past residency history of at least three years out of the last five years prior to acceptance onto the Keyways register</p>	<p>Applicants must be currently resident in Kettering Borough at the point of application to Keyways, and at the point of nomination. In addition, their 5 year address history must detail a past residence in Kettering Borough totalling at least 3 years. Residency may be verified by way of tenancy references, electoral roll, information held on any local authority or third party database, such as Experian and will be verified at the point of application and at the point of nomination.</p> <p>This includes those people who currently live in an institution, hospital or are serving a custodial sentence outside of the Borough, but were resident in the Borough for at least three out of the last five years prior to entering that institution, hospital or custody.</p>

<p>Employment in Kettering Borough for a minimum of 16 hours per week, including those eligible under 'Right to Move'</p>	<p>The main or joint applicant must be working regularly, at the point of application and at the point of any nomination.</p> <p>For the purposes of establishing this local connection, regularly means 16 hours per week or more, and either have a permanent contact (and passed any probationary period), or, be able to demonstrate they have worked for at least six months and there is no reason to believe this arrangement is due to cease.</p> <p>Applicants who are self-employed, or their profession requires them from time to time to work outside the Borough, will need to demonstrate that their employment has mainly been based in the Kettering Borough for a minimum of six months prior to application and at the point of any nomination.</p> <p>Applicants on leave due to maternity or sickness who remain employed will qualify for this criterion as long as there is no reason to believe their employment is due to cease.</p> <p>You are a current social tenant in England who is employed, or who has been offered employment in Kettering Borough AND who needs to move to avoid hardship.</p>
<p>Armed Forces personnel</p>	<p>This criteria is limited to:</p> <ul style="list-style-type: none"> <li>• Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.</li> <li>• Bereaved spouses and civil partners of members of the Armed Forces leaving Service Family Accommodation following the death of their spouse or partner.</li> <li>• Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.</li> </ul> <p>The above definition of Armed Forces personnel also applies to the Priority Banding criteria called 'Armed Forces' detailed in section 6.4.1.</p>
<p>Immediate family members currently resident in the borough i.e. parent, sibling or child, who has lived in the Borough for a minimum of five years continuously prior to acceptance onto the Keyways register</p>	<p>Residency may be verified by way of tenancy references, electoral roll or information held on any local authority database. Relationship may be verified by Birth Certificates or information held on any local authority database.</p>

<p>Current tenant of the Council or Registered Provider resident in the Borough, whose application is supported by the landlord</p>	<p>Although it will not be necessary for the tenant to have completed three years residency in the borough, the applicant must have a housing need as identified in the Priority Bands (see Section 6), and the transfer be supported by the applicant's current landlord.</p>
<p>Applicants owed certain duties under the Homelessness Reduction Act 2017 and the Housing Act 1996</p>	<ul style="list-style-type: none"> <li>• Applicants owed a S195 prevention duty that satisfy no other local connection criteria set out in section 4.3.2.</li> <li>• Applicants owed a S189B relief duty that satisfy no other local connection criteria set out in section 4.3.2 but that do satisfy the local connection criteria as defined by homelessness legislation.</li> </ul> <p>The above cases are able to qualify for the housing register but a reduced priority (Band D) will be awarded to their application.</p> <ul style="list-style-type: none"> <li>• Applicants owed a S193(2) Main Homelessness duty that satisfy no other local connection criteria set out in section 4.3.2 but that do satisfy the local connection criteria as defined by homelessness legislation.</li> </ul>
<p>Other special circumstances as authorised by the Allocations Manager</p>	<p>In some special circumstances, we will accept people onto the Keyways register who cannot demonstrate a local connection as defined above. These circumstances include:</p> <ul style="list-style-type: none"> <li>• Those needing to move in order to provide or receive essential care and support in the Kettering Borough;</li> <li>• Applicants who were resident in the borough for three years or more before moving to supported housing / care placements out of area to prevent homelessness;</li> <li>• Applicants who do not have a clear local connection anywhere</li> <li>• Applicants who cannot live in the area in which they have a local connection because of harassment or violence or the need to move elsewhere for reasons of rehabilitation or personal safety. This includes applicants subject to MAPPA arrangements or the National Witness Mobility Scheme.</li> </ul>

### 4.3.3 Persons who have behaved in an unacceptable way

Applicants who have previously behaved in a way which led to them losing a tenancy, or which could have led to such action being taken by a landlord, will only qualify for an allocation via Keyways if they can demonstrate that such behaviour is unlikely to occur again. Applicants may not qualify to join the register due to the behaviour of any member of the applicant's household, including partner and children.

Behaviour which may lead to someone failing to qualify to join Keyways includes (but is not limited to):

Criteria	Further Information
<p>Rent arrears or recharge arrears (except where it can be shown that the debt was incurred through no fault of the applicant)</p>	<p>This includes both current and former rent arrears, and recharge arrears for damages to a property. This applies to social and private rented tenancies.</p> <p>Consideration will be given to applicants with an urgent housing need (defined by being awarded Bands A or B under this Allocation Scheme) who have rent arrears. The Allocations Manager or the Housing Solutions Manager will assess each case and decide whether to allow an applicant with rent arrears or recharge arrears onto the scheme.</p> <p>Applicants owed a homeless duty, that have arrears / debt that is unrelated to their current incidence of homelessness, will be exempt from this non-qualifying criterion as long as a repayment plan has been established and is strictly adhered to.</p> <p><b>Debt Relief Orders/Bankruptcy/Individual Voluntary Arrangement</b></p> <p>Debt Relief Orders and Bankruptcy cases will only be considered after 12 months from the date of issue when all debts have been written off. In all cases where debt has been written off, we will have regard to the reasons as to why the debt accrued when assessing an applicant's suitability to be a social housing tenant.</p>
<p>Other housing related debt owed (except where it can be shown that the debt was incurred through no fault of the applicant)</p>	<p>This includes monies owed for recoverable mortgage debt, services charges, courts costs, Housing Benefit overpayments, Council Tax arrears, deposit bond scheme debt, and other loans from a local authority's homelessness prevention fund or other similar scheme.</p> <p>Consideration will be given to applicants with an urgent housing need (defined by being awarded Bands A or B under this Allocation Scheme) who have other housing related debt as defined above. The Allocations Manager or the Housing Solutions Manager will assess each case and decide whether to allow an applicant with rent arrears or recharge arrears onto the scheme.</p> <p>Applicants owed a homeless duty, that have debt that is unrelated to their current incidence of homelessness, will be exempt from this non-qualifying criterion as long as a</p>

	<p>repayment plan has been established and is strictly adhered to.</p> <p><b>Debt Relief Orders/Bankruptcy/Individual Voluntary Arrangement</b></p> <p>Debt Relief Orders and Bankruptcy cases will only be considered after 12 months from the date of issue when all debts have been written off. In all cases where debt has been written off, we will have regard to the reasons as to why the debt accrued when assessing an applicant's suitability to be a social housing tenant.</p>
<p>Other breaches of tenancy conditions</p>	<p>The applicant has a history of unacceptable behaviour in terms of other breaches of tenancy conditions. This includes unacceptable property and garden condition, not providing reasonable access for gas safety checks, repairs, and other non-engagement in tenancy activities.</p> <p>Existing social housing tenants may be subject to an inspection of their property and garden condition prior to being accepted onto the Keyways housing register. Applicants who fail the inspection, or do not engage with their landlord to complete required actions will not be accepted onto the register.</p>
<p>Possession action taken by a current or previous landlord, to end the tenancy following breaches of the tenancy agreement over the last five years (except where it can be shown that the action was taken through no fault of the applicant)</p>	<p>The applicant has been evicted from, or had possession action taken against them, by any local housing authority, Registered Provider or other landlord for breaches of the tenancy agreement.</p> <p>The Council will investigate the reasons the landlord took possession action to determine whether the applicant deliberately breached their tenancy which prompted the landlord to take possession proceedings.</p>
<p>Been evicted from any social tenancy for subletting, or abandoning a property within the last five years</p>	<p>Applicants may be accepted if it can be demonstrated that there has been a satisfactory tenancy history since the offence and there are no outstanding debts owed to any social or private landlord.</p>
<p>Been convicted of, or been issued with / accepted a sanction for, Benefit or Council Tax Fraud within the last five years</p>	<p>Sanctions including cautions, administrative penalties and criminal prosecutions where action has been taken by any Local Authority or the Department for Work and Pensions.</p>



<p>Guilty of criminal offences relevant to rehousing</p>	<p>Any offence that is not spent under the Rehabilitation of Offenders Act 1974 (amended by the Legal Aid and Sentencing and Punishment of Offenders Act 2012) must be declared. Cautions should also be declared.</p> <p>Relevant criminal offences include but are not limited to the following serious arrestable offences:</p> <ul style="list-style-type: none"> <li>• violent offences including GBH and ABH, explosions and riots;</li> <li>• Harassment, threats of violence or intimidation including racially motivated and domestic violence offences;</li> <li>• offences relating to offensive weapons (firearms and certain offences involving knives);</li> <li>• offences against property, including offences under the Theft Act 1968 such as robbery and burglary, and an offence under Section 1 of the Criminal Damage Act 1971 of destroying or damaging a property;</li> <li>• drug-related offences under the Misuse of Drugs Act 1971 (restriction of production and supply of controlled drugs and possession of controlled drugs with intent to supply);</li> <li>• Sexual offences</li> <li>• offences under Part 2 Serious Crime Act (encouraging or assisting one of the above offences to be committed)</li> </ul>
<p>Antisocial behaviour</p>	<p>Acts of antisocial behaviour are defined as acts where the applicant has been subject to some level of formal warning and/or enforcement action. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Closure Order granted as a result of antisocial behaviour in or near the applicant's current or previous property</li> <li>• Civil Injunction for example injunctions preventing nuisance and annoyance</li> <li>• Criminal Behaviour Order</li> <li>• Notice or an Order to abate noise served under the Environmental Protection Act 1990.</li> <li>• Community Protection Warnings and Notices</li> <li>• Convictions for breaching any of the above</li> <li>• Any other enforcement action / prosecution under the Antisocial Behaviour, Crime and Policing Act 2014.</li> </ul> <p>Antisocial behaviour also includes any act whereby an applicant has been proved to have interfered with security and safety equipment or landlord's electricity supply to communal blocks.</p>

Demonstrated unacceptable behaviour towards any officer, official agent or property of Kettering Borough Council or Keyways partner landlord

This includes having received any warning letters from the Council or any Keyways partner, and/or criminal or civil action.

Unacceptable behaviour includes verbal and physical abuse, intimidation, violence and/or threats of violence by any form and harassment. Damage, defacing or graffiti upon any property is also included.

Kettering Borough Council does not operate a blanket policy in relation to the above considerations but will consider each case on its own merit. Applicants are invited to provide evidence of a change of behaviour. This could include, for example, evidence of regular payments towards a previous housing debt; evidence from a support agency of undertaking training to develop the skills necessary to manage a tenancy, or being ready to move on from supported housing.

#### 4.3.4 Persons who are incapable in law of holding a legal tenancy

Applications will not normally be accepted from persons who are aged under 18. However, the following may be considered:

- The applicant is in the care of the Council, or is a care leaver
- The applicant has been defined as a child in need as a result of a S17 Children Act 1989 statutory assessment
- The applicant is owed a full statutory homeless duty following a S20 Children Act 1989 statutory assessment
- The applicant has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends, and the Council accepts the adult as a suitable trustee

#### 4.3.5 Persons with no assessed housing need

Persons/households assessed as having no housing need as defined in the Priority Bands (section 6.4) will not qualify to join the Keyways register.

Applicants to whom another Local Authority has accepted a rehousing duty under Section 193 of the Housing Act 1996 or any other duty to suitably accommodate are regarded as having no housing need and will therefore not qualify for Keyways with Kettering Borough Council.

#### 4.3.6 Refusals of offers of social housing

Applicants who have refused 2 offers of suitable accommodation in any 12 month period will fail to qualify for the Keyways register. See section 8.2.3 for more information. Applicants who are owed a Relief Duty or the Main Homelessness duty will fail to qualify after refusing 1 offer of suitable accommodation. Those who do not qualify by virtue of this category will not have a reapplication considered for 12 months from the date of non-qualifying decision.

Applicants can request a review of this decision if there has been a significant change in their circumstances through no fault of their own which adversely affects the household or would otherwise result in the Keyways band increasing.

#### 4.3.7 Bidding inactivity

Applicants who have had an application closed due to failing to place bids on Keyways in a 6 month period as per section 8.2.1, will fail to qualify for the Keyways register. Those who do not qualify by virtue of this category will not have a reapplication considered for 12 months from the date of non-qualifying decision.

Applicants can request a review of this decision if there has been a significant change in their circumstances through no fault of their own which adversely affects the household or would otherwise result in the Keyways band increasing.

#### **4.4 Exceptional circumstances**

In exceptional circumstances, an applicant who would not ordinarily qualify for the Housing Register but who has an urgent housing need (defined by being awarded Bands A or B under this Allocation Scheme) may be allowed to join. This includes cases where an applicant is suffering serious detriment as a result of their housing circumstances, and/or when the council owes a Main Homelessness duty to the household including homelessness and succession duties.

Households with an accepted homelessness duty who would not ordinarily qualify for the Keyways housing register but to whom Kettering Borough Council owes a main housing duty may be allowed to qualify for Keyways in order that their homelessness can be prevented or relieved. An assessment of needs and required support will be undertaken to ensure that such applicants are provided with the best opportunity of successfully sustaining any tenancy offered via Keyways.

The decision to allow a non-qualifying applicant to participate in choice based lettings, or be provided with a direct offer, will be determined by a panel of senior housing officers.

#### **4.5 Notification of decisions on eligibility and qualification**

Where a person is deemed either ineligible or not to qualify for an allocation of accommodation, they are entitled to request a review. Such reviews will consider if there is any evidence to support that the behaviour or circumstances upon which the decision was made have altered. More information on how to request a review is detail in section 8.2.5.

If an applicant is not eligible or does not qualify for an allocation, they can access advice and assistance on alternative housing options available.

Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (s160ZA(11)).

## **5 REGISTRATION**

### **5.1 How to apply**

Applicants can apply for an allocation by completing a housing application form which can be completed online at [www.keyways.org.uk](http://www.keyways.org.uk). Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement at the Council offices. Applicants will be required to provide supporting documentation where indicated or requested by the Council.

Once a fully completed application form has been received along with the required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation (see section 4), followed by an assessment of their housing need (see section 6), and a determination of property eligibility (see section 7.2).

### **5.2 Verification**

In order to assess and verify housing applications, we may make additional enquiries with current and former landlords and other relevant agencies. When assessing medical needs in relation to an applicant's housing need or requirements, we will usually require circumstances to be verified by a medical professional such as a GP, Occupational Therapist, or any other health or social care professional as determined by Kettering Borough Council. We may also need to arrange a home visit or office interview. Where this is necessary, we will contact the applicant to arrange a convenient appointment.

Verification includes checks on an applicant's full circumstances including their eligibility, qualifying criteria, housing need, property eligibility and community contribution. Circumstances will be verified at the point of application and at the point of nomination prior to a formal offer. It is the applicant's responsibility to notify Kettering Borough Council of any significant changes to their circumstances which may affect their application. An applicant's circumstances can change at any point and accordingly can be reassessed by the Council at any time.

Prior to any formal offer of accommodation, Keyways landlords will also conduct a home visit and other checks to verify an applicant's circumstances. This will include an affordability assessment. Applicants that fail the verification checks and/or affordability assessments will not be offered the accommodation for which they have been put forward.

### **5.3 Who can be included on an application?**

The applicant should only include on their housing application other persons who normally reside with them or who would reasonably be expected to reside with them as a member of their household. Applicants and household members can only be on one Keyways application.

The following can be included on an application if they normally live with the applicant(s) or could reasonably be expected to do so:

- partner or spouse,
- children dependent on the applicant / joint applicant
- adult sons and daughters
- other adults who are dependent on the applicant / joint applicant

Other people will only be considered if there are demonstrable extenuating circumstances that require them to live with applicants, for example to provide or receive ongoing and substantial care which can be evidenced.

In all circumstances, the Council may decide whether a child or other person is normally resident as a member of the applicant's family and whether they will be considered for rehousing as a member of the applicant's household. The Council will consider each applicant's individual circumstances when deciding whether to allow persons to be included on the application.

### 5.3.1 Dependent children

A dependent child is defined as being aged 0-15 years, or 16-19 years that is attending or enrolled in full-time approved non-advanced education or training. The Council will usually expect that an applicant receives Child Benefit in respect of dependent children.

In determining whether a dependent child can be considered as part of the household where there is shared parental responsibility, the Council will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. The Council may also take into account the demand for and supply of accommodation, as well as any under occupation which may result where a child spends part of a week with one parent and part of a week with another.

Factors that the Council will consider include:

- Who has the main parental responsibility of the child / children?
- What is the child's main and principal home?
- Who predominantly cares for the child?
- What is the frequency and length of residence at the applicant's property?
- Does the child have other accommodation available to them which it is reasonable for them to occupy?
- Is there an order of the court pertaining to the child's residency?

### 5.3.2 Adult sons and daughters, and other non-dependents

Non-dependent children are defined as any children of the applicant or joint applicant who do not meet the definition of a dependent child. A non-dependent child is usually aged 18 years or over and that is not attending or enrolled in any full-time approved non-advanced education or training.

Where the household includes people aged 18 years or over that are capable of living independently, the Council will assess the needs of the whole household and may refuse to allow them to be included on an application, for example if it is unable to meet the need through existing social housing in the borough. We may require such non-dependent members of the household (including adult sons and daughters, or extended family members) to apply for housing separately.

Non-dependent children who are living with their parents and residing at university during term time will be assessed to establish whether they will be accepted onto an application. Factors that will be considered include the proportion of the year that the non-dependent child resides elsewhere, the alternative accommodation arrangements that they have, the end date of the university course, and the availability of and demand for the property type required were they to be included on an application.

We will allow children living with their parents who are serving in the armed forces to be included on an application. In these circumstances their parental home will be considered as their principal home.

### 5.3.3 Family members not resident in the UK

If applicants are applying to include family members who are not living in the UK, the application may be registered but applicants cannot be allocated together until the family has been reunited in the UK.

### 5.3.4 Children in care

Children in compulsory or voluntary care can be included on an application subject to written confirmation from Social Services that the children are to live on a permanent basis with the applicant(s).

Households undertaking fostering may be able to include foster children as part of their application. Written confirmation from Social Services of the fostering arrangement will be required and considered to inform the decision.

### 5.3.5 Provision / receipt of care

Applicants or applicant household members, who require a full time residential carer which is evidenced by Social Services or a primary health care professional, may include the carer on their application.

People who provide substantial long-term care to another person which requires that person to live with an applicant in order to receive the care, may include that person on their application. Care needs must be evidenced by an assessment of social care services, which cannot be provided by visiting carers. The care needs must be substantial, i.e. a need for personal care with basic daily activities (dressing, feeding, bathing, toileting), or an inability to live independently certified by a medical professional.

### 5.3.6 Split and non-traditional households

The Council will consider applications from households where the main and joint applicants do not currently reside at the same address, or applications from non-traditional households, e.g. friends sharing. In reaching a decision whether to accept applications from non-traditional households, the Council will consider, amongst other factors, the relationship between applicants and the demand for and availability of the property type and size required. If accepted, both applicants will need to meet the eligibility and qualifying criteria and the priority awarded to the application will be based on the housing circumstances of the applicant in the lowest priority band.

## **6 ASSESSMENT OF NEED**

Only applicants who have been assessed as eligible and who qualify will have their housing need assessed.

### **6.1 Reasonable preference**

The Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important as the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with reasonable preference must be given a reasonable head-start in terms of accessing housing over those who do not have reasonable preference. Reasonable preference does not mean that applicants will have an absolute priority over all other applicants.

The statutory reasonable preference categories in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) are:

- f) people who are homeless (within the meaning of Part VII of the 1996 Act);
- g) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- h) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- i) people who need to move on medical or welfare grounds, including grounds relating to a disability; and
- j) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

### **6.2 Additional preference**

The Council can grant 'additional preference' to applicants where the Council is satisfied that applicants who have been assessed as having a reasonable preference also have other exceptional or urgent housing needs.

There are special provisions for such additional preference in relation to Her Majesty's Armed Forces personnel who have urgent housing needs (see section 6.4.1).

### **6.3 Other Specified groups**

The Council includes other local priorities alongside the statutory reasonable preference categories. Local priorities can be included providing:

- That they do not dominate the Scheme, and
- Overall, the Scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

## 6.4 The Priority Banding system

We award each housing application a level of priority for housing. We use our Priority Bands: A, B, C and D. Applications in Band A have the highest of priority for rehousing.

### 6.4.1 Band A

We will place an application in this band if the applicant's circumstances fall into one or more of the following criteria:

Criteria	Additional Detail
<p><b>S193(2) Main Homeless Duty</b> Kettering Borough Council has accepted a main homeless duty as we have been unable to prevent or relieve the applicant's homelessness and they establish a local connection to Kettering as outlined in Part VII of the Housing Act 1996.</p>	<p>Applicants who are homeless and are owed a S193(2) Main Homeless Duty because they have been assessed as being in a priority need and unintentionally homeless.</p> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>
<p><b>Hospital Discharge</b> The applicant or a member of the applicant's household is disabled, mentally ill and/or elderly and cannot be discharged from hospital or a rehabilitation centre because they have no accommodation, or their current accommodation has been deemed hazardous to their health and the situation cannot be rectified to enable them to continue to live there, and they are accepted by Kettering Borough Council as being able to sustain their own independent accommodation (with or without tenancy support).</p>	<p>Hospital patients who were homeless prior to admission and who are assessed by Kettering Borough Council as unable to sustain a general needs tenancy will not be awarded Band A status for this criteria. Instead the Housing Options team will consider its duties under Part 7 Housing Act 1996, and work in conjunction with other agencies to offer advice and assistance in securing suitable accommodation.</p>
<p><b>Severe Medical Need</b> The applicant or a member of the applicant's household has an illness or disability so severely affected by their current accommodation that it is life threatening (or likely to become life threatening) or poses a critical risk, and the property cannot be made suitable for them within a reasonable period of time.</p>	<p>The existing accommodation must be a major and direct contributory factor to pose a severe and life threatening risk to the applicant. It is expected that this criteria applies to those few exceptional cases only. It might apply, for example, when an applicant's condition is expected to be terminal within twelve months and rehousing is required to provide a basis for the provision of suitable care, or when the property attributes are more likely than not to cause severe deterioration in underlying health issues. It may also apply when the applicant or a household member requires wheelchair adapted accommodation and is permanently housebound or unable to access bathroom facilities in their current property. There must be a reasonable prospect of resolving the housing</p>



	need by moving to alternative adapted accommodation for this band to be awarded.
<p><b>Armed Forces</b></p> <p>The applicant or a member of the applicant's household has a reasonable preference as a member of the Armed Forces and an urgent housing need defined by meeting any of the Band A or Band B criteria</p>	A definition for Armed Forces personnel and their families for the purposes of this priority band criterion is set out in Section 4.3.2.
<p><b>Risk of Harm</b></p> <p>The applicant or a member of the applicant's household is at serious risk of harm (physical or emotional trauma) resulting from violence or threats of violence or physical, emotional or sexual abuse or other serious trauma in the current accommodation, and needs to relocate to ensure their safety.</p>	This will be verified by the Police and/or other agencies as necessary. This may include a move to protect a witness of criminal acts under the National Witness Mobility Scheme. Any offer of accommodation from this criteria will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.
<p><b>Category 1 Hazard</b></p> <p>The applicant is a private sector tenant, housing association tenant or owner occupier, and Kettering Borough Council has determined that their current accommodation poses a Category 1 hazard (excluding overcrowding) under the Housing Health and Safety Rating Scheme, the problem cannot be resolved within a reasonable period of time i.e. six months, and by continuing to live there poses a significant risk to health</p>	This includes a property that is lacking basic facilities such as a bathroom, kitchen, inside toilet or water supply. It also includes a property that has major structural defects including subsidence, flooding, collapse of roof, or living conditions which are a statutory nuisance, and where there is no prospect of the problems being remedied within a six month time period. Dampness in the property must be caused by a structural defect in the property which has been investigated and found to be irremediable. The assessment regarding whether disrepair constitutes a Category 1 hazard will be made by the Council's Private Sector Housing team.
<p><b>Severe Overcrowding</b></p> <p>The applicant's household has been assessed as being severely overcrowded defined as requiring two or more additional bedrooms based on the Council's minimum bedroom standard</p>	<p>The minimum bedroom standard (see section 7.2.1) states that a separate bedroom shall be required for the following persons:</p> <ul style="list-style-type: none"> <li>• A single person (sole applicant)</li> <li>• A married or co-habiting couple</li> <li>• Two children both aged under 10 years regardless of gender</li> <li>• Two children of the same gender regardless of age (unless there is a 10 year age gap AND one child is at least 16 years old)</li> </ul> <p>Where the applicant and the applicant's household are 2 bedrooms short, they will be awarded this band A priority for severe overcrowding.</p> <p>For the purposes of assessing overcrowding based on the bedroom standard, the number of bedrooms the applicant and the applicant's</p>

	<p>household have sole use of will be taken in consideration. Additional living rooms over and above one living room per property will be classed as bedrooms. Rooms of less than 4.65m<sup>2</sup> are not regarded as useable rooms. In HMO's, rooms below the prescribed room size in HMO regulations will be disregarded.</p> <p>Households awarded this band will only be considered for properties on Keyways that offer more bedrooms than their current accommodation.</p> <p>This band criterion does not apply to applicants placed in temporary accommodation by any Local Authority.</p>
<p><b>Demolition</b> The applicant needs to move because their home is about to be demolished or redeveloped.</p>	<p>This applies when an applicant's home is due to be demolished, for redevelopment (e.g. under a Compulsory Purchase Order) or other reasons beyond of the applicant's control.</p>
<p><b>Major Repairs</b> The applicant is a tenant of a social or affordable rented property living in Kettering borough who needs to move because their accommodation needs major renovation or extensive repairs.</p>	<p>This applies when a Council or housing association tenant has to move permanently in order for major works to be undertaken. It does not include temporary decants.</p>
<p><b>Natural Disaster</b> The applicant has lost their home due to flood, fire or other natural disaster.</p>	<p>This applies where an applicant's home is considered uninhabitable due to flood, fire or natural disaster through no fault of the applicant and where there is no prospect of the problems being remedied within a reasonable period defined as six months. In each case, the Council will determine what evidence is necessary to verify whether a property is uninhabitable and whether / when it can be made habitable.</p>
<p><b>Under Occupying Tenants with Medical Need</b> The applicant is under occupying social or affordable rented accommodation within the Kettering Borough by one bedroom or more, and a member of the household has a permanent medical condition which is seriously adversely affected by their current accommodation.</p>	<p>This is a cumulative preference criterion for tenants of the Council and Registered Providers who are under occupying, but also have an urgent medical need to move as defined by the Urgent Medical Need Band B criteria.</p> <p>Households awarded this band will only be considered for properties on Keyways that offer fewer bedrooms than their current accommodation.</p>
<p><b>Releasing Full Mobility Property</b> The applicant is a social or affordable rented tenant occupying a property in Kettering Borough that is fully wheelchair adapted and that is willing to transfer to suitable non-adapted accommodation.</p>	<p>This applies to Council and Registered Provider tenants whose properties have full mobility standards and wheelchair access.</p>

<p><b>Releasing Large Family Property</b> The applicant is a social or affordable rented tenant under occupying a property in Kettering Borough that offers four or more bedrooms and is willing to transfer to suitable smaller accommodation.</p>	<p>This applies to Council and Registered Provider tenants whose properties provide four or more bedrooms (including 3 bed parlour type properties). Households awarded this band will only be considered for properties on Keyways that offer fewer bedrooms than their current accommodation and for which they are eligible to be considered for as defined in section 7.2.</p>
<p><b>Priority Sheltered Move</b> The applicant is a social rented tenant living in sheltered, supported or assisted living accommodation who has a medical condition which is seriously adversely affected by their current accommodation, which would be resolved by a move to alternative accommodation within their current sheltered/supported housing scheme or a similar sheltered/supported scheme nearby.</p>	<p>This criterion only applies to tenants who live in sheltered/supported housing schemes allocated through Keyways. It does not apply to other sheltered/supported housing schemes owned by Registered Providers who operate their own waiting lists and allocation policies. This criterion gives preference to those residents already in sheltered/ supported accommodation with an urgent medical need (defined by the Urgent Medical Need Band B criteria) to move to a different unit within the same scheme or similar scheme nearby.</p>

Band A priority is only awarded with the documented approval of the Allocations Manager, Homelessness Manager, or their senior managers.

In addition to the Band A criteria above, we may also award Band A status to other emergency circumstances not covered in the priority groups above. In such rare circumstances, the Housing Solutions Manager has discretion to determine whether an applicant has a need to move sufficient to warrant placing an application in Band A.

#### 6.4.2 Band B

We will place an application in this band if the applicant's circumstances fall into one or more of the following criteria:

<b>Criteria</b>	<b>Additional Detail</b>
<p><b>S195 Homeless Prevention Duty</b> Kettering Borough Council has accepted a homeless prevention duty and the applicant establishes a local connection to Kettering as set out in section 4.3.2.</p>	<p>Applicants who are:</p> <ul style="list-style-type: none"> <li>• owed a S195 prevention duty and;</li> <li>• are either vulnerable, pregnant, or have dependent children and;</li> <li>• deemed not to have worsened their housing circumstances.</li> </ul> <p>The Housing Options team will determine if a homeless applicant is deemed to be vulnerable (or potentially vulnerable) using the definition outlined in section 189(1) of the Housing Act 1996, and the Homelessness (Priority Need for Accommodation) (England) Order 2002.</p> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>

**S189B Relief Duty**

Kettering Borough Council has accepted a homeless Relief Duty as we have not been able to prevent the applicants' homelessness and they establish a local connection to Kettering as set out in section 4.3.2.

Applicants who are:

- owed a S189(B) relief duty and;
- are either vulnerable, pregnant, or have dependent children and;
- deemed not to have worsened their housing circumstances.

The Housing Options team will determine if a homeless applicant is deemed to be vulnerable (or potentially vulnerable) using the definition outlined in section 189(1) of the Housing Act 1996, and the Homelessness (Priority Need for Accommodation) (England) Order 2002.

There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).

**Overcrowding**

The applicant's household has been assessed as being overcrowded defined as requiring one additional bedroom based on the Council's minimum bedroom standard

The minimum bedroom standard (see section 7.2.1) states that a separate bedroom shall be required for the following persons:

As a minimum, the applicant's household is entitled to one bedroom each for:

- A single person (sole applicant)
- A married or co-habiting couple
- Two children both aged under 10 years regardless of gender
- Two children of the same gender regardless of age (unless there is a 10 year age gap AND one child is at least 16 years old)

Where the applicant and the applicant's household is 1 bedroom short, they will be awarded this band B priority for overcrowding.

For the purposes of assessing overcrowding based on the bedroom standard, the number of bedrooms the applicant and the applicant's household have sole use of will be taken in consideration. Additional living rooms over and above one living room per property will be classed as bedrooms. Rooms of less than 4.65m<sup>2</sup> are not regarded as useable rooms. In HMO's, rooms below the prescribed room size in HMO regulations will be disregarded.

Households awarded this band will only be considered for properties on Keyways that offer an additional bedroom to their current accommodation.

This band criterion does not apply to applicants placed in temporary accommodation by any Local Authority.

<p><b>Urgent Medical Need</b></p> <p>The applicant or a member of their household has a permanent medical condition or disability which is seriously adversely affected by their current accommodation, but they are not housebound or their life is not at risk due to their current housing, but their housing conditions directly contribute to causing serious ill health.</p>	<p>This will apply when an applicant or a member of their household has severe difficulty managing stairs to access their property, bedroom/bathroom facilities, for example. The medical condition must be permanent, and the property must have a serious adverse effect on the medical condition. This also applies to applicants that have an evidenced need for disabled adaptations to their home including ramps, level access showers and stairlifts.</p> <p>It may also apply when the useable space / layout of a property is such that it causes a serious adverse effect on the health / wellbeing of the applicant or their household.</p> <p>Applicants will only be considered for properties which will meet their housing needs and improve their condition / quality of life.</p>
<p><b>Essential Care and Support</b></p> <p>The applicant or a member of their household needs to give or receive essential care and support that is substantial and ongoing and that cannot be provided from or in their current accommodation.</p>	<p>It must be demonstrated that this essential care and/or support cannot be practically provided or received from the applicant's current accommodation on an ongoing basis.</p> <p>Applicants must either be in receipt of Carers Allowance or have a carer who is in receipt of Carers Allowance, or have had an assessment by Social Services or similar support agency, so it can be established that care and/or support is substantial / essential.</p>
<p><b>Supported Move On</b></p> <p>The applicant is ready to move on from supported accommodation or care in the Keyways Partnership area, and has been accepted as ready for independent living by a relevant support provider.</p>	<p>Applicants must be assessed as ready for independent living on the recommendation of a support worker or equivalent, transitional support needs must have been assessed and an appropriate support package in place, to maximise the chances of a successful tenancy.</p> <p>This band applies to young people leaving local authority care. It also applies to vulnerable applicants who live in a supportive home environment which is not sustainable in the medium to long term, for example, a vulnerable applicant who lives with elderly parents who are their carers.</p> <p>This band does not apply to those applicants who do not have sufficient awareness and/or mental capacity to be able to accept and manage a tenancy and live in a reasonably independent way.</p> <p>Where the supported accommodation or care is out of the Keyways Partnership area, this band will not apply, unless the placement in that accommodation was due to it being the only suitable specialist placement (e.g. residential care or refuge) available to meet the needs of the applicant at the time, and the applicant has</p>

	<p>a local connection to the Keyways partnership area.</p> <p>Applications awarded this band will be monitored to ensure timely move-on and may receive a direct offer of accommodation.</p>
<p><b>Under Occupying</b></p> <p>The applicant and their household are under occupying a 2 or 3 bedroom social or affordable rented accommodation within the Keyways partnership area, by one or more bedrooms and they wish to downsize.</p>	<p>Applicants must be willing to downsize to accommodation that has less bedrooms than their current accommodation. Applicants may only move to accommodation that is suitable and of an appropriate size for their needs, as set out in section 7.2.</p>
<p><b>Releasing Other Adapted Property</b></p> <p>The applicant is a social or affordable rented tenant occupying a house, ground floor flat or bungalow in the Keyways Partnership area that has a level access shower and/or stairlift that is not required and that is willing to transfer to suitable non-adapted accommodation.</p>	<p>This applies to Council and Registered Provider tenants whose properties have/or have the possibility to provide disabled adapted accommodation</p>
<p><b>Successor</b></p> <p>The applicant is a successor or non-statutory successor of social rented accommodation, approved for an offer of alternative suitable accommodation.</p>	<p>Confirmation will be required from the applicant's landlord that the applicant is a qualifying successor who is not entitled to remain in their current home. If after six months from the date of qualification as a successor, the applicant has not secured alternative accommodation, the Keyways managing local authority or landlord reserves the right to bid on the applicant's behalf, or to make a direct offer, to ensure that the applicant receives one reasonable offer of accommodation within the twelve month statutory time limit.</p>
<p><b>Right to Move</b></p> <p>This applies when the applicant is a social housing tenant who is in employment or has an offer of employment, in the Borough and needs to move to avoid hardship.</p>	<p>Hardship as a result of employment includes commuting distance, the availability and affordability of transport and other personal factors such as medical conditions or child care. For commuting distances, less than 2 hours travelling per working day/60 minutes each way is considered reasonable.</p> <p>When considering if an applicant needs to move we will also take into account the nature of work and whether similar opportunities are available closer to home, the length of the work contract and whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.</p> <p>The applicant's circumstances must be able to be improved to qualify under this criterion. Applicants' own actions and decision making will be taken into account to ensure that priority</p>



	is not awarded when an applicant has deliberately made their circumstances worse. The sanctions in section 6.4.5 apply.
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### 6.4.3 Band C

We will place an application in this band if the applicant's circumstances fall into one of the following criteria: -

Criteria	Additional Detail
<p><b>S195 Homeless Prevention Duty</b> Kettering Borough Council has accepted a homeless prevention duty and the applicant establishes a local connection to Kettering as set out in section 4.3.2.</p>	<p>Applicants who are:</p> <ul style="list-style-type: none"> <li>• owed a S195 prevention duty and;</li> <li>• are not vulnerable, pregnant or have dependent children and;</li> <li>• deemed not to have worsened their housing circumstances.</li> </ul> <p>The Housing Options team will determine if a homeless applicant is deemed to be vulnerable (or potentially vulnerable) using the definition outlined in section 189(1) of the Housing Act 1996, and the Homelessness (Priority Need for Accommodation) (England) Order 2002.</p> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>
<p><b>S189B Relief Duty</b> Kettering Borough Council has accepted a homeless relief duty as we have not been able to prevent the applicant's homelessness and they establish a local connection to Kettering as set out in section 4.3.2.</p>	<p>Applicants who are:</p> <ul style="list-style-type: none"> <li>• homeless and owed a S189B relief duty and;</li> <li>• are not vulnerable, pregnant or have dependent children and;</li> <li>• deemed not to have worsened their circumstances.</li> </ul> <p>The Housing Options team will determine if a homeless applicant is deemed to be vulnerable (or potentially vulnerable) using the definition outlined in section 189(1) of the Housing Act 1996, and the Homelessness (Priority Need for Accommodation) (England) Order 2002.</p> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>
<p><b>Non-Statutorily Homeless</b> The applicant has received a S184 decision finding them to be homeless but have no priority need.</p>	<p>This covers applicants who are homeless but have no priority need within the definition of the Housing Act 1996, Part 7 as amended 2017.</p>

<p><b>Low Level Overcrowding</b> The applicant's household has been assessed as having low-level overcrowding / needing additional space.</p>	<p>Applicants will be regarded as low-level overcrowded if one or more of the following criteria applies:</p> <ul style="list-style-type: none"> <li>• Kettering Borough Council has determined that a category 1 or category 2 hazard for overcrowding exists under the Housing Health and Safety Rating Scheme, but the applicant and the applicant's household are not assessed as requiring an additional bedroom(s) under the Council's minimum bedroom standard (see section 7.2.1) so that Band A severe overcrowding or Band B overcrowding criteria applies.</li> <li>• The applicant and the applicant's household have two children of the same gender sharing a bedroom and <ul style="list-style-type: none"> <li>- There is at least a 10 year age gap between the children; or</li> <li>- One child is at least 16 years old</li> </ul> </li> <li>• A property does not offer sufficient bedspaces for an applicant and the applicant's household based on the space standard defined in the Housing Act 1985, or relevant HMO regulations in the case of Houses in Multiple Occupation. This will be determined by an officer of Kettering Borough Council.</li> </ul> <p>Households awarded this band will only be considered for properties on Keyways that offer more bedroom(s) and/or bedspace(s) than their current accommodation. This band criterion does not apply to applicants placed in temporary accommodation by any Local Authority.</p>
<p><b>Sharing With Others (with Dependents)</b> The applicant's household has at least one dependent child or a pregnant woman with a confirmed due date, sharing accommodation with their family or another household and is otherwise adequately housed.</p>	<p>This applies to applicants who are currently living with other persons with whom they would not normally be expected to reside and who are not included in their housing application.</p>
<p><b>Non-Urgent Medical Need</b> The applicant or a member of their household has a permanent medical condition or disability which is made</p>	<p>The current accommodation must contribute to deterioration in their medical condition or disability, and it must be resolvable by moving to different accommodation. It is not so urgent</p>



<p>worse by their current accommodation but the need to move as a result of the adverse impact of their accommodation is not considered urgent</p>	<p>that it causes a serious adverse effect on the applicant's health and wellbeing but rather it is an issue which would negatively affect the applicant's quality of life if they were to remain, for example, contributes to depression suffered by a member of the household which would be alleviated by a move.</p> <p>Applicants who meet this criterion will only be considered for properties which improve their circumstances.</p>
<p><b>Ongoing Care and Support</b> The applicant or a member of their household needs to give or receive care and support that is ongoing and that cannot be provided from or in their current accommodation.</p>	<p>It must be demonstrated that this care and/or support cannot be practically provided or received from the current accommodation on an ongoing basis.</p> <p>Ongoing care and/or support does not have to be substantial in that applicants may not have a carer or be in receipt of Carers Allowance or have Social Services involvement. It may include practical and/or emotional support that is essential to the physical or mental wellbeing of the person receiving the care/support. It may also include support through informal child care where the giving or receiving of care enables the applicant or member of their household to move into or stay in employment in Kettering borough. Evidence must be submitted to support this criterion.</p>

#### 6.4.4 Band D

We will place an application in band D if the applicant's circumstances fall into one of the following criteria: -

Criteria	Additional Detail
<p><b>S195 Homeless Prevention Duty</b> Kettering Borough Council has accepted a homeless prevention duty and the applicant establishes a local connection to Kettering as outlined in Part VII of the Housing Act 1996.</p>	<p>Applicants who:</p> <ul style="list-style-type: none"> <li>• are deemed to have worsened their housing circumstances and/or</li> <li>• do not meet the local connection criteria for Keyways as set out in section 4.3.2.</li> </ul> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>
<p><b>S189B Relief Duty</b> Kettering Borough Council has accepted a homeless relief duty as we have not been able to prevent the applicants' homelessness and they establish a local</p>	<p>Applicants who:</p> <ul style="list-style-type: none"> <li>• are deemed to have worsened their housing circumstances and/or</li> </ul>

<p>connection to Kettering as outlined in Part VII of the Housing Act 1996.</p>	<ul style="list-style-type: none"> <li>do not meet the local connection criteria for Keyways as set out in section 4.3.2.</li> </ul> <p>There are additional rules associated with this priority band (see sections 8.2.2 and 8.2.3).</p>
<p><b>Seeking Sheltered</b> The applicant and any other members of their household have no housing need but are eligible to be considered for, and are seeking, sheltered, supported or assisted living accommodation.</p>	<p>This includes applicant's aged 55 years and over who have expressed an interest in sheltered accommodation, but who are otherwise adequately housed. To meet this criterion, applicants must have been accepted by Kettering Borough Council's Silver Service Team for a package of support further to a support assessment to determine their suitability for sheltered accommodation. Applicants meeting this criterion will only be considered for sheltered, supported or assisted living accommodation and will not be considered for other general needs properties advertised through Keyways.</p>
<p><b>Sharing With Others (without dependents)</b> You are a household without dependents that is adequately housed.</p>	<p>For the purposes of this criteria, 'adequately housed' encompasses single people and couples who reside with their family / friends but who would like their own independent accommodation and applicants that have experienced a relationship breakdown where a move would prevent the homelessness of any dependent children. This criterion also includes applicants aged 35 and over who are resident in a bedsit or House of Multiple Occupation and can demonstrate a satisfactory tenancy history for at least six months.</p>
<p><b>Intentionally Homeless</b> The applicant has received a S184 decision finding them to be homeless, in a priority need, but intentionally homeless.</p>	<p>This includes applicants who are intentionally homeless within the definition of the Housing Act 1996, Part 7 as amended 2002, and who have not yet secured alternative, settled accommodation.</p>

#### 6.4.5 Demoting of priority band

Once we have assessed an applicant's priority for rehousing, we may reduce that priority if the applicant or a member of their household has done something that has deliberately made their housing circumstances worse.

The applicant's band may be reduced by one band if they have:

- moved to new accommodation that is worse than the previous accommodation without good reason;
- sold a property or given notice on a tenancy without securing alternative accommodation first;

- accepted and moved into a property owned by a Keyways landlord within the last twelve months which the applicant now claims is unsuitable despite there being no change to their circumstances
- Moved into accommodation which is unaffordable when being aware of the associated financial implications.
- Previously had their application cancelled for failing to bid
- Been found to have deliberately disposed of assets or capital that would have enabled them to secure suitable accommodation
- Ending of any homeless duty due to a deliberate and unreasonable refusal to co-operate

When we decide to demote an application by one priority band, we will reduce the applicant's priority for twelve months from the date of the decision. Applicants may ask for a review of this decision (see Section 8.2.5).

### 6.5 Effective date

The effective date is used to prioritise between applicants within the same band. The 'effective date' of an application is normally the date that a complete application is accepted onto the Keyways register. If there is a change in circumstances after initial registration, then the application will be reassessed and the applicant may:

Change in circumstances	Effective date
Gain greater priority and be placed in a higher priority band.	The date at which the higher band applies will be used
Be assessed as being in the same band.	The original effective date will be used
Lose priority due to their circumstances and be placed in a lower priority band	The original effective date will be used
Become ineligible or may no longer qualify for an allocation.	The application will be removed from the Keyways Housing Register. Applicants may reapply at a later date if circumstances change and a new effective date will apply.

## 7 HOW PROPERTIES ARE ALLOCATED

### 7.1 Statement of Choice

The Council operates a Choice Based Lettings system. To support choice, available social and affordable rented housing vacancies within the Borough will be advertised on Keyways. Applicants are able to register a bid for properties that are deemed suitable for their needs. There are some circumstances in which this will not apply and the Council will restrict access to bidding, make bids on behalf of an applicant, or make direct offers.

Kettering Borough Council and all Registered Providers involved in the Keyways Allocation Scheme are committed to offering the greatest choice possible in the allocation of social and affordable rented housing within the borough. The amount of choice that the Council is able to offer is limited by the fact that the demand for social housing in Kettering, far outstrips supply, and the legal responsibilities owed to some groups of applicants in housing need. The amount of choice available to applicants will also be affected by the priority which we grant under the scheme, the type of property the applicant is eligible for, and the availability of suitable properties. The Council will offer assistance in using the Choice Based Lettings system to applicants with identified support needs.

### 7.2 Property Eligibility

The size and type of property for which applicants are eligible will depend on the individual household composition and needs.

If an applicant's household composition or circumstances fall outside the rules detailed in this section, the Allocations Manager will determine what size and type of property the household is eligible for.

#### 7.2.1 Household composition

As a minimum, the applicant's household is entitled to one bedroom each for:

- A single person (sole applicant)
- A married or co-habiting couple
- Two children both aged under 10 years regardless of gender
- Two children of the same gender regardless of age (unless there is a 10 year age gap AND one child is at least 16 years old)

This is referred to as the Council's minimum bedroom standard. Some applicants will also be eligible to bid for properties that offer an additional bedroom to the minimum entitlement detailed above, although they will receive a lower preference for this larger accommodation.

The table below explains what size properties applicants can bid for:

	Minimum bedroom entitlement	Maximum bedroom entitlement
Single person	0 (bedsit)	2
Couple	1	2
1 child	2	2
2 children	2 or 3*	3
3 children	3 or 4*	3 or 4*
4 children	3 or 4 or 5*	4 or 5*

*\*depending on the age and gender of the children – see rules above*

For the purposes of property eligibility, the term 'children' refers to both dependent and non-dependent children. Extended family members that are considered as members of the applicant household (e.g. step-siblings, cousins) are expected to share bedrooms.

### 7.2.2 Pregnancy

Households assessed as having a housing need who are expecting their first child will only be considered for family accommodation once the pregnancy has reached its third trimester (27 weeks). Similarly households assessed as having a housing need who are expecting a child will have their property eligibility reassessed once the pregnancy has reached its third trimester (27 weeks).

Households who are otherwise adequately housed will not incur a housing need as a result of pregnancy. An assessment of housing need will be carried out once the baby is born.

### 7.2.3 Family accommodation

Family accommodation is defined as a house, or a flat offering 2 or more bedrooms with its own garden.

Households only containing adult sons and daughters, and/or other non-dependents are not eligible to be considered for family accommodation except in exceptional circumstances, e.g. they require disabled adapted accommodation and their need can only be met with an offer of adapted family accommodation.

Where a three bedroom property offers two reception rooms this is referred to as a parlour-type property. Due to the shortage of four bedroom accommodation, these properties will be allocated to larger households requiring a minimum of 6 bedspaces. Nominated applicants will be expected to utilise the second reception room as a fourth bedroom.

### 7.2.4 Exceptions

We will not normally allow applicants to bid for properties that are too small for their needs. However, we may allow them to do so in the following circumstances:

- They need a property with five or more bedrooms, or eight or more bedspaces, and are currently overcrowded by two or more bedrooms. In these circumstances, we may allow the applicant to bid for homes that improve their housing conditions, even though they are not large enough.
- The applicant's circumstances are due to change soon, meaning that they will need a smaller property than they are in at present. For example, the applicant has an adult "child" who is leaving home, and the applicant wishes to downsize to a property that will meet their needs soon, rather than risk staying in a property which they will be unable to afford in the future.

We may allow the applicant to bid for homes that are too large for their needs, albeit at a reduced preference, in order to give them more choice of accommodation if:

- The applicant's household comprises a single person or couple without children, and they want to move into a two bedroom flat with no garden (lower preference to those needing two bedrooms)
- The applicant is a single person or couple under occupying a family house offering 3 or more bedrooms, and they want to downsize to two bedroom non-family accommodation rather than a one bedroom property

### 7.2.5 Sheltered accommodation

Sheltered accommodation is only available to older people with a support need. Minimum age requirements are usually 55 or 60 years, dependent on the sheltered scheme.

While sheltered housing provides some support, it is not suitable for people with high care and support needs. Sheltered housing is a form of independent living, so residents must be able to leave the building unaided in the event of an emergency.

Applicants that are interested in sheltered accommodation must undergo a sheltered assessment to check their suitability for such accommodation. Applicants will only be able to bid for sheltered accommodation once they have been accepted as suitable by the Council's Silver Service team.

## **7.3 Allocation Preference**

In addition to property eligibility which defines what property size / type an applicant can bid for, there are additional rules regarding which applicants receive preference for particular properties. This is to ensure that the Council makes best use of its limited and specialist housing stock. This section describes the allocation preference rules in more detail. Depending on the property attributes and/or location, it will be necessary to consider some / all of the following preference criteria which apply in the following order.

### 7.3.1 Local connection

Applicants that have established a local connection to Kettering Borough will receive preference for all properties located in Kettering Borough, over applicants that do not have a local connection to the borough. The local connection criteria overrides all other preference criteria, except for properties located in a village (see section 7.3.5).

### 7.3.2 Ground Floor Need

Applicants that have evidenced a need for ground floor accommodation are awarded a 'ground floor need' preference. Applicants that have a ground floor need will receive preference for ground floor properties or those offering level access, over applicants that can manage stairs. The ground floor need criteria overrides all preference criteria listed below. Applicants with an evidenced need for disabled adaptations will not initially be considered for ground floor properties that are not adapted.

### 7.3.3 Minimum bedroom requirements

As per section 7.2.1 applicants will be assigned a minimum bedroom requirement, and a maximum bedroom requirement. Applicants with a minimum need for all bedrooms that a property offers will receive preference over those who do not have a minimum requirement for all bedrooms. The minimum bedroom requirement criteria overrides all preference criteria listed below.

### 7.3.4 Disabled adaptations

Some properties advertised on Keyways offer disabled adaptations. Applicants that have an evidenced need for disabled adaptations are awarded a preference for properties that offer the specific adaptation(s) required. The disabled adaptation requirement criteria overrides all preference criteria listed below. Properties that offer disabled adaptations may be direct let (see section 7.5.1).

### 7.3.5 Village connection

Where a property is located in a village, we will offer preference at each shortlisting stage to applicants with an established local connection to that village over and above applicants with just a borough local connection. Village properties are defined as any property that falls outside Kettering, Burton Latimer, Barton Seagrave, Rothwell and Desborough.

The village connection criteria overrides all preference criteria listed below. However, a village connection will always override the wider Borough Local Connection at each shortlisting stage.

### 7.3.6 Band

As per section 6.4 all eligible and qualifying applications are awarded a priority band based on the housing circumstances of the applicant household. Applicants in band A receive the highest preference over applicants in all other bands. Preference is then offered to applicants in band B, then band C, with Band D applicants receiving the lowest preference.

The priority band criteria overrides all preference criteria listed below.

### 7.3.7 Effective date

As per section 6.5 all eligible and qualifying applications are awarded an effective date. Applicants with the longest effective date (waiting time) receive preference over applicants with a shorter effective date. The effective date overrides all preference criteria listed below. When two or more applicants from the same band have the same effective date, the allocation will be determined by who the property is most suitable for – this decision will be made by the Allocations Manager or more senior officers to this post

### 7.3.8 Age

Applicants that are aged 60 years or more will receive preference for some bungalows. However other preference criteria such as Ground Floor Need, and Disabled Adaptations, will override the age preference criteria.

## **7.4 Not offering a tenancy to the highest bidder**

The Council has discretion not to offer a tenancy to the highest bidder for advertised properties when taking all circumstances into account. This discretion may be exercised when the Council decides that it would not be in the interest of the applicant, another party or the good management of the housing stock to do so. Examples where this may happen include:

- Where there is a history of domestic violence and the property is deemed by the Council to be too close to the perpetrator so as not to resolve the applicant's housing need
- Where the applicant cannot access or adequately use the property because of mobility problems, in particular where their health and safety would be endangered. Consideration will be given to adapting the property where this may be appropriate and the Council is landlord, or the landlord (i.e. a Registered Provider) has agreed to do so. However, there is no obligation under this scheme for landlords to carry out adaptations;
- Where an applicant whose accommodation is suitable for their needs, bids for a property which would need adaptations to meet their needs. For example, where an applicant currently lives in a property with a level access shower which they need, and bids for a property without one;

- Where on completion of a financial assessment, the Keyways landlord and Kettering Borough Council has determined that the property would be unaffordable to the applicant;
- Where an offer of accommodation contradicts an applicant's stated housing need. For example, where an applicant is awarded priority due to a need to move to a particular area to provide / receive care and support, they will not be considered for areas that don't resolve this housing need.
- Where an applicant's individual support needs are such that they are likely to severely impact upon other residents in a housing scheme and affect a landlord's ability to manage the applicant's needs / risk within that scheme.

## 7.5 Direct offers

In some circumstances, the Council will not advertise available properties on Keyways. Instead a direct offer of accommodation may be made to an applicant. Any direct offer will constitute a formal and suitable offer, and if refused will be subject to the same sanctions for refusal as set out in section 8.2.3.

Decisions regarding direct offers will be made by the Allocations Manager or an officer senior to this position.

The circumstances in which direct offers may be made include:

- Where the Council considers that it is inappropriate for the applicant to participate in choice based lettings. For example, applicants who are placed in the borough through the National Witness Mobility Scheme, or are subject to Multi Agency Public Protection Arrangements (MAPPA). In these cases, applicants are considered on a case by case basis, and the full range of housing options in the Borough will be considered;
- Where the Council makes a direct offer by way of discharging a housing duty. This may include but is not limited to statutory homeless households.
- Where it is necessary for the Council or housing association partner to move (decant) on a permanent basis one of its tenants in order to carry out major modernisation or rehabilitation works to the property.
- Where it is necessary for the Council to provide an alternative property to a successor tenant within the 12 month statutory time limit.
- Where a joint social tenant has given notice to quit, and the property is suitable for the remaining tenant to continue to occupy and this allocation is supported by the landlord.
- Where the property offers a specialist housing solution and/or is in particularly short supply e.g. large properties offering more than 8 bedspaces, and non-family accommodation offering 3 or more bedrooms
- Where an applicant is awarded a priority for move-on from supported accommodation in order to free up that supported accommodation
- Where an applicant is occupying social housing that provides a specialist housing solution (including a 3 bed parlour property, 4 bed property or fully adapted level access property) and wishes to downsize to non-specialist / smaller accommodation
- Any other circumstance that enables the Council to make best use of housing stock and/or to respond to emerging local housing needs



### 7.5.1 Disabled adapted properties

Properties suitable for applicants with disabilities are in short supply. The Council reserves the right to direct let a disabled adapted property rather than advertising on Keyways where the property offers the following:

- Wheelchair accessible accommodation, and/or
- Level Access Shower / Wetroom, and/or
- Stairlift

We will adopt the following process if we seek to make a direct let:

- 1) Keyways applicants (active and pending processing) with a need for specific adaptation(s) will be identified by a filtering process.
- 2) The property will be offered to the most suitable applicant taking into account their overall family and housing circumstances including band, effective date, specific property requirements and the ability to meet this need with alternative existing properties.

Where a disabled adapted property has been advertised on Keyways but there are no applicants on the shortlist who require the adaptation(s), the Council reserves the right to reject the shortlist and make a direct offer following the process detailed above.

### **7.6 Local Lettings Policies**

The Council may from time to time agree a local lettings policy for specific areas or developments to reflect local circumstances. Local lettings policies allow us to support particular communities to become or remain safe, cohesive communities where people want to live.

We may also use a local lettings policy to support people who offer a Community Contribution such as those in employment, to encourage working people to move to particular areas, or to encourage people who contribute to their local community through volunteering (see section 7.6.1 for more information).

Some local lettings policies may also be applied that give a preference to residents with a local connection to a specific town or village. This is because the link between residency and certain affordable housing units, in a number of villages in the borough, is covered in a legal agreement, usually as a condition of the original planning permission. Through Keyways, the advertisements for these properties will include a clause giving preference to applicants who fulfil the criteria set out in the legal agreement.

For existing communities, any local lettings policy will be drawn up in consultation with existing tenants and residents, and will have regard to housing management considerations such as the social mix of tenants, density, age range, vulnerability of tenants, for example, because of insufficient facilities for vulnerable people, as well as community stability. For new build developments, Local Lettings Policies will be agreed by the Allocations Manager and the Housing Strategy & Development Officer (or their respective managers). For existing social housing schemes, Local Lettings Policies will be agreed by the landlord Neighbourhood Services Manager and the council's Allocations Manager (or their respective managers).

Once implemented, Local Lettings Policies will remain in force for the fixed period specified within the policy. Upon expiry, the allocation of properties in the area will be made in

accordance with the normal Housing Allocation Policy, unless there is an evidenced need for a further Local Lettings Policy.

Any local lettings policies in place will be advertised along with the property advert on Keyways. Please see the Keyways website ([www.keyways.org.uk](http://www.keyways.org.uk)) for current local lettings policies applicable in Kettering Borough.

#### 7.6.1 Community Contribution

Some local lettings policies stipulate that a proportion of allocations must be made to applicants that satisfy the Council's community contribution criteria. This includes people who play a part in making their neighbourhood a good place to live, work and play. The Council believes such people should be allocated social housing to continue contributing to sustaining local communities in the area where they contribute. For the purpose of this section 'applicants' means the main and/or joint applicant on an application and not any other household member.

To qualify for the community contribution criterion, applicants must:

1) Have a current positive residence history

A positive residence history is defined as:

- No on-going culpable involvement in anti-social behaviour or criminal activities.
- No breaches of tenancy within the last three years
- No recoverable housing related debt
- Not have an outstanding unspent conviction

AND

2) Contribute to their borough's economic growth, or make another valuable contribution in their community

A contribution to economic growth / community includes although is not limited to:

- Working households
- Volunteers
- Applicants in training or education
- Ex-service personnel
- Registered foster carers
- People with disabilities and older residents
- Member of the Council's Tenants Passport Scheme

Additional information on each of the categories above and associated minimum requirements is available upon request.

## **8 MANAGEMENT OF SCHEME**

### **8.1 Information on the scheme**

The Council will make available information and offer advice to assist applicants in understanding how the Keyways scheme operates. A Guide to using Keyways is available on the Keyways website or at any of our Customer Service Centres.

Applicants who have any difficulty reading or understanding this allocations scheme can be offered the following services:

- An interpretation service if their first language is not English
- Signing if speech or hearing is impaired
- Provision of documents in large print or Braille if an applicant is visually impaired
- An interview to explain the content of this document and information
- Details of where independent advice can be obtained about the Council's scheme

### **8.2 Management of applications**

#### 8.2.1 Assisted bids

All applications accepted as Band A will be actively managed to help applicants find a housing solution quickly. (Note that applicants in Band A owed a main homeless duty are dealt with separately under section 8.2.2). Applicants in Band A are expected to consider all suitable properties advertised via Keyways. The Keyways/Housing Options team reserve the right to place bids on an applicant's behalf and/or may override bidding choices if those choices are unlikely to lead to an offer. Applicants may also receive a direct offer of accommodation (see section 7.5).

Any successful bid will be classed as a formal offer of accommodation and the refusal sanctions set out in section 8.2.2 will apply.

All other applicants on the register are expected to place bids regularly. If bids have not been placed within a 6 month period and suitable properties have been advertised in this time, their housing application will be closed.

#### 8.2.2 Homeless Duties - Autobid

The Localism Act 2011 and Homelessness Reduction Act 2017 permit Kettering Borough Council to end a homeless relief or main duty by providing one offer of suitable accommodation of any tenure to the homeless household. This includes a Private Rented Sector offer which complies with the Suitability of Accommodation Order 2012 (S193(7F)) and a PRSO under Relief - s.193(7AA)(a).

Once an applicant is awarded a priority band for having a homeless duty owed to them (Bands A-D prevention, relief and main duty cases), the Keyways applicant will no longer be entitled to choice. This is to ensure the Council prevents and relieves homelessness where possible at the earliest opportunity. This includes all applications owed a homeless duty by a Keyways Partner (Corby Borough Council and the Borough Council, of Wellingborough). Applicants who have choice removed will be required to complete and sign a Removal of Choice form.

Applications from those owed prevention, relief or main homeless duties in bands A-D will be set to autobid. Applicants in Band A are eligible for up to 5 bids per bidding cycle whilst applicants in priority bands B-D are eligible for up to 2 bids per bidding cycle.

Autobid means that the Keyways system software will place bids on suitable properties which provide the best possible chance of a nomination i.e. the best queue position as at the end of the bidding cycle. Autobids are placed at 1 minute past midnight at the end of the bidding cycle.

Where applicants may be successful on more than one property shortlist the Housing Options team will determine which property will constitute as the applicant's final offer.

### 8.2.3 Offers and Refusals

There are special rules that apply to applicants where the council has accepted a homeless duty (see below).

All other applicants are entitled to:

- place up to 2 bids per bidding cycle
- refuse one suitable offer of accommodation without any sanctions

Applicants who refuse two offers of suitable accommodation within any 12 month period will fail to qualify for the Keyways register. For the purposes of this scheme, an offer of accommodation can include a formal written offer of accommodation from a Keyways landlord or a verbal offer of a nomination from the Keyways/Housing Options team. In the case of joint applications, the main or joint applicant can refuse the offer and this will constitute as a refusal (i.e. agreement of both is not required).

Applicants in priority bands A-D accepted as being owed a relief or main homeless duty will receive only one offer of suitable accommodation. Further sanctions will apply in terms of the Council's duties to you as a homeless person. Homeless applicants will be issued a formal offer letter at this stage outlining their options.

All applicants that refuse their final offer of accommodation will not qualify for the Keyways register for a period of 12 months (see section 4.3.6). The Council may consider a re-application within the 12 month non-qualifying period if there has been a significant change in their circumstances through no fault of their own which adversely affects the household or would otherwise result in the Keyways band increasing.

If the Council is unable to contact an applicant within 24 hours to make an offer of accommodation, we will skip them and move to the next eligible applicant on the shortlist. Applicants that subsequently make contact will only be considered if the property has not since been allocated to another applicant.

### 8.2.4 Changes in circumstances

It is the responsibility of the applicant to notify the Council immediately of any changes relating to their personal or housing circumstances as this may affect their eligibility or qualification status, priority band or property eligibility.

If we later discover a change in circumstances that has not been disclosed to the Council, this may result in a housing application being cancelled, an offer of accommodation being withdrawn or possession action being taken to recover a property allocated under this scheme.

Changes in circumstances can include but are not limited to:

- a change in eligibility status
- a change in income, assets or savings

- the accrual of housing related debt (for example rent arrears of Council Tax arrears)
- new criminal convictions
- a change of address
- a change of contact details
- people leaving the household or new household members
- a change in a household member's health or wellbeing

Where there is a change in circumstances, we may suspend an application whilst further enquires are made. We may have to change the band of the application and/or the effective date the application was placed into that band. If an applicant's circumstances have changed significantly, we may request that a new Keyways application form is completed.

The Council regularly reviews applications to make sure that:

- the number of applicants on the register reflects the immediate needs for social and affordable rented housing in our borough;
- applicants' details are accurate and up-to-date;
- applicants are still actively seeking accommodation and want to stay on the Keyways register.

This process takes place manually every 4 weeks for applicants that are in Band A due to having an emergency housing need.

In addition, all applications are subject to an annual review. Applicants will receive notification that their application is due for an annual review. This process is called 'online renewals' and applicants must log into their online Keyways account in order to complete the renewal. This process involves applicants checking their current Keyways application and confirming that all details held still apply, or declaring amendments where necessary. Where an applicant highlights a change in their circumstances, we may request further information in order for their housing application to be reassessed. Applicants will be unable to place bids pending re-assessment.

If an applicant fails to respond to an annual review request within twenty eight days, their application will be cancelled.

### 8.2.5 Decisions and reviews

The Housing Act 1996, as amended by the Homelessness Act 2002, gives applicants the right to ask for a review of certain decisions. Applicants may request a review of our decision to:

- refuse an application to join the Keyways register;
- award a priority band the applicant disagrees with;
- reduce the applicant's priority band;
- cancel the application; or
- any other decision that affects the housing application.

Where a Keyways landlord has made a decision to refuse an applicant for a property further to a nomination from the Council, applicants should contact the landlord directly if they want to request a review of, or appeal against, this decision.

To request a review, the applicant, or the applicant's representative, must make a request to the Allocations Manager at Kettering Borough Council in writing within 21 days of receiving a written decision. The applicant, or the applicant's representative, may give the reasons for requesting a review orally, if it is difficult to tell us these reasons in writing.

An officer more senior (than the original decision maker) within the Council will carry out review investigations. It is for the Head of Housing, with the Head of Democratic & Legal Services, or their duly delegated representatives to determine reviews of decisions relating to allocations. Review decisions will be based on all known facts at the time of the review. In some cases, the Council may need to request more information from the applicant in order to make a decision.

The applicant will be informed of the review decision in writing with reasons for the decision within eight weeks of the request for the review. A longer period may be agreed with the applicant.

The Council's decision on review is final and can only be challenged by way of a judicial review.

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## **9 GENERAL PROVISIONS**

### **9.1 Data Protection and Information Sharing**

Each applicant's data will only be used to process their application to join Keyways, and to assess their priority for housing. The data we collect is only that which we require to process the application to join Keyways. We will ensure that our records are accurate, and we will retain data only for as long as it is necessary for us to do so. Applicants' data will be kept securely at all times. However, if the applicant is rehoused via Keyways, we will share their data with their new landlord to enable the landlord to offer an appropriate tenancy and support.

Applicants have the right to access the personal information we hold about them. We will use the information that applicants provide to process the application correctly, and offer advice and assistance where necessary. We may also use the information for issues of child protection, public protection and for preventing and detecting fraud and other criminal offences. This includes information we hold as paper and electronic records.

Applicants who would like to access their file should contact the Executive Liaison Officer at Kettering Borough Council on 01536 535624. Please visit [www.kettering.gov.uk/dataprotection](http://www.kettering.gov.uk/dataprotection) for further information.

### **9.2 Fraudulent Activity and withholding Information**

Applicants must supply full information about their circumstances, and must provide supporting evidence where required to do so. It is a criminal offence for applicants and/or anyone providing information in relation to this scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (section 171, Housing Act 1996).

An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be excluded from being considered for offers during the investigation and until an outcome is reached.

In addition the Council reserves the right to take legal action including prosecution under any relevant legislation including fraud where it possesses the evidence.

If the outcome of any investigation is that an applicant did not provide false information or did not withhold information or was not found to be withheld knowingly, then the application will be reinstated from the date of registration, meaning the relevant applicant should not suffer prejudice.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it may result in an applicant being disqualified from an allocation.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, S146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation. Where this is the case the Council will actively pursue recovery of possession.

Councillors, board members and employees of Kettering Borough Council, partner Keyways landlords and their close relatives, can apply to the Keyways Housing Register. However, applicants must make their position or relationship with the Council or with the Keyways landlord known at the point of application. If the applicant does not do this and it is discovered

later that such a relationship exists, the application/tenancy may be affected. Applicants who declare an interest will neither be advantaged or disadvantaged.

### **9.3 Equality and Diversity**

Kettering Borough Council and partner Registered Providers are committed to promoting equality of opportunity in housing services. We aim to implement, maintain and deliver quality services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible. The policy will fully comply with the Equality Act 2010.

To view Kettering Borough Council's Equality and Diversity Strategy please visit:

[http://www.kettering.gov.uk/downloads/file/387/equality\\_and\\_diversity\\_strategy](http://www.kettering.gov.uk/downloads/file/387/equality_and_diversity_strategy) or contact Kettering Borough Council on 01536 410333.

### **9.4 Monitoring of the scheme**

The Council recognises that it is important for applicants for housing and the wider community to understand how social housing is allocated and who is getting social housing. Therefore we will publish information on the Housing Register and lettings outcomes which will be made available on the Keyways website.

The Council will also regularly monitor to ensure that the scheme remains relevant and continues to prioritise the allocation of affordable rented housing to those people in the most need. Reviews of this policy will be undertaken by the Council annually in response to any policy issues identified and/or changes in legislation / national guidance.



## 10 GLOSSARY

<b>Adaptations</b>	Adjustments to a property to assist a disabled member of the household access the property or facilities such as a stair lift, wet room, level access shower or ramp
<b>Affordable Rent</b>	Rented housing let by Registered Providers of social housing to households who are eligible for social housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
<b>Allocation Scheme</b>	This explains the rules that determine how Kettering Borough Council and the Keyways landlords in Kettering allocate social housing properties.
<b>Applicant</b>	A person who applies to go on the Keyways housing register.
<b>Autobid</b>	Homeless households are placed on Autobid. Autobid means that the Keyways system software will place bids on suitable properties which provide the best possible chance of a nomination i.e. the best queue position as at the end of the bidding cycle. Auto bids are placed at 1 minute past midnight at the end of the bidding cycle.
<b>Band</b>	We will categorise Keyways applications into one of four bands which reflect the level of priority for housing. These bands are A, B, C, and D. Applications in Band A have the highest level of priority. See section 6.4 for more details.
<b>Bed space</b>	Each household member is considered as requiring one bed space each, except for single applicants who are awarded two bed spaces. This information informs what size of property an applicant is eligible to bid for.
<b>Bid</b>	The term used when an applicant expresses an interest in a property advertised on Keyways.
<b>Choice based lettings</b>	A scheme like Keyways that allows applicants to express a choice about where they want to live.
<b>Decant</b>	The term used to describe the process whereby a tenant of one of the scheme's partner landlords has to temporarily move out of their home into another property to enable the landlord to complete essential repairs / maintenance to the property.
<b>Declaration form</b>	The main and joint applicant (if applicable) must sign this in order to show their understanding and acceptance to adhere to the Keyways Allocations Policy. It also provides the local authority permission to make further checks in order to fully assess the application.
<b>Effective date</b>	The date at which a Keyways application is registered or escalated into a higher band. See section 6.5 for more information.
<b>Eligibility</b>	Eligibility determines who is eligible to join the Keyways register under the provisions of the Housing Act 1996 and related legislation. A person who is not eligible will not be able to join the register, or to bid for properties. See sections 4.1 and 4.2 for further information.

<b>Fixed Term Tenancy</b>	A type of tenancy granted by social landlords that are for a fixed length of time, usually five years.
<b>Habitual residence test</b>	The test looks at whether the applicant's residence in the United Kingdom is of a settled nature. For example, it looks at the length and continuity of residence, work/work prospects or family ties.
<b>Intermediate Housing</b>	Housing at below market price. These can include shared equity products (e.g. HomeBuy/Shared Ownership) and other low cost homes for sale.
<b>Keyways Nomination Agreement</b>	An agreement that Kettering Borough Council has with some Registered Providers that stipulates the proportion of lettings to be made through the Keyways Allocation Scheme.
<b>Keyways Landlord</b>	Kettering Borough Council, Corby Borough Council, the Borough Council of Wellingborough, and Registered Providers.
<b>Letting / Bidding cycle</b>	New properties will be advertised each week from 00:01am on a Thursday to midnight on a Tuesday. There are no social/affordable properties advertised on a Wednesday.
<b>MAPP (Multi-Agency Public Protection Arrangements)</b>	The framework which joins up agencies, including Probation, the Prison Service and local housing authorities, tasked with the management of offenders who pose a serious risk of harm to the public.
<b>Mutual exchange</b>	A swap of accommodation between two social housing tenants. The two households swap homes and each move permanently into the other tenant's property.
<b>Non-statutorily homeless</b>	A term that refers to homeless people or households to whom local housing authorities do not have a legal duty to make an offer of settled housing.
<b>Nomination</b>	The term used when a local housing authority provides from its housing register, the name and details of an applicant to a landlord for an offer of housing.
<b>Prevention duty</b>	A duty owed to households who are threatened with homelessness within 56 days.
<b>Rechargeable repairs</b>	This is damage caused by a tenant or their family or visitors), or arising as a result of negligence to a property during a tenancy.
<b>Registered Provider (RP)</b>	A housing association or a not-for-profit company registered by the Homes and Communities Agency to provide social or affordable housing.
<b>Relief duty</b>	A duty owed to households where they are within the first 56 days of having become homeless.
<b>Right to Move</b>	Government statutory guidance from March 2015 enabling social tenants that are employed, or have an offer of employment, and need to move to avoid hardship to (a) establish a local connection, and (b) receive a level of priority for rehousing.

<b>Qualifying Person</b>	A local housing authority can decide what classes of persons are, or are not, qualifying persons for joining the Keyways register. Only qualifying persons are permitted to join the housing register. See section 4.3 for more information.
<b>Queue position</b>	When placing a bid, Keyways will calculate your position in the shortlist as at the time of the bid. This can alter (go up or down) throughout the letting cycle (Thursday-Tuesday). The higher up the shortlist for the property you are the more likelihood there is of being allocated it. On occasion, an advert will specify if there is a preference criteria therefore the queue position may be affected. i.e. adapted properties will be offered to those requiring the adaptations in the first instance.
<b>Rights of Residence Directive</b>	This directive allows citizens from the European Economic Area who are not economically active to live in another member country. A condition of this is that the citizen should have enough resources to avoid relying on the benefits system of the member country.
<b>Sheltered housing</b>	Housing for older people (aged 60 years and over) with a support need. Some sheltered schemes accept applicants from the age of 55 years.
<b>Shortlist</b>	A list of those applicants that have expressed an interest in a particular property advertised on Keyways.
<b>Skipped</b>	Term used when an applicant has bid on a property and been bypassed. Reasons for being bypassed may include but are not limited to; <ul style="list-style-type: none"> <li>• The property is unsuitable for the applicants needs</li> <li>• Enquiries reveal a change in circumstances</li> <li>• Local lettings policy or priority criteria apply i.e. preference offered to specific groups of applicants</li> </ul>
<b>Social housing</b>	Housing owned by a local authority or Registered Provider and rented to tenants at rents restricted by national rent controls.
<b>Statutorily homeless / Main duty</b>	A term that refers to people or families to whom a local housing authority has a duty to make an offer of settled housing.
<b>Succession of tenancy</b>	When a secure tenant dies, the tenancy will automatically pass to their spouse, civil partner, or other partner living as though they were a spouse or civil partner. Some tenancy agreements include the provision for other family members to succeed to a tenancy on the death of the tenant. These rights vary between different landlords, depending on what the tenancy agreement says. Anyone who takes over the tenancy in this way is called a successor.