



AGENDA

CABINET MEETING

Date: Wednesday, 3 June 2020
Time: 7.00 pm
Venue: Virtual Meeting Via Skype

Membership:

Councillors Mike Baldock (Vice-Chairman), Monique Bonney, Angela Harrison, Ben J Martin, Richard Palmer, Roger Truelove (Chairman) and Tim Valentine.

Quorum = 3

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1. Apologies for Absence
2. Minutes

To approve the Minutes of the Meeting held on [Wednesday 18 March 2020](#) (Minute Nos. 634 – 644) and the Extra-Ordinary Meeting held on [Wednesday 22 April 2020](#) (Minute Nos. 645 - 650) as correct records.

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part A Report for recommendation to Council

4. Interim planning policy for park home residences Report to-follow.

Part B Reports for Decision by Cabinet

5. Finance Coronavirus Update 5 - 10
6. Approval of consultation draft of the Housing Allocations Policy 2020 11 - 40
7. Community Housing Fund: Options for future delivery models in Swale 41 - 48
8. Extra-Ordinary Scrutiny Committee - Call-in of Minster Leas Modular Toilet Contract Award. Report to-follow.
9. Recommendations from the Extraordinary Local Plan Panel meeting held on Thursday 7 May 2020 - to-follow

Issued on Tuesday, 26 May 2020

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Cabinet Meeting	
Meeting Date	3 June 2020
Report Title	Financial Impact of Coronavirus
Cabinet Member	Cllr Roger Truelove, Leader and Cabinet Member for Finance
SMT Lead	Nick Vickers, Chief Financial Officer
Head of Service	Nick Vickers, Chief Financial Officer
Lead Officer	Nick Vickers, Chief Financial Officer
Key Decision	No
Classification	Open
Recommendations	1. Members are asked to note the report.

1 Purpose of Report and Executive Summary

- 1.1 The Coronavirus pandemic has enormous implications for the residents of the borough. It has also made huge demands on the Council to provide at very short notice new services through the community hubs and deal with Everyone in, and almost all Council staff are working from home. It has also transformed the operation of the democratic processes within the Council with members starting to hold meetings, successfully, remotely.
- 1.2 These reports always look to provide reassurance that there is control of the situation. But we need to recognise that this is an unprecedented situation and the overriding objectives are to support the most vulnerable residents through the community hub and to protect the health of our staff.
- 1.3 This report focuses on the narrow issue of the financial impact on the Council.

2 Background

- 2.1 This pandemic is the most serious crisis for the country since World War 2. It therefore has a huge potential impact on the Council's finances and this report will consider the most significant impacts.

Revenue Budget Impact

- 2.2 One of the first actions undertaken was to prepare a detailed estimate of the projected revenue budget impact. This is very much about establishing a base position which will be subject to regular review, the review process will be examined further below. The Kent local authority Chief Financial Officers meet every 8 weeks in the Kent Finance Officers Group and their work has been fundamental in helping us develop our estimates. The impacts are based on a

variety of assumptions, some for a limited period and others assuming an ongoing impact through the year.

2.3 In coming up with our projected shortfall the most significant financial impact comes from:

Budget Headings	Comments
Car park income (off street)	Assume no income Q1 and 50% reduction Q2 (£759k).
Planning Fee income	Assume 10% reduction (£116k).
Homelessness	Assume a significant increase in costs (£500k).
Sittingbourne Town Centre project	Assume no income from the Leisure development in 2020/21 (£584k).
Leisure Centre contracts	Assume additional costs (£400k).
Council tax	Assume 10% reduction in income (£860k).
Business rates	Assume 5% reduction in income (£400k).

Overall the total estimated impact is £4.1m. It must be made clear that this is an estimate, it gives a base position which we will monitor against. Additionally as we await further Government guidance on the Job Retention scheme and public sector contracts, we will need to understand how this impacts our contractors and more importantly our obligations under contracts with them.

2.4 This is an unprecedented financial challenge to the Council. The objectives in this context are:

- Maintain core services,
- Delivery of Council priorities; Special Projects Fund/public realm, local plan, constitutional changes, affordable housing and Climate Change,
- Ensuring the ongoing financial viability of the Council.

None of these can be taken for granted and agile and intelligent management of the Council's finances will be required to deliver the objectives.

- 2.5 MHCLG have initiated a new detailed monthly finance return which all Councils have to comply with. We completed one return on 15 April and a second one on 15 May- this second return requires far more information. The Leader and Cabinet Member for Finance with Officers will formally review the base estimate on a monthly basis.
- 2.6 On 20 March MHCLG announced an initial funding allocation to local authorities of £1.6bn. This first tranche of funding was heavily weighted to upper tier Councils; Swale received £76k and KCC £39m. Through the District Council Network, MP's and the Society of District Council Treasurers a great deal of lobbying took place to recast the split between tiers. On 29 April the second tranche of funding was received and this gave a 35% allocation to district councils and Swale received £1.5m. The initial £76k will be used to fund the community hubs and deal with the costs of Everyone in, the £1,5m will be set against the £4.1m funding gap. We do not know whether there are any additional tranches of funding to come.
- 2.7 The Council entered the 2019/20 year with Reserves standing at £23.9m, with £4.4m General Fund and £19.5m of earmarked reserves. The Leader and Cabinet Member for Finance and Officers have reviewed Reserves and have identified £2m of earmarked reserves within the Finance portfolio which can be freed up without impacting on core services or administration priorities. An updated Reserves position is being prepared as part of the outturn process for 2019/20 which will be reported to Cabinet in July.
- 2.8 So taking the additional Government funding and the Reserves identified above there is good progress towards closing the overall funding gap. But there is still a gap and for the financial viability of the Council long term we cannot just rely on the use of reserves. It is therefore intended that non-essential expenditure should be restricted. It is always difficult to define non-essential but for current purposes it will be considered to be anything other than expenditure of core largely statutory services and administration priorities.
- 2.9 All of these processes will be pulled together through newly established Finance Group currently meeting regularly, the monthly and quarterly budget monitoring process with quarterly reports to Cabinet and Scrutiny Committee.

Business Rate Grants

- 2.10 One of the first actions of Government was to announce £12bn of business rate grants and reliefs. Swale received £32.5m of grants and had to quickly establish a process for businesses applying for the grants. Government didn't say how they had calculated the grants but said explicitly that the notification states that under no circumstances may the grant be used to cover any expenditure outside of these schemes and that unspent grant would have to be repaid. The Government has also produced a number of clarifications of what the scheme can be used for. At the core of the grant scheme are a Retail, Hospitality and Leisure Grant Fund, under which grants of either

£10,000 for properties with a rateable value of up to £15,000; or £25,000 for properties with a rateable value of over £15,000 and less than £51,000 could be awarded. Businesses had to be on the rating list on 11 March to be eligible. Wide ranging reliefs have also been announced with the Council being compensated through Section 31 grants.

2.11 The Economic Development team has been working very closely with the Business Rates team to develop a process and get the grants paid. The Government requires that businesses apply for the grants and this has proved problematic for a variety of reasons; including businesses not knowing they can apply, businesses being closed due to lockdown and organisations such as village halls which are rateable but get full relief but are eligible. So its been a tremendously labour intensive process to get the grants claimed.

2.12 The latest position is:

Grant Type	Eligible businesses	Claims paid	Grants paid
Small Business Grants	2,081	1,674 – 80%	£16,740,000
Retail Grants	244	157 – 64%	£1,570,000
£25K Grants	307	244 - 79%	£6,100,000
	2,632	2,075 – 79%	£24,410,000

Whilst this reflects enormous progress it is still quite mystifying that more businesses have not claimed.

2.13 Government has also announced more recently that it will introduce a Discretionary Grant Scheme at a level of 5% of the initial scheme value (£32.5m) although this now seems to be subject to change.

Local Council Tax Support Scheme

2.14 The Council operates a Local Council Tax Support scheme for working age residents in receipt of benefit payments. In February Council agreed that the percentage payment required was reduced from 25% to 20%. On 24 March Government announced a Hardship Fund and the Council would receive £1.1m to be used towards reducing Council tax for residents covered by the Local Council Tax Support scheme.

2.15 The Government's expectation was that billing authorities would provide all recipients of working age Local Council Tax Support (LCTS) during the financial year 2020/21 with a further reduction in their annual council tax bill of up to £150, using their discretionary powers to reduce the liability of council tax payers outside of their formal LCTS scheme design. This is £814,800 of the funding based upon 5,400 clients. The remaining funding will be held to meet increasing numbers of claimants. The payment will remove the bulk of any liability for Council tax from recipients.

Cashflow

- 2.16 The Council has to manage its cashflow to balance payments made and income received to ensure that liquidity exists to meet all financial commitments. For a district council as the billing and collection authority for all Council tax and Business rates the sums involved are very large. There are fixed payment schedules for payments to Government and the preceptors. Government has given a deferral of the payment of the first Quarter Central share of business rates collected.
- 2.17 The receipt of the £32.5m of business grants created a major cash management difficulty as we could not use the Council's usual counter parties (eg Money Market Funds, banks) as these were already full so we defaulted to use of the Debt Management Office (DMO). Deposits with the DMO have to be for fixed periods, there is no daily access as there is with Money Market Funds or other bank deposit accounts. In the event the business grants were paid out quicker than anticipated so there was a need to borrow short term. The Council borrowed £10m for 1 month from Essex County Council at a rate of 0.5% (interest cost £4,200).
- 2.18 Any future need to undertake short term borrowing will be reported to members.

3 Proposals

- 3.1 The main purpose of this report is to update on the Coronavirus financial issues. All actions taken have been within the terms of the budget and treasury management reports agreed by Council in February. Progress will be formally monitored through reports to Cabinet and Scrutiny Committee. Therefore the report is for information not decision.

4 Alternative Options

- 4.1 This is an information only report.

5 Consultation Undertaken or Proposed

- 5.1 No consultation has been undertaken outside of Cabinet and SMT.

6 Implications

Issue	Implications
Corporate Plan	Supports all Corporate Plan priorities.
Financial, Resource and Property	The report is for information only updating on key financial issues related to the Coronavirus pandemic.
Legal, Statutory and Procurement	The report reflects changes in legislation linked to managing the Coronavirus pandemic.
Crime and Disorder	Not directly applicable.
Environment and Climate/Ecological Emergency	Not directly applicable.
Health and Wellbeing	The report reflects the role that the Council is taking in helping to manage the response to the pandemic.
Risk Management and Health and Safety	Not directly applicable.
Equality and Diversity	Not directly applicable.
Privacy and Data Protection	Not directly applicable.

7 Appendices

None

8 Background Papers

None

Cabinet Meeting	
Meeting Date	3 rd May 2020
Report Title	Housing Allocations Policy Review
Cabinet Member	Cllr Ben Martin, Cabinet Member for Housing
SMT Lead	Charlotte Hudson, Head of Housing, Economy and Community Services
Head of Service	Charlotte Hudson, Head of Housing, Economy and Community Services
Lead Officer	Roxanne Sheppard / Zoe Callaway
Key Decision	Yes/No
Classification	Open
Recommendations	1. To approve the draft for consultation of the Housing Allocations Policy and agree to consult on the draft for 8 weeks.

1 Purpose of Report and Executive Summary

- 1.1 This report provides a summary of the review of the Housing Allocations Policy and seeks approval to consult on the draft Housing Allocations Policy for 8 weeks.

2 Background

- 2.1 In Swale the demand for social housing is considerably greater than the number of homes available and this is only likely to increase due to the economic and social impact of the coronavirus pandemic. The Policy sets out how social housing within the borough is allocated and aims to:
- Provide a fair and transparent system to prioritise the allocation of social homes in Swale;
 - Help households in most housing need to access affordable homes;
 - Make efficient use of social homes available in the borough; and
 - Promote choice and the development of sustainable mixed communities.
- 2.2 Swale Borough Council does not own or manage any affordable rental homes but does work in close partnership with all housing associations that are integral to the delivery of this policy. All available housing association homes in Swale are advertised through Kent Home Choice.
- 2.3 The allocations policy cannot cover every eventuality and in cases where there are unique needs the Housing Options Manager has discretionary power to award priority, approve additional priority or agree to offers outside of

choice based lettings. The current policy was adopted in 2013 and needs to be updated to reflect updates to legislation, statutory guidance and local need.

2.4 To provide context to the discussion key information from 2018/19 financial year on applications and allocations is provided below, there were 1,427 applicants in housing need on the housing register at 1st April 2019, of which

- Band A 195;
- Band B 217;
- Band C 994; and
- Band D 21

2.5 For 1 April 2018 to 31 March 2019 we received 1,637 applications to the housing register. Of these:

- 788 qualified and had a housing need so were included;
- 494 either did not qualify or did not have a housing need; and
- 355 did not supply the information requested to be able to assess so were removed.

2.6 The table below summarises the properties let through the housing register during 2018/19 in relation to banding, bedroom need and location.

	1 bed			2 bed			3 bed			4 bed			
	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	
Band A	31	14	7	12	12	4	11	6	3	1	0	0	101
Band B	25	11	8	36	12	12	18	15	4	2	0	1	144
Band C	28	15	10	11	5	1	7	1	4	2	0	1	85
Band D	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	84	40	25	59	29	17	36	22	11	5	0	2	
	149			105			69			7			330

Table 1 – Summary of Lets 2018/19

2.7 A review has been carried out at officer level, taking into consideration legal requirements and case law precedents that will inform the new policy. In addition to these amendments there are a range of discretionary criteria which are proposed will be set as the local policy. The current principles of the qualification criteria to join Swale’s Housing Register are:

- Residence;
- affordability;
- fraud; and
- rent arrears.

2.8 The table below provides a summary of the review and proposed changes on qualification criteria within the Policy.

Table 2 – Review of qualification criteria

Category	Criteria	Proposal
Fraud	Applicants who have been cautioned or convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974. Any person may re-apply once this conviction is spent.	No change recommended
Rent arrears	Applicants who owe arrears of rent or other accommodation charges to the Council, or any social or private landlord, in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need.	No change recommended
Affordability	Applicants that have gross income or assets above a certain level will not qualify: <input type="checkbox"/> The gross income level is likely to be set at more than £35,000 per annum per household. <input type="checkbox"/> The asset level is set at more than £50,000.	Propose a taper based on bedroom need e.g. 1 bedroom need £30,000, 2 bedroom need £40,000, 3 bedroom need £50,000, 4 bedroom need plus £60,000 <i>These figures are approximates using market rents being 25% gross income</i>
Residence	Households who have not lived within the Swale boundaries for 4 out of the last 5 years prior to the application being made. Residency in Swale must be by the applicant's own choice.	Proposal to reduce to 2 years residence in-line with recommended guidance.

2.9 There are circumstances when there are exemptions to the residency requirements and instances in extending the local connection definition, these have been reviewed in the table below.

Table 3 – Residency and Local Connection Criteria

Category	Criteria	Proposal
Armed forces	We already have this exemption	No change recommended, legal requirement
Homeless accepted full duty	Applicants who are owed a homeless duty by Swale Borough Council to enable the authority to discharge its duty to rehouse them.	Adopt as case law requirement
Right to move	Certain social housing tenants who need to move from another local authority district in England to Swale to avoid hardship who work in Swale or have a genuine offer of work in Swale. An assessment of work and hardship will be made in line with the statutory guidance.	Adopt as statutory guidance requirement
Refuge accommodation	Applicants who have fled from another local authority due to domestic abuse and are currently placed in refuge in Swale.	Adopt as statutory guidance requirement
Employment in Swale	Applicants who are in permanent employment in Swale. Employment is defined as paid employment for 16 hours or more per week for a period of [6 months/1 year]. The actual place of work must be within the Borough not just the head or regional office.	Adopt as it promotes economic activity in the Borough
Family support	You need to move to the borough to give or receive essential support from a close family member and it can be demonstrated that there is a genuine need to give or receive support.	Do not adopt. This is currently dealt with through exemptional circumstances and given the level of need already in the Borough would increase the burden.

Rural Housing Exemption Sites	A small number of properties in rural areas have a specified local connection criteria due to planning conditions. These properties will be advertised through Kent Homechoice and the advert will state what local connection is required. Applicants who meet the local connection will be considered for the rural site only.	Adopt in order to allow developments on rural exemption sites
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2.10 In addition to reviewing the criteria for qualifying for the Housing Register, the banding criteria has also formed part of the review. The table below summarises the areas where changes are recommended.

Table 4 – Banding review

Criteria	Banding	Proposal
Homeless households owed a full homeless duty by Swale Borough Council	Currently Band C	Increase to Band B to reduce pressures on temporary accommodation
Applicants who require substantial adaptations through a Disabled Facilities Grant	Not currently a banding reason	Included in Band B - Would promote use of disabled facilities grant to adapt suitable social housing creating suitable homes for the future
Disabled children who have been awarded an additional bedroom but that bedroom is not available in the current property	Not currently a banding reason	Included in Band B - This would reflect the additional needs of a disabled child and the minor overcrowding
Meets requirement for Rural exemption site but may not meet other qualification or housing need	Not currently a banding reason	New Band E introduced for this group who would only be considered for rural exception sites

3 Proposals

3.1 To approve the consultation draft of the Housing Allocations Policy and agree to consult on the draft for 8 weeks.

4 Alternative Options

- 4.1 That the policy is not reviewed and updated, this is not recommended as the current policy is outdated and needs to take into consideration reviewed legislation, guidance and respond to the current needs of residents.

5 Consultation Undertaken or Proposed

- 5.1 The Policy has been reviewed by PDRC and this report is seeking approval of the draft policy in order to undertake an 8 week consultation.

6 Implications

Issue	Implications
Corporate Plan	Having a suitable and robust Housing Allocations Policy in the borough supports priorities within the local plan.
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	Statutory guidance and case law has been considered as part of the review process.
Crime and Disorder	None identified at this stage.
Environment and Sustainability	None identified at this stage.
Health and Wellbeing	Banding criteria relating to health is discussed in the main body of the report.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	The final Policy recommendations will be subject to a Community Impact Assessment, the consultation information will help update and inform any further equality impacts.
Privacy and Data Protection	None identified at this stage.

7 Appendices

- 7.1 Appendix I – Draft Housing Allocations Policy 2020

8 Background Papers

None

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Swale Borough Council

Housing Allocations Policy 2020

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In Swale the demand for social housing is considerably greater than the number of homes available. This Allocations Policy sets out how social housing within the borough is allocated.

SBC's Allocations Policy defines:

- who can apply to Swale's housing register
- the criteria used to determine priority for allocating social homes
- the service standards an applicant can expect
- the legal framework within which Housing Allocations sits

This Allocations Policy aims to:

- Provide a fair and transparent system to prioritise the allocation of social homes in Swale
- Help households in most housing need to access affordable homes
- Make efficient use of social homes available in the borough
- Promote choice and the development of sustainable mixed communities

Swale Borough Council does not own or manage any affordable or social homes but does work in close partnership with all housing associations (also known as registered social landlords or private registered providers) that are integral to the delivery of this policy.

The allocations policy cannot cover every eventuality and in cases where there are unique needs the Housing Options Manager has discretionary power to award priority, approve additional priority or agree to offers outside of choice based lettings.

PART 2: LEGAL CONTEXT

2.1 Legal Framework

Swale Borough Council's Allocations Policy is positioned within a legal framework.

The 1996 Housing Act (as amended) requires local authorities to make all allocations and nominations in accordance with a published Allocations Policy. A summary of the policy and general principles is available at Swale Borough Council offices, and is available on the Council's website www.swale.gov.uk.

The 1996 Act also requires local authorities to state what its policy is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Further information on choice is given at Part 3.

In developing this policy the Council has fully considered all relevant legislation, statutory instruments and codes of guidance including:

The Housing Act 1996 as amended

Homelessness Act 2002

Localism Act 2011

Allocation of Accommodation Code of Guidance 2012

Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations 2013

Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

Homelessness Reduction Act 2017

Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation 2018

The policy is also framed to ensure that it is compatible with the Council's equality duties including the 2010 Equality Act and has been subject to a full published equalities impact assessment.

2.2 Reasonable Preference

Swale Borough Council is required by law to determine the priority that a housing applicant should be awarded. This is particularly important when, as is the case in Swale, the demand for social housing is far greater than the availability of homes.

The law requires that Reasonable Preference for housing must be given to those in the following categories set out in the Housing Act 1996 s166A (as amended) the statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996, as amended.
- People who are owed a duty under the Housing Act 1996 Act as amended, or the Housing Act 1985.
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

2.3 Housing Allocation

The allocation of housing by a local housing authority is defined in s.159 of the 1996 Housing Act as:

- Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e. by that housing authority)
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another housing authority)
- Nominating a person to be an assured tenant of housing accommodation held by a registered social landlord / Housing Association

The following are not “allocations” under this policy:

- An offer of accommodation to an existing social housing tenant (transfer applicant) with no reasonable preference. Under the Localism Act 2011 such cases are no longer subject to the Allocation rules set by section 166 of the Housing act 1996 Part 6.
- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985, or
- Assignment of a tenancy by way of mutual exchange, or
- Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenants death, or
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or

- An introductory tenancy becoming a secure tenancy
- Social Landlord initiated transfers (e.g. decant to alternative accommodation to allow for major works).
- Re-housing due to being displaced from previous accommodation by the Council or being re-housed by the Council pursuant to the Land Compensation Act 1973.
- Provision of non secure temporary accommodation in discharge of any homelessness duty or power.
- Lettings which Housing Associations make outside of nominations agreements.
- Allocations where there may be public protection risks.

PART 3: CHOICE AND CONSTRAINTS

Applicants who are eligible to join the housing register can express a preference over the area and type of accommodation in which they would like to live.

Social and affordable rented housing within the borough is let through Kent Home Choice (Choice Based Lettings) scheme <http://www.kenthomechoice.org.uk/choice/>. When properties are advertised on the Kent Home Choice website applicants are able to express an interest (bid) for the appropriate size of home but with type and location of their choosing. These expressions of interest are then shortlisted and the property offered to the household on the shortlist with the highest position in the highest band unless the property is extra care, subject to a Local Lettings Plan or identified by the housing association as requiring a sensitive let. The more type and area choices an applicant makes the greater the chance the applicant will be successfully housed.

If an applicant moves up a band the priority date changes to the date that we are notified of the new circumstances, not the date the applicant originally applied to the Housing Register.

Housing associations participating in Choice Based Lettings may have their own policies which prevent a property being offered to an applicant.

The table below shows how many homes become available to let in each part of the borough during 2018/19

	1 bed			2 bed			3 bed			4 bed			
	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	Sitt	Sheer	Fav	
Band A	31	14	7	12	12	4	11	6	3	1	0	0	101
Band B	25	11	8	36	12	12	18	15	4	2	0	1	144
Band C	28	15	10	11	5	1	7	1	4	2	0	1	85
Band D	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	84	40	25	59	29	17	36	22	11	5	0	2	
	149			105			69			7			330

As at the 1 April 2019 there were 1427 applicants in housing need on the housing register.

Band A 195

Band B	217
Band C	994
Band D	21

For 1 April 2018 to 31 March 2019 we received 1637 applications to the housing register. Of these 788 qualified and had a housing need so were included.

Accommodation Types:

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include 3 bedroom homes with a dining room being let to a household requiring 4 bedrooms, older persons housing being let to those age 50+ and properties that have been built or adapted for a person with a physical or sensory disability. There are a variety of different types of accommodation as detailed in the table below:

Accommodation Type	Description
General Needs Housing	Flats, houses and other accommodation with no onsite support.
Older Persons Designated Housing (Sheltered Housing)	<p>These are homes designed especially for older people. They offer independent living with security and peace of mind.</p> <p>To be eligible for this type of housing applicants must normally meet the age criteria and any other eligibility criteria:</p> <ul style="list-style-type: none"> ➤ Suitable for the scheme and confirm they do not have support needs that cannot be met or would be detrimental to the Scheme or other tenants <p>These properties will be labelled on choice based lettings so that only applicants who meet the required criteria may bid.</p>
Extra Care	<p>The purpose Extra Care Housing is to provide older people with their own home and tenancy within a support and care environment ensuring that appropriate personal and housing support are available as required. All applicants will be registered and assessed for re-housing in line with Swale Borough Council's Allocations Policy and be eligible to access social Housing.</p> <p>To be eligible for this type of housing applicants must be:</p> <ul style="list-style-type: none"> ➤ Over 55 years of age ➤ Prepared to agree to the scheme requirements and consider use of the care provider to meet any care needs ➤ Have an up to date social care assessment outlining housing and social care needs and a medical/social history <p>Priority is not decided by the housing register banding alone. An assessment will be made for each vacancy and the property will be let after taking into account both housing and social care need.</p>

Refusals:

Non-homeless applicants will be entitled to refuse three suitable offers of accommodation before being removed from the register. Applicants will be able to re-apply in 12 months.

Applicants with a full accepted homeless duty by Swale Borough Council will be entitled to refuse one suitable offer of accommodation which will be treated as a final offer to end the Council's homelessness duty. The offer of accommodation could be a property the applicant has bid on through Kent Homechoice, or a property bid on by a Housing Options Officer on

behalf of the applicant or a direct offer made to end the Council’s homelessness duty. The final offer will be confirmed in writing stating that the Council’s duty to the applicant under part VII of the 1996 Housing Act (as amended) will be ended.

Every homeless applicant has the right to request a review of suitability of the accommodation offered in discharge of the Council’s Part VII duty.

In all cases offers will be seen as suitable if they reasonably meet the housing and medical needs of the household. Factors taken into account include property size, location and affordability. In considering suitability the Council will give regard to the overall supply and availability of accommodation and the demands placed on it by all priority groups.

PART 4: ELIGIBILITY

This section sets out who is eligible to apply for Social Housing within Swale. You can usually apply for a social home if you are living and settled in the UK and you are:

- a British citizen, or
- a citizen of another country with the right to stay in the UK with no restrictions.

The following persons are not eligible to apply:

- People who are “*subject to immigration control*” (unless they fall within a class prescribed by regulations as eligible).
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being “*persons from abroad*” (this may include British citizens).
- Any other person as prescribed by the Secretary of State in future regulations.

Housing Associations work in partnership with the local authority and have fully consulted policies on how they will let their homes.

4.1 Qualification

Section 160ZA Housing Act 1996 (as amended) gives power to Local Authorities to define classes of applicants that will be considered as qualifying persons. Qualification must be met at both point of application and point of offer.

Applicants will not normally qualify for inclusion on the Council’s Housing Register if they fall into one of the following criteria:

Criteria	Detail
Residency	Households who have not lived within the Swale boundaries for 2 years prior to the application being made. Residency in Swale must be by the applicant’s own choice.
Affordability	Applicants that have gross income or assets above a certain level will not qualify: <ul style="list-style-type: none"> • The gross income level is: <ul style="list-style-type: none"> 1 bedroom need £30,000, 2 bedroom need £40,000, 3 bedroom need £50,000,

	<p>4 bedroom need or more £60,000 per annum per household.</p> <ul style="list-style-type: none"> • The asset level is set at more than £50,000. <p>When looking at gross income everything will be taken into account including earnings, overtime payments, benefits, child maintenance and any other relevant income.</p> <p>The gross income level and the asset level will be based on average private rents or the level of deposit required to buy an average priced property in the area and will be reviewed as part of the annual policy review.</p>
Fraud	<p>Applicants who have been cautioned or convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974. Any person may re-apply once this conviction is spent.</p>
Rent arrears	<p>Applicants who owe arrears of rent or other accommodation charges to the Council, or any social or private landlord, in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need.</p>

Households who do not qualify for inclusion on the Housing Register will be given advice and information about other housing options that may be available to them.

Where circumstances are exceptional the discretion of the Housing Options Manager will be applied.

The following applicants will be exempt from the residency criteria:

4.1.1 Armed Forces Personnel

The following members of the armed forces will not be required to meet any requirement for residency (excluding those that have been dishonourably discharged):

- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- 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
- Divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation by the Ministry of Defence

4.1.2 Homeless Duty

Applicants who are owed a main homeless duty by Swale Borough Council to enable the authority to discharge its duty to rehouse them.

4.1.3 Right To Move

Certain social housing tenants who need to move from another local authority district in England to Swale to avoid hardship who work in Swale or have a genuine offer of work in Swale. An assessment of work and hardship will be made in line with the statutory guidance.

4.1.4 Refuge Accommodation

Applicants who have fled from another local authority due to domestic abuse and are currently placed in refuge in Swale.

4.1.5 Employment in Swale

Applicants who are in permanent employment in Swale. Employment is defined as paid employment for 16 hours or more per week for a period of at least 6 months. The actual place of work must be within the Borough not just the head or regional office.

4.1.6 Rural Housing (exception sites)

A small number of properties in rural areas have a specified local connection criteria due to planning conditions. These properties will be advertised through Kent Homechoice and the advert will state what local connection is required. Applicants who meet the local connection will be considered for the rural site only.

4.2 Who can be included on the application?

We will assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you (or who would live with you if it were possible for them to do so) or other people who have an extenuating need to live with you. Immediate family means:

- You (the main applicant)
- Your spouse or partner. By 'partner' we mean someone you live with as your partner or who you would live with as a partner if they were able to do so. This includes mixed-gender and same-sex couples and whether or not you are married or in a civil partnership
- Your children or your partner's children, if they are aged under 21 and live with you all the time, or for four or more nights every week and you are in receipt of child benefit and if applicable child tax credits.
- Adult children or other relatives who are currently living with you if it is reasonable to be considered as one household and a permanent arrangement

The following household applicants cannot be included in an application:

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant
- Anyone who has moved into the current property without good reason and caused the household to be overcrowded
- Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently

4.3 Family members who are not currently living with you

We will not include family members currently living abroad on your application and therefore they cannot be re-housed with you until such a time that they return to the UK and the Council is satisfied that they are eligible.

In cases where two parents or guardians have joint access to children, bedroom eligibility will be awarded to the main care provider. You will need to demonstrate

- you are the main care provider (children live with you for more than half the week - four nights or more) and you are in receipt of child benefit and if applicable child tax credits
- that the arrangement is 'permanent'

We will take into consideration both parents' housing arrangements to ensure that one property has adequate accommodation for the children. A Court Order allowing access or confirming residence does not mean that the council must consider that the child is part of the applicant's household. This does not prohibit the other parent from maintaining their usual and agreed access to the children, but we will not be able to offer an additional bed space in both homes for the child.

4.4 Deliberately worsening housing circumstances

If the Council considers that an applicant has acted unreasonably to make their housing circumstances deliberately worse than their previous accommodation without good reason or with the aim of qualifying for a higher banding, no additional priority will be awarded. This applies where an applicant or member of their household has committed anti-social behaviour that would render them unsuitable for re-housing. Cases will be reviewed once the applicant can demonstrate that this behaviour has been addressed. Where applicable applicants will retain the banding and priority they held before worsening their circumstances.

PART 5: THE PRIORITY BANDING SYSTEM

Applications will be assessed and placed in one of five bands if eligible, qualify and have a housing need:

- A: Urgent Housing Need
- B: Serious Housing Need
- C: Reasonable Preference
- D: General Housing Need
- E: Rural Housing

The full banding table is included as Appendix A.

PART 6: REASONABLE PREFERENCE AND PRIORITY

The law requires that Swale Borough Council give Reasonable Preference for housing to those set out in the Housing Act 1996 (as amended) as follows:

Reasonable Preference category s166A(3)(a)

Applicants who are homeless within the meaning of Part VII Housing Act 1996.

This group comprises those cases that have been determined to be homeless and not in priority need. It also includes cases that have been found by Swale or another local authority to be intentionally homeless.

Reasonable Preference category s166A(3)(b)

Applicants who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2)

People who fall into this category are homeless households as follows:

- People who the Council has accepted that it owes the applicant a prevention duty under section 195 as being threatened with homelessness in the next 56 days, or having been served a valid Section 21 notice, and the Council is taking steps to try and prevent that homelessness from occurring.
- People who the Council has accepted that it owes the applicant a relief duty under section 189B and the Council is taking steps to relieve that homelessness.
- People who have been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.
- People owed a section 190(2) duty that have been assessed as being in priority need but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation.

Every homeless applicant has the right to request a review of suitability of the accommodation offered in discharge of the Council's Part VII duty.

Reasonable Preference category s166A(3)(c)

People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

Overcrowding

Those overcrowded by one bedroom or more will be granted reasonable preference. However in accordance with section 4.4 the Council has the right to consider that any applicant who has deliberately worsened their housing circumstances with the aim of qualifying for a higher band will not be awarded additional priority, may be given a reduced priority or withdrawn from the register.

For the purposes of Swale's allocations policy, to minimise overcrowding and to ensure affordability, bedrooms will be allocated according to who lives with you and the relationship between household members.

Dependent upon different factors within the household such as age, sex and disability each member of your household will be assessed as needing the following number of bedrooms:

Household Members	Number of bedrooms needed			
	1	2	3	4
A single person aged 16 yrs and over	✓			
A couple wishing to live together	✓			
A couple or single parent/carer with one child		✓		
A couple or single parent/carer with 2 children under 10 regardless of sex		✓		

A couple or single parent/carer with 2 children of the same sex aged between 10 and 16 yrs		✓		
A couple or single parent/carer with 2 children of the different sex aged between 10 and 16 yrs			✓	
A couple or single parent/carer with two children of opposite sex one of whom is over ten			✓	
A couple or single parent/carer with three children			✓	
A couple or single parent/carer with four children (all of the same sex or two of each sex)			✓	
A couple or single parent/carer with two children one under the age of 16 and the other over the age of 16			✓	
A couple or single parent/carer with four children (three of one sex and one of the opposite sex over 10 yrs)				✓
A couple or single parent/carer with more than four children				✓
A couple or single parent/carer with three children and one dependent adult				✓
In the event that a 5 bedroom property is advertised applicants who need that size property will be assessed in accordance with this table and the bedroom standard will also be considered if necessary.				

Households will also be assessed as needing one bedroom for each of the following if they are assessed as being included as part of the household:

- A tenant requiring a non-resident overnight carer – It must be demonstrated that it is essential that applicants require both day and night care. This will be assessed by the council based on a care needs assessment provided by adult social services.
- Disabled child who cannot share a bedroom with their sibling due to their disability – to award this we will require confirmation of the need for an additional bedroom from a medical professional and proof of Disability Living Allowance with care awarded at middle or high rate.
- An adult child who is serving away with the armed forces
- A room for a foster child or children – only one room will be awarded
- Pregnancy will be included in the room calculation from 22 weeks gestation although will not be included in any overcrowding calculation until born.

Please Note: Due to the scarcity of larger homes, families requiring four bedrooms or more may be allowed to consider three bedroom properties which have additional living space downstairs which could be used as a bedroom. This will be at the discretion of the Housing Association who own and manage the property.

Reasonable preference category s166A(3)(d)

People who need to move on Medical, Disability and Welfare grounds.

These cases are assessed by the Council and can take account of information provided in a Kent Agency Assessment form submitted by any statutory agency such as a Health or Social Services Professional.

Medical or Disability Reasonable Preference cases

An applicant's circumstances will normally only be referred for a medical assessment if an applicant has indicated that there is a serious medical or disability problem that is made substantially worse by their current housing. This priority will be awarded where an applicant's housing is unsuitable and the conditions directly impact and worsen the ill-health or disability, but they are not housebound or their life is not at risk due to their current housing.

Welfare Reasonable Preference cases

The criteria to be considered relates to the extent that the welfare of an applicant, or an immediate member of the applicant's family, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's circumstances, but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing.

Young People leaving care

Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2000. This priority only applies to applicants that are vulnerable and whose urgent housing needs would be best met by the provision of long term settled housing and who:

- Are ready to move on from social services accommodation and into independent settled housing and is genuinely prepared for a move to independent living.
- Have the life skills to manage a tenancy including managing a rent account.
- Are in need of either a long term or medium term tenancy support.
- Has a support package in place.

All other cases will be expected to be assisted by Social Services with support from the Housing Options service to move on to private rented accommodation.

Reasonable preference category s166A(3)(e)

People who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or to others will be granted priority depending on the severity of the impact of their housing on their condition.

PART 7: ADDITIONAL PRIORITY

7.1 How is additional priority applied

Greater priority can be awarded by giving "additional preference" to applicants who meet one of the 'reasonable preference' categories and who also have exceptional or urgent housing needs.

Very urgent medical reasons

An applicant who has an urgent need to move due to medical reasons or a disability that is made worse by their current housing situation.

Armed forces Personnel

The Allocation Policy will award additional preference to those who are in urgent housing need and who meet the following criteria (excluding those that have been dishonourably discharged):

- Is a person serving in the regular forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- A person who formerly served in the regular forces,
- A spouse or civil partner who is no longer entitled to or will soon have to leave accommodation provided by the MOD after the death of their spouse/civil partner whose served in the Armed Forces and whose death was due to service,
- Is a person serving or formerly serving in the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Management Moves

A household with an immediate need to move, for example, because of fear of violence where a move within the borough is supported. Due to the exceptional circumstances of these cases the following applies:

- Only one suitable offer will be made
- The offer will be on a 'like-for-like' basis taking account of the number of bedrooms required and the property type
- Area restrictions apply and factors regarding personal safety relevant to the transfer will be taken into account

PART 8: RENEWING AND REVIEWS

Renewing of Applications

It is the intention of the Council to renew all applications annually, or earlier as and when required. Failure to respond to a request to renew your application will result in the application being removed. If good reason can be shown why there was a failure to respond to the review then the application may be reinstated.

Change of Circumstances

All applicants are required to notify the council immediately of any change to their circumstances which may affect their priority for housing. Applicants who have had a change of circumstances and have not informed the Council, but it comes to the Council's attention, may have their application status changed to 'application is pending' whilst an investigation takes place in order to determine eligibility. Applicants should notify the Council of any change in their circumstances in writing by post or e mail. This will include for example:

- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (Please note it is for the council to decide whether they will allow a person/s to join the application).
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income, assets or savings.

Reviews

Reviews in respect of any aspect of the housing application may be made within 21 days of the notification of the decision. Reviews can be submitted for the following reasons;

- If an applicant is not a qualifying person
- If an applicant is not eligible
- The band that an applicant has been placed into
- The decision to remove an applicant from the housing register
- Any other decision made about your application

Supporting information and documentation submitted after the period of 21 days will not be considered as part of the application unless it contains information that warrants a reassessment.

The review will be carried out by a different officer to the original decision maker. The reviewing officer will carry out the review within 56 days of receipt. The decision may be to uphold the original decision or alternatively to make a new decision instead. If the applicant is not satisfied with the outcome of the review decision then they may seek a Judicial Review.

PART 9: HOW TO MAKE A COMPLAINT

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure. All complaints will be acknowledged and investigated. A complaint is regarding the way a decision is reached, it will not change the outcome of the decision.

A complaint can be made in person, by telephone, by post or by online form. The complaint will be answered within 10 working days, or an explanation given if it will take longer.

The applicant can ask someone else such as Citizen's Advice Bureau to make a complaint on their behalf. For those whose first language is not English, assistance can be obtained from the Council. Contact:

**Housing Services
Swale House
East Street
Sittingbourne
Kent
ME10 3HT**

housingregister@swale.gov.uk

If the applicant remains dissatisfied following the outcome of their complaint they may also make a complaint to the Local Government Ombudsman.

The Local Government & Social Care Ombudsman investigates complaints of injustice and unfairness resulting from maladministration by local authorities. They can be asked to investigate complaints about most council matters, including housing.

The Ombudsman normally asks that in the first instance the Council is given an opportunity to deal with a complaint. However the applicant making the complaint remains dissatisfied with the action that the Council has taken, they can contact the Ombudsman:

Local Government & Social Care Ombudsman

Tel: 0300 061 0614

Web: <http://www.lgo.org.uk/>

The Housing Ombudsman Service is available to anyone wishing to make a complaint against a registered social landlord/housing association (rather than the Council):

Housing Ombudsman Service

Tel: 0300 111 3000

Web: <http://www.housing-ombudsman.org.uk/>

PART 10: OTHER LEGAL DUTIES AND CONFIDENTIALITY

Equality and Diversity

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably due to a protected characteristic, 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 fully complies with the Equality Act 2010 and is subject to periodic equality impact assessments.

The allocations policy and any changes to it will be reviewed annually to ensure it does not operate in ways that discriminate against or disadvantage any particular group.

Confidentiality

The fact that a person is an applicant on the Allocation Policy will not be disclosed (without their consent) to any other member of the public.

Data protection and information sharing

All information held is subject to the Data Protection Act 2018. The Council will seek the informed consent of applicants joining the Housing Register to share personal information about the applicant, and any member of their household.

Information sharing without consent

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
- For the purposes of the prevention or detection of crime and fraud.
- Where there is a serious threat to the other party's staff or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

False statements or withheld information

It is a criminal offence for applicants and/or anyone providing information to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. 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 given the status 'application is pending' during the investigation and will be excluded from being considered for offers until an outcome is reached.

If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such 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. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this may render the applicant ineligible.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) 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 tenants instigation. Where this is the case the Council will pursue recovery of possession vigorously.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld any required information it may result in an applicant being removed and rendered Ineligible.

Lettings to Staff

This policy is designed to ensure Swale Borough Council is transparent and equitable when letting homes to Housing Association Board Members, Swale Borough Council staff, council members and their relatives.

Staff, Housing Association Board Members, Council Members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.

- The applicant who is applying for housing or their relative must have no direct input into any decisions regarding their re-housing. This includes not inputting the original application onto the Register system or adding any priority at any time onto the application.
- Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative.
- Applications should be clearly marked on the housing management system that the application is that of a staff member, Board Member, Council Members, or relative.
- When such an applicant has bid for a property and is showing at the top of the list, or a direct offer is to be made, a 'record of interest' note must be completed and signed off before any offer of a property is made. The details of the offer must be scrutinised and detailed on the form and signed off by the appropriate Swale

Borough Council Head of Housing the same is the case of Council Members or their relatives being offered accommodation

- Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the Choice Based Lettings advert and dates it was advertised, the shortlist from which the applicant is being offered from, together with the policy evidence for any applicants above them being not made the offer.

Amendments to the Policy

The policy will be monitored. For minor changes to the policy decisions will be delegated to the member responsible for the housing portfolio. For minor changes to procedure decisions will be delegated to the Head of Service responsible for Housing.

Appendix A

Banding Table

Band A: Urgent Housing Need plus additional priority	Summary of Criteria includes
Urgent medical need or disability where the current housing is having a significant adverse effect on the applicant's condition. Medical includes both physical and mental health.	<ul style="list-style-type: none"> • Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care. • The condition is life threatening and the applicant's existing accommodation is a major contributory factor. • The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. • The current housing is having a significant adverse effect on the applicant's condition such as someone who needs a dialysis unit which cannot be provided in the current home, and the home cannot be adapted to accommodate this. • Applicants who need to move to suitable wheelchair adapted accommodation because of a serious injury, medical condition or disability to themselves or a household member.
Exceptional welfare circumstances with a need for an urgent move.	<ul style="list-style-type: none"> • Applicants who cannot be released from hospital until alternative accommodation is secured because their current accommodation cannot be adapted to meet their needs. • Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. It will also include assessment of certain MAPPA, MARAC and Victim Support cases. • Housing Association tenants who have to vacate their property in order for major works to be carried out. In these circumstances and where possible transfers will be to properties of the same size or smaller if they are under-occupying, but locations or areas are likely to change.
Under-occupation	Social housing tenants living in Swale who are under-occupying by 1 bedroom or more and who are willing to downsize to a property that meets their need
In urgent housing need and meeting one or more of the armed forces criteria.	<ul style="list-style-type: none"> • Applicants who need to move to suitable wheelchair adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces. • Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner who was serving in the regular forces and whose death was attributable (wholly or partly) to that service
Band B: Serious need to move with a Reasonable Preference	Summary of Criteria
Major Overcrowding.	A household who are statutory overcrowded and need at least two more bedrooms as assessed under the bedroom standard
Ready to move on from accredited supported housing schemes within Swale which	Applicants who have completed a planned support and resettlement package verified by the support worker and the Housing Register Officer; is ready to move into independent

have been agreed by Swale Borough Council	settled housing and would benefit from a long term secure tenancy. The move on preference can be removed if the applicant is no longer conducting the tenancy in a manner required to approve move on.
Ready to move on from Care.	Young people over eighteen years old leaving care who have been looked after by Kent County Council, who have a care package in place and are ready for an independent tenancy as verified by the Resettlement Service and in addition has been assessed as being in need of a long term or medium term tenancy with support.
Private sector properties unsanitary or unfit. Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health.	Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period. Please note that this preference will not be awarded if the applicant is not cooperating with the Private Sector Team to allow the works to go ahead. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
Applicants living in unsatisfactory housing lacking basic facilities.	Applicants living in accommodation without access at all or any one of the following facilities: <ul style="list-style-type: none"> • a bathroom or kitchen • an inside WC • hot or cold water supplies, electricity, gas or adequate heating An applicant who occupies a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.
Homeless Households owed a full homeless duty by Swale Borough Council under section 193(2)	Applicants who are owed a full homeless duty by Swale Borough Council.
Applicants requiring any adapted property	Applicants who have been assessed by Occupational Therapist and require substantial adaptations through a Disabled Facilities Grant which cannot be carried at their current property.
Disabled children who have been awarded an additional bedroom	Applicants where a child has a medical condition that means an additional bedroom has been awarded but the bedroom is not available in the current property.
Band C: Reasonable Preference	Summary of Criteria
Applicants living in unsatisfactory or insanitary housing conditions.	Applicants who only have access to shared facilities in shared accommodation such as a shared living room, bathroom(s) and/or kitchen(s). This preference does not apply to those sharing with family members. Applicants living in accommodation with very poor internal or external arrangements which have been verified by a member of the Private Sector Housing Team.

Minor Overcrowding.	A household who are overcrowded and need at least one more bedroom as assessed under the bedroom standard.
People who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship.	Applicants who need to move due to special reasons and because a failure to move to a certain area would cause hardship to themselves or others.
People who need to move due to medical, welfare, mental health or disability factors	<p>Where an applicant's housing is unsuitable for medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose health problem or disability is affected by their current accommodation.</p> <ul style="list-style-type: none"> • Severe mental health problems affected by current accommodation. • Applicants with moderate to severe medical conditions which significantly affects mobility (e.g. spine, legs) living upstairs or on a steep hill. • Conditions requiring on going medical treatment, being very severely exacerbated by living conditions • Conditions causing a reduction in mobility (e.g. breathlessness, dizziness) when combined with stairs or poor location.
Band D: General Housing Need	Summary of Criteria
Intentionally homeless households owed a duty under section 190(2) of the Housing Act 1996 (as amended).	Applicants who are intentionally homeless, where that decision has been made by Swale Borough Council or another local authority under Part VII of the Housing Act 1996 (as amended).
Households who have deliberately worsened their housing circumstances.	Where it has been assessed that an applicant has deliberately worsened their housing circumstances.
Households who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) and who are owed a homelessness duty by another local authority.	Applicants who are owed a homelessness duty by another local authority. As these applicants are owed the reasonable preference under section 193(2) by the other local authority they will not be awarded any other preference under our allocations scheme.
Homeless Households owed a homeless duty by Swale Borough Council but are not in priority need.	Applicants who do not have a priority need for accommodation and do not meet another banding preference.
Applicants who fulfil the Armed Forces Regulations 2012 but are not in urgent need of housing.	Applicants who need to move but where bands A, B or C do not apply
Applicants owed a duty under the Homelessness Reduction Act 2017	Applicants who have an accepted Prevention or Relief duty.
Band E: Rural Housing	Summary of Criteria
Rural exception sites	Applicants who meet the requirements of the criteria and definition of a local parish connection for rural exception site properties but who do not meet either the qualification criteria and/or do not have a housing need defined in Bands A to D.

Cabinet Meeting	
Meeting Date	3 June 2020
Report Title	Community Housing Fund: Options for future delivery models in Swale
Cabinet Member	Cllr Ben Martin, Cabinet Member for Housing
SMT Lead	Charlotte Hudson, Head of Housing, Economy and Community Services
Head of Service	Charlotte Hudson
Lead Officer	Rebecca Walker, Affordable Housing Manager
Key Decision	Yes
Classification	Open
Recommendations	1. To consider options available to the Council regarding Swale's remaining Community Housing Fund of £281,232 and, agree an approach for spending this ring-fenced grant.

1 Purpose of Report and Executive Summary

- 1.1 This report provides information on the remaining Community Housing Fund (CHF) that was awarded to Swale Borough Council in 2016/17. The fund was provided to local authorities where the impact of second homes is especially acute, and to develop local community groups who will work to support the delivery of community led affordable housing schemes.
- 1.2 In early 2017 the Council was awarded a total grant of £341,232, and at the beginning of 2018 it was agreed by SMT that £60,000 could be used in partnership with Action for Communities in Rural Kent (ACRK) to deliver an 18 month pilot Swale Hub programme that runs until May 2020. This report identifies options on how the Council can utilise the remaining £281,232 fund to support the delivery of community-led affordable housing schemes.

2 Background

- 2.1 In December 2016, the government launched the Community Housing Fund (CHF) made up of £60 million of increased Stamp Duty Land Tax applicable on additional properties such as holiday homes and buy to let properties. The CHF was made available to local authorities where the impact of second homes was deemed to be particularly high and impacting on affordability of housing for local people, and as such Swale's award was in recognition of the high number of holiday park homes in the district.

- 2.2 The overall purpose of the grant is to help set-up and support community led housing groups to provide homes in urban, coastal and rural areas to be sold or rented at values linked to local wages and made available to those with a local connection to the area. To facilitate this, the fund can be used flexibly to provide capital investment, technical support and revenue funding to make schemes more viable.
- 2.3 In January 2018 an options paper was presented to SMT, and it was decided that through a grant partnership agreement, £60,000 of the total fund should be used to deliver an 18 month pilot programme in partnership with ACRK, launched as the 'Swale Community Housing Hub', with funds utilised as follows:
- £30,500 to recruit and resource a dedicated part-time CHF officer
 - A 'Pump Priming' fund of £29,500 to enable Community Housing Groups to buy-in specific expertise such as architects or solicitors
- 2.4 Unlike many other local authorities' that received CHF grant, Swale was starting from a point of having only one existing CLT, Minster Housing Cooperative. Therefore, the primary focus of the pilot programme was to gain new engagement from the local community and provide advice, support and assistance to those wishing to establish a local community housing group.
- 2.5 Swale's pilot Hub programme has been successful and provided advice and support to local groups to enable them to explore the creation of community housing trusts. A large and well-attended workshop event was held in Faversham on the 27 September, smaller community events have also been held, specialists have been engaged from around the country to share knowledge and expertise, promotional and social media material has been developed and local groups have been engaged to explore urban and rural affordable community housing options.
- 2.6 In July 2018 ACRK submitted a successful bid for a 'Development Grant' to enable the initiation of a Kent Community Led Housing Hub. This bid enabled ACRK to engage a consultant to support delivery of the initial phase, including the completion of a 5 year business plan and economic appraisal detailing how the Hub will be sustained into the future. A further 'Full Grant' application was successful in January 2020 and is being used to cover costs of the Kent Hub up until March 2021, after which it is anticipated that the Hub will be financially self-sustaining.
- 2.7 Swale's 18 month pilot programme with ACRK is due to cease in May 2020, and in preparation for this, future options on how to spend the remaining £281,232 community housing fund need to be explored. These options are detailed in Appendix I.

3 Proposals

- 3.1 Options are shown in Appendix I, and the preferred choice is Option 3. This will incorporate the remaining community housing fund into the Council's new affordable housing programme and be managed using existing staff resources. This local programme will enable a scheme in any part of the borough to 'get off

the ground' for example, supporting FCLT to actively seek acquiring properties for re-development in Faversham, providing CHF grant to undertake feasibility and legal work to inform how the project could progress.

4 Alternative Options

- 4.1 The Council could choose to retain the grant but not utilise it in any type of CLT partnership. This would have a detrimental impact on the continued development of local groups who are working to establish and progress local community housing trusts and could result in the grant having to be handed back to Government.

5 Consultation Undertaken or Proposed

- 5.1 None required.

6 Implications

Issue	Implications
Corporate Plan	This report has relevance to all Corporate Plan Priorities, in particular enabling access to affordable housing options and engaging new approaches to partnership working.
Financial, Resource and Property	The delivery of Swale's community housing fund programme will be managed through the remaining grant funding allocation of £281,232.
Legal, Statutory and Procurement	A grant partnership agreement with ACRK may need to be extended, or other legal agreements established to enable funding arrangements with local CLT's.
Crime and Disorder	There are no issues relating to Crime and Disorder arising from this report.
Environment and Sustainability	Community-led housing is a viable solution to increase the number of affordable homes with opportunities to prioritise the environment through the delivery of energy-efficient housing, green spaces and the sharing of material resources.
Health and Wellbeing	Community led housing schemes will have positive health and wellbeing impacts on improving mental health and physical wellbeing of those involved and the wider community.
Risk Management and Health and Safety	It is important that community expectations for the fund are relative to the availability of funding. Whilst schemes will be developed with local communities there may be objections in the local community to proposed schemes which could delay proposals being brought forward. CHF enablers and local CLT's can work to ensure the delivery of good communication material and deliver talks and promotional activities when required.

Equality and Diversity	There are no equality and diversity implications directly associated with this report.
Privacy and Data Protection	<p>Information submitted through a grant application process will ensure applicants are aware that the Council, CLT's and any other relevant CHF Partner may use the data provided, but that any personal information held as part of this programme will be protected from unauthorised access or disclosure.</p> <p>Any grant partnership agreement will also ensure that partners shall procure that any personnel involved in connection with activities and programmes under the Grant Agreement shall comply with notification requirements under the Data Protection Act 1998 (DPA) and both Parties will duly observe all their obligations under the DPA, which arise in connection with this Service Level Agreement.</p>

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Options Appraisal

8 Background Papers

None

Appendix I – Options Appraisal Community Housing Fund

Proposal Option	Description	Funding	Pros	Cons
Option 1				
Extend the “Swale Hub pilot programme” managed by ACRK	<p>An extension of this programme using the remaining Community Housing Fund will enable continuity for local groups who are already engaged and have either started to set-up a CLT or are in the early stages of working with ACRK to establish a local group.</p> <p>ACRK now have specialist Community Housing staff in place and this combined with their experience of managing Kent’s rural housing needs schemes, mean that they have capacity and the relevant experience to develop this programme out further.</p> <p>This model will be supported by a grant partnership agreement with ACRK that will clearly show how the grant will be passed across for administration and management of the programme.</p> <p>Clear monitoring responsibilities and evidence progress update reports will continue to be provided as agreed.</p>	Covered by the remaining £281,232 Community Housing Fund allocation	<p>An established service which will provide continuity for groups already engaged with Swale’s Hub.</p> <p>Specialist dedicated and experienced staff already in place.</p>	Less direct control for the Council
Option 2				
“Kent Hub” model	ACRK secured a Development Grant from the Community Housing Fund to develop a Community Led Housing Hub for Kent, and in January 2020 the Kent Hub was officially established. The Hub provides essential support to CLT communities across Kent providing a central resource of advice, support and guidance, increasing knowledge whilst	Freeze the remaining £281,232 until the end of the first year of the Kent Hub (2021) and then pass across the grant to ACRK at expiry of the Homes	A partnership service developed out by dedicated, specialist and experienced staff with direct access to national CLT advice and support.	Less control for the Council with potential for Swale CLT’s/CH groups and schemes to get ‘lost’ in a large county-wide partnership

	<p>developing skills to bring projects to fruition.</p> <p>ACRK have commissioned an expert contractor to support the first phase of the Hub's development including the completion of a 5-year business plan and economic appraisal detailing income generation to sustain the Hub into the future. A second stage 'full grant' application has also been made to Homes England to allow the Hub to operate for one year and become established within that time.</p> <p>Swale's remaining CHF could be 'frozen' until the beginning of 2021 when ACRK's Kent Hub 'full grant' has run out, at which point Swale could choose to put the remaining grant into the Kent Hub.</p> <p>In the interim period, between the expiry of the Swale Hub pilot and the beginning of 2021, ACRK would continue to provide a service to Swale groups, and importantly if Swale chooses to include their remaining CHF fund into the Kent Hub after the expiry of the 'full grant', Swale's funds will only be used to support Swale groups.</p>	England 'Full Grant'.	<p>Greater opportunities for application to future national CHF/CLT funding streams.</p> <p>Shared knowledge, best-practice and experiences from county-wide partners.</p>	
Option 3				
"Swale BC grant management"	<p>The remaining grant will be retained, managed and administered by Swale BC as part of the council's affordable housing programme, and used in partnership with fully constituted community led housing groups including Community Land Trusts enabling feasibility and legal works to progress identified housing sites.</p>	<p>Swale BC retain the remaining £281,232 Community Housing Fund allocation, and administer, manage and monitor the grant.</p>	<p>Direct control for the council as part of Swale's affordable housing programme, enabling better targeting of known sites and schemes with other local partners.</p>	<p>Limited in-house experience and expertise of CLT's.</p>

	<p>The grant application process will need to be considered to enable a clear and transparent process for local community led housing groups to apply directly to the Council for CHF grant.</p> <p>Marketing, social media materials and events will also need to be organised to publicise Swale BC's CHF grant programme.</p> <p>This model will utilise existing resources and officer time as part of the Council's affordable housing programme.</p>		<p>Existing resources, staffing and management of the CHF will be incorporated within the affordable housing programme.</p>	
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