Housing Allocations Policy

For the Letting of Social Housing within the Folkestone & Hythe District

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August 2026

Folkestone & Hythe District Council

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Date for review	
Policy author	
Policy owner	
Approved by	
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Associated documents	

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Version	Date	Revision description	Policy author

New Policy / Policy Review	
New policy	
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

Reason for new policy / summary of changes

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Name of person/s consulted	Role	Date

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Dissemination		
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Monitoring and Compliance		
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Contents

Introduction

This policy sets out Folkestone & Hythe District Council's ('the Council') Allocation Scheme. It describes how the Council and Housing Association housing (aka private registered provider - PRP) is allocated within the Folkestone & Hythe District. It contains the guidance which determines a household's entitlement and eligibility to this type of housing.

It also explains what people can expect from the Council in meeting their housing needs, how households who are on the Housing Register are nominated to vacant properties, as well as the processes for offering and letting properties.

1.1. The Legal Context for Allocations

In accordance with Part 6 of the Housing Act 1996 as amended, Section 166A(1) requires the Council to have an Allocation Scheme for determining priorities and defining the procedures to be followed when allocating social housing.

A Local Authority allocates accommodation when it selects a person to be:

- a secure or introductory tenant of accommodation held by that authority or
- nominates a person to be an assured tenant of accommodation held by a private registered provider of social housing or a Housing Association (Appendix 1).

This Act also states that when framing an allocation scheme, "reasonable preference" must be given to particular groups of people. This is detailed below in Section 1.2.

The Council has had due regard to the Housing Act 1996 and the Localism Act 2011, and the '*Allocation of Accommodation: Guidance for Local Authorities in England*', published by the Government in 2012 (as amended), and all Supplementary Codes published thereafter (Appendix 2).

1.2. Reasonable Preference

Section 166A(3), Part 6 of the Housing Act 1996 states that when framing an allocation scheme, "reasonable preference" must be given to the following groups:

- people who are homeless
- people who are owed a housing duty by a local housing authority
- people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds (including any grounds relating to a disability)
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The allocation scheme must be framed so as to give additional preference to a person with urgent housing needs who fall within one or more of categories listed above and who –

- serve in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- formerly served in the regular forces
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

For this purpose "the regular forces" and "the reserve forces" have the meanings given by S374 of the Armed Forces Act 2006.

1.3. Reasonable Preference & Current Social Housing Tenants

Current social housing tenants that fall into the reasonable preference category (Section 1.2) must have their needs and preferences assessed in the same way as anyone else who is applying for an allocation of social housing (e.g. in relation to health and safety hazards, medical issues, other support needs).

Transfer applications are:

- Exempt from the requirement to meet the income and assets thresholds.
- Not required to meet the local connection criteria if they are already residing in a social housing property that is situated within the district's boundaries.
- Required to meet the local connection requirements set out in Section 3.4 & 3.5, if they are living in a social housing property that sits outside the district's boundaries.

1.4. Aims and Objectives

The overall aim of this policy is to ensure that social housing is allocated fairly and equitably to those in the greatest housing need. This policy will achieve the following key objectives:

- Maintaining a common Housing Register which will enable customers in housing need to access social housing across the Folkestone & Hythe District area.
- Ensuring a high-quality allocations service to customers.

- Provide an allocations scheme which offers realistic choice to those with a housing need.
- Creating a policy that contributes to shaping balanced and sustainable communities.
- Ensure that every customer is treated fairly and consistently, irrespective of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion, belief and age.
- Produce a policy that is simple to understand, whilst being thorough and transparent.
- Having a policy that meets the legal obligations of the Council namely, to give appropriate priority to customers who fall within the Housing Act's "reasonable preference" categories (Sections 1.2 & 1.3).

1.5. Strategic Context

This policy also incorporates the Council's key objectives outlined in the following strategies:

- Our district, Our world – Corporate Plan 2025-2030
- Healthier Housing Strategy
- Homelessness Prevention Strategy
- Tenancy Strategy

Copies of all the housing-related strategies can be found here Housing strategies | Folkestone & Hythe District Council.

1.5.1. Kent Housing Group (KHG)

The Council will also have regard to any relevant Kent Housing Group protocol or reciprocal scheme in relation to the allocation of social housing that it has agreed to support and participate in.

1.6. Equality, Diversity and Accessibility

The Council's Allocation Scheme aims to ensure that our services are fair and equitable for our customers. We want the service to be accessible to everyone regardless of age, disability, gender, race, colour, national origin, sexual orientation or any other factor that may cause disadvantage. This policy is, however, subject to eligibility and qualifying persons criteria under the Housing Act 1996 (detailed in this document at Sections 3.1, 3.2 & 3.3).

The Council has taken into account its equality duties in defining those that may not qualify to join the Housing Register. This policy has been drafted with reference to the Equality Act 2010, and an Equality Impact Assessment of the policy has been completed.

1.7. General Data Protection Regulations (GDPR) 2018

All personal information will be stored lawfully and processed in a fair and transparent way. The Council will only collect data that is specific, explicit and legitimate for the purpose of the Housing Register application and data will be kept up to date and not held unnecessarily or without appropriate security measures in place.

Information will only be shared with other organisations or individuals in order to legitimately process an applicant's Housing Register application, for the prevention of fraud or with the person's explicit consent.

An applicant's permission to share their personal information is a condition of being accepted on to the Council's Housing Register. Further information on data protection in relation to making a Housing Register application can be found in the Kent Homechoice website Privacy Notice and the Council's GDPR information can be viewed by going to www.folkestone-hythe.gov.uk and searching for 'Data protection'.

1.8. Privacy Notice

The Council may share an applicant's personal data (provided for housing application purposes) internally to provide statutory services or other functions the Council is empowered to exercise.

The Council may pass the information to other agencies or organisations, as allowed by law and may check information that has been provided by an applicant, or information about the applicant provided by someone else, with other information held by the Council. The Council may also get information about the applicant from certain third parties, or give information in order to:

- Prevent or detect crime or fraud
- Protect public funds
- Make sure the information is correct

These third parties include government departments, other local authorities, private sector companies, including companies that assist in the detection and prevention of fraud, such as credit reference agencies. The Council will not give information about an applicant to anyone else, or use information about them for other purposes, unless the law allows it to. Any use of personal data will be in full accordance with the Data Protection Act 2018.

1.9. Freedom of Information and Requesting Information

Anyone has the right to request access to recorded information held by the Council under the Freedom of Information (FOI) Act 2000. The Act requires the Council to provide information to anyone who requests it unless an exemption applies. Additionally, anyone has the right to access personal information we hold about them (or someone else, if they are acting on our customer's behalf); this is known as a Subject Access Request (SAR).

Requests must be made in writing by going to the Freedom of Information or the Subject Access Request webpages on the Council's website, and using the 'Make a Request' tabs. It is free to make an FOI or a SAR request, and once the Council has checked the request is valid, the deadline for meeting these requests is 20 working days.

1.10. Monitoring, Reviewing and Changing the Policy

The Council will monitor the operation of the Allocations Policy to ensure it meets its stated objectives and complies with existing and emerging legislation. The Cabinet Member for Housing and Homelessness will be able to authorise minor amendments to this policy. The Council will consult, as necessary, with their Housing Association partners on any changes.

1.11. Members of Staff and Councillors

Members of staff (of the Council or Housing Association), their close family, elected members or board members of advertising landlords who wish to apply to join the Housing Register will be able to do so in the same way as other applicants. However, they must disclose their status on their online application at the time of applying through the Kent Homechoice portal. If the situation arises later for existing applicants they must update their information immediately through the portal.

1.12. Choice Based Lettings

The Council operates a choice-based letting scheme to allow eligible applicants, registered under the scheme, to have as much choice as possible over where they live within the district, and the type of property they would like to reside in.

Kent Homechoice is the choice-based lettings scheme for all council and housing association homes in Kent. Any resident wishing to apply for social housing needs to complete the process on the Kent Homechoice website for the local authority area where they wish to apply (Sections 3.4 & 3.5).

2. Circumstances where the Allocations Policy does not Apply

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by the applicable landlord in accordance with their tenancy policies:

- Where a property is identified as temporary accommodation.
- Where a tenancy is assigned by way of mutual exchanges (house or flat swaps between eligible social tenants).

- Where tenants need to be temporarily, or permanently, decanted to allow repairs to be carried out.
- Allocations to a person entitled to rehousing under Section 39 of the Land Compensation Act 1973 or the Rent Agricultural Act 1976.
- Persons transferring from an introductory to secure tenancy in the same property.
- Where a secure tenancy is assigned by way of succession to the same property.
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment.
- Where a tenancy changes from joint to sole, or sole to joint in the same property.
- Where court orders are made under one of the following:
    - Section 24 of the Matrimonial Causes Act 1973
    - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
    - Paragraph 1 of Schedule 1 of the Children Act 1989.

3. Who can apply to the Housing Register

The Council must assess all applications in accordance with the requirements of our allocation scheme (per the Housing Act 1996 Sections 166(3) and 166A(14)), and must consider the following:

- Whether an applicant is eligible for an allocation of accommodation (i.e. not subject to immigration controls), and
- Whether an applicant qualifies for an allocation of accommodation (i.e. with regards to local connection, assets, income and exceeding financial thresholds).

We will consider an applicant's eligibility at the time of the initial application and again when the Council is considering making an offer of a property to them. For information about how the Council assesses transfer applications for current social housing tenants, see Sections 1.3 & 11.

3.1. Who Can Be Housed?

Access to social housing will be open to qualifying persons, who are as follows:

- In general terms people who are British citizens who have qualifying residency, and people from abroad who have been granted the right to remain and access to housing assistance under immigration legislation. Most people from abroad who are subject to immigration control will be ineligible for an allocation of housing (Section 3.3).
- Anyone over 16 years of age who is a qualifying person. However, applicants aged between 16 and 18 years of age will only be offered an allocation of accommodation if a suitable person over the age of 18 (such as a parent, guardian or social services) agree to hold the tenancy in trust until they are 18 by ay of an 'Equitable Agreement' (Appendix 3).

- Applicants where their current address is their only home or sole residence, and they do not have access to a suitable home anywhere else (unless they have fled war or violence for example), and they are not already registered on someone else's housing application (Section 4.2.7).
- Current Council or Housing Association tenants (Section 11).
- Applicants, including members of their household who have not been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (Section 4.5).
- Applicants who are under the National Crime Agency's UK Protected Persons Service (UKPPS) (Section 3.7).
- Applicants who are approved foster carers and/or approved to adopt and need to move to a larger home in order to enable fostering or adopting, can submit a housing register application, which will be assessed and considered for admittance to the housing register (Section 8.8 & 9.2).

If an applicant/household does not qualify for an allocation of accommodation under S160ZA they will be notified by the Council in writing, giving details of why this decision has been made and advising them of their right to request a review of the decision (Section 13).

3.2. Who can be included on an application

An applicant can only be included on one active application to the Council housing register at any one time.

Other people who can be included in the application are:

- The applicant's spouse, civil partner or someone with whom they cohabit, and all dependent children who are currently living with the applicant or could reasonably be expected to live within the household (Section 9.3). This can apply to split households who are not able to live together because they do not have any accommodation available for the whole family.

- Other people who can be included in the application must be members of the applicant's immediate family with whom they usually reside and have done so for a period of six months prior to the application. Any other person/s will only be accepted as part of the applicant's household in circumstance in which it is reasonable for them to reside with the applicant (such as a child/ren who are going to be fostered or adopted by the applicant; or an elderly parent needing to move-in to receive care and support); and the applicant will need to provide evidence of why this is the case. For information about including a Carer on a Housing Application see Section 9.6.

3.2.1. People Who Cannot be Included on the Application

People that cannot be included in a person's application are:

- Lodgers
- Anyone subletting from the applicant

- People flat-sharing who are not in a relationship

3.2.2. Shared Custody of Children

Applicants who have staying access for children, who have a permanent home elsewhere, cannot include them on their housing register application (see Section 9.4 for information about bedroom requirements).

3.3. Eligibility

The main law regarding eligibility to an allocation of social housing is contained in Section 160ZA, of the Housing Act 1996 (Appendix 4).

A person is excluded from an allocation of housing and help with homelessness if:

- They are 'subject to immigration control' (as defined by the Asylum and Immigration Act 1996) – unless they are in a class included by regulations;
- They are not subject to immigration control but fall within a class that is excluded by regulations (in England, a person from abroad'); or
- There are two or more people on a joint application who are all 'subject to immigration control' (if one person on a joint application is not subject to immigration control and a British citizen or resident (Section 3.3.1).

The English Regulations, the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, reproduces these classes exactly, and set out which applicants who are not subject to immigration control (such as British citizens) but are nevertheless excluded, such as 'a person from abroad' (in England see specifically Regulations 3 & 4 in the 2006 Regulations).

If an applicant/household is deemed ineligible for an allocation of accommodation under S160ZA they will be notified by the Council in writing, giving details of why this decision has been made and advising them of their right to request a review (for more information on requesting a review, see Section 13).

3.3.1. Eligibility and Joint Tenants

Under Section 160ZA(1)(b) of the Housing Act 1996, the Council must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the Council may grant a sole tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they should be taken into account when determining the appropriate bedroom need/size of accommodation for the household.

3.3.2. Eligibility for existing Council or Housing Association Tenants

Immigration exclusions do not apply to existing social tenants who transfer or exchange or to someone who is entitled to succeed, as per the Housing Act 1996, Sections 160(2), 160ZA(5) and 160A(6).

3.4. Local Connection

Applicants will only be considered for Bands A to D if they have both a housing need and a local connection to the district. Applicants with no local connection will be placed in the lowest priority band (Annex 16), unless:

- the Council has accepted a full main statutory housing duty to them.

- The Council considers that there are exceptional circumstances.

3.4.1. Local Connection Criteria

To be considered as having a local connection to Folkestone & Hythe (the district), one of the following must have been demonstrated and verified:

Live in district

An Applicant has lived in the district continuously for 2 years immediately prior to the date of application.

Or an applicant who has been resident in the district for 3 years out of the last 5 years. For example:

- As of 2026, a household who lived within the Folkestone & Hythe (F&H) district from 1999 before moving to a property in another local authority district in 2024, would still have a local connection because they have lived in F&H district for 3 years out of the last 5 years. Meaning that in the last 5 years, from 2021 to 2024 (3 years), they were still in the F&H district and have only resided in the other local authority district from 2024 to 2026 (2 years). If this household continue to live in the other local authority district area, then by 2028 they will no longer have a local connection to the F&H district, because they will have only lived in the F&H area for 1 year out of the last 5 years.

Family in district

Applicants who have family members in the district. Family members are defined as parents, adult children, brothers or sisters who are over 18 years of age and have been resident for at least 5 years immediately prior to the date of application.

Live & Work in the District

Applicants who live and work in the district and have been in continuous employment for a minimum of 6 months at no less than 16 hours per week that is not casual but substantive employment (which may be worked across multiple employers with a break of no more than 4 weeks between employers).

Working in the District

Applicants not currently living in the district can qualify for a local connection to the district if they have been in permanent employment in the district for 16 hours a week or more, for a minimum of 6 months prior to their application, and:

- Need to, rather than wish to move to the district for work related reasons, and
- Where, if they are unable to move, it would cause substantial hardship.

For more information, please refer to Appendix 8 and also see Right to Move**,** Section 3.6.

Fleeing domestic abuse

Those needing to move to escape domestic abuse in their own local area, will be treated as though they have a local connection to the area as per the statutory guidance; 'Improving access to social housing for victims of domestic abuse'.

Care leavers

The applicant is a care leaver under the age of 25, and meets one of the one of the following criteria as defined by the Children's Act 1989, at both the time of application and verification:

- Eligible child - a person aged 16 or 17 who is currently looked after by children's social services and has been looked after for a period of 13 weeks since the age of 14.
- Relevant child - a person aged 16 or 17 who is no longer looked after by children's social services. They were looked after for a period of at least 13 weeks since the age of 14, including for at least 1 day on or after their 16th birthday.
- Former relevant child - aged between 18 and 24 and previously an eligible/relevant child.

Homeless Applicants

Applicants owed a main S193(2) housing duty under Part 7 Housing Act 1996 (as amended) by Folkestone & Hythe District Council.

Local Connection for Applicants of No Fixed Abode (NFA)

Applicants who have a history of rough sleeping and/or sofa surfing may struggle to demonstrate that their residency within the district has been settled. Where this is the case, the Council will accept written confirmation from Council commissioned support services, or local partner agencies, that an individual has been engaging with them, or living within their supported housing for at least 2 years prior to their application (Appendix 7). NFA applicants will be assessed on a case-by-case basis.

Caravan occupiers & excluded tenants

Applicants who are a lodger in their landlord's home and whose bills are included in their rent may also struggle to demonstrate residency within the district. Additionally, households living in caravans/mobile homes may have similar circumstances. Where this is the case, the Council will assess these applications on a case-by-case basis considering the evidence provided by the applicant.

Local Connection Exceptional Circumstances

If there are exceptional circumstances which may give rise to a local connection, the Council will consider these applications which will be assessed on a case-by-case basis.

3.5. Local Connection for Armed Forces Personnel

Legislation and regulations require the Council not to apply the local connection criteria to the following:

- Applicants who are currently serving or have served in the Regular Armed Forces (there is no restriction on time elapsed since leaving the armed forces).
- Applicants who are currently serving or have served in the Regular Armed Forces or Reserve Armed Forces and need to move because of a serious injury, medical condition, or disability as a result of their service.
- Applicants who are a bereaved spouse or civil partner of those serving in the Regular Forces where:

    - The bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and the death was wholly or partly attributable to their service.

- The guidance also advises local authorities to be sympathetic to changing family circumstances when applying the local connection criteria to consider the wider needs of the Armed Forces community. Therefore, the Council will also not apply the local connection criteria to:

    - Applicants who are recently divorced or separated spouses or civil partners of Service personnel, who need to move out of accommodation provided by the Ministry of Defence.

Note: The Priority Banding criteria for Armed Forces Personnel is set out in Section 8.2.

3.6. Right to Move

The Right to Move statutory guidance is intended to allow existing social housing tenants to apply to move across local authority boundaries and not be disadvantaged by local connection criteria with the intention of preventing hardship and encouraging tenants into work.

The local connection criteria must not be applied to existing social tenants who seek to move from one local authority district in England to another because they need to move for work-related reasons to avoid hardship.

To qualify the applicant must:

- Be a social housing tenant living in England.

- Join the Council's housing register to avoid hardship due to work-related reasons and be able to evidence the hardship they are experiencing, which must meet the guidance criteria.

- Satisfy the Council that they need, rather than wish, to move for work-related reasons and that if they were unable to do so, this would result in continued hardship (Appendix 8).

3.7. National Crime Agency's UK Protected Persons Service (UKPPS)

In order to assist national police forces to tackle serious crime and to support witnesses in the legal process, the Council works in partnership with colleagues in the UKPPS and will, as required, accept referrals from this source. These referrals will not be required to meet the local connection criteria.

3.8. High-Risk Offenders – Special Arrangements

The housing of high-risk offenders will be carried out as part of a multi-agency arrangement with the police, probation services, social services, health professionals and other relevant bodies. An area and type of property acceptable to the Council, taking into account the advice from all other agencies, will be agreed and a high-risk offender will be offered a limited amount of social housing choice. The address of the offender will be disclosed to the relevant agencies responsible for monitoring.

3.9. Applicants Leaving Prison

A person who is in prison can apply to join the Council's housing register within 12 months of their release date. If they are assessed as having a local connection, and they meet the criteria for social housing, they will be awarded a low priority banding and be set up for auto bidding (Section 6.2 & Appendix 14). Once a registered applicant has been released from prison, they should notify the Council of what their housing circumstances are upon release via their Kent Homechoice portal.

If an applicant who is still in prison has placed a bid on an available property advertised on Kent Homechoice and is shortlisted for a nomination (Section 12.3 & 12.4), they will only be considered for a property offer if they are being released from prison within the next 5 days.

3.10. Spent and Unspent Convictions

The Rehabilitation of Offenders Act 1974 requires that a person who has a 'spent' conviction is treated as if the offence was not committed. If the spent conviction was related to antisocial behaviour (ASB) the Council will consider this information in line with the information set out in Section 4.5 of this policy.
Applicants with unspent convictions must declare these on their housing application form.

The Rehabilitation of Offenders Act 1974 allows most convictions and all cautions, reprimands and final warnings to be considered spent after a certain period. The rehabilitation periods for custodial sentences (including suspended prison sentences) and community sentences, after which a conviction will be spent, are listed and kept up-to-date on the website Gov.uk on the Rehabilitation Periods webpage. The information on this webpage will be used by Council to confirm that a conviction has been spent.

If, there is conflicting information then the Council may contact the relevant statutory agency to confirm the situation around an applicant's offending history, for example by contacting the police or the probation service.

3.11. Applicants in 'tied' accommodation which is suitable

Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee.
Applicants in 'tied' accommodation will be placed in Band E. Their application and banding priority will be reassessed if:

- They are six months away from retirement, **or**
- They have received a legally binding notice asking them to leave their accommodation.

4. Exclusions, Non-qualifying Criteria & Exceptions

4.1. Not Eligible under Immigration Regulations

If an applicant is not eligible to register under Sections 160ZA and 166A of the Housing Act 1996 (i.e. Immigration status - Section 3.3), the Council will notify the applicant in writing, as set out in section 160ZA(9) and (10) of the Housing Act 1996. The decision will contain the right to request a review (Section 13).

4.2. Financial Resources, Assets & Savings

Social housing is intended for households who are unable to meet their housing needs in the open housing market. Section 166A of the Housing Act 1996 allows the Council to give less priority to an applicant who is considered to have sufficient financial resources to meet their own need.

Applicants will be asked to provide evidence of the income, savings, and assets for their entire household, including proof of sale of any property in the last 5 years and receipt of proceeds from the sale.

Any household exceeding the financial thresholds set out in Appendix 9 of this policy will be considered to have sufficient financial income, capital and/or assets, to allow them to access other forms of tenure to meet their housing need. These households will be awarded the lowest priority on the Housing Register, unless there are exceptional circumstances (Section 4.2.8).

Households will be asked to update their financial, assets and savings resources as part of their annual review return (Section 4.7).

4.2.1. Disregarded Income

The following payments will not be included as income for the purposes of the financial assessment:

- Armed Forces Independence Payment
- Attendance Allowance
- Bereavement Support Payment
- Carer's Allowance
- Disability Living Allowance or Personal Independence Payment
- War pensioner's mobility supplement
- Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

Note: Any back payments in compensation for non-receipt of any of the above will also not be included as income.

4.2.2. Savings & Assets

Households will be permitted combined savings and assets, equivalent to £16,000 (inclusive of all household members apart from children under 18 years of age). Any household exceeding the financial thresholds (Appendix 9), savings and assets cap of more than £16,000 will be awarded the lowest Priority Band on the Housing Register. See further information in Appendix 9.

4.2.3. Deliberately Depleting Savings

Applicants who deliberately deplete savings exceeding £16,000 or move them into the accounts of other family members may be disqualified under the financial qualification criteria.

The Council will also consider any previous disposals of assets, income, capital, or savings over the last 5 years when calculating the financial resources available. This includes the sale of any properties in the last 5 years, even if the disposal was for a nil financial gain or below market value (e.g. transferring ownership of a property). Applicants who deliberately deplete savings or moved saving/assets into the accounts of other family members may be moved to a lower priority band as per Section 4.6.

4.2.4. Applicant who has Sold Property in the Last 5 Years

Applicants who have been the owner of a residential property (including residential mobile homes and narrow boats) which they have sold within the last 5 years, will be required to provide proof of the proceeds from the sale, and of the disposal of any proceeds. Where proceeds from any sale have been spent recklessly and, as a result, takes an applicant's financial resources below the financial thresholds set, their application will be placed in a lower priority band for a period of 12 months, after which they will need to make a request to be reassessed.

4.2.5. Caravan and Mobile Home Ownership

Any applicant that owns or has a financial interest in a caravan, mobile home, or a narrow boat and/or anything similar, will need to obtain a valuation for it. This is because the Council needs to include this in the assessment of an applicant's financial assets. A valuation can be provided by the holiday park where the mobile home is situated, or through a minimum of two current 'for sale' adverts for a similar age, make and model of caravan. Narrow boats will need to be valued by an estate agent. The Council reserves the right to ask for more information and evidence if necessary.

4.2.6. Homeownership or Legal Interest in Homeownership & Exceptions

An applicant cannot qualify for the housing register if they own a residential property (e.g. a flat, house, static residential home) in the UK or elsewhere, including freehold, leasehold, joint ownership or shared ownership property. This includes properties owned and rented out to other persons and/or properties in other countries.

Applicants who own or part-own accommodation or who have a legal interest in home ownership (for example through marriage, civil partnership, even if currently separated) also do not qualify. This means that these applicants will not be admitted to the housing register unless there are exceptional circumstances.

The Council recognises that there may be extenuating circumstances that will allow applicants who own a property or whose household has sufficient financial resources to join the housing register; and to be assessed for the appropriate priority banding (other than the lowest priority band). These cases will be assessed on a case-by-case basis.

4.2.7. When Financial Resources are Disregarded

Financial assessments do not apply in the following circumstances:

- To transfer applications from existing secure tenants of the Council or a housing association, or to leaseholders where the Council is buying back the property as part of a decant scheme.

4.2.8. Financial Change of Circumstances

If the housing or financial circumstances of a current housing register applicant changes after they joined the housing register (Section 5.5) and they are later found to have sufficient income & assets to meet their own housing needs, their priority banding (Section 6.2) will be reassessed and their 'effective date' (Section 6.3) will be amended to the date (or as near to the date) on which their financial circumstances changed. The decision will contain the right to request a review (Section 13).

4.3. Housing-related Debt

When assessing applications the Council will take into account any housing-related debt, in accordance with Section 166A(5) of the Housing Act 1996.

Housing-related debt includes:

- Any current or former tenant rent arrears or charges for use and occupation of accommodation, owed to any local authority, registered provider, or private sector landlord (even if such unpaid rent is now unrecoverable in law because of bankruptcy proceedings).
- Any unpaid debts for re-chargeable repairs or similar owing to any local authority, registered provider, or private sector landlord.
- Any current and former housing-related service charge arrears.
- Any unpaid charges or rent arrears related to any type of temporary accommodation (including emergency accommodation) arranged by the Council.
- Any unpaid interest free loans provided by the Council's Housing Options Team for rent deposit and/or rent in advance, unless a payment plan has been regularly adhered to from the time the loan was made, or for at least 6 months.
- Any outstanding council tax debt at Liability Order stage with no payment plan in place.
- Any outstanding court costs associated with any of the above debts.

4.3.1. Housing-Related Debt Threshold

If an applicant has housing-related debt exceeding £1,500, they will be excluded from joining the Council's housing register until it is below this amount.

Applicants who are already on the housing register will be required to declare/update any housing-related debt on their annual review return (5.5). The Council may check for housing-related debt using credit checks (such as Experian). If the amount of housing-related debt exceeds £1,500 applicants will be removed from the housing register. Applicants will need to reapply once they have managed to get their debt below £1,500.

Where an applicant has housing-related debt below £1,500, they will be able to join the housing register and be awarded a priority banding, but they will be ineligible for an offer of accommodation until the debt has been reduced to £300 or below.

If the applicant has reduced the debt to £300 or less (and subject to a successful bid - Section 12.2), they will be considered for an allocation of accommodation if:

- They have been reducing the debt through a payment plan that they have been adhering to for at least 6 months or more, or

- They can clear the remaining debt immediately in full.

It is the responsibility of the applicant to submit evidence to show that they have either reduced their debt to below £300 or cleared it completely. However, if an applicant makes a successful bid on a property, up-to-date debt and financial checks will be made by the Council before a property is allocated.

The Council acknowledges that debt can accrue for a variety of reasons and applications will be assessed on a case-by-case basis.

Households with Housing-related Debt owed a Main Housing Duty

Where a household has housing-related debt and the Council later determines that a main housing duty is owed, they will not be excluded from the housing register or from offers of social housing where the debt arose through no fault of their own and was due to circumstances beyond their control.

However, where the Council finds that the housing-related debt was accrued deliberately, the household may be excluded from the housing register.

4.3.2. Housing-related Debt due to Under-occupying

It is important that households living in three and four-bedroom social housing homes which they no longer need are supported to downsize to make these larger properties available for families in housing need.

Council Tenants

If a Council tenant has requested a transfer due to under-occupancy, then any housing-related debt owed to the Council, such as rent arrears, outstanding service charges and/or rechargeable repairs etc., may be able to be recovered from the Under-Occupying Incentive Scheme, to allow the applicant to downsize (Section 11.7).

Housing Association

If a Housing Association tenant in a larger property wishes to downsize and has housing-related debt caused by under-occupancy, then they should speak to their Housing Association Neighbourhood Officer to see if there are any funds they can access to clear their arrears assisting them to move.

Crisis Resilience Fund Application

Additionally, if a social housing tenant has housing-related debt due to under-occupying, and they are claiming Housing Benefit, or the housing element of Universal Credit, then they may be able to apply for a Crisis Resilience Fund Housing Payment to clear their arrears allowing them to move and free up a larger property for a family.

4.4. Armed Forces Mense Profit Debt

Occupants of Ministry of Defense (MOD) Family Accommodation who remain in residence following the expiry of a Notice to Vacate become ‘irregular occupants’ and are charged mesne profit fees for trespassing. This may occur after service personnel leave the Armed Forces, or their estranged partner remains in occupation after a relationship breakdown. Housing costs support for mesne profit charges is not available within Universal Credit or Housing Benefit to those living in a MOD (Crown) property. As a result, occupants may accrue mesne profit debt.

Depending on the circumstances the Council may approve exceptional circumstances in relation to any mesne profit debt accrued. Occupants will need to provide a copy of their Notice to Vacate MOD Family Accommodation and the decision to disregard mesne profit debt and approve exceptional circumstances will be made on a case-by-case basis.

4.5. Applicants with a History of Anti-Social Behaviour

Under Section 160ZA (6) & (7) of the Housing Act 1996 the Council can decide that applicants who have been guilty of unacceptable and/or anti-social behaviour (ASB) which is serious enough to make them unsuitable to be a tenant will not qualify for the Housing Register. This also includes current Council tenants wishing to apply for a transfer.

The non-qualification rule will apply where, in the view of the Council, an applicant, or any member of their household, has demonstrated serious unacceptable behaviour within a timescale that makes them unsuitable to be a tenant. An applicant’s eligibility to remain on the Housing Register will be kept under review and an applicant may be rendered ineligible should the Council be satisfied that the rule relating to unacceptable behaviour needs to be applied to their case.

There is no requirement for the applicant (or a member of their household) to have been a Council or Housing Association tenant when the unacceptable behaviour occurred.

All applicants to the Housing Register, and members of their household, will be requested to disclose any pending court cases or unspent criminal convictions. Applicants are reminded that withholding information or providing information that is untrue is an offence.

Examples of unacceptable behaviour that may result in a decision that an applicant will not qualify to join the housing register include:

- Having a history of anti-social behaviour, including any actions resulting in a Community Protection Notice (CPN) and Criminal Behaviour Order (CBO).
- A pending court case, depending on the type of offence (see Sections 3.9 & 3.10).
- Anyone who is the subject of an Injunction, Closure Order or Partial Closure Order under the terms of the ASB, Crime and Policing Act 2014.

- Any convictions for illegal or immoral use of their home, including but not limited to the cultivation, supply and /or use of drugs.
- Being a perpetrator of physical assaults and/or domestic violence/abuse.
- Serious disorder, persistent and widespread criminal activity associated with groups /gangs, domestic burglaries and vehicle crime.
- Causing persistent noise nuisance and/or other annoyance to neighbours, or visitors to their home or other people's homes.
- Behaving in a threatening/violent manner to staff or agents of F&HDC, its partners, a landlord or the police.
- Persistent and offensive verbal abuse, including but not limited to abuse due to a person's protected characteristics under the Equality Act 2010.
- Previously being evicted by a local authority or a Housing Association for anti-social behaviour.

4.5.1. Exceptions to a History od Anti-Social Behaviour

If an applicant has fled domestic abuse, and the perpetrator of that abuse was the instigator of any anti-social behaviour (ASB) the applicant previously caused or was involved in, then the Council will assess whether the ASB should be overlooked on a case-by-case basis.

4.5.2. Verifying Anti-Social Behaviour Activity

The Council may use any information disclosed on an application, or obtained during the assessment, or following registration, to ascertain whether the applicant should be disqualified from joining or remaining on the Housing Register due to ASB or posing a serious risk to the community.

If the Council decides based on information obtained that there is a need for a police disclosure request, then this will need be completed. All assessments will be carried out in accordance with the relevant data protection and information sharing policies and legal requirements.

4.5.3. Assessing Levels of Anti-Social Behaviour

When assessing levels of ASB and unacceptable behaviour, the Council will consider when the behaviour took place, whether there were any mitigating circumstances, the length of time elapsed since, and whether there have been any changes which would show the behaviour has been amended, evidencing suitability to be a good tenant.

If an applicant, or a member of their household, is considered to have a history of ASB or unacceptable behaviour that leads to their exclusion from the housing register, they will be informed of this decision in writing. Applicants have the right to request a review of the decision (see Section 13).

4.6. Deliberately Worsening Circumstances

Where there is evidence that an applicant has, without reasonable cause, deliberately made their housing situation worse in order to obtain social housing, their application will be placed in a lower priority band for minimum a period of 12 months, after which they will need to make a request to be reassessed.

Examples of this are:

- Applicants who have deliberately overcrowded their home by allowing family members or others, who would not normally reside with them, to move into their property.
- Applicants who moved from suitable and affordable accommodation to a less suitable property, unless they can provide evidence of extenuating circumstances.
- Households who have unreasonably refused a suitable offer of secure and affordable accommodation made to them when they were owed a relief or main housing duty.
- Homeowners who have transferred their property to another family member within the last five years from the date they made their application to the register.
- Applicants who gave up affordable and suitable private rented accommodation which they could have maintained, to move in with relatives or friends.
- Applicants who deliberately deplete savings or moved saving/assets into the accounts of other family members so that they should qualify for social housing.
- Applicants who request or collude with a landlord or family member to issue them with a notice to quit, so that they should qualify for social housing.

These are examples only. There will be other circumstances taken into consideration to decide whether an applicant has deliberately worsened their circumstances. Decisions to remove applicants from the Housing Register are subject to a right to request a review.

4.7. Not Responding to the Annual Review

The Council will conduct annual reviews on the anniversary date that the applicant first applied to the register(Section 5.5). If applicants do not respond within 28 days, or the information provided in their annual review submission confirms that the applicant no longer qualifies to remain on the Housing Register, (as per this policy) the applicant will be removed. Decisions to remove applicants from the Housing Register are subject to a right to request a review.
Applicants who contact the Council within 6 months of their application being removed due to not responding to the annual review, may be able to have it reinstated without beginning the application process over again; this will depend on their circumstances.

4.8. Exclusion from the Housing Register

If the Council assesses that an applicant does not qualify or is ineligible to join the housing register, they will be advised through their Kent Homechoice portal of this decision and the reasons for it. All such decisions are subject to a right to request a review (see Section 13).

5. How to Apply to the Housing Register

5.1. How to apply

All households wishing to apply to the Council's Housing Register must complete an online application through the Kent Homechoice website. Current Council and Housing Association tenants wishing to make a transfer application will also need to make an online application (Section 11).

An email address is required to make an online application. If an applicant does not have an email address, they can create one using any of the free email services available. This needs to be done prior to starting an online application.

For applicants that have no access to a computer or the internet there is free access at local libraries. There are also facilities to complete an application at the Council offices.

Upon submission of a completed online form, applicants will be notified of further information that is required. This information must be provided to the Council within 28 days. Below is a list of the types of information requested when a housing application is made:

- Household details including names, ages, gender and relationship to applicant
- The last 5 years housing history including addresses
- The housing need – why a new home is required
- Support needs of the household
- Financial circumstances and employment
- Financial or legal interest in another property
- Further demographic information (such as, ethnicity, nationality for monitoring purposes)
- Any relationship to an Officer or Councillor at the Council

See Appendix 10 for a full list of information and evidence required at the point of application and when an offer of accommodation is made. This information will need to be uploaded by applicants through their Kent Homechoice portal.

5.1.1. Support to complete a Housing Application

If an applicant has no access to a computer or the internet and is unable to travel to any community services that provide access, and they have no one who can help them make an online application, then an appointment to complete an application can be arranged with the Council by calling 01303 853300.

5.2. Applying as a Sole or as Joint Applicant

When a single person, or a single parent with dependant child/children, makes a housing register application in their name only, and are later nominated (Section 12.4) to a property, then they will be awarded a 'sole' tenancy (in their name only).

This also applies if a couple makes a housing register application and only one partner in a couple has made themselves the main applicant; in this situation, if they are offered a property, the partner who is the main applicant will be granted a 'sole' tenancy. Alternatively, couples can make a joint application, meaning that if they are offered a property, they will then be offered a 'joint' tenancy in both names.

5.3. Declaration of Information Provided

When making an application each applicant is asked to declare that all information they have provided is truthful to the best of their knowledge, that they understand that it is fraudulent to provide false information, and that the Council can contact organisations mentioned in the application to verify information/evidence provided.

5.4. Penalty for Providing False or Misleading Information

It is a criminal offence for anyone applying to the Council for housing to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf. Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 5 years.

A tenancy granted on the basis of information withheld or subsequently found to have been false may result in legal action by the Council or a Housing Association to recover possession of a property. It may also be decided that an applicant has committed a criminal offence and applicants may be prosecuted. This could result in the person/s convicted receiving an unlimited fine (for offences committed after 1st April 2015).

5.5. Annual review

The Council will conduct annual reviews on the anniversary date that the applicant first applied to the register. Applicants will be required to log into their Kent Homechoice portal annually to complete a review of their application. A request will be sent to applicants via the portal to remind them to complete the review within 28 days to update their circumstances and confirm that they still have a housing need and wish to remain on the housing register (Section 4.7).

5.6. Change of Circumstances

If an applicant currently on the housing register has a change in their circumstances affecting their housing need, they must inform the Council as soon as possible. Failure to provide information which materially changes their application may result in any offer of accommodation being withdrawn. To make a change, registered applicants should access their portal on the Kent Homechoice website and complete the process to update the Council, ensuring they also upload any new relevant evidence where necessary (Appendix 10).

Examples of changes in housing-related circumstances include, but are not limited to:

- Change of contact details. If contact details are not kept up-to-date then applicants may miss out on an offer of accommodation.
- Change of address and therefore changes in housing-related circumstances
- People joining or leaving the household, e.g. a relationship breakdown, adult children leaving home.
- Members of staff of the Council or Housing Associations, their close family, elected members or board members of advertising landlords join a household of a housing register applicant.
- A housing applicant, or a member of their household, becomes a member of Council or Housing Association staff, or an elected member, or a board member of advertising landlords.
- Birth of a child.
- Death of a household member.
- Change to the medical circumstances of anyone included in the application that is impacted by the household’s current accommodation.
- Change of income and/or capital, or employment status.
- Any other material circumstances that change the housing application.

This list is not exhaustive

5.7. Cancelling Applications

An application will be cancelled and removed from the housing register in the following circumstances:

- At the applicant’s request.
- If the applicant’s household no longer meets the criteria set out in Section 3.
- If an applicant becomes ineligible for housing on one of the non-qualification grounds set out in Section 4.
- On failure to respond to an annual review (Section 4.7).

- Where an applicant has provided false or misleading information (Section 5.3 & 5.4).
- When the applicant has been housed.
- If the applicant does not keep their application up to date (Section 5.5 & 5.6).
- If the applicant completes a mutual exchange.

When an application is cancelled the Council will notify an applicant through their Kent Homechoice Portal of this decision and the reasons for it. All such decisions are subject to a right to request a review (see Section 13).

5.8. Incomplete Applications

Incomplete applications which are lacking necessary evidence will mean that the Council will be unable to process these applications. All incomplete applications will be cancelled after a 28-day period from the completion of the online application or from the date on which further information was requested, whichever came last.

A cancelled application for incomplete evidence/information does not prevent an applicant from making a subsequent application at a later date, however, in such cases the applicant's effective date (Section 6.3) will not be backdated to the date of the earlier application.

5.9. Reinstating a Cancelled Application

A fully processed application (where all required evidence had been provided) can only be considered for reinstatement from the previous effective date or priority banding date if the request is made within 6 months of the cancellation date and the applicants housing circumstances have not changed. Otherwise, a new application will need to be made.

5.10. Notification of an Application being Accepted or Declined

An applicant will be notified through their Kent Homechoice portal whether their application to the housing register has been accepted or declined. If accepted, an applicant will be informed of:

- Their unique reference number allowing them to bid (Section 12.2) for homes through [Kent Homechoice]
- The priority band they have been awarded (Section 6.2 & Appendix 14)
- Their effective date (Section 6.3)
- The size of property they are entitled to (Section 9)
- How they can request a review of these decisions (Section 13)

Every application received by the Council will be assessed in accordance with this policy, whilst taking into account the unique facts of each application.

6. Assessment of Housing Need

Upon receipt of an application, accompanied by all the required evidence, the Council will assess it to determine the following:

- If the household has a housing need as defined by this policy (meeting one or more of the banding criteria set out in Appendix 14)
- If a household falls into any of the non-qualifying categories for exclusion from the Housing Register (Section 4).
- Whether a household's age and immigration status make them ineligible for an allocation of social housing (Section 3).

Before accepting a household onto the housing register, the Council reserves the right to request more information and supporting evidence. This may include interviewing applicants or conducting a home visit.

6.1. Assessing Priority

The Council uses a banding system to indicate the level of each applicant's housing need. The higher the band awarded reflects the greater level of housing need (Section 6.2 & Appendix 14). The Council takes into account:

- A range of statutory requirements, including the reasonable preference criteria (Section 1.2 & 1.3).
- Local policies.
- The current housing circumstances of the applicant and their household.
- The applicants/households medical issues/support needs where they are being made worse by their current housing situation.
- The general housing circumstances prevailing in the Folkestone & Hythe District.

6.2. Priority Banding System

The demand for social housing exceeds supply and therefore the Council's allocation scheme prioritises the housing of applicants assessed as being in the greatest need.

Priority for Council and housing association properties will be determined by placing all applicants in one of the schemes five priority 'bands'.

To be awarded any of the bands within the scheme, an applicant must qualify to be included on the housing register, unless the Council has agreed exceptional circumstances should be applied (Section 6.4).

The lowest priority band will be awarded to applicants in the following circumstances:

- With no local connection to the Folkestone & Hythe District (Sections 3.4 & 3.5)

- Exceeding the financial thresholds (Sections 4.2, 4.3 & 4.4).
- Are adequately housed

Other households who are assessed as non-qualifying or ineligible (as set out in Section 4) will not be permitted to join the housing register and will not be awarded a priority banding. Applicants with the highest level of housing need will be placed in band A and those with the lowest level of housing need will be placed in band E (Appendix 14).

All decisions made by the Council in relation to an applicant's priority banding will be subject to a right of review if requested by the applicant (Section 13).

6.3. Effective Date

To prioritise between applicants in the same band, the Council uses the 'effective date' for the applicant (also known as the 'priority date'). An applicant's effective date is usually the date they joined the housing register, or it is when they have moved from a lower band to a higher band; as per the examples below:

- When an applicant is moved from a lower band to a higher band, their new effective date will be the date their circumstances changed, making them eligible for the higher band.
- When an applicant is awarded a higher priority band based on medical or welfare grounds their effective date will be the date they applied for this award.
- Where the Council has accepted a homelessness duty to an applicant their effective date will be the date the homeless duty was accepted; unless they already qualified for a higher priority band with an earlier date that is still relevant.
- In cases where applicants move down a band their effective date in the lower band will be the date that they originally applied to the Council's housing register (if they have not previously been in that band), or the date that applied when they were last in that band (if they were previously in that same band).

6.4. Exceptional Circumstances

Throughout this policy there are references to when exceptional circumstances may be considered. It is not possible to foresee every situation in which exceptional circumstances might arise. It is for the Council to determine whether any exceptional circumstances exemption should be applied.

7. Housing Medical Assessment

7.1. Medical Assessment in Relation to Housing Need

Medical priority is not awarded based solely on an applicant's medical condition. It is based on how the applicant's current accommodation is impacting on their medical condition/s (or the medical condition/s of a member of their household). The assessment process will decide if there is a direct link between the identified medical problem and the applicant's current housing situation.

When applicants state on their housing register application that they or a member of their household has medical issues, they will be asked to complete an additional medical information section of their online application. In this section applicants should describe how their current housing is making their health problems worse.

7.2. Medical Evidence

Letters of support from the applicant's or the household member's doctor, consultant and/or occupational therapist will be requested from the applicant. Evidence should contain information that indicates how a condition is affected by the applicant's current and future housing needs.

The Council does not contact doctors, specialist health workers or other medical professionals, or pay a fee for information in relation to housing register applications. It is the responsibility of the applicant to provide up-to-date evidence from medical professionals about their health issues, and/or those of a household member.

The type of medical information that applicants need to supply, and the process of how it will be assessed, is set out in Appendix 11.

7.3. Medical Priority Award

Applicants need to understand that even if supporting documents are provided stating that a move to alternative accommodation is essential, it is for the Council to determine the adverse effect the medical condition/s has on their ability to manage day-to-day activities in their current home.

Before awarding a medical priority banding, the Council needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly reduced through the provision of alternative accommodation.

The Council may also consider if there is potential to resolve the situation through the provision of equipment or reasonable adaptations to the applicant's current property. If the property is rented through the Council or Housing Association the option of making adaptations to the property will be explored.

If the applicant is a Folkestone & Hythe District Council tenant, the Council will only undertake the adaption if it would remove the need to move, as set out in out Disabled Adaptions Policy.

If the property is rented privately and the landlord is in agreement the applicant could apply for a Disabled Facilities Grant.

7.4. Households Members with Multiple Support Needs

If medical information (including KAA's – Section 7.5) is received for more than one member of a household, then any priority banding awarded will be for the individual with the highest need, which will provide the whole household with highest overall priority banding.

7.5. Kent Agency Assessments (KAA)

The Kent Agency Assessment (KAA) process is a way for health and social services professionals (and their agents) to highlight the housing-related health/support needs of their clients who are currently on the Council's housing register. A completed KAA form helps the Council to assess the applicant's housing needs correctly and award the appropriate priority band (Appendix 14). KAA's can only be completed by health or social services professionals.

7.6. Medical Assessment Process & Outcome

Once all supporting medical information has been submitted, the Council has up to 56 days to carry out an assessment. Applicants will be notified of the outcome of their assessment through their Kent Homechoice portal. If an applicant is not satisfied with the outcome, they have a right to request a review (Section 13).

7.7. Medical Assessment and Choice of Property

If it is determined that a particular type of property is required for an applicant or a member of their household on medical grounds, then the applicant will be awarded the relevant priority banding to help them to access this type of accommodation.

For example, an applicant with:

- Mobility issues may need a home with no internal stairs, level access and a flush floor shower.
- Mental health issues may need to be in a top-floor flat where no one lives above them if too much noise distresses them.

Any applicant awarded a higher priority banding to help them access the type of property they need will be expected to bid for accommodation matching that criteria, otherwise their priority banding may be reassessed.

7.8. Medical Assessment for Homeless Applicants in Temporary Accommodation

Homeless households who are currently residing in temporary accommodation will not qualify for a welfare priority banding (Section 8). They will also, generally, not be eligible for a medical banding on the housing register. This is because the nature of the accommodation is only temporary and if the outcome of the Council's enquiries into their homelessness circumstances establishes that their housing situation was not caused by the household's own actions, the Council will support the household to source suitable and affordable accommodation.

If a household's medical circumstances are of such an acute nature that they need a certain type of temporary accommodation and/or medical support the Housing Options Team will follow the process set out in Part 7 of the Housing Act and liaise with the Housing Accommodations Team to determine if exceptional circumstances apply for a medical assessment to consider a higher priority banding.

8. Housing Welfare Assessments

There are housing situations that can affect the welfare of households, causing difficult housing circumstances and a possible need to move. Any evidence submitted with a housing application relating to welfare issues will be assessed in relation to the applicant's housing situation and the impact it would have on them, and their household, if they are unable to move.

8.1. Damp & Disrepair in Private Rented Sector Housing (PRS)

Damp is different to condensation (Appendix 12) and is caused by a structural building defect. Applicants will only receive a priority to move if the cause of the dampness in their private rented sector (PRS) property is found to be irreparable through an inspection by the Council's Private Sector Housing (PSH) Team.

If an applicant applies for re-housing based on dampness and/or disrepair, then an officer from the PSH Team will need to visit the applicant's property. The PSH Officer will make contact with their landlord to advise them of the visit and invite them to attend in person.

A request for support from the PSH Team should only be made if a landlord is not responding or rectifying issue/s. Any applicant who withholds consent for the PSH Team to contact the landlord or agent will not be eligible for a banding assessment due to disrepair or damp or any reported conditions associated with this.

8.1.1. Housing Health & Safety Rating System

The Housing Health and Safety Rating System (HHSRS) applies to all residential accommodation, including privately rented properties. The HHSRS is the system the PSH Team use to assess whether an applicant has any type of health and safety hazard that would make them eligible for a priority banding due to the condition of their home.

8.1.2. HHSRS Category 1 & 2

An assessment of a private rented sector property using the HHSRS is undertaken to identify hazards, such as damp and mould, excess cold, asbestos, overcrowding (Section 8.12), fire safety, as well as the standard of and access to personal hygiene and sanitation facilities, water supply etc. Each hazard identified has a weighting which is used to determine whether a property has any Category 1 (serious) or Category 2 (other) hazards.

Any households that are identified by the Council's PSH Team as living in a property with a Category 1 or 2 hazard/s that cannot be rectified by the landlord within a reasonable period of time, and where the household do not have the means to secure alternative accommodation will be awarded the appropriate priority band (Appendix 14).

8.2. Armed Forces Personnel

Due to a requirement to regularly relocate within the Armed Forces, those in the service who live outside the district will be treated as though they have a local connection here when assessing their housing need (Section 3.5). Armed Forces personnel will only qualify for an additional priority where they are able to evidence a housing need, and this can be identified by the Council.

8.2.1. Additional Priority for Armed Forces Personnel

If an applicant falls within one of the categories below and are in urgent housing need, they will be given additional priority:

- A person serving in the regular armed forces and suffers from a serious injury, illness or disability (including a mental health condition), which is attributed, wholly or partly, to their service in the forces.
- A person who formerly served in the regular forces; except those who already have a social housing tenancy, who will be assessed as a transfer applicant (Section 11).
- A person who has recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of the person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to the person's service.
- A person is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability (including a mental health condition), which is attributed, wholly or partly, to their service in the forces.

8.2.2. Effective Date for Armed Forces Personnel

Applicants and family members identified as per the above definitions will be awarded the relevant priority banding for Armed Forces personnel (Appendix 14). Additionally, the Council will backdate their 'effective date' (Section 6.3) by the total cumulative length of military service.

For example:

1. If an applicant served in the Armed Forces from 1965 to 1970 and applied to the housing register in 2025, then their 'effective date' for their priority banding would

be backdated 5 years from 2025 to 2020, to take into account their 5 years of military service.

2. If an applicant served from 1990 to 1992, and then again from 2000 to 2003 and applied to the housing register in 2023, their ‘effective date’ for their priority banding date would be 2018. Taking into account their total cumulative 5 years of military service.

Confirmation of service in the Armed Forces, including length of service, will need to be provided by the applicant at the time of making a housing register application. This can be obtained for free by making an application on the website Gov.uk, on the webpage ‘Get a copy of military service records’.

8.2.3. Current Armed Forces Personnel with Notice to Vacate

In addition to the Armed Forces households described above, current members of the Armed Forces who are due to leave the service, and their Ministry of Defence (MOD) accommodation, will also qualify for the higher priority banding, as long as their savings and assets do not exceed the financial thresholds set in this policy (Sections 4.2 & Appendix 9).

Applications from Armed Forces personnel who are leaving the forces and have received a Notice to Vacate their MOD accommodation will qualify to join the housing register immediately, regardless of when their notice expires (even if it does not expire for 6 to 12 months). Appropriate evidence of the end of military service and of a notice to vacate will be required. If the applicant is offered a social housing property before their armed forces service has concluded, they must demonstrate that they can afford the rent before they can accept the property offer.

8.2.4. Dishonourable Discharge

Applications from individuals who have been dishonourably discharged from the Armed Forces will be assessed on a case-by-case basis. Sometimes undiagnosed health and/or mental health issues, such as Post Traumatic Stress Disorder (PTSD) lead to a person serving in the Armed Forces being discharged dishonourably due to their behaviour. The Council will take all evidence submitted into account before deciding if they would qualify for the additional priority banding on the housing register afforded to Armed Forces personnel.

8.3. Domestic Abuse (DA) Victims/Survivors (V/S)

If it is confirmed that a victim/survivor (V/S) of domestic abuse (as defined by the Domestic Abuse Act 2021) has become homeless because of domestic abuse (DA), then it is unlikely that they will be assessed under homelessness legislation as not being in priority need or intentionally homeless. It is recognised that those confirmed as fleeing DA are homeless through no fault of their own and will be identified as having a priority need for safe housing as set out in S189 of the Housing Act 1996 (as amended) and S78 & S79 of the Domestic Abuse Act 2021.

8.3.1. Fleeing Domestic Abuse (DA)

The Council will assess each DA case on its own merits, regardless of whether written/recorded evidence is available, and separately from any long-term medical issues members of the household are experiencing that are unrelated to the DA. Whilst MARAC reports will be taken into consideration, it is for the Council to assess whether a case meets the criteria to access the housing register and to be awarded a DA priority banding.

If necessary, the Council may provide temporary accommodation whilst gathering relevant information. Depending on the information obtained, the Council will initially assess whether the accommodation the applicant is fleeing from can be made safe for the household to return to, or if there is no possibility of a safe return, a move to alternative suitable accommodation can be facilitated safely. The Council acknowledges that every case is different and a blanket approach cannot be adopted in cases of DA.

The Council will support the V/S of DA and their children throughout the process of rehousing if they qualify for assistance. Where the household are already existing tenants of the Council, this will be done in liaison with the Council's Housing Service. Other cases will be assisted by the Housing Options Team.

Confirmed cases of DA that meet the criteria set out above will be placed in the relevant priority banding (Appendix 14).

8.3.2. Domestic Abuse (DA) Victims/Survivors (V/S) who left a Secure Tenancy

Legislation and guidance states that if a V/S of DA or a member of their household has had to flee their lifetime social housing tenancy for reasons connected with DA, they will be granted the same security of tenure in a safe locality. Therefore, in these circumstances the Council will grant a new secure lifetime tenancy if the Council is satisfied that domestic abuse was carried out as per the details above, and that:

- The new tenancy is being granted for reasons directly connected with that abuse and,
- All other alleviating options were explored with the relevant agencies and services, which were either deemed unavailable or not suitable.

This protection applies to V/S who have a sole or joint social housing lifetime tenancy (Council or Housing Association), or V/S who had a social housing lifetime tenancy at the time they fled from DA (e.g. fled to a women's refuge/family), and they have not had any secure housing since. This protection also applies to V/S of DA who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left.

8.3.3. Domestic Abuse (DA) Victim/Survivor (V/S) who left Private Rented Tenancy

Not all DA V/S will be offered a secure social housing tenancy. They could be offered private rented accommodation as an alternative to Council or Housing Association accommodation. People who were previously in private rented or temporary accommodation have no additional rights to an offer of a lifetime secure tenancy.

8.3.4. Areas of Choice for Domestic Abuse (DA) Victims/Survivors

Whilst the Council will make every effort to house victims/survivors of DA in their area of-choice within the district this may not always be possible. The Council will ask all housing register applicants to state those areas where they believe they cannot live due to fear of violence, harassment or DA.

8.4. Harassment Victims

Harassment is when someone repeatedly behaves in a way towards another person/s that makes them feel scared, distressed or threatened. It may be carried out by someone known or unknown to an applicant. Harassment is a criminal offence and should be reported to the police. Harassment might be due to but not limited to; race, gender, sexual orientation, mental health, physical disability, learning disability, age, religion and domestic abuse (DA is covered in Section 8.3 above).

The Council will make enquiries to the police and relevant agencies to see what substantiating evidence is available relating to the harassment a household is experiencing. Each harassment case will be assessed on its own merits, regardless of whether written/recorded evidence is available, and separately from any long-term medical issues members of the household are experiencing that are unrelated to the harassment.

If an applicant/household is identified as being subject to continuous serious harassment, violence or other conduct causing alarm and distress, which would be improved by a move to alternative accommodation, then the Council will explore all options to alleviate the situation. This could include rehousing into private rented sector or social housing. Households assessed as experiencing severe harassment will be awarded the appropriate high-priority band (Appendix 14).

8.5. Care Leavers

Care leavers assessed as ready to move to independent settled housing, who are assessed as at risk of homelessness, where it can be evidenced that all other suitable and appropriate housing options have been explored and exhausted, will be prioritised for housing.

For the purposes of this policy, care leavers are defined as young people aged between 18 and 25 who are, or were, a former 'relevant child' under Children's Services Authorities (in the Kent area this is delivered by Kent County Council ('KCC')).

The evidence to support awarding the appropriate priority banding (Appendix 14) on the housing register to a care leaver will need to be provided by KCC's Leaving Care Service and will consist of written evidence that:

1. The care leaver is a confirmed former 'relevant child' as defined by the Children Leaving Care Act 2002.
2. The care leaver is ready to move from a placement/supported housing to their own settled housing and is genuinely ready for a move to independent living.
3. Other housing options were explored and the reasons why they were not suitable and/or unsuccessful.
4. The care leaver possesses the life skills to manage a tenancy, including managing a rent account and household bills.
5. Ongoing support needs have been assessed and, where appropriate, a support plan is in place, or it is confirmed in writing by social services that the care leaver is ready to manage their own home without a support package.

When all the above has been evidenced, a care leaver will be awarded the appropriate priority band (Appendix 14) to provide opportunities to access suitable housing.

If the young person is not deemed to be ready to manage an independent tenancy and they are offered a supported housing placement through KCC then they will be deemed adequately housed and awarded a low priority band (Appendix 14) until KCC Children and Family Services provide the evidence (as listed above) that the young person is ready to manage a tenancy; at which time they will be placed in a higher priority band with a new effective date.

8.6. Moving on from Supported Accommodation

Applicants residing in supported accommodation (excluding Care Leavers - see Section 8.5 above), who have completed a programme of support and are ready to move to independent living, will be eligible for the relevant priority banding (Appendix 14) if:

- They are residing in supported accommodation anywhere in the UK and have a local connection to the Folkestone & Hythe district (Section 3.4).
- They are residing in supported accommodation outside of the district, do not have a local connection to the district, but they can evidence the need to move to the district due to their support needs, domestic abuse, harassment or other exceptional circumstances as assessed on a case-by-case basis.

Applicants who have no local connection and no extenuating circumstances, or are being evicted from supported accommodation for ASB, breaching their license/tenancy agreement or have rent arrears, are likely be awarded a low priority banding (Appendix 14). These applications will be assessed as per all other criteria set out within this policy.

If applications have physical or mental health support needs, their housing register application must be accompanied by evidence (Section 7 & Appendix 11), and accompanied by confirmation that they have completed a programme of support, and are ready to live independently from at least one of the following:

- The current supported housing provider

- The care package provider
- Social services

Types of supported housing include:

- Women's Refuge
- Supported Accommodation for people with mental health issues or a neurodiverse support need (e.g. for people who have down syndrome, learning difficulties, autism)
- Homelessness supported housing accommodation
- Substance misuse supported housing accommodation

This list is not exhaustive.

If an applicant is being discharged from a mental health hospital or a detox unit then their application and supporting evidence needs to be assessed in line with Section 7 and Appendix 11.

8.7. Needing to Give or Receive Support

If an applicant needs to move to the Folkestone & Hythe District because they or a family member need to give or receive support or care to or from an immediate family member to avoid hardship, then the appropriate priority band will be awarded (Appendix 14).

For the purpose of giving or receiving support and/or care, immediate family encompasses a parent/s, a child/ren, a sibling/s or other relationship where it can be demonstrated there is a genuine need to give or receive support or care. The Council will also take into account the holistic benefit of the support visits from family.

Example:

An applicant is making a significant return journey to and from their home to the family member they are supporting, more than twice a week, and can evidence that the support cannot be delivered in any other way. These applications will be assessed on a case-by-case basis.

8.8. Applicants approved as, or are established, Foster Carers or Adopters

Applicants who have been approved by KCC or a partner agency for fostering and/or adoption, and the only thing preventing them from doing this is the lack of suitable size accommodation (Section 9.1), will be awarded the relevant priority banding (Appendix 14) and be allowed an additional bedroom when assessing bedroom need. Enabling them to be able to foster or adopt once an allocation of suitable sized housing has been made.

Established foster carers or adopters wishing to foster/adopt another child, who are prevented from doing so due to lacking a bedroom for them, will also be awarded the relevant priority banding (Appendix 14), allowing an additional bedroom when assessing bedroom need.

Written confirmation of approval to foster/adopt will need to be provided by KCC, or other County Council or Local Authority at the time of application and again at the time of receiving a property offer.

8.9. Homelessness

All those who approach the Council due to being homeless or threatened with homelessness within 56 days, fleeing abuse, violence or severe/persistent harassment, leaving institutional care or the armed forces, will have their circumstances assessed by the Council's Housing Options Team under Part 7 of the Housing Act 1996 (as amended) and the Homelessness Reduction Act (HRA) 2017.

If a household is confirmed as being homeless, or threatened with homelessness within 56 days, a comprehensive housing options assessment process will be undertaken. Homeless and threatened with homelessness households, who are eligible and qualify (Section 4) for assistance, will be expected to actively seek accommodation in both the social and private rented sector, complying with their Personal Housing Plan (HRA 2017).

The Council will owe these households one of the following statutory housing duties:

- Prevention Duty S195(2)
- Relief Duty S189B(2)
- If a households' homeless or threatened with homelessness situation is not resolved during the Prevention or Relief Duty, then the Council will only have a statutory duty to provide suitable secure accommodation if the Council concludes that a household's circumstances means that they are owed a Main Housing Duty (per S193(2) of the Housing Act 1996).

8.9.1. Households owed a Prevention, Relief or Main Duty

The Housing Options Team will support all homeless or threatened with homelessness households to prevent, resolve or delay their homelessness wherever possible and appropriate. These households will be required to make an application to join the Council's housing register.

Not all households who are owed one of the above housing duties will be housed into social housing through the housing register. The Homelessness Reduction Act 2017 and the Localism Act 2011 allow the Council to discharge housing duties into private rented sector accommodation.

Qualifying and eligible households owed one of the above homelessness duties will receive the appropriate Homeless priority banding (Appendix 14) once their housing register application has been assessed. The assessment process will take into account, local connection (unless a main housing duty is owed), financial thresholds (Section 4.2 & Appendix 9), circumstances relating to intentional homelessness (Section 8.9.4) and deliberately worsening circumstances (Section 4.6).

8.9.2. Households who are not owed a Homelessness Duty or assessed as being Non-priority Need

Homeless households who apply to be on the Council's housing register who have been assessed as being non-priority need, or who have not approached the Council for housing assistance under Part 7 of the Housing Act 1996, but can evidence that they are homeless or threatened with homelessness, will also receive the Homelessness priority banding (Appendix 14) if they are eligible and qualify for the register. This is unless they qualify for a higher priority banding due to additional issues, they are experiencing related to their housing conditions or lack of housing.

8.9.3. Auto Bids for Households owed a Main Housing Duty

Any household that the Council has accepted a Section 193(2) main housing duty to, will automatically be set up with auto-bidding (Section 12.2.2) on Kent Homechoice. This is to ensure that their chances of being housed through either the social or private rented sector is maximised.

8.9.4. Intentionally Homeless Households

Households who are deemed to be in priority need but intentionally homeless (as defined at S191 Housing Act 1996) due to their own actions, with no mitigating circumstances, can join the Council's housing register but will be given a low priority band (Section 4.6 and Appendix 14). Households will remain in this lower priority band for a minimum of 12 months, after which they will need to make a request to be reassessed.

8.9.5. Referral to another Local Authority under Relief Duty or Main Duty

Where it has been decided to refer a homeless household to another local authority at either the Relief Duty or the Main Duty stage, the household will be awarded a lower priority banding than other homeless households applying to the housing register due to being referred to another local authority for reasons of local connection (Appendix 14).

8.10. Split Families

The Council will accept one application from households who have made their own temporary accommodation arrangements, leading to the family being split up between friends and relatives, due to a genuine lack of suitable and affordable accommodation available for the whole household to reside together.

This includes household members who are not living as part of the household at the time of the application, but who it would be reasonable to expect to live with the applicant as part of their household.

The Council will assess the housing history of split households to ensure that there is no evidence that they have deliberately worsened their housing circumstances. Split households should provide details of all properties currently occupied.

8.11. Lodgers & Occupants of Shared Accommodation

Single applicants and couples with no dependents who are aged 35 years or over, living in private rented house of multiple occupancy ('HMO) or private rented shared housing who share or lack a living room, a kitchen, or a bathroom, or all three, will be awarded the appropriate priority banding for 'Sharing or Lacking Facilities' (Appendix 14). In the case of applications from couples living in these circumstances only one member of the household needs to be aged 35 years or over. This does not include singles and couples who are sharing with their own family, for example, adult children (aged 35 years or over) with no dependants, with or without a partner, still residing with their parents, grandparents or other extended family members who it would be reasonable for them to continue to reside with.

8.12. Overcrowding

The statutory overcrowding standard is set out in Sections 325 & 326, Part X of the Housing Act 1985. These sections state that:

- Overcrowding exists where the number of persons living in a dwelling means that two people of the opposite sex who are over the age of 10 years old and not living together as a couple have to sleep in the same room.
- A room is available as sleeping accommodation if it is of a type normally used either as a bedroom or as a living room.
- The size of a dwelling is too small for a household if the number of persons sleeping in it is in excess of the permitted number, for the amount of floor space within the sleeping accommodation areas.

The bedroom standards set out in Appendix 13 will be used to assess overcrowding and will be reviewed and updated as per any new legislation and guidance issued by the government and the Secretary of State. There is no difference in how the legislation is applied to households living in social or private rented housing.

The Council will also have regard to the guidance on overcrowding set out in:

- 'Allocation of accommodation: guidance for local housing authorities in England, pages 21 & 22 of the June 2022 Version', and
- The Department of Work & Pensions Housing Benefit room sharing guidance, because it takes into account affordability for low-income households.

If a household is assessed as being overcrowded, they will be awarded the appropriate priority banding depending on the level of overcrowding (Appendix 14).

8.13. Needing to Move for Employment & Right to Move

The Council will determine whether a social housing or private rented tenant who has secured permanent employment within the district needs to move to the district due to that employment and to avoid hardship. The Council will consider if The Right to Move qualification regulations 2015, or the need to move to avoid hardship (rather than wish to move) criteria has been met, by assessing the type and availability of the employment secured.

Work that is only short-term or marginal or ancillary in nature will not meet the criteria to be taken into account, and voluntary work is also excluded (Appendix 8).

8.14. Living in the District and Engaged in Employment

Applicants who live and work in the district and have been in continuous employment for a minimum of 6 months at no less than 16 hours per week, which is not casual but substantive employment (this may be worked across multiple employers with a break of no more than 4 weeks between employers), will be given the appropriate priority banding on the register for being in employment (Appendix 14). They must meet all other qualifying criteria, such as financial thresholds and having a housing need.

9. Property Size & Bedroom

The Department of Work & Pensions advise that the following are allowed one bedroom.

Adults per bedroom:

- Every adult couple (in civil partnership, married/unmarried).
- Each member of a couple if they cannot share a bedroom because of a disability or medical condition. Medical evidence to confirm this will need to be provided.
- Any other adult aged 16 or over.

Children per bedroom

- Any 2 children of the same sex aged under 16 years.
- Any 2 children of the opposite sex aged under 10 years.
- Any 1 child where a household has only one child
- Any 1 child where a household has three or five children where some children can share, but this leaves 1 child needing a bedroom
- A foster child is permitted their own bedroom
- Children who cannot share because of a disability or medical condition. Medical evidence to confirm this will need to be provided.

Other

- A carer (or team of carers) providing overnight care – this means every night (Section 9.5 & 9.6)

9.1. Bedroom Need Per Size of Household

When a household qualifies for inclusion on the housing register, they will be informed of the property size they can bid for.

The Bedroom Need Table in Appendix 13 shows the size of property that households may be considered for, based on their household composition, either when they bid on (Section 12.2) an advertised property or for a direct let. The table does not provide an exhaustive list of all bedroom requirement scenarios and therefore should be considered in conjunction with all other guidance set out in this section of the policy.

9.2. Bedroom Allowance for approved Foster Carers & Adopters

One additional bedroom is allowed for newly approved foster carers and adopters, who do not have an extra room available for this purpose, even if there is no child/young person identified to foster/adopt. Applicants will need to provide written confirmation that they have been approved as foster carers/adopters when they make an application to the housing register, and again when they are nominated for an allocation of accommodation.

9.3. Bedrooms for Students and Members of the Armed Forces

If a single household member normally resides in the family home but is a student who is away from home during term-time (residing in student accommodation), or they are a member of the armed or reserve forces residing in barrack accommodation, then the Council may consider allowing them to be included as a member of the household for the bedroom calculation.

This may only be taken into account if it can be evidenced that the household member regularly returns to live at home during term holidays or when on leave from the Armed Forces.

9.4. Joint/shared custody of children

Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home with a bedroom of an adequate size, and the Council will not accept responsibility for providing a second home for children.

The Council will need proof that child/children's main home is with the applicant, such as proof of being in receipt of child benefit, a copy of guardianship or court order.

9.5. Additional Bedroom Requests on Medical Grounds

Where households request an additional bedroom due to medical or health needs the Council will only consider additional rooms for:

- Extensive medical equipment that can not normally be accommodated within the bedroom environment,
- Or for the applicant, partner, or child to occupy additional rooms where there is a physical disability that prevent a couple (or children who should normally share) from sharing a bedroom.

Where households make this request and are over 55 they will also be considered for sheltered and older person accommodation; this could include enhanced extra care accommodation (Sections 10.2 to 10.4).

Where children have conditions such as ADHD, ADD, ASD and Autism, requests for additional bedrooms are unlikely to be considered unless there are exceptional circumstances. The Council will require evidence from medical professionals supporting the case for an additional bedroom, which will be considered through the medical assessment process (Section 7).

9.5.1. Cost Implications of an Extra Bedroom

It is the responsibility of households to obtain confirmation from the DWP or Housing Benefit Department that they qualify for financial assistance to allow them to afford an extra bedroom. If an extra bedroom is agreed by the Council, it will be the responsibility of the applicant to pay any related rent top-ups.

Note: There are reductions in Housing Benefit and the Housing Element of Universal Credit which can be imposed for under-occupation of a social housing property. It is the responsibility of applicants, who are assessed as requiring an extra bedroom, to check how this will affect their income if they are in receipt of benefits.

9.6. Additional Bedroom Requests for Carers

A carer is someone who, with or without payment, provides help and support to an applicant who would not be able to manage without it. In all cases where an applicant is seeking an additional bedroom for an overnight carer, the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care.

There must also be a need for this overnight care every night (or at least 5 nights a week), that can be evidenced through correspondence with a medical practitioner, social services, a care provider, or similar. It must also be demonstrated that there is no separate sleeping space available for the carer in the applicant's current accommodation.

In these cases, the carer should not already be a member of the applicant's household (residing with them); in which case they may be able to share with other members of the household, such as a partner. These applications will be assessed on a case-by-case basis and may include a home visit.

9.7. Shortages of Suitable Properties for Large Households

Because of the very limited availability of four- and five-bedroom homes, priority for three-bedroom properties with two living rooms (parlour type), will be given to larger families, to ensure best use is made of the available stock.

10. Types of Accommodation

10.1. General Needs

General needs housing includes any Council dwellings for families, couples and singles that has no age restrictions. The accommodation is normally provided in self-contained bungalows, houses, flats or maisonettes.

10.2. Age Designated Housing (semi-sheltered housing)

Age designated housing is similar to general needs housing except that it is for individuals and couples in specific age groups, such as those over the age of 50 or 55. This type of housing has no on-site support.

10.3. Independent Living Housing (sheltered housing)

Independent living housing is designed to help older individuals and couples over the age of 60, or who are registered disabled, to continue to live with independence and choice. This type of housing has no on-site support.
In order to be eligible for independent living housing, the youngest member of the household must be over 45 years of age. If the tenant dies, the household member cannot succeed to the tenancy of the property unless they would be eligible for independent living housing in their own right. They would instead be offered suitable alternative accommodation if they have a right to succeed to the tenancy.

In some circumstances this type of accommodation may also be suitable for people under 60 years of age who have support needs and where accommodation that is adapted can promote independence for the long-term. The decision about whether this environment is right for an applicant under the age of 60 will be decided through an assessment process carried out by the Council's Housing Service.

10.4. Extra Care Housing

Extra care housing is provided by Kent County Council (KCC), and whilst it can be accessed through the housing register it is not provided by the Council. It is for single people or couples who are aged 55 and over and want to maintain independence but who have a real need of care and support. It is suitable for people who have serious long-term health conditions, people who need care at night and whose health is likely to deteriorate, leading to increased support needs. Applicants for this accommodation will be assessed by KCC Adult Social Services Team using a 'level of care need' criteria to ensure an applicant needs the level of support this housing provides.

10.5. Adapted Properties & Bungalows

Homes with adaptations, or that are designed for people who need a wheelchair, will have these features highlighted when they are advertised on Kent Homechoice. In order for applicants to be considered for these types of properties when they are advertised, they must make a bid (Section 12.2.1). Vulnerable applicants will be set up with auto-bidding (Section 12.2.2).

In some cases, adapted properties may not be advertised through the Kent Homechoice system and may be let directly (Section 12.10). For example, where a household is experiencing severe hardship due to the need for an adapted property.

11. Transfers, Incentives & Mutual Exchange

11.1. Transfer Applications

Existing Council and Housing Association tenants with a secure, flexible or an assured tenancy may apply to the Council's housing register for a transfer to a different property once they have been residing in their current property for a minimum of 12 months, other than in exceptional circumstances. Tenants on an introductory tenancy cannot apply for a transfer until their tenancy has been made secure.

11.1.1. Evidence Requirements for Transferring Tenants

The Council require all social housing tenants (whether they fall into a reasonable preference category or not) to make a transfer application to the Council's housing register.

Transfer applications will need to be supported by the following evidence:

- The main applicant/s and all immediate family members over 16 years of age, reasonable expected to reside within the household will need to provide photo identification documents and proof of address. This could be a valid driver's licence or passport, or a birth certificate accompanied by an up-to-date photo, also a bank statement, utility bill, mobile phone bill showing proof of address.
- If there are children in the household proof of receiving child benefit will also be required.
- Any individuals that are later added to the household will need to provide photo identification (as per the above), the date they joined the household and confirmation of their address (as per the above and that they do not have a main home elsewhere).

- If a transfer is required due to physical/mental health issues, then written evidence from medical professional/s and, if applicable, a Kent Agency Assessment (KAA) Form, will need to be submitted (Section 7.5)

Transfer applications are:

- Exempt from the requirement to meet the income and assets thresholds.
- Not required to meet the local connection criteria if they are already residing in a social housing property that is situated within the district.
- Required to meet the local connection requirements (Section 3.4), if they are residing in a social housing property that sits outside the district.

11.1.2. Transferring Tenants with Reasonable Preference

Where a social housing tenant qualifies for a transfer because their current social housing is unsuitable for their needs, and they are confirmed to be in a reasonable preference category (Section 1.2 & 1.3), they must apply to join the Council's housing register in the same way as all other applicants. They will then have their needs and preferences assessed in the same way as anyone else who is applying for an allocation of social housing.

11.1.3. Transferring Tenants

Since June 2012, existing council and Housing Association tenants with a secure, flexible or an assured tenancy, who are not considered to be in a reasonable preference category (Section 1.2 & 1.3), but have requested a transfer, can be treated as transfers outside this policy. However, the Council will only consider using this power in very exceptional circumstances where it can be shown that to do so would help promote social and economic mobility and make best use of the social housing stock. This type of transfer must be authorised by a senior Housing Services officer.

11.2. Best Use of Social Housing Stock

In the interests of making the best use of social housing stock, occasionally the Council will maximize the number of lettings that can be achieved from an initial vacancy by giving transfer applicants priority over other housing register applicants.

11.3. Eligibility of Transfer Tenants

The Council is not allowed to allocate housing to an ineligible person (person with no right to housing assistance under immigration rules – Section 4.1) by granting them a joint tenancy with another, eligible person (3.3.1 & 3.3.2).

However, these rules do not apply to a person who is already a secure or introductory tenant or an assured tenant of social housing accommodation. In that case, tenants are free to apply for a transfer regardless of their immigration status.

11.4. Making a Joint Transfer Application

Applications for a transfer may be made jointly by separate tenants of the Council, or Housing Associations, who wish to apply for housing together. This is on the condition that both applicants' tenancies will be relinquished if they are made an acceptable offer of a transfer to a social housing home to live in together.

11.5. Transfer Application Tenancy Inspections

All transfer applications will be subject to a property inspection, which will include assessing the condition of the applicant's property. The tenant's rent must be up to date with no rent arrears, and there should be no relevant anti-social behaviour issues. The Council's Housing Service can provide more information about this process.
Transfer applicants that do not meet the inspection criteria will have their transfer applications removed until such times as the required standard has been met. If a subsequent inspection determines that a transfer applicant has met the required standard within 6 months of their application being removed, they can request it is reinstated be calling 01303 853300 or emailing housing@folkestone-hythe.gov.uk. If their application was removed more than 6 months ago, or their circumstances have changed significantly, the applicant will need to reapply.

11.6. Management Transfer for Existing Council Tenants

Transfers, which are offered to tenants by their landlord for housing management purposes, fall outside allocation legislation (Part 6 of the Housing Act 1996) because the transfer is initiated by the landlord.

The Council may offer a management transfer because they require the tenant to move, or the tenant needs to move due to:

- Domestic abuse
- Violence, harassment, intimidation, or threats of violence likely to be carried out
- The need to protect witnesses who have agreed to go to court to give evidence on matters of anti-social behaviour
- Urgent social reasons
- Major works needed to the property

Management transfers will be agreed by the Council's Housing Service.

Because of the nature of the circumstances in which management transfers are required they will have the following restrictions:

- Unless there are exceptional circumstances only one offer of suitable permanent rehousing will be made.

- This could be a direct offer to ensure that a household's urgent needs are met as quickly as possible.
- The offer will be on a 'like for like' basis where possible, however, where a household is under-occupying or over-crowded, or in need of adaptations, they will be housed in a property that is based on their housing need.
- Areas of choice for rehousing cannot always be considered for management transfers. The area will only be taken into account if there are established facts that pose a risk to personal safety, or cause care and support difficulties.

11.7. Tenant Downsizing Incentive Scheme

To encourage Folkestone & Hythe District Council tenants who are under-occupying family homes or occupying fully adapted wheelchair accessible accommodation which they no longer need, the Council operates an incentive scheme to assist with moving to a smaller home.

11.7.1. Moving from a Larger Home being Under-occupied

There are circumstances in which housing content removals may be arranged and paid for by the Council for transfer applicants who are under-occupying and are willing to downsize. This would be in addition to a cash incentive applicants could qualify for once they have moved.

11.7.2. Moving from an Accessible or Adapted Property

The Council can also help tenants to move from a home that has been specially adapted for someone with a disability, where the adaptations are no longer needed. This tenant may also qualify for a cash incentive to support the move to a different social housing property.

11.7.3. Housing-related Debt and the Incentive Scheme

If a tenant, who has qualified for the Incentive Scheme, has any debt with the Council, such as rent arrears or outstanding recharges, the debt will be recovered from the grant before it is awarded to the tenant.

11.7.4. Applying to the Tenant Downsizing Incentive Scheme

To explore these options further please contact the Housing Service at Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY, or by using the Council's MyAccount platform, or by emailing housing.service@folkestone-hythe.gov.uk, or telephoning 01303 853300.

11.8. Mutual Exchange

Mutual exchanges allow tenants to swap their home with another tenant living in a council or Housing Association property anywhere in the country. Each social housing landlord must agree before an exchange can take place.

The website which the Council and many other local authorities and Housing Associations use to support tenants wishing to do a mutual exchange is Homeswapper, which is free and easy to use. Tenants interested in doing a mutual exchange need to register on the Homeswapper website and create an advert about their property for other tenants to see. For more information about the Mutual Exchange process from beginning to end please visit the Mutual Exchange webpage of the Council's website.

12. Property Adverts, Bidding & Allocations

Once an applicant has been accepted onto the Council's housing register they need to use the Kent Homechoice website to find a property. Applicants must actively bid on advertised properties to be considered for an offer of housing.

12.1. Advertising Available Properties

All vacant and available Council and Housing Association properties within the Folkestone & Hythe District are advertised daily on the Kent Homechoice website.

12.2. The Bidding Process

To express an interest in a property, applicants need to place a non-monetary bid on the property.

12.2.1. How Applicants Bid for Properties

If an applicant sees a suitable property for their household, they should log into their Kent Homechoice account and place a non-monetary bid on the property to confirm their interest.

Adverts for available properties will remain open to receive bids for 5 days. Applicants are able to place up to 3 bids at any one time, on any properties advertised that meet the needs of their household. At the end of the bidding period the advert will be closed, and the shortlisting process will begin (Section 12.3).

12.2.2. Auto bidding

Vulnerable applicants who are unable to make bids, and have no one to assist them to do this, can have an auto-bidding put in place. This will place bids for them on properties that meet their household's needs.

All applicants who have approached the Council for housing assistance, who are currently accommodated in temporary accommodation, and who have not been deemed intentionally homeless, will also have auto-bidding put in place for them.

12.3. Shortlisting

By placing a bid on an advertised property, applicants are added to a shortlist for the property. The list also includes all other applicants who have also made a bid on the same property. Once a property advert has closed, the auto bids are added to the shortlist.

The shortlist first arranges all the bids made by applicants in order of their Priority 'Banding' – A, B, C. D & E (Section 6.2). Then within these bandings, the shortlist arranges the bids by the applicant's 'effective date' (Section 6.3).

Where an applicant is ranked on a shortlist for a property depends on how many other applicants have decided to bid on the same property, what priority band the other applicants are in and what their 'effective date' is.

12.3.1. Shortlisting Process

The Council assesses the applicants on the shortlist, beginning with the applicant ranked first on the list. The applicant's suitability for the property is considered, such as the size and needs of their household, and whether the household has any existing rent arrears or housing-related debt (Section 4.3), or if they have not told us about a change in their housing circumstances (Section 5.5).

If the highest-ranking household has met all checks and matches the criteria for the property they will then be nominated as a possible tenant for the property. If they are assessed as not being suitable then the next applicant on the list is assessed and checked. This process continues until a suitable applicant is identified.

12.4. Nominee/s and Nominations

A nominee/s is a sole housing register applicant, or joint applicants (and their household) who have actively bid on an available property, been shortlisted, and subsequently been identified as a possible suitable tenant for the property. Meaning that they are then nominated as a potential tenant for a property offer.

12.5. Property Offer

Once a nominee has been identified, a Council Officer will contact the applicant to advise them they have been shortlisted for a potential property offer. Contact will be made using various methods including phone calls, texts and emails. The Council's policy is to make contact with an applicant as soon as they have been shortlisted. The Council is unable to wait indefinitely for the applicants to respond.
If the applicant does not respond, then the Council will go to the next applicant on the shortlist who meets the criteria, and the process of making contact begins again. This

process continues until the Council has shortlisted nominees for each property advertised.
If an applicant responds to the Council, a credit check (Appendix 9) will be carried out and the applicant will be asked to provide:

- Up-to-date financial information
- Confirmation of address

If the applicant provides this information and passes all the final checks, they will be put forward as a nominee for the property, and a property viewing will be arranged. If an applicant is unable to provide all the necessary information and documents within a reasonable time frame, they will not be nominated for a property offer. The Council is unable to wait indefinitely for information requested.

12.6. Property Viewing and Formal Offer

Once a nominee has met all the final checks and they have been put forward for a property offer, an Officer will contact them to arrange a viewing and the formal offer of a tenancy. If the applicant does not respond to the Officer within a reasonable time, this will result in the withdrawal of the property offer because the Council is unable to wait indefinitely. If the applicant responds within the required timeframe, a viewing will be arranged.
The applicant will be required to bring identification to the viewing and at the viewing the Officer will explain:

- What the formal offer of a tenancy means
- What kind of tenancy is being offered (Section 12.7)
- The applicant's rights and responsibilities as a social housing tenant
- Details of rent and any service charges
- When the tenancy will start

If the applicant wishes to accept the property offer, then details regarding the signing of the tenancy and collection of the keys will be organised.

12.7. Tenancy Types

The Council has a Tenancy Policy that outlines the different forms of tenancy that will be offered to applicants. Below is a brief summary.

12.7.1. Introductory Tenancies

Applicants who do not already hold a social housing tenancy will be issued with an Introductory Tenancy to allow time to ensure a household can demonstrate their ability to manage their tenancy. This type of tenancy usually lasts for 12 months from when the applicant moves in. However, an introductory tenancy can be extended by 6 months to deal with any serious tenancy breaches and may be failed if those breaches are not satisfactorily resolved.

12.7.2. Secure Tenancies

At the successful completion of an Introductory Tenancy, the tenant will be informed when they have progressed to a Secure Tenancy. This type of tenancy allows the tenant to live in the property indefinitely, as long as they do not breach the terms of the tenancy agreement.

Applicants that already hold a social housing tenancy prior to a formal offer of a transfer to a council housing property will be offered a Secure Tenancy from day one. Housing Associations may offer different types of tenancies to transferring tenants according to their tenancy policies.

12.7.3. Joint Tenancies

Joint applications will be accepted and treated as one application, resulting in a joint tenancy being set up when a council property offer has been accepted. Private registered providers and Housing Associations (Appendix 1), who participate in the Council's Housing Allocation Scheme, will decide whether to allow a joint tenancy or not depending on their own rules and policies.

12.7.4. Housing Association Tenancies

Housing Associations may offer different types of tenancies according to their own tenancy policies.

12.8. Rent & Service Charges

12.8.1. Rent

Council and Housing Association rents are set at affordable rent levels; this could be a social rent or an affordable rent. When a property is advertised on Kent Homechoice, the advert will show the weekly rent (and service charges, if applicable). When a household accepts a property offer, the tenancy agreement will tell them the following:

- How often rent must be paid
- How it can be increased by the landlord
- What any service charges are for (see below)

12.8.2. Service Charges

In addition to paying rent, tenants may also need to pay a service charge. For example, if the property is part of an Independent Living Housing Scheme or is a flat, there may be a service charge for things like cleaning, lighting and maintenance of internal communal areas, gardening, entry systems, etc.

12.9. Sensitive Lets

Where a property becomes available in an area that has been subject to a significant level of anti-social behaviour (ASB), or there are other factors to consider, such as the frailty and vulnerability of neighbours, the property may be advertised as a sensitive let.

This means that when shortlisting (Section 12.3), the Council may not nominate the applicant with the highest priority need to the property. This would be done in the interests of creating a sustainable community and reducing ASB in the housing scheme/estate. Sensitive lets will be made at the discretion of the Council and its partner Housing Associations.

If an applicant is being considered for a property that has been identified as a sensitive let, they will have to provide evidence of their tenancy history for the last 5 years prior to the allocation of a property. The Council will also need to confirm that neither the applicant, nor any member of their household has:

- A history of anti-social behaviour or nuisance
- Any history of relevant criminal behaviour
- Any history of breach of tenancy conditions around property condition (including external areas, such as a garden)
- Caused housing management problems in previous accommodation, including any type of temporary accommodation

Other factors may be taken into account where it is justifiable. For example, if the property is a one bedroomed property that is being considered for a single applicant, then the Council may need to assess whether the tenancy should be offered to a male or female applicant, where this might be a relevant consideration.

12.10. Direct Lets

Not all properties that become available will be advertised and offered through the choice based letting process. Where, due to statutory duties, operational or financial reasons, or due to vulnerability of the household a direct offer of housing may be made.

Direct offers of housing should not be made to any household or individual who has not been assessed and verified as per this policy. The household or individual must have a current application on the Council's housing register unless there are exceptional circumstances, supported by auditable information.

This type of housing offer must follow the same process of nomination checks as all other types of allocations (exceptions will only be made for extremely vulnerable households, who must still meet the eligibility criteria Section (3.3 & 4.1).

Direct lets may apply in the following circumstances:

- If a property is needed for a homeless household e.g. to reduce the financial impact on the Council of households in temporary accommodation, or where a homeless household requires an adapted property or level access and/or a step-in or flush floor shower.
- Management Transfers (Section 11.6).
- Where a specially adapted property has been built or become available for a specific applicant or household with a serious need for this type of property.
- Where a social housing tenant in another local authority area in Kent (not Medway), is at risk of, or experiencing domestic abuse, and has been referred by their local authority to the Council for a reciprocal social housing property under a Reciprocal Scheme (See details on the Kent Housing Group website).
- Where the Council considers that it is inappropriate for the applicant to participate in the choice based letting scheme. For example, if a vulnerable applicant who urgently needs extra care housing.
- Other examples include cases where an applicant is subject to Multi-Agency Public Protection Arrangements (MAPPA), a Multi-Agency Risk Assessment Conference (MARAC), Witness Protection Scheme, or presents a risk to themselves or others.

12.11. Withdrawal of an Advertised Property

It is sometimes necessary for properties to be withdrawn from the Choice Based Lettings Scheme, after they have been advertised on Kent Homechoice.

Reasons for withdrawal can include:

- The original advert for a property was incorrect and provided misleading information to applicants choosing.
- An existing tenant who gave notice to leave changed their mind and withdraws their notice.
- An eviction process, or repair and maintenance work takes longer than expected.
- The property is needed for a direct let (Section 12.10).

12.12. Pets

All property adverts on Kent Homechoice will include information on whether tenants are permitted to keep pets at the property. Even if a property is advertised as being suitable for a pet, the Council reserves the right to refuse permission to tenants to have a pet. For example, if that pet is deemed too big or inappropriate for the type of property, or it is a restricted breed. Permission must be sought and agreed prior to a tenant getting a pet. Assistance dogs for people with disabilities are allowed. Any intention to keep a pet must comply with the Council's or Housing Associations guidelines, or the terms and conditions of the tenancy agreement.

Applicants nominated for a property in a Council Independent Living Scheme will be required to provide a guarantor, who will look after their pet in the event of them becoming unable to do so.

12.13. Local Lettings Plans

Local lettings plans (also known as Local Lettings Schemes) are a social housing lettings policy that may be put in place for the letting of new or existing Council or Housing Association properties within the district. These plans are sometimes implemented to manage a particular local demographic circumstance and/or need. The aim of local lettings plans (LLPs) is to work towards a balance within communities and address issues such as affordable housing need in locations where this would otherwise be unlikely; or to reduce community problems such as anti-social behaviour. LLPs will be agreed and implemented by the Council and Housing Associations following consultation and analysis of locality specific data, which assesses the housing need in a particular area. Once agreed, these LLPs will have their own allocations criteria.

13. Housing Register Reviews and Service Complaints

13.1. Housing Register Review Request (Appeals Process)

Under housing legislation an applicant has a legal right to request a Housing Allocations Review of any of the following decisions:

- That an applicant is ineligible, or not a qualifying person to join the Housing Register
- The Priority Banding an applicant has been awarded
- The ‘effective date’ granted for the Priority Banding awarded
- To remove an applicant from the Housing Register
- Any decision the Council has made regarding who can be included in the application
- Where an applicant considers that a decision has been reached based on incorrect information

A review is different to a complaint. Any issue in relation to the customer service an applicant has received from the Council’s Housing Options and Allocations Team will be processed as per the Council’s Complaint Policy (Section 13.5).

13.2. Housing Allocation Review Process

Reviews can be requested by applicants verbally, by email or letter, or via their Kent Homechoice portal. The Council will need details of why the review is being requested, such as what the applicant disagrees with or is unhappy about. The Council will usually request evidence to support a review.

The Council operates a two-stage reviews procedure and allows up to 8 weeks per stage to carry out a thorough investigation and review.

- **Stage 1:** A housing officer will carry out the review based on the reasons submitted by the applicant. The applicant will be notified of the outcome in writing.

- **Stage 2:** If an applicant is unhappy with the outcome of the Stage 1 Review, they can request a second review which will be carried out by a different housing officer. The applicant needs to provide reasons why they feel the stage 1 review outcome was incorrect. The applicant will be notified of the outcome in writing.
- **Ombudsman:** If, following the completion of a Stage 1 and a Stage 2 Review, an applicant is still unhappy with the outcome, they can escalate this to the Housing Ombudsman. This can be done by completing an online form that can be found here Contact us | Housing Ombudsman Service.

13.3. Homelessness Reviews

Reviews requested under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) or the Homelessness Reduction Act 2017 in relation to homeless application decisions, or about the suitability of a property offer, sit outside the scope of this Housing Allocations Policy and Scheme.

13.4. Reviews/complaints from Council Tenants about their Property

Any review or complaint requests from current Council tenants relating to their Council property or about a mutual exchange application or failing to pass a pre-transfer inspection, sit outside the scope of this policy and will be processed under the policies of the Council's Housing Service or the Council's Customer Complaints Procedure.

13.5. Service Complaints

All complaints relating to the service received from the Housing Options or the Housing Allocations Team will follow the process set out on the Council's website at Council's Complaints Procedure | Folkestone & Hythe District Council, which is supported by the Council's Customer Feedback and Complaints Policy found here Complaints documents | Folkestone & Hythe District Council.

14. Appendices

Appendix 1: Private Registered Providers & Housing Associations

Private Registered Providers (PRP's), also known as Housing Associations, are a mixed group of organisations which include not-for-profit organisations, charities and for-profit housing providers. They offer social homes, shared ownership homes, as well as some market homes to rent and buy. They also invest in community services and regeneration and provide supported housing to vulnerable people.

The following PRP's operate within the Folkestone & Hythe District area.

CDS (Cooperative Development Society)	Places for People
Clarion Housing Association	Riverside
English Rural	Sage
Housing 21	Sanctuary
Hyde	Southern Housing Group
Moat	Town & Country
Orbit	

Appendix 2: Legislation & Government Guidance

In developing this policy, the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

1. The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)

2. The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017

3. The Domestic Abuse Act 2021

4. Armed Forces Act 2021

5. Allocation of Accommodation: Guidance for Local housing Authorities in England (2012)

6. Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013) "Supplementary Code"

7. Improving access to social housing for members of the Armed Forces guidance (June 2020)

8. Improving access to social housing for Victims of Domestic Abuse (January 2022)

9. Right to Move and social housing allocation (March 2015)

10. Homelessness Code of Guidance (March 2022)

11. Kent Housing Group 'Joint working protocol for care leavers' July 2025

Appendix 3: Applicants Under 18 Years of Age

If an applicant is under 18 years of age, they will not normally be offered a tenancy. This does not apply to young people under Social Services in care, for whom rehousing under the Children Act has been agreed. They must be within six months of their 18th birthday (Section 8.5) and ready to move to independent living. There is a Kent Housing Group Protocol that covers housing for applicants who are 'looked after' or were 'formerly looked after' children, Joint Working Protocol for Young People.

Any offer of accommodation to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed and agreed; and if the tenancy is held by another suitable person who will be responsible for the tenancy (such as a parent, legal guardian, social worker or relative aged over 18 years old). This means that the young person, aged 16 or 17 years old, will be an Equitable Tenant with a right to occupy the property.

Appendix 4: Eligibility Criteria and Immigration Status

An applicant may be ineligible for an allocation of accommodation under section 160ZA(2) or (4) of the Housing Act 1996. The eligibility criteria are set by central Government and are subject to regular legislative changes. Therefore, detailed information will not be reproduced within this policy. Officers assessing housing register applications under this Allocations Policy will assess eligibility in accordance with the most up to date information available through the following websites:

- On the Gov.uk website Chapter 3: Eligibility and qualification of the Allocation of accommodation: guidance for local authorities should be referred to in the first instance, and followed up with information on;
- The Chartered Institute of Housing, Housing Rights Website, and selecting the option of information 'For Housing Advisors' for further clarity

An applicant's eligibility must be considered at the time of the initial application and again when considering making an allocation of housing to them, particularly where a substantial amount of time has elapsed since the original application.

Eligibility of Existing Tenants

The eligibility provisions do not apply to applicants who are already secure or introductory tenants of a local authority, or assured tenants of a private registered provider. Most transferring tenants fall outside the scope of the allocation legislation (Section 159(4A) Housing Act 1996). Transferring tenants who are considered to have reasonable preference for an allocation are specifically exempt from the eligibility provisions by virtue of Section 160ZA(5) of the Housing Act 1996.

Appendix 5: Exemptions for Temporary Absence from the District

A person may cease to reside in the Folkestone & Hythe area for a temporary period in the following circumstances and not lose their local connection for the purposes of this allocations scheme:

- Time spent away at university or college will count as living continuously within the district providing the household member previously lived in the district immediately prior to starting their course and continues to be part of a household still currently living in the district.

- An applicant who has had to leave the area to receive hospital or other medical treatment (also residential substance misuse treatment) outside of the district. This includes those required to vacate their accommodation or who were evicted due to an extended hospital or treatment stay (e.g. from private rented accommodation), and who are ready to be discharged from treatment and in need of housing in the area.

- An applicant who has had to leave the district to accept a placement in a supported accommodation project because there was no available supported accommodation of the type they required within the district and are now ready to return to the area to live independently.

- A person who is required to move to give care to another person, outside of the district, for a temporary period not exceeding six months.

- If an applicant has approached the Council for housing assistance due to fleeing domestic abuse and the Council owes a Section 189B(2) Relief Duty or a Section 193(2) Main Housing Duty, but they have been placed in a refuge vacancy outside of the district, this period in the refuge will not count as time out of the area.

- Applicants who are placed on remand by the courts will not have their time on remand included as time outside of the district as per the following:

    - If a person is released without conviction the time spent on remand will be discounted.
    - If a person is convicted following a period on remand the length of the sentence will be used to determine if local connection is removed.
    - If a person is convicted for a period of over 26 weeks then the local connection will be lost.

Appendix 6: Exceptional Circumstances that Provide a Local Connection

The following are examples of the kind of exceptional circumstances which the Council could consider provide a local connection to applicants who do not otherwise meet the local connection criteria:

- The applicant needing to move to the district to give or receive support/care from family due to old age and or significant health issues. Evidence of giving or providing support/care will need to be supplied, but the type of evidence required will be determined on a case-by-case basis depending on the circumstances.

- The applicant was previously in a long-term foster placement in the area, or has sibling/s who are in a long-term foster placement within the district, and the applicant can show that they are in regular contact with the sibling/s and are wanting to live nearby to maintain a family connection and support.

- The applicant has fled violence or persistent, serious harassment.

- Due to a Multi-Agency Public Protection Arrangement (MAPPA) or a Multi-Agency Risk Assessment Conference (MARAC) arrangement.

- Due to changes in Government legislation or guidance to confer a local connection on those who were previously excluded due to immigration status.

This list is not exhaustive.

Appendix 7: Local Connection for Applicants with No Fixed Abode

For applicants who have a history of rough sleeping, sofa surfing, or are a lodger and do not directly pay any bills (e.g. bills are included in the rent), the Council will accept the following as proof of local connection:

- Written confirmation of a consistent habitation, or occupancy, within the district from local partners such as homeless support charities, such as Porchlight, Serveco, the Rainbow Centre, and Kent Police and the DWP. The letter will need to confirm that an individual has been engaging with services regularly for a minimum of 2 years.

- Written confirmation from landlord/s (to include landlords contact details) of a consistent occupancy of renting a room/s from the same or several landlords within the district over a 2-year period, backed up with 6 months of recent bank statements showing regular spending activity in the district.

- An applicant could provide half a dozen bank statements from the past two years, or Universal Credit statements (from dates evenly spread across the two years) showing addresses within the district, that also evidence spending activity within the district throughout the period.

- An applicant could provide GP surgery medical records showing regular attendance at a surgery in the district over the past two years.

This list is not exhaustive.

The Council will not automatically exclude applicants if they have other evidence that can show they have been resident within the district for two years or more. Applications with the evidence of local connection as above or similar will be assessed on a case-by-case basis.

Appendix 8: Permanent Employment & Needing to Move

Definitions of the types of employment that will and will not be considered as meeting the criteria for living and working in the district (Sections 3.4 & 8.14), and Right to Move and needing to move to avoid hardship (Sections 3.4 & 8.13).

Permanent Employment

Permanent employment is defined as:

- Paid employment in the Folkestone & Hythe District for 16 hours or more per week for a period which has been for at least 6 months or more, or

- Self-employment where an applicant can demonstrate that the self-employed work they perform is in the Folkestone & Hythe area and is on average 16 hours a week or more.

And

- The actual place of employment must be based in the Folkestone & Hythe District and not based in a head office or regional office situated in the area but from which the applicant does not work.

- Where working hours fluctuate i.e. casual or zero hours contract, an average of hours worked will be taken over the last three months.

Note: If, however, a person only works 15 hours a week, for example, but are able to demonstrate that the work is regular, long-term and the remuneration is substantial this may still be considered as permanent employment.

Short-term

In determining whether work is short-term, the following will be considered:

- Whether work is regular or intermittent (this is likely to be particularly relevant in the case of the self-employed).

- The period of employment has been for at least one year or more, and whether the work is permanent and long-term and not short-term or a fixed-term contract.

Marginal Work

The following considerations would be relevant in determining whether work is marginal:

- If less than 16 hours a week is worked, it is likely to be considered as marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person’s entitlement to Working Tax Credit.

Ancillary Work

Work in the Folkestone & Hythe District must not be ancillary to work in another local authority's district. This means that if a person works occasionally in the Folkestone & Hythe District, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded for the purposes of this policy.

A further relevant consideration would also be whether the tenant is expected eventually to return to work in the original local authority district. If the Council has reason to believe this is the case, verification would be sought from the applicant's employer.

Other Factors:

The following will also be taken into account:

- The distance and/or time taken to travel between work and home.
- The availability and affordability of transport, taking into account level of earnings.
- The nature of the work and whether similar opportunities are available closer to the applicant's existing home.
- Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.

Appendix 9: Financial Threshold

Income:

Section 166A of the Housing Act 1996, allows the Council to give less priority to an applicant whose household has the financial resources available to them to meet their housing need.

When assessing whether the applicant's household has sufficient income the Council has had regard to:

- The average rent levels published on Home.co.uk: Folkestone Market Rent Summary, and
- The Office for National Statistics (ONS) research called Alternative measures of housing affordability: financial year ending 2018.
- The Council has also taken into account the increased cost of living, which disproportionally affects low income households (House of Commons Briefing, Rising cost of living in the UK, July 2024)

The total household gross income thresholds are:

Household Bed Need	Gross income threshold for whole household	
	Annual	Monthly
1 bed	£30,000	£2,500
2 bed	£45,000	£3,750
3 bed	£55,000	£4,583
4+ bed	£70,000	£5,833

Note: The Council recognises that the cost of purchasing or renting suitable accommodation changes over time and will review the financial income thresholds annually.

What Counts as Savings

Savings can include:

- Cash
- Money in an applicant's main bank account
- Money in other bank accounts or savings accounts
- Building society, post office or credit union accounts
- ISAs, stocks and shares
- Premium bonds
- Paypal or other online accounts
- Cryptocurrency
- The savings of any partner residing in the applicant's household and included on the application
- The savings of any children aged over 18 years of age who are included on the application
- If an applicant is keeping money safe for a family member or friend this also counts

Large amounts of money withdrawn from bank/savings accounts of the applicant and/or their partner, or adult children (18 years of age and over) immediately prior to applying to the Council's Housing Register, which cannot be accounted for, will be queried.

What Does Not Count as Savings

Some things do not count as savings and can be ignored:

- The value of a pension fund or life insurance policy
- Money in children's bank accounts or child trust funds. This is children aged 17 years and under only
- Personal items like your car, furniture, gold or jewellery

Large amounts of money deposited into children's (17 years and under) bank accounts immediately prior to applying to the Council's Housing Register from the applicant's and/or partners, or adult children's (aged 18 years and over) bank/savings accounts will be queried.

Credit Reference Checks:

The Council may also carry out a credit reference check using an appropriate credit reporting company (such as Experian) to establish if the financial information provided by an applicant is correct or where verification of a situation is required.

Appendix 10. Supporting Evidence

Evidence Required from new Homeseeker Applicants within 28 Days of Application

The following supporting evidence will be required from new applicants to the Housing Register within 28 days of an application being submitted or the application will be cancelled (for evidence required from Transfer Applicants see below).

Identification for UK Residents

Everyone in a household who is named on an application, including all children, must provide one of the following documents:

- UK Birth Certificate (long version certified copy of entry) with an up-to-date passport size photograph
- A valid UK Driving Licence with photo, which is in date and displaying the correct address
- Valid UK Passport

Identification for Household Members subject to Immigration Rules

Everyone in a household named on the application who is subject to immigration rules and legislation must be able to have their visa checked through the UK Government's eVisa systems, or they must provide:

- Their passport and a copy of one of the following:
    - Settlement/immigration documentation
    - Biometric Residence Permit (both sides)
    - Immigration Code/s to enable us to verify your status. See https://www.gov.uk/view-prove-immigration-status
    - Visa

Change of Name

If an applicant's identification is in a different name, they must also provide either a Deed Poll document or marriage certificate/s that shows the name they are currently known by.

Proof Children Reside in the Applicant's Household

For those children named on an application the following proof that they reside in the applicant's household should be provided:

- Recent child benefit award notification (or proof of child benefit being paid into the applicant's bank account)

Proof of a Local Connection

To establish a local connection to the Folkestone & Hythe District you need to meet the criteria set out in Sections 3.4 & 3.5 of this policy.

Proof of Income, Savings & Assets

All applicants will have their income, savings and assets assessed as per Section 4.2 and Appendix 9. Applicants must submit the following information where relevant:

- Last 3 monthly payslips, or 5 weekly payslips or last Tax Return Summary if self-employed.
- Last 3 months of statements/notification for any/all benefits they are receiving if the applicant or any household member is in receipt of benefits and the benefit payments are not showing up on their bank statements.
- Three months of bank statements for all bank accounts, including savings accounts.
- Proof of any share certificates, investments, bonds etc.
- Recent valuations for any property, such as a house, flat, caravan or houseboat etc. owned anywhere in the world.

As per Appendix 9 the Council may also carry out a credit reference check used to establish if the financial information provided is correct.

Homeowner

If an applicant has advised the Council that they either own another property or have sold one in the last 5 years they will need to provide the following evidence:

- If the property (e.g. house, bungalow, flat, houseboat etc) is still owned, the Council will need proof of why the applicant cannot reside in the property, and depending on the reason for not occupying it, the Council may need an up-to-date valuation.
- If the property has been sold in the last 5 years, the Council will need a completion statement for the sale of the property from the solicitor who acted for

the applicant in the sale, proof of any current equity from the sale and/or proof of how any equity that has been spent was disposed of (bank statements, receipts, etc).

- If an applicant has transferred money from a house sale from one bank account to another, the Council will need bank statements for all bank accounts.

Eviction Notices

If an applicant advises that they are threatened with homelessness they need to provide the following proof:

- A copy of the Notice to Quit the accommodation (e.g. Notice to Quit, Notice of Eviction, Notice to Vacate, Possession Order or Bailiff Warrant)
- A mortgage repossession order
- If the applicant is a lodger, then a letter from the homeowner or main tenant the applicant resides with, who is asking them to leave

Proof of Pregnancy

If an applicant has advised the Council that they are expecting a baby they will need to provide medical evidence that states the actual estimated due date of the baby. A copy of scan photos and graphs will not be accepted as confirmation of the estimated due date.

Evidence Required from Transfer Applicants

Tenants of Council, Housing Associations, and Private Registered Providers, applying for a transfer will be required to submit the following evidence to support their application:

- Identification for all household members on their application, including children, as per the criteria set out above. This is to assess overcrowding and under-occupancy, and to ensure the appropriate property size/bedroom need is assigned.

- Landlord verification of the condition of current property and management of tenancy.

- An up-to-date rent statement, child benefit statement and tenancy agreement.

Evidence Required at Nomination

If a household is going to be nominated as a potential tenant for a property, they must provide up-to-date proof of the following to show that their circumstances are the same as stated on their application and there has been no changes in their circumstances (such as they have moved, or their income has increased above the financial thresholds).

- Up-to-date Proof of Address

- Up-to-date Proof of Income, Savings & Assets as set out in Section 4.1 and Appendix 9

Evidence Required from Transfer Applicants

At the time of nominating a current social housing tenant to a property, the Council will request their landlord to confirm that their rent account is up to date.

Appendix 11. Medical Evidence

Medical Assessment Process

All medical assessments for applicants and their household members who are on the Housing Register will be carried out based on the evidence provided, and how the household's issues are being affected by their current housing. It is for the Council to determine the adverse effect the medical condition/s has on the applicant's/household's ability to manage day-to-day activities in their current home.

Type of Medical Evidence Required

Information from medical professionals will need to be submitted to confirm the extent of the health issue and/or disability. The following written information will be accepted:

- Letter from their GP detailing the health issues of the applicant/household member and how these are impacted by their current housing
- Consultant letters detailing the diagnosis/health issues following an examination
- Mental health assessment from a professional mental health practitioner
- Care plans and support needs assessment from Social Services
- Completes Kent Agency Assessment (Section 7.5)

This list is not exhaustive

Note: Letters/emails that only provide details of an appointment, containing no formal medical diagnosis, will not accepted as evidence of medical issues.

Home Visits by Council Officers

A home visit may be made by a Council Officer to establish how any medical issues are affected in real terms by the applicant's housing situation.

Appendix 12: Condensation

Everybody generates moisture in their homes through normal daily activities such as cooking, bathing and hanging washing out to dry in front of radiators. Condensation of moisture and water vapour occurs on colder surfaces, and mould spores form on the surface when the vapour condenses into water.

No one likes draughts, but some ventilation is essential. Occupiers should try to create the right combination of heating and ventilation to keep their homes free from the effects of condensation. More information about reducing condensation in the home can be found here.

If the Council's PSH Team are requested to inspect an applicant's property due to concerns about damp, and they identify condensation, they will provide advice about how to reduce condensation, but no priority banding will be awarded for this reason.

Appendix 13: Bedroom Need & Overcrowding Criteria

Bedroom Need Per Size of Household

The Council will allocate the following size properties according to the household size:

Household Size	Property size					
	Studio	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
Single person	✓	✓				
Single person with overnight contact with 1 or more child		✓				
Co-habiting couple		✓	✓*			
Non-co-habiting couple (e.g., siblings)			✓			
Household** with no children but expecting a baby			✓			
Household** with 1 child			✓			
Household** with 2 children of same sex under 16 years (15 and under)			✓			
Household** with 2 children of opposite sex, where 1 is aged over 10 years (11 years and over), or 3 or more children			✓	✓		
Household** with 4 or more children or family of at least 6 people in total				✓	✓	
Household** with 5 or more children or family of at least 8 people in total					✓	✓

* A couple if they cannot share because of a disability or medical condition, which must be evidenced.
** A household in this context means a 1 adult as a single parent, or 2 adults living as a couple

Statutory Overcrowding

The statutory legislation regarding overcrowding is set out in Sections 325 & 326, Part X of the Housing Act 1985 and is as follows:

Section 325

Your home is overcrowded if 2 people, over the age of 10 years old, have to sleep in the same room and they are:

- Of a different sex, and
- Not a couple

Children under the age of 10 do not count, and a room is available as sleeping accommodation if it is of a type normally used as a bedroom or as a living room.

Section 326

The space standard is broken when the number of persons sleeping per bedroom is more than the numbers permitted for the size of the bedrooms (including a living room) in that dwelling.

For this purpose:

- A child under the age of 1 years old are not counted in the calculation
- A child aged 1 year or over but under the age of 10 years shall be as half a unit (person)

Table 1: Number of rooms for sleeping in, providing the rooms meet the minimum size requirement (see table 2 below).

Number of rooms	Highest number of people
1	2
2	3
3	5
4	7.5
5	10

Table 2: Floor space of each room

Floor space in square metres	Highest number of people in each room
10.22 square metres (110 square feet) or more	2
8.36-10.21 square metres (90-109 square feet)	1.5
6.5-8.35 square metres (70-89 square feet)	1
4.65-6.5 square metres (50-69 square feet)	0.5
Less than 4.65 square metres (50 square feet): No account shall be taken of a room having a floor area of less than 50 square feet.	

Appendix 14: Banding Table

Band A	
Reason	**Description**
Acute medical needs impacted by current housing conditions, which cannot be resolved within a reasonable period of time.	Unresolvable housing conditions impacting on any household member with acute life-threatening, terminal, or chronic physical or mental illness or disability.
	The applicant or household member has severe mobility issues, is housebound and unable to leave their accommodation except with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs.
	The applicant or household member is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation. This is over and above needing a bathing adaption alone.
	A household member who cannot be discharged from hospital because their current accommodation is completely unsuitable and cannot be adapted in a reasonable period of time.
Acute welfare and hardship needs impacted by current housing situation or lack of housing. **Note:** This includes households who are in temporary accommodation (TA) that is not a safe-house type of TA).	Victims of domestic abuse or a severe level of persistent ongoing harassment, who have been assessed by police (or other statutory agencies) as being in immediate danger and needing to move urgently for safety and security reasons (Section 8.3 & 8.4).
	Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose an imminent threat to the community.
	Care Leaver, where KCC Children & Families Social Services Team has provided evidence that the applicant is ready to live independently and there are no other housing options available (Section 8.5).
	Applicants nominated under the National Crime Agency's UK Protected Persons Service or other similar schemes that the council has agreed to be part of.
Management moves	A Folkestone & Hythe Council housing tenant in urgent need of a transfer to a suitable property (Section 11.6).
Social housing tenants	Council or Housing Association Tenants in Folkestone & Hythe who are under-occupying (Sections 4.3.2 or 11.7).
	Council or Housing Association Tenants in Folkestone & Hythe occupying an adapted property that is no longer required.

Band B	
Reason	**Description**
Serious medical needs impacted by current housing conditions, which cannot be resolved within a reasonable period of time.	Unresolvable housing conditions impacting on any household member with serious medical degenerative illness, or serious physical, mental health issues and/or disability.
	A household member with significantly restricted access into & out of their property due to confirmed risk of falls or injury, or severe mobility issues. This does not cover temporary health conditions such as broken limbs, or those that are pregnancy related.
Serious welfare and hardship needs impacted by current housing situation or lack of housing	Households occupying very overcrowded Private Rented Sector housing, i.e. lacking 2 or more bedrooms. A room is available as sleeping accommodation if it is of a type normally used either as a bedroom or as a living room. Therefore, in an overcrowding assessment, a living room will be included as a bedroom (Appendix 13).
	Living in very unsanitary or unsatisfactory housing conditions - Category 1 Hazard. To receive this priority banding the circumstances must have been verified by the Council's Private Sector Housing Team (Section 8.1.2).
	Households experiencing a serious level of ongoing domestic abuse or harassment with a pressing need to move, but who can remain in their home temporarily with risk assessments in place that are regularly reviewed (Sections 8.3 & 8.4).
	Applicants needing to move on from supported accommodation (Section 8.6) who are: • Residing within the Folkestone & Hythe District and have a local connection to the district. • In supported accommodation outside of the district but have a local connection to the district. • In supported accommodation outside of the district and do not have a local connection to the district, but who can evidence they need to move to the district due to their support needs, domestic abuse, harassment or other exceptional circumstances.
	Applicants who have been approved by KCC, or a KCC approved agency, for fostering and/or adoption (Section 8.8)
	Former and current members of the Armed Forces in housing need; no matter how long ago they were discharged from the armed forces (Section 8.2).
Social housing tenants	Council or Housing Association Tenants in Folkestone & Hythe who are overcrowded, lacking one bedroom or more.

Band C	
Reason	**Description**
Significant medical needs impacted by current housing conditions, which cannot be resolved.	A household member requiring on-going medical treatment, being significantly exacerbated by living conditions
	A household member with moderate mental health problems affected by current accommodation, where they would be improved by a move to alternative accommodation.
	A household member in housing conditions causing a reduction in mobility when combined with stairs or poor location.
Significant welfare and hardship needs impacted by current housing situation or lack of housing	Households who are occupying Private Rented Sector housing that is overcrowded, i.e. lacking 1 bedroom. A room is available as sleeping accommodation if it is of a type normally used either as a bedroom or as a living room. Therefore, in an overcrowding assessment, a living room will be included as a bedroom (Appendix 13).
	Living in unsatisfactory housing conditions - Category 2 Hazard. To receive this Priority Banding the circumstances must have been verified by the Council's Private Sector Housing Team (Section 8.1.2).
	Households who need to move to a particular locality within the district to avoid hardship, to themselves or to others, such as to provide or receive support/care (Section 8.7).
	Single applicants and joint applicants (couples) aged 35 years or over living in HMO's/shared housing, lacking or sharing basic facilities (Section 8.11).
	Households owed the following statutory duties: • A Section 195(2) Prevention Duty • A Section 189B(2) Relief Duty • A section 193(2) Main housing Duty as defined by Part 7 of the Housing Act 1996
	Households assessed as non-priority need, sofa surfing & rough sleeping, including households that can evidence homelessness or threatened with homelessness, but who have not made a homeless application (Annex 7)
	• Households who live in the district and have been are in substantive permanent paid employment for 6 months or more (Sections 3.4 & 8.14, also Appendix) • Households who meet the Right to Move criteria • Households who can demonstrate that they need to move, rather than wish to move to the district for reasons of employment and not moving would cause their household substantial hardship (Appendix 8 applies to all the above)

Band D	
Reason	**Description**
Deliberately Worsening Housing Circumstances	Applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed as being intentionally homeless.
	Where a household has deliberately worsened their housing circumstances and would have been found to be intentionally homeless if an application under Part 7 had been made.
	Applicants being, or have been, evicted from supported housing due to anti-social behaviour, breaching their license/tenancy agreement or incurring rent arrears.
Homeless by another Local Authority	This applies where a housing duty is owed to a household by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3).
Referral to another Local Authority	A homelessness applicant that is being referred to another Local Authority under either the Relief or the Main Housing Duty

Band E	
Reason	**Description**
Do not meet the Allocation Scheme Criteria	Households with no local connection to the district
	Applicants needing to move on from supported accommodation: • Within the Folkestone & Hythe District, but who do not have a local connection to the district. • In supported accommodation outside of the district, who do not have a local connection to the district, and there are no extenuating circumstances.
	Households who are adequately housed in suitable and affordable accommodation
	Households whose income, savings and assets exceed the financial threshold set out in this policy.
Applicant in Prison	Applicant has applied from prison (section 3.9).