

Housing Allocation Scheme

Table of Amendments

Section	Current wording	Amended wording	Reason for amendment
4.1	The Council has given due regard to the Equality Act 2010, particularly Chapter 1 Protected Characteristics and Chapter 2 Prohibited Conduct, in drafting and applying the Allocation Scheme	The Council has given due regard to the Equality Act 2010, particularly; Part 2 - Chapter 1, Protected Characteristics and Chapter 2 Prohibited Conduct; and Part 11 - Chapter 1, Public Sector Equability Duty and Chapter 2, Positive Action, in drafting and applying the Allocation Scheme.	Clarification on the particular areas of the Equality Act 2010 that the Scheme has given due regard to.
5.2	In order to request access to personal information, applicants must put the request in writing to the Homechoice and Strategy Manager (see Appendix B).	In order to request access to personal information, applicants can make a Subject Access Request by sending an email to dataprotectionofficer@maidstone.gov.uk	Applicants should make a Subject Access Request to access their personal information that we hold. Updated response timescales and information on GDPR that gives applicants a right to have their data erased.
5.3	The Homechoice Team will collect and prepare the information within 40 days. Files may be edited where necessary	The Homechoice Team will collect and prepare the information within 28 days. Files may be edited where necessary to exclude information	

	to exclude information restricted by law or evidence provided by a third party, for example a healthcare professional. In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the third party (ies) involved.	restricted by law or evidence provided by a third party, for example a healthcare professional. In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the third party(s) involved.	
5.5	n/a	General Data Protection Regulation (GDPR) states individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.	
8.1	The Council operates a 'closed list' housing register. Unlike previous versions of the Allocation Scheme there are now qualifying entry requirements in order to be accepted onto the register. As the supply of subsidised housing in the borough is limited, the Council will concentrate its resources, which includes its access to subsidised housing (nominations) and staff	The Council operates a 'closed list' housing register and there are qualifying entry requirements in order to be accepted onto the register. As the supply of subsidised housing in the borough is limited, the Council will concentrate its resources, which includes its access to subsidised housing (nominations) and staff resources on those applicants most likely to receive an offer of accommodation.	Updated as the Council has operated a 'closed list' register for the past 5 years.

	resources on those applicants most likely to receive an offer of accommodation.		
8.4	Applications will not normally be accepted from persons under 18 years of age, one exception are people who are owed duties by any Local Authority under Section 190(2), 193(2), 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3) e.g. 16 and 17 year olds owed the main housing duty.	Applications will not normally be accepted from persons under 18 years of age, except those owed duties by any Local Authority under sections 189B to 195 of the Housing Act 1996 or under section 65(2) or 68(2) of the Housing Act 1985.	Amended paragraph to ensure all relevant sections of housing legislation is covered
9.4	Employment – the applicant must have employment or an offer of employment within Maidstone Borough. The place of work, rather than the business address must be within Maidstone Borough. The employment must be for a minimum of 12 months and be for more than 16 hours a week. Self-employed applicants should provide documentation that confirms they work within the	Employment – the applicant must have employment or an offer of employment within Maidstone Borough. The place of work, rather than the business address, must be within Maidstone Borough. The employment must be for a minimum of 12 months and be for more than 16 hours a week. Self-employed applicants should provide documentation that confirms they regularly work or operate a business within the borough. For zero hour contracts see 18.4.1.	Clarification that self employed applicants should 'regularly work or operate a business' within the borough.

	borough. For zero hour contracts see 18.4.1.		
9.6	n/a	Members of the Armed Forces – Certain members of the Armed Forces and their households will bypass the local connection criteria. For more detailed information as to which members of the armed forces this applies to, please see 18.6.	Certain Members of the Armed Forces do not have to meet the local connection criteria. Now stated in Section 9 – Local Connection.
10.5.2	Households that have moved to a property and made themselves overcrowded will not be eligible under this category.	Households that have moved to a property and made themselves intentionally overcrowded will not be eligible under this category.	'Intentionally' added as overcrowding may be a consequence if a household is made homeless and stays with family members.
10.7.1	Housing need will apply to those applicants who are homeless or threatened with homelessness in 56 days. In order for the applicant to be considered under this category the applicant must be actively engaged with the Homelessness Team. The date of the application will be set to the date of the original application for advice and assistance confirmed by a member of the Homelessness Team. Applicants who deliberately and unreasonably refuse to take any step in	Housing need will apply to those applicants who are owed the S.195(2) Prevention Duty; S.189B(2) Relief Duty or S193(2) main housing duty. The date of the application will be set to the date of the original application for housing assistance confirmed by a member of the Housing Advice Team. Applicants who have their Prevention duty discharged as a result of a deliberately and unreasonable refusal to co-operate will no longer be considered to have a housing need under this category.	Updated explanation of who can qualify to join the housing register under the 'Homeless' category and fully incorporating the new housing duties introduced under the Homelessness Reduction Act from April 2018.

	accordance with the advice given by the Homelessness Team will no longer be considered to have a housing need under this category.		
10.7.2	Applicants owed a duty during the 'prevention' stage of the HRA will not need to meet the Local Connection criteria as stated in section 9 of this scheme. Once the prevention duty has ended, in order to remain on the register, an applicant will need to demonstrate they have a local connection commensurate with section 9.	Applicants owed the S.195(2) Prevention Duty will not need to meet the Local Connection criteria as stated in section 9 of this scheme. Once the Prevention Duty has ended, in order to remain on the register, an applicant will need to demonstrate they have a local connection commensurate with section 9 and a housing need in accordance with section 10.	
10.7.3	Housing need will apply to homeless applicants owed only advice and assistance duty under S190 (2) and S192 (2) of the Housing Act 1996 Part 7. The Council has chosen to exercise its power to assist intentionally homeless applicants, and homeless applicants found to be non-priority, as it recognises that homelessness is the most acute form of housing need. Once an applicant has obtained settled accommodation, their housing	Housing need will apply to homeless applicants found to be intentionally homeless and owed the advice and assistance duty under S190(2) of the Housing Act 1996. Where an applicant is found to be intentionally homeless, their priority date will be set as the date of the decision letter. Once an applicant has obtained settled accommodation, their housing need will end. The application will be processed under the housing register and must meet the qualifying criteria for local connection. A fuller explanation of all homeless categories	

	<p>need will end. The application will be processed under the housing register and must meet the qualifying criteria for local connection. The date of the application will be set as the date of the decision letter sent. A fuller explanation of all homeless categories can be found here (http://www.legislation.gov.uk/ukpga/1996/52/contents)</p>	<p>can be found here (http://www.legislation.gov.uk/ukpga/1996/52/contents)</p>	
10.7.5	<p>Applicants who are of no fixed abode where evidence has been provided may be considered as having a housing need, either because they are overcrowded or because they may be threatened with homelessness.</p>	<p>Applicants who are of no fixed abode, where evidence has been provided, may be considered as having a housing need, either because they are overcrowded or because they may be threatened with homelessness. This will apply to applicants who are found to be not in priority need and whose Relief Duty has ended.</p>	
15.2	<p>Extra bedrooms may be allocated in exceptional circumstances such as where an overnight carer is required. This must be approved by the Senior Homechoice Officer having considered the evidence provided in accordance with Paragraph 18.2</p>	<p>Extra bedrooms may be allocated in exceptional circumstances such as where an overnight carer is required (see paragraph 18.2) or an extra bedroom is required for a disabled child who would normally be expected to share a bedroom. This must be approved by a Senior Homechoice Officer.</p>	<p>An extra bedroom should be considered for a disabled child if relevant documentation is provided.</p>

17.2	The bands are as follows: A – Community Contribution B – Health Assistance C – Reasonable Preference D - Homeless	The bands are as follows: C – Community Contribution and Homelessness Prevention H – Homeless M – Medical and Health Assistance R – Reasonable Preference	Change of band naming as 'A to D' suggests a priority order.
18.1.1 Now 18.1	This band is for those applicants who have a housing need as per part 2 and in addition entry into this band requires a community contribution which is defined as follows:	This band is for those applicants who have a housing need (see section 10) and in addition entry into this band requires either a community contribution which is defined below, or the applicant is owed a duty under S.195(2) of the Housing Act 1996.	Applicants who are owed a prevention duty are also included in the new Band C in addition to those who meet the community contribution criteria.
18.1.1	n/a	Any applicant to whom a Relief Duty is owed under S.189B; a main housing duty under S.193(2) or S.193C(4) has been accepted under the Housing Act 1996 or; is confirmed as a rough sleeper, will be placed in Band H – Homeless applicants, regardless of if they meet the following community contribution criteria.	Applicants to who either a Relief Duty or the Main Housing Duty is owed will be placed in Band H – Homeless, even if they meet the Community Contribution criteria.
18.1.6	Where an applicant is placed in Band C or Band D, they are eligible to move into Band A once they have demonstrated that they meet the community contribution criteria.	Where an applicant is placed in Band R, they are eligible to move into Band C once they have demonstrated that they meet the community contribution criteria	Updated to reflect the new band names and qualifying criteria.

18.4.1	Employment must be for a minimum of 16 hours per week and with a contract of employment for at least 12 months. Self-employed applicants should provide documentation that confirms they work within the borough. In relation to zero hours contracts if the applicant can provide evidence of continuous employment over a 12 month period this will be sufficient	Employment must be for a minimum of 16 hours per week and with a contract of employment for at least 12 months. Self-employed applicants should provide documentation that confirms they regularly work a minimum of 16 hours per week. In relation to zero hours contracts if the applicant can provide evidence of continuous employment over a 12 month period this will be sufficient.	Clarification that self-employed applicants should provide documentation that confirms they regularly work a minimum of 16 hours per week.
18.7.1	n/a	Applicants who are owed a prevention duty under S.195(2) of the Housing Act 1996. Prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance.	New criteria added for Homeless Prevention Duty applicants to be eligible for the new 'Band C – Community Contribution and Homeless Prevention.' Explanation of what happens to an application once the prevention duty is ended.
18.7.2	n/a	If the prevention duty is ended and a relief duty is accepted as the applicant has become homeless, they would be eligible to remain on the housing register if they meet the local connection criteria as stated in section 9 of this policy. If eligible, from the date that the Relief Duty is accepted, their application would be placed in Band H – Homeless Applicants.	

18.7.3	n/a	If the prevention duty is ended for another reason (e.g. The applicant has refused to cooperate with their caseworker or they have refused an offer of suitable accommodation) they would no longer be eligible to remain on the housing register unless they have evidenced that they meet the two qualifying criteria of housing need and local connection.	
19.1 now 20.1	This band is for people who have a housing need due to significant medical grounds whose current accommodation is not suitable for them due to medical needs, such as a physical disability. Evidence of a medical condition must be supported by documentation from medical professionals or appropriately qualified persons (see section 10.2). It is the Council's intention to match where possible adapted properties to this band.	This band is for people who have a housing need due to significant medical grounds whose current accommodation is not suitable for them due to medical needs, such as a physical disability, or where another housing need exists but the applicant has a significant medical need and requires an adapted property. Evidence of a medical condition must be supported by documentation from medical professionals or appropriately qualified persons (see section 10.2). It is the Council's intention to match where possible adapted properties to this band.	Amendment in wording to clarify who would be eligible to be placed in 'Band M – Medical and Health Assistance.'
21.1 now 19.1	This band is for those applicants to whom a main housing duty has been accepted under The Housing Act 1996 Part 7 or confirmed as a Rough Sleeper.	This band is for all applicants to whom a Relief Duty is owed under S.189B or a main housing duty under S.193(2) or S.193C(4) has been accepted under The Housing Act	New criteria added for Homeless Prevention Duty applicants to be eligible for the new 'Band H – Homeless.'

		1996. This band is also for applicants found to be intentionally homeless and owed a duty under S.190(2) and applicants found to be not in priority need, or who are rough sleeping. For more information see Section 10.7.	
21.2 now 19.2	An applicant placed in this band with a main housing duty will have their application date set to the date that a homelessness application with all the relevant supporting documentation was made to the Council.	An applicant placed in this band will have their application date set to the date that a homelessness application with all the relevant supporting documentation was made to the Council, unless they were already accepted on to the Housing Register due to having an alternative housing need or have found to be intentionally homeless, see paragraph 10.7.3.	
21.3 now 19.3	Homeless applicants will be expected to actively seek a property via the Kent Homechoice Scheme and the Council may place bids on behalf of the applicant. The Council may seek to find and directly nominate to a suitable property in order to discharge its housing duty.	Homeless applicants owed the main housing duty under S.193(2) will be expected to actively seek a property via the Kent Homechoice Scheme and the Council may place bids on behalf of the applicant or apply auto-bidding. The Council may seek to find and directly nominate to a suitable property in order to discharge its housing duty.	
24.1	The Council will set a quota to allocate the percentage of properties for each band. This quota will be set at the	The Council will set a quota to allocate the percentage of properties for each band. This quota will be set at the beginning of every financial	Amended to include a review of the quota after an amendment to the scheme if appropriate.

	beginning of every financial year for the following year.	year for the following year and, if appropriate, following an amendment to the Allocation Scheme.	
26.2	Where a successful nomination is made the housing provider will attempt to contact the applicant. If the applicant does not respond to the housing provider within 7 days of the initial contact the nomination will be deemed to be refused and paragraph 29.2 will be applied.	Where a successful nomination is made the housing provider will attempt to contact the applicant. If the applicant does not respond to the housing provider within 7 days of the initial contact the nomination will be deemed to be refused and paragraph 29.2 will be applied. Whilst being considered for an offer of a property, applicants will not be short-listed for other vacancies.	Wording added stating that whilst and applicant is being considered for a property, they will not be verified for another vacancy.
27.2	<p>The reasons for determining an applicant ineligible for an offer may include (but are not limited to) the following:</p> <ul style="list-style-type: none"> • previous or current rent arrears, from either private or social tenancies, equivalent to a minimum of 8 weeks rent • arrears with Maidstone Council for a debt in relation to a tenancy, loan or other financial 	<p>The reasons for determining an applicant ineligible for an offer may include (but are not limited to) the following:</p> <ul style="list-style-type: none"> • current rent arrears or rent arrears from previous tenancies within a reasonable period (e.g. 6 years) from either private or social tenancies, equivalent to a minimum of 8 weeks rent • arrears with Maidstone Council for a debt in relation to a tenancy, loan or other financial assistance provided by the Housing Service 	Arrears from previous tenancy's only to be considered for a reasonable period.

	<p>assistance provided by the Housing Service</p> <ul style="list-style-type: none"> a history of anti-social behaviour or has wilfully damaged previously rented accommodation 	<ul style="list-style-type: none"> a history of anti-social behaviour or has wilfully damaged previously rented accommodation 	
28.1	Will apply in the case of direct offers of accommodation, or where an applicant refuses an offer.	The suitability of an offer of accommodation is considered for all applicants as part of the allocations process. The test of suitability will be determined by the statutory basis of the offer (see paragraph 28.5)	The suitability of an offer is considered for all vacancies, not just for direct offers.
28.5	n/a	For applicants owed a housing duty under Part 7 of the Housing Act 1996, in assessing suitability of a final offer of accommodation, consideration will be given to relevant legislation and guidance. Applicants will have the right to request a review of the suitability of any offer of accommodation offered to discharge a duty under sections 189B to 193C and 195. Applicants should be advised of their right to request a review having accepted an offer, as this secures the accommodation whilst the review is considered.	Additional paragraph added for considering suitability of offers for applicants owed a housing duty.

29.4	n/a	<p>For applicants owed a housing duty under Part 7 of the Housing Act 1996, a Senior Officer within the Housing Advice Team will make a decision on whether the final offer of accommodation was suitable, considering any additional information provided by the applicant and whether, as a result of a refusal of the final offer, the housing duty owed to the applicant will be discharged. Applicants should be advised of their right to request a review having accepted an offer, as this secures the accommodation whilst the review is considered.</p>	<p>Additional paragraph added for considering refusals of offers for applicants owed a housing duty.</p>
30.1	n/a	<p>The Council recognises that because of the particular circumstances of the Gypsy and Traveller community it may not be appropriate to follow normal housing allocation policy.</p>	<p>New section added stating that Gypsy and Traveller applications and allocations need to be considered outside of the Allocation Scheme.</p>
30.2	n/a	<p>Applicants can register their interest in vacant site plots by completing a Housing Register application form and indicating that they require a plot on a site.</p>	
30.3	n/a	<p>Plots will be allocated, where available, to members of the Gypsy and Traveller community who can provide evidence that they live in or regularly frequent Maidstone borough.</p>	

		If they live in the Borough, evidence should be provided as stated in Appendix A of this scheme.	
30.4	n/a	Applicants for vacancies will be considered in the order of when their completed application form and all required supporting information was received by the Council.	
31.1 now 32.1	The housing of high risk offenders will be carried out as part of a multi-agency arrangement with the Police, Probation, Social Services and other appropriate agencies. An area or type of property acceptable to the Council will be agreed in partnership with the agencies involved. High risk offenders will be offered limited choice through Kent Homechoice. Where there are urgent issues, the Homechoice and Strategy Manager may consider a direct offer, taking into account all relevant matters concerning the applicant.	The housing of high risk offenders will be carried out as part of a multi-agency arrangement with the Police, National Probation Service, Social Services and other appropriate agencies and an Accommodation Specific Housing Risk Assessment will need to be completed by the National Probation Service.	An Accommodation Specific Housing Risk Assessment will need to be completed by the National Probation Service.
32.2	See above	An area or type of property acceptable to the Council will be agreed in partnership with the agencies involved. High risk offenders will be offered limited choice through	

		Kent Homechoice. Where there are urgent issues, the Homechoice and Strategy Manager may consider a direct offer, taking into account all relevant matters concerning the applicant.	
41.1	n/a	Maidstone Borough Council has signed up to the Kent and Medway Reciprocal Scheme. This is a voluntary scheme between the 13 Kent and Medway authorities to support the duty to co-operate under S.213 of the Housing Act 1996. The scheme's aim is to prevent households from becoming homeless as a result of domestic abuse or violence/ serious harassment from outside the home.	Section added for the Kent and Medway reciprocal scheme.
41.2	n/a	Where the Council has agreed to assist another Local Authority under this Scheme, the applicant will be assessed in accordance with this Allocation Scheme however, the local connection criteria will not apply.	Amended wording to paragraph as was previously incorrect.