

Proposed Changes to the Brighton & Hove City Council Housing Allocations Policy

Residency requirement

Change the residency criteria in part (d) of [page 10 of the current policy](#), so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register.

Amend the saving clause in part (i) of page 10 of the current policy, so that applicants qualify to join the Housing Register if:

- they are homeless (within the meaning of Part 7 of the Housing Act 1996,) or
- are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985,) or
- they are occupying accommodation provided by a local housing authority under section 192(3) of the Housing Act 1996.

Remove the 'exemptions for temporary absence from the local authority area' on page 11 of the current policy, as the new requirement of 5 out of the last 7 years residency provides a sufficient safety valve.

Allocation plan and the four queues policy

Remove the allocation plan set out in [page 36 of the current policy](#).

Remove the four queues policy set out in [pages 20, 36 and 37 of the current policy](#).

Allow applicants to bid on all suitable properties, excluding mobility classified properties and those properties subject to a local lettings plan or direct offer.

Homelessness prevention

Add the following Band B reason:

'Applications for sheltered accommodation where the council is satisfied that the household is threatened with homelessness and who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996 by Brighton & Hove City Council. Allocations to general needs accommodation will not be accepted under this band reason.'

Add the following Band C reasons:

'Households who were threatened with homelessness who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996, but where the council negotiated for the household to remain in their accommodation for at least 6 months.'

'Households who were threatened with homelessness or were homeless and to whom the full housing duty under Part 7 of the Housing Act 1996 would likely be owed after the prevention/relief duty came to an end, or to whom the council previously owed a full housing duty under Part 7 of the Housing Act 1996, but who have voluntarily agreed to the prevention/relief/main duty being brought to an end by the provision of private rented accommodation.'

'Households to whom the council previously owed a full housing duty under Part 7 of the Housing Act 1996 who, with the advance agreement of the council, have voluntarily left temporary accommodation to make alternative housing arrangements including staying with friends or relatives. This does not apply to those who have been given notice to leave by the council, or who leave without giving the council advance notice.'

Joint tenants

Change the principle regarding joint tenants on [page 16 of the current policy](#) from, 'Applications for transfers can only be considered from joint tenants where both tenants are moving' to, 'When one or two joint tenants give notice to the council to terminate the tenancy, the council may offer the property (or an alternative property) as a sole tenancy to one or other of the joint tenants.'

Reducing the number of households who receive the highest priority: Non-statutory successors

Remove the following Band A reason on [page 32 of the current policy](#):

'Non statutory successors – where agreement has been provided by Tenancy Services and it is agreed that the applicant would be considered to be in priority need, as agreed by the Housing Options Service, and the council would therefore have a statutory duty to accommodate the person but the council considers that the property is too large to meet their needs.'

Direct offers

Introduce a direct offer policy operated in exceptional circumstances.

Not all properties becoming available for letting will be offered through choice-based lettings. The council will reserve the right to make a direct offer at any time to an applicant in exceptional circumstances, or where it considers this would meet the council's strategic aims.

Properties which are directly offered under this part of the policy will not be publicly advertised for bidding.

Detailed changes to band criteria

The following are the proposed changes to the priority banding criteria [set out in pages 31 – 33 of the current policy](#):

Band A	Overriding (severe and immediate) priority awarded after seeking advice from the Medical Advisor – where a person needs to move as the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or a member of the applicant's current household as to warrant emergency priority.
	Accepted homeless households owed the main duty by Brighton & Hove City Council and placed in temporary accommodation where the property is unsuitable to meet the applicants or member of the household's needs, and where the household have been assessed as ready to manage independent accommodation and no further accommodation can be sought as agreed by the Service Manager with responsibility for the Housing Register and/or Temporary Accommodation.
	Where the property is deemed to be statutorily overcrowded by the Private Sector Housing Team under Part X of the Housing Act 1985 and there is no practicable means to make the property suitable for the number of occupants within a reasonable time period. The applicant will be placed into Band A unless a person has intentionally overcrowded the property.
	Where the applicant is:

	<ul style="list-style-type: none"> • A current or former member of the regular armed forces or reserves, who is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, as assessed by the Council’s Medical Adviser, or • Bereaved spouses or civil partners of those serving in the regular forces where, <ul style="list-style-type: none"> (i) the bereaved spouse or civil partner has, within 12 months of the date of their application, has 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 (ii) the death was wholly or partly attributable to their service. <p>And at least one of the following applies:</p> <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council’s Medical Adviser • Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference
	<p>Social Services nominations under the quota arrangements. This includes applicants owed duties under the Care Act and the Children Act. This band reason will not apply if other rehousing options are available, or if the applicant has applied for assistance under Part 7 of the Housing Act 1996. All nominations under this reason must have a reasonable preference under section 166A of the Housing Act 1996.</p>
	<p>Care leavers – where Brighton & Hove City Council are the corporate parent to the applicant and there is agreement from the Service Manager with responsibility for the Housing Register and professional colleagues within the council that the applicant is ready for independent living. This priority is not valid for care leavers where the corporate parenting role is held by another authority.</p>
	<p>Witness protection nominations under a quota arrangement agreed by the National Witness Mobility Service.</p>
	<p>Transfer applicants under-occupying family sized accommodation.</p>
	<p>Transfer applicants who are statutorily overcrowded under Part X of the Housing Act 1985 and this overcrowding has occurred by family growth or by the households of two Brighton & Hove council or housing association tenants joining together.</p>
	<p>Priority Transfers, agreed in exceptional circumstances, at the discretion of the Service Manager with responsibility for the Housing Register, due to significant and insurmountable problems associated with the tenant’s occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic, ableist, faith or migrant-related abuse, victimization, or harassment. This may also include, but not be limited to, households which are existing tenants of Brighton & Hove City Council or registered providers in the city with a nomination agreement with the Council whose accommodation would be likely to be assessed as being unreasonable to continue to occupy if they made an application for homelessness assistance under Part 7 of the Housing Act 1996. Priority transfers will be made one direct offer to resolve the tenancy issue.</p>
	<p>Transfer applicants needing permanent or temporary decants where the property is imminently required for major repair.</p>

	Supported accommodation move-on from Brighton & Hove City Council commissioned accommodation where, if homeless, the household would likely be owed the main housing duty under Part 7 of the Housing Act 1996 by Brighton & Hove City Council.
	Statutory successors who are under occupying the tenancy where the council has grounds for seeking possession by offering suitable alternative accommodation. (This category will not be considered under the TIS scheme). This group will be made one direct offer to resolve the tenancy issue.
	Sheltered Scheme resident has an assessed need to move under the allocations scheme to move within the same scheme only.
	Retiring council employees, eg Sheltered Scheme Managers, Residential Estate Wardens where the council or Housing Association has a contractual obligation to house the applicant. This group will be made one direct offer to resolve the tenancy issue.

Band B	Households lacking two or more separate bedrooms. This assessment may be qualified if a person is seen to have caused the overcrowding intentionally.
	High (Major) priority awarded after seeking advice from the Medical Advisor – where a person needs to move where the housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the applicant’s current household and there is no practicable means to make the property suitable for the household within a reasonable time.
	Where the applicant is: <ul style="list-style-type: none"> • A former member of the regular armed forces And at least one of the following applies: <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council’s Medical Adviser • Households who are lacking a bedroom or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • An applicant who would otherwise be placed in Band C
	Ex-tenants returning from institutions e.g., rehabilitation, hospital – where a prior commitment has been made in writing in order to secure the relinquishment of a council or HA tenancy on entering the institution (this may also be considered for a person admitted under section in an emergency situation that would otherwise have been agreed on notice).
	To enable fostering or adoption – where agreement is reached to provide permanent accommodation or foster care arrangements on the recommendation from Brighton & Hove City Council Children and Families Service.
	Social Services nominations under the quota arrangements into Band B used as a preventative measure but does not warrant an emergency move under Band A above.
	Unsatisfactory housing conditions as confirmed after a visit from the Private Sector Housing Team and classed as a priority 1 hazard(s) that cannot be rectified within six months (as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 Housing Act 2004)), for the period

	that hazard remains. Applicants will no longer be eligible for this banding once the hazard(s) has been resolved.
	Accepted Homeless households owed the main duty by B&HCC making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. The temporary arrangements cannot be at the property that a person is considered homeless from.
	Multiple needs that warrant high priority – applicants whose needs match more than three of the priority reasons from the Band C considered cumulatively - by the Service Manager with responsibility for the Housing Register - which are deemed to be so severe as to warrant being placed in a higher priority band.
	Applications for sheltered accommodation where the council is satisfied that the household is threatened with homelessness and who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996 by Brighton & Hove City Council. Allocations to general needs accommodation will not be accepted under this band reason.
	An applicant where a household is living in support accommodation funded by Brighton & Hove City Council and has been assessed as ready to leave supported accommodation, in agreement with the Service Manager with responsibility for the Housing Register.

Band C

There are two levels of priority within Band C: Level 1 and Level 2 (Level 1 is higher.)

Households who are homeless and have been accepted as statutory homeless and owed a full housing duty by Brighton & Hove City Council under s193(2) or s192(3) of Part 7 of the Housing Act 1996 will be placed in Level 1 of this Band. All other applicants, including homeless households not owed a full housing duty, will be placed in the lower Level 2.

	Households lacking one separate bedroom
	Council and housing association tenants under-occupying that do not qualify for the Transfer Incentive or Tenants Support Schemes.
	Accepted homeless households owed the main duty by Brighton & Hove City Council placed in temporary accommodation.
	Households that are homeless (within the meaning of Part 7 of the Housing Act 1996) and are not owed a full housing duty under Part 7 of the Housing Act 1996.
	Households that are owed a duty under section 190(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985.)
	Households who are occupying accommodation provided under section 192(3) of the Housing Act 1996.
	Applications for Seniors accommodation. Allocation to general needs accommodation will not be accepted under this band reason.
	Households who were threatened with homelessness who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996, but where the council negotiated for the household to remain in their accommodation for at least 6 months.
	Households who were threatened with homelessness or were homeless and to whom the full housing duty under Part 7 of the Housing Act 1996 would likely be owed after the prevention/relief duty came to an end, or to whom the council previously owed a full housing duty under Part 7 of the Housing Act 1996, but who have voluntarily agreed to the prevention/relief/main duty being brought to an end by the provision of private rented accommodation.
	Households to whom the council previously owed a full housing duty under Part 7 of the Housing Act 1996 who, with the advance agreement of the council, have voluntarily left temporary accommodation to make alternative housing arrangements including staying with friends or relatives. This does not apply to those who have been given notice to leave by the council, or who leave without giving the council advance notice.

	Households who need to move to a particular area in the city where failure to meet that need would cause hardship, e.g. to give or receive support.
	Council and Housing Association tenants who are seeking to transfer and who need to move from another local authority district to be closer to work, or to take up an offer of work and the council is satisfied that the relevant person has a genuine intention of taking up the offer of work.
	Minor need to move (mobility.)

Band D	Any applicant who has applied to the council and whose application has been demoted from any other band to enable an investigation to take place on their application on the basis of potentially false and/or misleading information.
	Key workers
	Applicants required to be on the Housing Register of the purpose of obtaining shared ownership. These applicants may only be assessed for the above purpose and will not receive an allocation of social housing or be nominated to a Housing Association.
	Households who are homeless and who are owed a full housing duty under Part 7 of Housing Act 1996 by an authority other than Brighton & Hove City Council.

References

Brighton & Hove City Council Housing Allocation Scheme 2016. Available at: <https://www.brighton-hove.gov.uk/sites/default/files/2023-11/Allocations%20policy%20Nov%202023.pdf>