
Housing Allocation Scheme

January 2025

In this scheme:

- **The Council, we, our or us** means Tonbridge & Malling Borough Council
- **Borough** means the borough of Tonbridge and Malling
- **You or the applicant** means someone who applies for affordable housing
- **Register** means Tonbridge & Malling Borough Council's housing register
- **Scheme** means Tonbridge & Malling Borough Council's housing allocation scheme
- **Assessment form** means Tonbridge & Malling Borough Council's housing assessment form
- **Bid or bid for** does not involve offering money; here it means the same as apply or apply for.

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1 Introduction to the Scheme

1.1 Scope of this policy

Our Allocation Scheme sets out the criteria and procedures that Tonbridge and Malling Borough Council use when applicants apply to join our housing register. As in all areas, demand for social housing is greater than the supply, and our scheme aims to ensure that those who have the most housing need are given access to available housing.

The scheme sits within a legal framework, primarily part VI of the Housing Act 1996 (as amended).

It also complies with the requirements of the following legislation, Statutory Instruments, and guidance:

- The Equality Act 2010 and the Specific Duties and Public Authorities Regulations 2017;
- The Localism Act 2011;
- Providing social housing for local people – December 2013;
- Right to move and social housing allocations – March 2015;
- The Homelessness Reduction Act 2017;
- Improving access to social housing for members of the Armed Forces – June 2020;
- Improving access to social housing for victims of domestic abuse – January 2022; and
- Allocation of accommodation: guidance for local authorities – June 2022

In formulating the scheme, we have also had regard to the Councils Corporate Strategy, our Housing Strategy, and our Tenancy Strategy 2022 - 2027.

1.2 Statement of choice¹

We are committed to providing excellent services to ensure applicants can play an active role in choosing where they live by giving them the opportunity to express preferences about their accommodation whenever possible, within the constraints imposed by the limited supply of affordable housing. Choice Based Lettings (CBL) allows qualifying applicants to bid for properties which they are interested in and receive feedback from the bidding process to assist them to make informed choices about where they want to live, the type of property they would prefer and their likelihood of being housed.

1.3 Summary and aims

This scheme explains how to apply to rent affordable housing in the borough of Tonbridge and Malling. It also explains who is entitled to apply for affordable housing and the way that we prioritise applicants, bearing in mind that demand far exceeds supply.

Affordable housing is also known as social housing and includes social rented and affordable rented tenures provided by housing associations to eligible households. In 1991 we transferred our housing stock to a Tonbridge & Malling Housing Association, now known as Clarion Housing Group. The Council does not own or manage any of its own housing stock, so we work in close partnership with housing associations who supply affordable housing in our borough. These are:

Clarion Housing Group, Golding Homes, Hanover, Housing & Care 21, The Hyde Group, L & Q, Moat, Orbit, Riverside, Sanctuary Housing, Southern Housing, Town & Country Housing, MHS Homes and West Kent Housing Association.

The types and sizes of affordable homes, and the areas that they are in, vary considerably. Within Section 4.6 we set out a guide to the size and type of homes that you can be considered for.

To be considered for affordable housing, applicants must first be accepted onto our housing register.

The scheme sets out:

- who qualifies to be included on the register;
- how to apply to get on the register;
- how we determine an applicant's priority on the register;
- how we keep the register up to date;
- how to bid for available properties; and
- how available properties are allocated.

It aims to ensure that we:

- allocate affordable housing in a fair and clear way;
- determine the priority of applicants in a consistent way;
- provide accurate and timely advice to those in need;
- work effectively with housing associations;
- make the best use of the affordable housing stock; and
- comply with the law².

1.4 Getting more information

There are several ways to get your own copy of this scheme. You can:

- print a copy from our website: www.tmbc.gov.uk; or
- email housing.services@tmbc.gov.uk, and we will email a copy back to you.

A summary of the scheme is also available and our Housing Solutions Service on 01732 844522, can advise on a wide range of housing matters, including accessing the housing register, the prevention of homelessness and finding a home in the private rented sector. This service is free and confidential. There is also information available on our website.

1.5 Direct allocations

The following allocations are outside the scope of this scheme:

- provision of temporary accommodation for homeless people³;
- direct offers - see section 9.3;
- Housing association tenants for urgent management move purposes;
- tenancies offered on succession or by way of assignment, for example where a parent dies, and the tenancy passes to a descendent in their household; and
- transfers of a tenancy by a court order⁴.

¹S166A(2) Housing Act 1996 requires the housing allocation scheme to include a statement of the Council's policy on offering people who are to be allocated housing accommodation: a choice of housing accommodation; or the opportunity to express preferences about the housing accommodation to be allocated to them.

² This scheme aims to ensure the Council meets its legal obligations set out in Part 6 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017 and the Localism Act 2011. Part 6 of the Housing Act 1996 covers the allocation of housing association homes and sets out the circumstances of applicants to whom we should give reasonable preference. The scheme also has regard to the 2012 Allocation of Accommodation: Guidance for local housing authorities in England, (which replaces all previous guidance), the Tonbridge and Malling Borough Council Housing and Tenancy Strategy 2022 -2027. The last of these gives details of the types of tenancies that may be offered by housing association landlords.

³ In accordance with part 7 of the Housing Act 1996.

⁴ A secure tenancy vests or is otherwise disposed of in pursuance of a Court order made under the legislation cited in s.160(2)(e)(i)-(iii) of the Housing Act 1996”.

2 Who qualifies to be included on the Register?

2.1 Reasonable preference categories⁵

Our housing register lists applicants within one of three priority bands, taking into account whether their housing needs are assessed as exceptional, high, or medium. In assessing priority, we are required to consider people who fall into one or more of the reasonable preference categories, which include:

- people who are homeless⁶;
- people owed a duty under section 190(2), 193(2), 189(B) or 195(2) Housing Act 1996 (or section 65(2) or 68(2) Housing Act 1985);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing;
- people who need to move on medical or welfare grounds, including grounds relating to disability; and
- people who need to move to a particular locality within our borough to avoid hardship to themselves or others.

2.2 Additional preference

We are also required to give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

- Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Armed Forces at any time in the last 5 years preceding their application to join the housing register⁷;
- Bereaved spouses or civil partners of those serving in the Regular Armed 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 services spouse or civil partner and the deal was wholly or partly attributable to their service;
- Serving or former members of the Reserve Armed Forces⁸ who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Additional preference will be awarded to these households by placing them in the band that is one band higher than their assessed need.

2.3 Eligibility⁹

We cannot consider you for inclusion on the register if:

- you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless you are in an exempt group as decided by the Government; or
- you are not habitually resident in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man, and the Channel Islands) unless you are exempt from the habitual residence test; or
- because of your rights of residence under European Union law.

If you are not eligible to join the register, we will write to you setting out the reasons for the decision. You have the right to request a review of a decision to treat you as ineligible because of your immigration

status - see section 10. If you have been accepted onto the register but later become ineligible, your application will be removed, and we will write to you to let you know. This decision to treat you as ineligible is also subject to a right of review - see section 10.

2.4 Financial considerations

If you own, or part own, a property, whether you currently live there or not, you will not usually be included on the housing register. Homeowners who need to move on medical or welfare grounds or grounds relating to a disability may be considered for sheltered, adapted or other suitable accommodation in accordance with their assessed needs.

If you have household income or capital (including savings) above the thresholds described below, you will not be included on the housing register.

We will review the income, and savings thresholds annually. Any changes to these threshold levels will not be applied retrospectively to existing applications unless there has been a change in the household's income or capital (including savings) after the change.

The current thresholds are:

- households with no dependents with a total gross income of £40,000 or more; or
- households with up to two dependants with a total gross income of £50,000; or
- households with three or more dependent children with a total gross income of £60,000 or more; or
- households with total capital of £16,000 or more.

If you are eligible to be considered for sheltered housing, the threshold for your household's capital assets (including savings) is £85,000.

Current payments of the following are disregarded as income for the purposes of this assessment:

- disability living allowance;
- attendance allowance;
- personal independence payments;
- armed forces personal independence payments;
- any benefit treated as attendance allowance;
- war pensioners mobility supplement; and
- payments in compensation for non-receipt of the above

2.5 Qualifying criteria

The demand for affordable housing in our borough far exceeds the supply. Only those applicants who meet one or more of the local connection criteria **and** meet one or more of the housing needs criteria will qualify to join the housing register.

To be considered for inclusion on the housing register, you must have a qualifying **local connection** to the borough of Tonbridge and Malling. You will be required to provide evidence of your local connection as part of your application for housing. You have a local connection if you:

- those who are currently residing within the borough of Tonbridge and Malling and have been for a continuous period of 2 years immediately prior to the application to join the housing register

being made; or

- have immediate family members (children over the age of 18, parents, or brothers/sisters) who currently reside in our borough, have done so for 5 or more years **and** there is an exceptional need to move to receive or provide essential care from or to that close family member that cannot otherwise be provided; or
- those who are currently serving in the Regular Armed Forces or who were serving the Regular Forces at any time in the last 5 years preceding their application to join the housing register;
 - Bereaved spouses or civil partners of those serving in the regular forces where the bereaves 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 services spouse or civil partner and the deal was wholly or partly attributable to their service;
 - Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service;
 - Ex-spouse or civil partner or adult child of a serving Regular Armed Forces member.
- There may also be exceptional circumstances in which the local connection criteria are waived for example;
 - it is accepted that you are owed a main housing duty under section 193(2), in which case the local connection requirements will be those contained within the relevant homeless legislation and Code of Guidance;
 - are currently residing outside our borough but are fleeing violence or harassment (including hate crime); or
 - you are a housing association or Council tenant exercising your right to move for work related reasons
 - have no local connection to any local authority area.

Within our borough some properties and new developments have a specific local connection requirement in their planning or funding conditions. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole and will be detailed in the relevant local lettings plan for the development (see section 5).

To be considered for inclusion on the housing register you must also have a qualifying need for affordable housing. You have a qualifying **housing need** if any of the criteria described in the priority bands A to C (see section 4.3) apply to you.

You have the right to request a review of a decision to exclude you from the register because you do not have a local connection and/or a housing need - see section 10.

2.6 Disqualification

You will not usually qualify for inclusion on the housing register where you or a member of your household has behaved in an unacceptable manner in the preceding 5 years.

Examples of unacceptable behaviour include (but are not limited to) the following:

- where you have been evicted or otherwise lost accommodation due to anti-social behaviour; or
- where you have been convicted of criminal offences (including offences involving anti-social behaviour or the use and/or supply of drugs) in or near your home and still pose a threat to neighbours or the wider community.

The decision to disqualify you will consider any supporting information received from your current or previous landlord, the police/police community support officers, the Council's community safety unit, the probation service and other relevant professionals involved in your case, and we may remove you if we receive information after your application has gone live, if we received information from any of these partners about any issues.

⁵ In accordance with section 166A (3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

⁶ Whether or not the applicant is owed a housing duty under part 7 of the Housing Act 1996 and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.

⁷ Regular Forces means Her Majesty's Regular Army, the Royal Navy, the Royal Marines or the Royal Air Force.

⁸ Reserve Forces means the Army Reserve, the Territorial Army, the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

⁹ In accordance with the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.

3 Applying for housing

3.1 Making an application

To be considered for inclusion on our housing register you must:

- complete an assessment form online with details of your housing history and the current needs of you and your household; and
- provide documents to verify your identity and current housing circumstances; and
- complete any supplementary forms that we send or answer further questions that we ask you.

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for affordable housing in this borough. This can either be your own personal application or you can be included as a household member in another person's application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the housing register so that housing can be allocated fairly and openly based on greatest need. We may carry out home visits and interviews to confirm housing needs.

To complete an assessment please visit:

[Home - Kent Homechoice](#)

If you need assistance completing the form, or require it in a different format, please contact 01732 844522 or email housing.services@tmbc.gov.uk.

Upon receipt of your application, you will be notified of any supporting information required, and you will have **28 days** to submit this. Failure to provide the supporting documentation will result in the application being removed.

If you are under 18 years of age:

- your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support; and
- you will need a guarantor, usually your parent, legal guardian or other relative as any tenancy granted will be held in trust until you reach 18 years of age.

3.2 Who can be included on your application?

You can include members of your household who are currently residing with you:

- your partner, whether you are married, in a civil partnership or co-habiting;
- you and your partner's or carer's dependent children under the age of 18, including biological or adopted children;
- relatives, including adult children, parents, or brothers/sisters unless they have a separate application or otherwise intend to live independently from you; and
- someone who currently lives with you as your carer.

We will also consider including partners, carers and their dependents who are not currently living with you if:

- they are no longer able to live independently because they need care and support that you can

provide; or

- you are unable to live together as your current accommodation does not meet the needs arising from their disability, or
- you are unable to live together as neither you nor any other member of your household have accommodation available which is large enough to accommodate your whole household together.

3.3 If you have shared responsibilities for dependent children

This is where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address. We will assess whether your address is their main home and if they can be included as members of your household on your application. We will consider:

- the financial support you receive including Child Benefit, tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian;
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency;
- supporting evidence from Social Services in respect of fostering, guardianship, or adoption placements; and
- whether the children currently reside with someone else for all or part of each week.

Regardless of the amount of time that your children actually spend with you, if we decide that their main home is not with you:

- they will not be included on your housing register application; and they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for, or be offered, through Choice Based Lettings.

3.4 If you need a carer

A carer is someone who looks after and supports a partner, friend, relative or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household. If you have requested an additional bedroom for your carer, we will take into account:

- whether your carer receives Carer's Allowance;
- whether your care needs have been assessed as including overnight support;
- whether you have been awarded benefits because of illness or disability including Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance;
- the level of care that you need and whether this is likely to change in the future;
- the ability of your carer to provide the level of care required, e.g. including whether they have their own medical needs, access to transport etc; and

- your current accommodation, and where your carer currently resides and whether the care has been sufficiently provided from this address previously and what the change is that has triggered a need to move closer.

3.5 Declarations

You are required to agree to the declarations online to confirm that you:

- have provided true, accurate and complete information;
- will notify us of any change in your circumstances **within 14 days** of the change;
- understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties;
- consent to us making relevant enquiries to verify the information given on the assessment form;
- consent to the disclosure of relevant information by third parties to us, or by us to third parties; and
- understand that information provided may be used to help in the detection and prevention of fraud.

3.6 Fair processing notice

The Council is under a duty to protect the public funds it administers and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information with other Council departments, other local authorities, government agencies and credit referencing agencies for the detection and prevention of crime.

3.7 Offences related to information given or withheld by applicants

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- give false or misleading information; or
- withhold information that we have asked for on an assessment form or in subsequent correspondence; or
- fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

This may result in prosecution, your application being suspended or cancelled and/or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison. Any decision regarding criminal proceedings will be made in accordance with the Council's Housing Services Anti-Fraud Policy and its associated Sanctions Policy.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the housing association may choose not to hold the property for you.

When housing has been allocated based on false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

3.8 Data Protection

The council adheres to the Data Protection Act 1998 and any other legislation to protect applicants' personal information and will process it for the purposes as stated and in our Privacy notice in accordance with the applicant's rights.

A copy of our privacy notice can be found here:

[Housing applications and homelessness privacy notice – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk)

Data collected from applications for housing is processed in line with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Applicants have the right to see information on their file relating to their application except where this involves confidential third-party information. If an applicant is not eligible for inclusion on the register, does not respond to an annual review of their entry on the register or is removed from the register, their records will be kept for seven years before being redacted on our housing system.

3.9 Equal opportunities

We promote equal opportunities for all applicants regardless of race, colour, gender, nationality, religion or belief, sexuality, disability, marital status, pregnancy/maternity, family circumstances or age. To help us apply our equality and diversity policy and to ensure that there is genuine equality of opportunity in access to affordable housing, we collect data for monitoring purposes only. We ask you to complete the equal opportunities section of the assessment form to assist in this monitoring.

4 Determining priority on the Register

4.1 Summary

We assess all of the information you provide to support your application in full. If your household is not assessed as having a housing need, you will not be included on the register. If your circumstances change you will need to re-apply.

Otherwise, the two main factors that determine a household's priority on the register are your housing need and priority date. We assess housing need in terms of three priority bands which are explained below. Other factors can also affect housing priority in specific cases. The main ones are explained later in this section.

We will email or write to tell you whether you have been included on the register. If you have been included, we tell you in which priority band you have been placed.

If you believe the current Allocations Scheme has been applied incorrectly when assessing your application, you have the right to request a review - see section 10.

You must tell us of any change in your circumstances **within 14 days** of the change. We will email or write to you to let you know if the change affects your level of housing need and priority band. The banding reflects broad levels of housing need, so changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child, a change to your household income or savings or a substantial change in mobility may result in a reassessment of your priority. Your application will usually be suspended, and you will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority.

4.2 Priority date

Your household's priority date is the date that you submit your initial application. If we receive new information and this results in a change to your priority band which causes your banding to increase, then your priority date will be amended to the date that you notified us of the change. If the new information causes no change or you are placed in a lower priority band, your priority date will remain unaffected.

4.3 Priority bands

The three bands broadly equate to:

- **A** - Exceptional Priority
- **B** - High priority
- **C** - Medium priority

Within each band, relative priority is determined only by priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded a high priority on medical, disability or welfare grounds, you will be placed into band B regardless of whether you are also threatened with homelessness.

However, if the Council has determined that you have become homeless intentionally and you qualify to be included on the housing register, you will be placed into band C regardless of whether you have another housing need that would give rise to a higher priority band, for example overcrowding. Your priority band

will be reviewed by the Housing Solutions Service 24 months after the Council's decision that you became homeless intentionally. If you have not secured settled accommodation in this time, you will remain in band C.

Band A - Exceptional Priority

- Households where one or more members are wheelchair dependent in the home, and do not currently occupy a wheelchair accessible/adapted home.
- Those unable to be discharged from hospital or other inpatient setting as their accommodation is unsuitable for their medical or disability needs.
- Conditions at your property are assessed by our Private Sector Housing Service as presenting an immediate threat of serious injury or are life threatening.
- Those currently residing in refuge after fleeing their home on extreme welfare grounds and it has been established that it is not safe for a return to the last settled address.
- Households that require urgent rehousing as a result of violence or to escape serious anti-social behaviour of domestic abuse as evidenced in section 4.8.
- Under-occupation - housing association tenants living in the borough who need at least two bedrooms fewer than their current home.

Band B – High Priority

- Overcrowding – applicants assessed as being overcrowded by two or more bedrooms than their current home.
- Homeless applicants where we have accepted a section 193 (2) duty to secure accommodation under part VII of the Housing Act 1996 and that duty has not been ended.
- Applicants who are being evicted from the family home and are owed a Section 195(2) prevention duty. This will only apply to applicants who have never held a tenancy of their own and where the use of temporary accommodation can be prevented by the applicant remaining at their current address.
- Households where one or more members are awarded a high priority on medical, disability or welfare grounds.
- Under-occupation - housing association tenants living in the borough who need one bedroom less than their current home.
- Housing association tenants living in the borough in a home with significant adaptations to meet disability needs that are no longer required.

Band C – Medium Priority

- Overcrowding – applicants assessed as being overcrowded by one bedroom.
- People owed a duty under section 190(2) accommodation for a reasonable period if found intentionally homeless, 189(B) relief duty or 195(2) prevention duty under the Housing Act 1996 and those duties have not ended (or section 65(2) or 68(2) Housing Act 1985).
- Those who are of no fixed abode, including those staying or sofa surfing with relatives or friends, or verified rough sleepers.
- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice to vacate their tenancy (usually at least 3 months).
- Applicants assessed as needing sheltered accommodation who are not currently residing in sheltered accommodation.
- Applicants awarded priority on property condition grounds.
- Households where one or more members are awarded a low priority on medical, disability or welfare grounds.

- Applicants living in non-traditional housing (for example, houseboat, caravan or commercial premises) who lack any kitchen and/or bathroom facilities.

4.4 Homelessness

If we accept that you are eligible, unintentionally homeless and in priority need¹⁰, you can be offered a suitable private sector tenancy. When you accept a private rented sector offer in discharge of our homelessness duty your application will be removed from the housing register. However, if within two years of the date on which you accepted the private rented sector offer you become unintentionally homeless or threatened with homelessness unintentionally, your housing register application will be reinstated.

4.5 Overcrowding/under-occupation

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- the applicant and any partner;
- any additional adult couple;
- any two siblings of the same sex up to the age of 16;
- any two children aged under 10 regardless of sex;
- for any additional person;

You will be assessed as needing an extra bedroom if:

- you have a disabled child who is unable to share a room with a sibling¹¹; or
- you are an approved foster carer whether or not a child has been placed with you or you are between placements (so long as you have fostered a child, or become an approved foster carer in the last 12 months); or
- you have adult children in the Armed Forces (but who continue to live with you) who will be treated as continuing to live at home, even when deployed on operations; or
- a member of your household is temporarily absent from your home because they are attending a full time University course.

A bedroom is defined as any room intended to be used as a bedroom as defined in a tenancy agreement. The Council will also count any second communal room, as a bedroom when measuring overcrowding.

Your living room will not be considered as a bedroom unless you live in bedsit/studio accommodation without a separate bedroom. Where a dwelling has two separate living/reception rooms we will consider the second room as suitable for use as a bedroom if this leaves enough living room space for the household.

For the purposes of assessing overcrowding:

- two children of the same sex would be expected to share a bedroom until the eldest reaches 16 years of age;
- two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age;
- a couple or single parent would not be expected to share their bedroom with a child;

4.6 Property size guidelines

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A single person	Bedsit, studio flat, or one-bedroom flat, house, bungalow or sheltered accommodation.
A couple. ¹	Bedsit, studio flat, or one-bedroom flat, house, bungalow or sheltered accommodation.
Two adults with a verified need for separate bedrooms.	Two-bedroom flat, house, bungalow or sheltered accommodation.
A couple ¹ or single parent with one child or expecting a first child. ²	Two-bedroom flat, house or bungalow.
A couple ¹ or single parent with two children, or expecting a second child. ²	Two- or three-bedroom flat or house, depending on age/sex of children.
A couple ¹ or single parent with three or more children or expecting a third. or subsequent child. ²	Three- or four-bedroom house, depending on age/sex of children.

Notes:

1. Couple includes heterosexual or same-sex couples, whether married, in a civil partnership or living together in the same household.
2. A valid MAT B1 will be required where an extra bedroom is needed in line with this policy for an expectant child.

Exceptions to this guide, depending on individual circumstances, include:

- a medical recommendation for a bigger home¹² for example to:
 - meet a medical or disability need for an extra bedroom; or
 - accommodate a carer; or
- the available home has special adaptations and there are no other applicants of the correct household size available that need those adaptations; or
- the allocation is the result of an emergency; or
- the home is being used as temporary accommodation; or
- the home is being let under the terms of a local lettings policy.

Bungalows will generally be allocated to households where the applicant or a member of their household needs level-living accommodation.

4.7 Property condition

If you state on your housing application form that there are problems with the condition of your home, you will first be sent information on working with your landlord to rectify the situation and you must co-operate with your landlord to rectify any issues. Where your landlord is not cooperating and we have evidence of this, we will then make a referral to our Private Sector Housing team who may contact you and your landlord. No priority will be awarded if you fail to co-operate with your landlord, refuse to allow us to

contact your landlord or prevent works being carried out, for example by refusing to let contractors into your home to undertake the works.

If a visit is determined necessary by the Private Sector Housing team, they will inspect and assess your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards¹³ to health and safety. A crowding and space hazard is included within the housing needs assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

Band A priority will only be awarded to applicants who currently occupy a property which has at least one category 1 hazard (excluding crowding and space) where the conditions present an immediate threat of serious injury or are life threatening and where remedial action is considered unreasonable or impractical for cost or other reasons. Examples of where remedial action is considered unreasonable or impractical:

- where work cannot be carried out to remedy a serious hazard with the applicant in residence and no alternative accommodation is available to the applicant to assist in progressing remedial works; or
- where the risk from the hazard in the property is greater because of being an elderly person or having a young child but the property would be relatively safe for occupation by others.

Band C priority will only be awarded to applicants who occupy a property which has at least one category 1 hazard (excluding crowding and space) where:

- the category 1 hazard(s) identified pose a significant threat to the health and wellbeing of the occupants but where there is no immediate danger, or it is not life threatening, and remedial action is considered unreasonable or impractical; or
- you do not have access to one or more of the basic facilities: bathroom, kitchen, inside toilet, cold or hot water supplies, electricity and this cannot be remedied within a reasonable timescale (this does not apply if you live in shared accommodation and share these facilities with another household).

4.8 Medical or welfare reasons for moving

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will decide the level of priority to be awarded on medical or welfare grounds based on the information you submit. If you consider that anyone in your household has a medical condition that is affected by your current housing, you must give your reasons by providing independent verification from your General Practitioner (GP), Hospital Consultant, or other health professional. If an applicant wishes to be considered for a high priority band or additional room for medical or welfare reasons, GP verification alone will not be sufficient.

In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or, where appropriate, we may make a joint assessment with Social Services, or an appropriate support agency.

Medical Cases

- We look at whether your current housing makes a medical condition worse.

- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property and whether you have a lift or ramp may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is considered in the overcrowding assessment, and usually no further priority will be awarded.

Welfare cases

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you need to move into the borough in order to provide or receive significant and ongoing care or support to or from an immediate family member (children over the age of 18, parents, or brothers/sisters) we will look at the following factors as part of the assessment:

- the level of care and support that is required and whether this can be provided locally or by a formal care package;
- whether you and/or your family member can drive or use public transport;
- whether you and/or your family member are in receipt of Carer's Allowance;
- whether you need or can provide frequent assistance with activities of daily living, including household chores, preparing, and cooking meals, organising finances, and attending to medical needs including administering medication and attending appointments.

If you are currently living in supported housing and have been assessed by the support provider as ready to move on into independent living, you will usually be awarded a high priority on welfare grounds.

High priority will usually be awarded where:

- your accommodation is unsuitable and has a significant impact on your medical, welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Medium priority will usually be awarded where:

- your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or

- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a medium priority, your household will be assessed as band C.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams, or pushchairs on external or communal stairs or do not have access to a private garden, you will not usually be awarded any change in priority based on medical or welfare grounds.

Domestic Abuse, violence, or harassment

Applicants who need to move due to DA, violence or harassment at a high level will be verified by the Police, and or other agencies as necessary.

Households subject to MARAC

Those currently living in the Borough of Tonbridge and Malling, who have been assessed as high risk by MARAC and provided with a supporting letter to evidence this, will not be eligible to join the housing register, as it has been deemed unsafe for them to remain in the area.

We recognise that there are cases where it has been agreed during MARAC and with any additional services involved, that in certain circumstances there may be a need to remain in Borough for support. Any applicants with an exceptional need to remain in the area will be assessed on a case-by-case basis.

Please note that MARAC letters must be provided to us by the relevant support worker only. MARAC letters uploaded directly to the application by the applicant, will not be taken into consideration as evidence.

Standard to medium risk households

Households that have been assessed as standard to medium risk and the current accommodation is otherwise suitable for the households needs, will be considered for a referral to the Sanctuary Scheme before they are considered for the housing register. As this may enable the household to remain in their current home.

Where a need to move is identified and violence is a feature, the household will not be offered a home within the vicinity of the area they are fleeing.

**Examples of cases where we may award high priority:
(in this table “you” means you, or someone in your household)**

- A medical condition may get worse because of continuing to live in the property.
- If you are unable to get in or out of your home due to your mobility difficulties and it is not possible for adaptations to be carried out.
- You may be at risk in your home but could continue to live independently if you were able to move nearer to relatives who could provide suitable care for you.
- You need to move because you provide care, without which the person being cared for is at risk of harm or may have to move into residential care.
- You need to move to suitable accommodation because of a serious injury, medical condition or disability sustained because of service in the Regular or Reserve Forces.
- Your household includes a child who is assessed as a Child in Need under the Children Act 1989, for example, because of a disability, illness, or developmental problems, and you require suitable accommodation to meet that need.
- You have been approved by Social Services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child.

- Where the Council has a duty to re-house displaced occupiers into suitable alternative accommodation:
 - under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be rehoused as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or
 - following the compulsory purchase of a property under the Land Compensation Act 1973.
- You have suffered severe emotional or physical trauma resulting from violence (including hate crimes and domestic abuse) or threats of violence, or physical, emotional, or sexual abuse. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.
- You are currently living in specialist supported accommodation and have successfully completed a support programme and are considered by the scheme manager to be both ready to move-on and capable of sustaining an independent tenancy. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.

¹⁰ And therefore owed a housing duty under s193 Housing Act 1996 (as amended), the offer of a suitable private sector tenancy will discharge this duty. Further details are contained within our separate policy for discharging the statutory homelessness duty into the private rented sector.

¹¹ In making this assessment we will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. We will take into account any relevant medical evidence and whether your child is in receipt of disability benefits.

¹² A decision that you are entitled to be considered for a bigger home for the purposes of this allocation scheme does not mean that you would automatically be entitled to housing benefit to cover the increased rent for any additional bedrooms.

¹³ A serious hazard will be deemed to be a category 1 hazard, for example, the hazard of falling between levels from an unsecure window with a low sill on the second floor where you would fall onto a concrete yard area. More minor hazards will be deemed category 2 hazards, for example, the hazard of excess cold from draughty windows in a property with a good heating system and good insulation.

5 Local lettings policies

National and regional policies encourage new housing schemes to be mixed tenure, catering for a range of needs and aspirations to create sustainable communities. Local lettings policies may make affordable housing available to households with a range of priority bandings across the register towards creating mixed and sustainable communities rather than concentrations of those with support needs. In line with these policies, we sometimes give additional priority to households with a local connection to the area in which a new development is located or working households.

We will work with Registered Providers where needed to develop local letting plans for new developments and deprived areas.

Where a property has a local letting plan, a full copy of the plan will usually be linked within the advert and will contain the specific criteria.

6 Down-banding

Down-banding will usually be applied if you are assessed as having deliberately worsened your housing situation. For example, you:

- have given up a suitable tenancy to move into overcrowded accommodation; or
- have transferred your property, as a homeowner, to another family member during the seven years before the date of your application; or
- have disposed of, or deprived yourself of, capital or assets which could reasonably have been used to secure housing during the seven years before the date of your application.

Down-banding will not usually be applied if you require sheltered housing or need a property adapted for wheelchair access or to meet other disability needs.

We will decide whether to apply down-banding to your application. We will write to you setting out the reasons for the decision and your right to ask for this to be reviewed. You have the right to request a review of a decision to apply a lower band to your application - see section 10. If your application has been down-banded, this decision will usually be reviewed after 12 months unless you notify us of a relevant change in your circumstances.

6.1 Exceptional priority

On occasion circumstances require an applicant to move urgently. These include cases where:

- the applicant is a high-risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or
- the Council has been asked by the National Witness Mobility Service to assist in relocating witness households.

There will also be other circumstances that attract exceptional priority outside of the scope of this policy and when this is the case a senior member of staff will consider such cases on an individual basis and can place the application in band A on the grounds of exceptional priority.

7 Keeping the Register up to date

7.1 Annual review

Once a year, on or near the anniversary of the date you were first registered, on logging into Kent Homechoice you will be prompted to tell us about any changes in your circumstances. If you fail to login during this time, then we will write to you asking if you wish to remain on the register. You will be given 28 days to respond and provide any supporting information. If you fail to do this, we will assume that you no longer wish to be on the register and will remove you from the register without contacting you again.

7.2 Removal from the Register

You will be removed from the register for any of the following reasons, where you:

- accept a tenancy offered by one of our housing association providers; or
- accept a private sector tenancy, including when we have provided financial assistance by way of a rent deposit/bond; or
- do not respond to the annual review; or
- do not bid on any homes for a period of 12 months (unless there has been no suitable accommodation for you to bid on)
- do not respond to correspondence from the Council asking you to provide information; or
- are no longer eligible to be included on the register; or
- no longer wish to be re-housed; or
- have left temporary accommodation that we arranged for you, and we do not have your forwarding address; or
- have moved without notifying us of your new address.

You may also be removed if we are satisfied that (on the balance of probabilities) you have given false or misleading information or have withheld any relevant information at any time.

8 How to bid for available properties

8.1 Choice Based Lettings

We are a member of Kent Homechoice, a partnership of district councils and housing associations operating in Kent. It was set up to provide Choice Based Lettings (CBL).

CBL enables applicants to bid for suitable properties. In this context “bid” does not involve offering money; here it means the same as “apply”. After a property is let, feedback about the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to view to all bidders on Kent Homechoice. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

The need for affordable housing greatly exceeds the supply, so CBL should be considered as one of a range of options available to applicants seeking housing. Information and advice on all available housing options can be obtained from our Housing Solutions Service.

8.2 The bidding process

If you have been accepted onto our housing register, you will receive a housing register activation and bidding advice email which confirms your unique TMBC reference number, band, band reason, priority date and bedroom need. You will also receive information on how to bid and the importance of notifying us of any change in your circumstances.

All housing association partners will advertise homes that are available to let in our borough through Kent Homechoice, and each property will be available for applicants to place bids on for a minimum period of 5 days. Every advert will show the bidding closure date and you will have until the end of this date to bid for the home. The adverts will also give you information about each property such as size, rent, accessibility etc and a photograph will be included.

At any given time, you can place as many bids as you wish on properties being advertised that meet your households needs.

You can bid in the following ways:

- On the internet - Sign in on the top right of this page and follow the instructions on screen.
- Auto Bidding - If you would like to have bids placed for you automatically without you having to log in you can contact your Local Authority and ask for auto bidding to be set up for you.
- Staff assistance – by contact our Customer Service Team on 01732 844522.

9 How available properties are allocated

9.1 Processing the shortlist

When advertisements close for each property, all bids for each available home are put into priority order. They are ranked according to the priority band with band A first, band B second and so on. Within each band, order is by priority date, starting with the earliest. This produces a shortlist of eligible applicants for each property. For each property, the housing association contacts the applicant at the top of the shortlist to check that the information they have given is correct and that the property is suitable. Subject to this, the highest priority applicant will usually be offered the property. If two or more applicants share the same priority date within the priority band, the housing association decides which of the applicants will be offered the property based on the best use of the housing stock and the applicants' needs.

If an offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

The relative position of bidders on the shortlist for a property may change between bidding and when the property is offered. This will only happen if there is a change in priority band for one or more applicants. In such cases, the property will usually be offered to the applicant with the highest priority at the time of the offer.

We may refuse to shortlist or offer housing, for example where offering the property to the highest priority applicant would put others at risk. Housing associations may also refuse to offer housing to applicants:

- whose conduct has been unacceptable; or
- who do not satisfy their verification checks, which include confirming the members of the household and their current circumstances.

In these cases, the housing association will write to the applicant and explain why they have been rejected.

9.2 Unacceptable behaviour

When deciding if your behaviour has been unacceptable, housing associations may consider:

- If you, or any member of your household, have been evicted from a housing association or a council tenancy during the past five years due to rent arrears, anti-social behaviour, or criminal/fraud activities; or
- If you, or any member of your household, have outstanding rent arrears with your current landlord or a former landlord; or
- If there is evidence that you, or any member of your household, have a history of anti-social behaviour or other breach of tenancy conditions.

Each case is judged individually. Where you owe rent for a previous tenancy, you will be encouraged to enter into an agreement to pay your arrears. If you keep to such an agreement for a reasonable period, usually a minimum of three consecutive months, the housing association will reconsider whether, or when, you will be offered a tenancy. However, if you are an existing housing association tenant seeking a transfer, a rent account with no arrears is normally expected, except in the case of a re-housing emergency.

9.3 Direct offers

Occasionally, certain properties are excluded from CBL and allocated by making direct offers outside of priority date and band order to selected applicants. For example, this could apply to applicants:

- with an exceptional need to move on health or welfare grounds, for example in cases of terminal illness where the current home is unsuitable, or where there is an evidenced immediate risk to life; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted; or
- to discharge duties to provide accommodation to homeless households under the Housing Act 1996 (as amended), where there are considerable budgetary pressures on the council caused by numbers in temporary accommodation.

Wherever possible a direct offer will match your assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as your non-essential preferences regarding the location or type of housing will not normally be considered.

9.4 Bidding for homeless accepted households

If you are assessed as homeless where the Council accepts a duty to secure accommodation then you can be offered a suitable home in either the private rented sector or the social/affordable rented sector. If you are assessed as homeless where the Council accepts a duty to secure accommodation, and you are accepted onto our housing register auto-bidding will be put on in line with your suitability assessment. The Council may make you a direct offer of accommodation to discharge our duty to provide accommodation under the Housing Act 1996 (as amended).

9.5 Period for considering an offer

After the short listing and checking processes, the housing association will telephone the successful bidder and arrange for them to view the property and attend a verification interview. A longer period can be arranged for viewing where, for example, the applicant:

- is particularly vulnerable and needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision; or
- lives outside the borough, is not familiar with the locality and needs to make arrangements to travel; or
- is in hospital or some form of temporary home such as a hostel or refuge; or
- requires adaptations to help them cope with disabilities and the property needs to be assessed by an occupational therapist.

If you are offered a home then you will normally be expected to accept or refuse it within 24 hours of the viewing.

9.6 Refusing an offer

Where you refuse 3 suitable offers, without good reason, the Council will reset your priority date on the register to the date of your third refusal.

The exception to this is if you are accepted homeless, where you will be made one suitable offer.

A suitable offer is one that considers:

- whether the housing is affordable, considering income, including housing benefit where applicable, and living expenses, including rent;
- the size, floor level, space, and arrangement of the property, where applicable to the housing needs of the household;
- any medical or welfare grounds for re-housing; and
- any risk of domestic or other violence.

If we have accepted the duty to re-house you as homeless, refusal of a direct offer will result in discharge of the housing duty.

A direct offer is made by letter to you, explaining it is a final offer and, if refused, you have the right to ask us to review whether it was suitable for your needs. Any review is conducted by a senior officer not involved in the original decision – see section 10.

We do not hold the property for you during the review period; it will be immediately re-offered to another applicant. No further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided if the review confirms the property was suitable.

Alternatively, you can both accept the offer and also seek a review as to its suitability. If the review confirms the property is suitable, you can remain there. If the review confirms the property is not suitable, you will be entitled to a further offer.

10 The right to request a review of a decision

You have the right to request a review of any decision:

- to treat you as ineligible because of your immigration status; or
- to exclude you from the register because you do not have a local connection and/or a housing need; or
- about the facts of your case which have been, or are likely to be taken into account in considering your priority on the register; or
- to disqualify your application on the grounds of unacceptable behaviour; or
- to discharge our re-housing duty due to your refusal of a final offer; or
- to apply a medium priority band to your application.

To request a review of a decision you must contact us within 21 calendar days of receiving it and clearly state why you believe the current Allocation Scheme has been applied incorrectly. You can ask someone else to assist you with this. If you have problems requesting a review in writing, we can accept your request verbally. We may also award you extra time to request a review in exceptional circumstances.

We will not usually accept a request for a review on your priority on medical or welfare grounds if your household is already in band A or B as an assessment cannot increase your priority. If your household is in band C we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

We will email or write to you within 14 days of receiving your request a review. We may ask you to provide more information and/or attend an interview. A senior member of staff will carry out the review. We will explain the outcome of the review, and the grounds for the conclusion to you in writing within 8 weeks of your request. If we need further time to complete the review, we will let you know why and how much longer we will need.

The review will look at your case based on the rules in our housing allocation scheme, any legal requirements, and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household.

We will not consider a further review of the decision unless there is a material change in your circumstances.

11 Scheme maintenance

11.1 Regular review

The Housing Service is responsible for this scheme and will review its operation every year.

11.2 Amendments to the scheme

It may sometimes be necessary to make minor amendments to this scheme. For example, if we decide to change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing.

However, we will seek to inform all applicants of any changes by publicising details on our website and the Kent Homechoice website.

11.3 Service standards

We aim to process all completed assessment forms (including those where you have changed your address) within 8 weeks of receiving all of the necessary verification documentation.

We will respond to all email or other written enquiries within 10 working days.

12 Complaints

Many problems can be resolved by contacting us on 01732 844522 or emailing your concerns to housing.services@tmbc.gov.uk. However, if having done this you are still unhappy and wish to register a formal complaint, you can do so by visiting <https://www.tmbc.gov.uk/council/council-works-complaints>.