

## **Appendix 1 – Housing Allocation Scheme – Proposed Amendments**

### ***Changes in response to guidance:***

#### **Armed Forces**

##### *The current scheme sets out:*

Applicants who have not been resident in the borough for 3 consecutive years or more may also be considered as Qualifying Persons provided they satisfy one or more of the following criteria: Applicants who have:

- Served in the Armed Forces: and meet one of the following criteria:
  - former members of the Armed Forces within 5 years of discharge.
  - serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
  - bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
  - serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.

##### *Recommended change:*

Applicants who have not been resident in the borough for 3 consecutive years or more may also be considered as Qualifying Persons provided they satisfy one or more of the following criteria: Applicants who have:

- Served in the Armed Forces: and meet one of the following criteria:
  - Existing or former members of the regular armed forces;
  - Bereaved spouses or civil partners of members of the Regular Forces who are no longer entitled to reside in Services Family Accommodation and the death of their Service spouse or civil partner was attributed (wholly or partly) to service.
  - Serving or former members of the Reserve Armed Forces who need to move because of a serious injury, illness or disability which is wholly or partly attributable to their service.

##### *The current scheme sets out:*

#### **Band 3**

- Qualifying forces personnel and bereaved spouses/partners, as defined in section 18.1 (qualification criteria), who also meet one or more of the reasonable preference criteria.

##### *Recommended change:*

- Qualifying forces personnel and bereaved spouses/partners, as defined below, and who also meet one or more of the reasonable preference criteria:
  - Former members of the Armed Forces.

- Serving members of the Regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Serving or former members of the Reserve Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Bereaved spouses or civil partners of members of the Armed Forces leaving Service Family Accommodation following the death of their spouse or civil partner.

### **Domestic Abuse**

This is new wording required.

*Recommended additions to the Residency Criteria Exceptions:*

- A person who is or has been a victim of domestic abuse and who needs to move for reasons connected with that abuse, including from accommodation initially occupied on a temporary basis. Section 1 of the Domestic Abuse Act 2021 defines domestic violence and abuse as: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and emotional abuse.

For those fleeing domestic abuse a secure tenancy will be offered from the outset where:

- Any existing secure or assured tenant that has to move home due to domestic abuse. This would also apply to a sole tenant that had lost their security of tenure by leaving the home due to domestic abuse, or to a joint tenant, where security of tenure had been lost by the tenancy being terminated. In all circumstances, Reading Borough Council would need to be satisfied that the domestic abuse had taken place.

### **Care Leavers**

This is new wording required.

- A Care Leaver who is:
  - eligible children as set out in paragraph 19B of Schedule 2 to the Children Act 1989. These are children who are:
    - currently being looked-after;
    - aged 16 or 17; and
    - have been looked after by a local authority in England or Wales for a period of 13 weeks, or periods amounting in total to 13 weeks, since the age of 14, at least one day of which must have been since attaining age 16
  - relevant children as set out by section 23A(2) of the Children Act 1989. These are children who are:
    - no longer a looked-after-child;
    - aged 16 or 17; and
    - a former eligible child
  - former relevant children aged under 25 as set out by section 23C(1) of the Children Act 1989. These are children who are:

- aged 18 to 24; and
  - either a former relevant child or a former eligible child.
- A Care Leaver who is placed in the borough, but another local authority has the responsibility for their support.

***Changes in response to feedback:***

**Overcrowding**

*The current scheme sets out:*

Band 2

- Category 1 Hazard for Space - severe overcrowding in Council stock.

*Recommended change:*

- Statutory Overcrowding, as defined by Part 10 of the 1985 Housing Act, section 325 and 326, in Council stock.

An overview of the sections is as follows:

Sections 325 and 326 of the [Housing Act 1985](#) define statutory overcrowding in England and Wales. **Section 325 (Room Standard)** deems a home overcrowded if two people of opposite sexes (not cohabiting) must share a room, excluding children under one. **Section 326 (Space Standard)** limits residents based on room count and floor area.

**Key Aspects of the Housing Act 1985 (Part 10):**

- **Section 325 - The Room Standard:** A dwelling is overcrowded if two people of the same sex (who are not a couple) or two people of opposite sexes (who are not a couple) have to sleep in the same room. Children under one are disregarded, and children aged one to ten are counted as 0.5, and a room includes any space used as a bedroom or living room.
- **Section 326 - The Space Standard:** This sets the maximum number of people allowed to sleep in a dwelling based on the number of rooms and their size.
  - **Room Count Allowed:**
    - 1 room = 2 people;
    - 2 rooms = 3;
    - 3 rooms = 5;
    - 4 rooms = 7.5;
    - 5+ rooms = 2 per room.
  - **Room Size Calculation:**
    - under 50 sq ft are not counted.
    - 50-69 sq ft = 0.5 persons;
    - 70-89 sq ft = 1 person;
    - 90-109 sq ft = 1.5 persons;
    - 110+ sq ft = 2 persons.

*The current scheme sets out:*

Band 3

- Category 1 Hazard for Space - severe overcrowding in other housing which could be resolved with a move to other private rented/RP accommodation.

*Recommended change:*

- Statutory Overcrowding, as defined by Part 10 of the 1985 Housing Act, section 325 and 326, in other housing which could be resolved with a move to other private rented/RP accommodation.

### **Homelessness**

*The current scheme sets out:*

Applicants who have not been resident in the borough for 3 consecutive years or more may also be considered as Qualifying Persons provided they satisfy one or more of the following criteria: Applicants who have:

- Been accepted as Homeless under Part VII of the 1996 Housing Act, as amended, by Reading Borough Council, and the duty still exists. Reading Borough Council will automatically include any person who is owed a duty by the Council under section 193 of Part VII of the Housing Act 1996 on the Housing Register.

*Recommended change:*

Applicants who have not been resident in the borough for 3 consecutive years or more may also be considered as Qualifying Persons provided they satisfy one or more of the following criteria: Applicants who have:

- Been accepted by Reading Borough Council as being owed the Main Housing Duty (full homeless duty) under Part VII of the 1996 Housing Act, as amended, and the duty still exists. Reading Borough Council will automatically include any person who is owed a duty by the Council under section 193 of Part VII of the Housing Act 1996 on the Housing Register.

*The current scheme sets out:*

Band 3

- Statutory homeless households.

*Recommended change:*

- Homeless households who have been accepted by Reading Borough Council as being owed the Main Housing Duty (Full Homeless Duty) under Part VII of the 1996 Housing Act, as amended.

### **Non-eligible household members and Restricted People**

The first change relates to households generally applying to the Housing Register and the second point relates to how we are specifically required to assess homeless households on the Housing Register.

*The current scheme sets out:*

- Where an eligible applicant has members of their household who are subject to immigration control or where their terms of entry into the UK prohibit them from a reliance on public funds then they will not be considered to be part of the applicant's household for the purposes of the Allocations Scheme. However, they will be recognised as living with the applicant as part of their household and their needs will be considered.

*Recommended change:*

- Where an eligible applicant has members of their household who are subject to immigration control or where their terms of entry into the UK prohibit them from a reliance on public funds then they will not be included on any subsequent tenancy agreement, however they will be recognised as living with the applicant as part of their household, factored into the number of bedrooms awarded to the applicant, and will be included in the priority banding assessment.

*The current scheme sets out:*

### **17.2. Restricted People and Section 193 Housing Act 1996 (As Amended)**

A Restricted Case is a case where the local authority would not be satisfied that the applicant has a priority need for accommodation without having had regard to a Restricted Person.

A Restricted Person means a person who is not eligible for assistance under Part VII Housing Act 1996 (as amended) and is subject to immigration control and either:

- i) does not have Leave to Enter or Remain in the UK or
- ii) does have Leave but is subject to a condition of No Recourse to Public Funds.

In a Restricted Case the local authority should, so far as reasonably practical, bring the Section 193(2) duty owed to an applicant to an end by arranging for an offer of an assured short-hold tenancy to be made to the applicant by a private landlord (a private accommodation offer).

The acceptance of the main Homeless duty will not convey Reasonable Preference for an allocation of social housing in such a case and the restricted person(s) will not form part of the applicant's household for the purpose of an allocation.

*Recommended change:*

### **17.2. Restricted People and Section 193 Housing Act 1996 (As Amended)**

A Restricted Case is a case where the local authority would not be satisfied that the applicant has a priority need for accommodation without having had regard to a Restricted Person.

A Restricted Person means a person who is not eligible for assistance under Part VII Housing Act 1996 (as amended) and is subject to immigration control and either:

- iii) does not have Leave to Enter or Remain in the UK or
- iv) does have Leave but is subject to a condition of No Recourse to Public Funds.

In a Restricted Case the local authority should, so far as reasonably practical, bring the Section 193(2) duty owed to an applicant to an end by arranging for an offer of an assured short-hold tenancy to be made to the applicant by a private landlord (a private accommodation offer).

The acceptance of the main Homeless duty will not convey Reasonable Preference for an allocation of social housing in such a case and the restricted person(s) will not form part of the applicant's household or assessment for priority for the purpose of an allocation.