



Allocations & Lettings Policy

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1.0 Introduction & context

1.1 This policy sets out how applicants can apply directly to Broadening Choices for Older People (BCOP) for suitable social rented accommodation in its independent living, sheltered supported housing schemes, including Alms-house accommodation, but excluding its care homes.

1.2 It describes how BCOP receives and assesses direct applications to join its waiting list, how it identifies individual housing needs, and prioritises applicants to ensure those in highest need are prioritised for the allocation of suitable housing within the relevant legal frameworks:

- Part 6 Housing Act 1996 (as amended)
- Localism Act 2012
- The Charities Commission - Alms-house Charities OG65

1.3 This policy accords with Birmingham City Councils overarching Allocations Policy, but any allocation of BCOP properties will ultimately be subject to assessment against this policy and BCOP local priorities and objectives for its communities of older people.

2.0 Applications

2.1 Making an application to BCOP for housing:

2.1.1 Applications are preferably taken by online form via the website. Support must be made available to applicants to complete forms and submitting documents online to ensure a right first-time approach and avoid delays in processing the application. Although paper copies can be provided upon request to ensure equality of access to services.

2.1.2 The application will need to be supported by documentation / evidence including but not limited to:

- Current passport or e Visa
- Driving License
- Birth Certificate
- Utility or Council tax bill (within last 3 months)
- Financial records / statements of all income and savings (last 3 months)
- Details of asset / property ownership
- Medical / disability / welfare conditions (if a factor in the application)
- Immigration status

2.1.3 After making the initial application, it is the applicants' responsibility to ensure that BCOP are notified promptly of any material change of circumstances that might affect the application, such as changes in status, finances, property ownership or health, for example.

2.2 Receiving an application:

- 2.2.1 Officers will initially check the application, and incomplete or inaccurate applications will not be assessed until full satisfactory information is provided.
- 2.2.2 Once all documents are received, applications will be assessed within a reasonable time, depending on the complexity of the application and exceptional circumstances that may need to be considered by senior managers.
- 2.2.3 During the assessment period, Officers have a right to seek clarifications and make requests from the applicant and third parties for further evidence and supporting documents in the process of assessing and verifying the accuracy of the application including, but not limited to:
- Registered Housing Providers and landlords
 - Health and social care professionals
 - Public bodies and Local Authorities
 - Next of kin, attorneys and family members
- 2.2.4 Where there are stated health, medical or welfare grounds for making an application, Officers will be required to visit the applicant in their home environment to understand if and how the current property is so unsuitable that a move is essential.
- 2.2.5 Failure to co-operate fully with the requirements of the application processing, may result in a decision to exclude the applicant from the application process for a period of 12 months. At 12 months, or when there are any material change of circumstances around priority need, a new application will need to be made.

2.3 Assessing the application

- 2.3.1 Once the application is complete, officers will assess the application decide if the applicant is **eligible and qualifies** to join the waiting list or be allocated social rented housing in accordance with the law (The Housing Act 1996).
- 2.3.2 As part of the **eligibility** assessment, Officers will check if the applicant is habitually resident in the UK. Full details of the criteria for this test can be found in Appendix 1 but does not apply if the applicant already has a secure, introductory, assured shorthold or assured tenants, or residents of BCOP, the Local Authority or another Registered Provider seeking to transfer, because this will already have been done.

- 2.3.3 To be eligible for housing with BCOP the applicant will need to be aged 60 years or over, or 55 with verified medical or welfare issues, or disabilities.
- 2.3.4 Providing that the applicant is eligible, Officers will then check if the applicant **qualifies** to join the waiting list and be allocated suitable accommodation.
- 2.3.5 The applicant will normally need to have been continuously resident in the Birmingham Local Authority area, in permanent housing, or in temporary accommodation provided by Birmingham City Council under statutory duties, by choice, for at least two years, except for domestic abuse survivors and armed forces personnel.
- 2.3.6 If any of the following circumstance are relevant to the applicant, or another household member on the application, then they should be awarded **additional priority** on our waiting list because of these additional needs:
- They are unintentionally homeless, and in priority need, as determined by Birmingham City Council in accordance with the Housing Act 1996 and nominated to BCOP for rehousing (subject to meeting requirements of this policy)
 - They are threatened with homelessness.
 - They occupy unsanitary, or otherwise unsatisfactory accommodation.
 - They lack a bathroom or kitchen, inside toilet, hot and cold-water supply, gas, electricity or adequate heating.
 - They live in a property in serious disrepair.
 - They are suffering serious overcrowding (See Appendix 2 for how we determine this)
 - They are under-occupying social rented accommodation.
 - They have verified medical or welfare grounds, or disabilities that make their current home so unsuitable that a move is essential. (For full definitions see Appendix 2)
 - For applicants to Alms-houses, where there is verified extreme financial hardship / poverty.
- 2.3.7 If the applicant does not meet any of the above criteria for additional priority, they may still qualify to join the waiting list and receive an allocation of housing, but they may wait longer because we prioritise those that meet the above criteria first.
- 2.3.8 Applicants will **not qualify** for housing with BCOP or **may be excluded** if information comes to light that was not declared at the point of application, or any material change of circumstances is not declared. The full list of reasons can be found in Appendix 2.

- 2.3.9 If there are any exceptional circumstances identified at the point of assessing the application, that may require discretion in the decision to accept the applicant onto the BCOP waiting list, then the application must always be referred to the Head of Housing, or Chief Executive in their absence, for consideration.

2.4 Transfer applicants

- 2.4.1 A transfer is when an existing BCOP resident wishes to transfer between any of its existing independent and supported living schemes or care homes.
- 2.4.2 Transfer applicants will be treated in the same way as any other applicant, however, as existing residents, eligibility checks will not apply.
- 2.4.3 Transfers should take place at minimal cost to the landlord, therefore transfer applicants will be required to undergo a full satisfactory inspection of the property condition at the point of application, and again at point of offer or appointment, and any repairs that are deemed the residents' responsibility undertaken normally at the residents' expense before any transfer will proceed.
- 2.4.4 No transfers will normally be permitted while the resident is in any debt to BCOP.

2.5 Nominations and referrals

- 2.5.1 BCOP welcomes nominations from Birmingham City Council, and referrals from other agencies, providers and organisations concerned with seeking provision of accommodation for older people but will still be subject to application and meeting the criteria of this policy.

2.6 BCOP employees and former employees

- 2.6.1 Will be subject to the same application process but will always be subject to verification by the Head of Service or Chief Executive Officer in their absence.

2.7 Informing applicants of decisions

2.7.1 Once assessment is complete, **successful applicants** will be notified in writing of the decision, including:

- Eligibility & qualification to join the waiting list
- Priority afforded
- Any discretion applied
- Type of suitable accommodation likely to be offered
- Likely waiting time

2.7.2 The applicant will then be placed on the waiting list for the next suitable accommodation to become available.

2.7.3 **Unsuccessful applicants** will be notified, in person where necessary, with factual reasons for the ineligibility or disqualification from the waiting list.

2.7.4 Unsuccessful applicants can make a further application whenever they believe that there has been a material change in circumstances, and an application should never be refused.

2.7.5 If applicants disagree with the decisions or the way the application has been assessed, then they can request that the Head of Housing, or Chief Executive review the application process, depending on if either have been involved in any previous decision making regarding the application.

2.7.6 If applicants express dissatisfaction with any aspect of the way Officers have handled the application, or the service they have received, then they should be signposted to make a complaint through BCOP formal complaints policy.

2.7.7 If applicants wish to challenge certain decision Officers have made under this framework, they should be signposted to request a review by a senior manager, and the Local Government and Social Care Ombudsman can offer advice.

2.8 Annual renewal of applications

2.8.1 Applicants are required to renew their application every 12 months to reflect whether suitable accommodation has been found and they no longer need to be on the waiting list, or to declare any material changes of circumstances that might affect the application.

2.8.2 BCOP Officers will monitor the waiting list and prompt the renewal process where necessary.

3.0 Determining priority on the waiting list

- 3.1. Applicants will be awarded set points for each criterion they meet in accordance with this policy, based on the severity of their housing need. For example, an applicant who meets one or more of the criteria for additional priority, will attract more points than an applicant who is assessed as already being suitably housed, or has lower-level housing needs.
- 3.2. Once the application is assessed and points awarded to the application, the applicant will be placed on the waiting list for each scheme they have expressed a preference for in their application and will wait for the next suitable property to become available.
- 3.3. It is the applicant's responsibility to notify BCOP if their circumstances change so that the change would affect their position on the waiting list if Officers re-assessed it. Failure to do so may result in disqualification of the applicant from the waiting list, and action taken for fraud.

4.0 Shortlisting

- 4.1. When properties become available for re-occupation, Officers will consult the waiting list, including nominations and referrals, and unless there are any such discretionary priority cases to consider (see section 4.6), the applicant with the highest points on the waiting list for that area will be shortlisted first.
- 4.2. Where two or more applicants have the same points score, then further priority will be determined by the date, and then time, they submitted their application to BCOP, and time waiting on the list/s.
- 4.2. Officers will then contact the applicant to:
 - Ensure that all the details on the application, and therefore the needs assessment remains accurate.
 - Discuss & demonstrate the property and scheme local information in full.
 - Complete a mandatory affordability assessment for the property.
- 4.3. BCOP aims to create sustainable lettings and communities, however rents for supported housing are much higher than a general social rent and can average £250 per week. It is the resident's responsibility to meet the full costs of BCOP providing and maintaining their accommodation, including claiming housing related benefits where possible. It is therefore essential that everyone is certain that the rents and / or charges are not going to create financial hardship, poverty and ultimately homelessness. Therefore, completing an affordability assessment at the point of being made an offer of accommodation is a mandatory requirement to any offer of accommodation.
- 4.4. If the checks in 4.2 are not satisfactorily completed, then the Officer will move

to the next applicant on the list, and so on, until a suitable applicant is found to be invited to view the property.

- 4.5 If an applicant is shortlisted for a property in any area of their choice, and the checks are satisfactorily completed, and the property is deemed to be reasonably suitable to offer or appoint to, and the applicant unreasonably refuses to view it, then this will count as one refusal.

5.0 Allocations

5.1 Providing that the above criteria are met, the Officer will make a formal offer of accommodation, and applicants will be invited to view the property, accompanied by a BCOP Officer, and any personal support where necessary.

5.2 Viewings, and decisions to accept or refuse the offer or appointment must normally be made within three working days of the formal offer being made, however reasonable personal circumstances will be considered to prevent detriment being caused to the applicant where necessary.

5.3 If an offer or appointment is accepted, the Starter Tenancy or License to Occupy will normally start on the following Monday and rent or weekly maintenance contributions will be due periodically in advance from this date. Reference should be made to the BCOP Housing Income Policy for more information about payment of rent and charges.

5.4 Applicants who are made a reasonable offer of accommodation will be allowed two reasonable refusals before a sanction will be applied, which will be a 12-month suspension from the waiting list, where at the end of the 12 months the applicant will need to re-apply.

5.5 An offer is considered reasonable if the property being offered meets the housing needs of the applicant, having regard to the following at the date the offer is made:

- The property rent and charges are affordable against the applicant's income and expenditure. See Appendix 3 for the assessment method.
- Location of the property in respect of any essential journeys & health, medical, care and support networks
- Public Sector Equality Duty under Section 149 of the Equality Act 2010
- Safeguarding, including proximity of any perpetrators of abuse or crime
- Space and arrangement of the property
- Specific health needs of the applicant and their household
- Availability of suitable adaptations

5.6 Applicants have a right to seek a review of whether an offer or appointment, which was refused, was a reasonable offer.

4.7 Discretion

4.7.1 Sometimes, it may be necessary for BCOP to consider exceptional or remarkable circumstances that makes an applicant's needs more urgent than others. and exercise discretion to this policy on determining priority, or allocation of a property for example:

- Protecting people who are escaping harm or violence
- Enabling support and rehabilitation back into the community
- There is an urgent need to match a particular applicant to a particular property, such as specific characteristics or adaptations

6.0 Reviews, challenges and complaints

5.1 Applicants have a right to request a review within 21 calendar days of BCOP making the following decisions about:

- Eligibility
- Qualification
- The priority band awarded
- The facts of their case relating to medical or welfare needs
- The suitability of any offer of accommodation
- Whether any offer constitutes a final offer of accommodation

5.2 The review will reconsider all the relevant facts against the legal requirements at the date the review was carried out, and the review must be completed within eight weeks of receipt. However, this can be extended by mutual agreement between BCOP and the applicant.

5.3 The review will be carried out by a designated senior manager of BCOP, who was not involved in making the original decision. BCOP can also outsource the review if no such person is available.

5.4 Applicants can request a review to the and advice can also be obtained from the Local Government & Social Care Ombudsman.

6.0 Local Lettings Plans

6.1 From time to time, BCOP can use Local Lettings Plans to achieve a wide variety of housing management and policy objectives for letting its homes, for example to:

- Give priority to applicants with a connection to a particular area.
- Creating more mixed and sustainable communities
- Ensuring that properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
- Where there are reasons to limit or extend allocations to those with particular characteristics.

6.2 Any Local Lettings Plan will have clear evidence for the approach being taken, and it will not dominate the scheme and still give priority to those in highest need.

6.3 Any Local Lettings Plan must set out the following:

- A clear and evidenced definition of the objective/s to be achieved
- The method likely to achieve those objectives
- An equality impact assessment
- How the plan will be monitored and by whom
- Reporting and reviewing mechanisms, including how and when it will end.
- Evidence of consultation and outcomes with the local community and key stakeholders

7.0 Reporting and performance

7.1 BCOP will review the policy every two years, or upon any significant change in legislation, regulation or circumstances, subject to consultation.

7.2 An annual report will be published about allocations made because of this policy, and to inform whether the purpose and principles of the policy are accomplished. The report will contain information about:

- Who was allocated housing in terms of characteristics, eligibility, ineligibility, qualification and disqualification
- What accommodation was allocated, and where
- Waiting times
- Reasons why accommodation was allocated
- Void (empty) property performance

Appendix 1: Eligibility

1.1 Applicants must satisfy the habitual residency test to be eligible to join the waiting list, receive offers of accommodation and be granted a tenancy or license agreement.

Those eligible include:	Tick
British citizens (constituting the nations of England, Scotland and Wales).	
Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).	
Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)	
EEA Nationals (other than those from Ireland) and their family members, who: <ul style="list-style-type: none"> o has acquired limited leave to enter and remain in the UK o was frontier working before 31 December 2020, or o is lawfully residing in the UK by 31 December 2020, but still must apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the "Grace Period statutory instrument" 	
Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).	
Persons granted refugee status by the UK Government.	
Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).	
Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).	
Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).	
Persons who are habitually resident in the Common Travel Area, who have Calais leave to remain under the Immigration Rules	
Persons who are habitually resident in the Common Travel Area, who have been granted leave to remain as a stateless person under Immigration Act 1971	
Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland by virtue of the Immigration Rules.	
EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland	

Those who are ineligible include	Check
Persons not habitually resident in the Common Travel Area	

EEA nationals whose only right to reside in the UK is: <ul style="list-style-type: none"> ○ Derived from their status as a jobseeker (or their status as a family member of a jobseeker) ○ An initial right of residence for 3 months. ○ Derivative right of residence because the person is the primary carer of a British citizen. ○ Right to reside because of the person's deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation). 	
Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.	
Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.	
Persons who are subject to immigration control or are an ineligible person from abroad	
Persons who have no recourse to public funds.	

1.2 Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office by emailing EvidenceandEnquiry@homeoffice.gsi.gov.uk, or applicants and Officers can check their "Right to Rent" by visiting the government website [Prove your right to rent in England: Overview - GOV.UK](#)

1.3 If it is apparent that an applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an applicant is habitually resident:

The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, or the Channel Islands.	
The association between a person and their place of residence.	
Why a person has come to live in the UK	
Whether a person is joining family or friends in the UK	
Whether a person has accumulated a continuous period of residence prior to making their application.	
The length of residence in another country (Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded)	
A person's future intentions, employment prospects and centre of interest	
Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.	

1.4 BCOP will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing but will ensure these checks are not discriminatory based on race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010.

1.5 BCOP will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered.

1.6 Where there is any uncertainty about an applicant's immigration status, BCOP will contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made to comply with data protection legislation.

1.7 BCOP Officers will be given training about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010.

1.8 BCOP will ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.

Appendix 2: Qualification

2.1 Overcrowding criterion

For the purposes of determining overcrowding, an assessment will be made against the bedroom standard which allows a separate bedroom each in your current household for:

A married or cohabiting couple	
Children / siblings of either gender under 10 years old	
Male children / siblings over 10 years old	
Female children / siblings over 10 years old	
Adult aged 21 years or older	

2.2 Moving on medical or welfare grounds

2.2.1 Moved on medical or welfare grounds (including disability) that makes your current home so unsuitable that a move is essential. Including:

Mental ill health	
Former armed forces personnel	
Domestic and sexual abuse survivors	
The need to recover from effects of violence, threats of violence	
Physical or learning disability	

Chronic / progressive medical conditions	
Frailty / vulnerability due to old age	
Limited ability to care for the self & needing to receive care and / or support to sustain accommodation	
Needing supported, sheltered or adapted housing	
Needing ground floor or level access accommodation	
To be nearer friends, relatives, medical or social care facilities who provide care and support	
Moving on from hospitalisation, long term care or supported housing and hostels	

2.2.2 Needing to move to a particular locality in the Local Authority area, where failure to meet that need would cause hardship to yourself or others:

Victims of racial harassment.	
Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.	
Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.	
Escaping anti-social behaviour such has harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or because of housing-related nuisance or annoyance, from a person.	
Give or receive care	
Access specialised medical treatment.	
Take-up a particular employment opportunity and in respect of Transfer Applicants, be closer to the place of work	
Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)	

2.2.3 Reason for **non-qualification / exclusion**:

Non-co-operation with Officers during the application and allocation process.	
Not being normally and continuously resident within the Birmingham City Local Authority area, by choice, for less than two years, including those detained in prison or hospital, or asylum seekers	
Lack mental capacity as defined in the Mental Capacity Act 2005	
Have significant housing debts to any previous landlord, such as rechargeable repairs or court costs, service charges and current or former rent arrears of eight weeks / 2 calendar months gross rent, unless it can be demonstrated that the debt is being repaid in full, or that regular payments are ongoing at the point of being offered accommodation with BCOP.	
You, or your household have had a legal possession order made against you, or been evicted for rent arrears, and / or been served with a civil legal enforcement notice or order or been evicted for any other	

breach of tenancy regardless of tenure, for example anti-social behaviour, tenancy or benefit fraud or using the property for illegal and immoral purposes.	
Unspent criminal convictions committed in, or in the locality of a property you have or are occupying.	
Perpetrators of domestic abuse, and abuse towards housing staff, or their agents and contractors.	
Employment that is: <ul style="list-style-type: none"> ○ Short term (less than 12 months) ○ Marginal (less than 16 hours per week) ○ In the Birmingham local authority area but is ancillary to the applicants main Local Authority area 	
Family associations other than parents, guardians, siblings and adult children who have lived in the Birmingham area for at least five years	
Homeowners, except in the following circumstances: <ul style="list-style-type: none"> ○ Domestic abuse survivors, or likelihood that remaining in the property will lead to abuse from someone living there, or who previously lived there ○ Negative equity, or limited equity due to disabled adaptations that need to be made ○ The Local Authority has issued a Prohibition Order under the Housing Act 2004 	
Financial resources above the current DWP benefit and Pension rates upper limit for savings, currently £16,000. This will not include compensation for injury or disability	
Where there is clear evidence, and conclusion that applicant/s have deliberately contrived circumstances to worsen their housing conditions	
Where two reasonable offers of accommodation have been unreasonably refused	

Appendix 3: Affordability assessments

	Policy Assessment	Yes / No	Total (£)
1.	Are there any outstanding rent or service charge arrears, or housing related recharges from any current or former tenancy? (Do not include statute barred debt or any debt accrued because of financial abuse)		
2.	If there are any debts as defined in question 1, do they exceed more than 1/12 th of the annual repayment amount?		
3.	Is a payment plan in place and / or have more than 3 consecutive payments been missed?		
4.	Has the Local Authority or registered provider arranged to fund some or all the debts of housing costs?		
5.	Are there any other credit debts to consider such as credit or store cards, loans and IVA's etc?		

	Income and expenditure Assessment	£ Weekly
6.	Total income from all sources including: <ul style="list-style-type: none"> • Earnings from self / employment • Income from private / occupational pensions • Income from savings & investments • Receipt of state benefits • Other • Total value of assets (property) • Total lump sum value of savings & investments 	
7.	Less Total debts 6 - (1 + 5)	
	Total net income	
	Expenditure	
8.	Rent and service charges	
9.	Non eligible service charges	
10.	Council Tax	
11.	Utilities	
12.	Water	
13.	TV License & subscriptions	
14.	Food	
15.	Clothing	
16.	Transport	
17.	Health & Welfare	
18.	Social / entertainment	
19.		
20.		
	Total expenditure	