

**Committee:** COMMUNITY COMMITTEE

Agenda Item

**Date:** 1 November 2007

**7**

**Title:** ALLOCATION SCHEME

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## Summary

1. This report advises the Committee of the Council's Allocations Scheme which has been revised prior to the introduction in November of a new Choice Based Lettings Scheme for the allocating of social housing within Uttlesford.

## Recommendations

2. It is recommended that the Committee: -

Agrees with the recommendation of the Housing Initiative Task Group that the new Allocation Scheme be adopted.

## Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- Allocation Scheme
- Minutes of the Housing Initiatives Group

## Impact

4.

Communication/Consultation	There has been consultation with the Tenants Panel and the Housing Initiatives Group.
Community Safety	NONE
Equalities	The policy has been written with full regard to the Council's policy on equalities and diversity.
Finance	NONE
Human Rights	The Scheme has been checked by the

	Council's legal department.
Legal Implications	Council has a statutory duty to have an allocations scheme.
Ward-specific impacts	Across the district
Workforce/Workplace	NONE

## Situation

5. The Council's current allocation scheme, a copy of which is appended to this report has had to be updated following this Committee's previous decision that the Council should introduce a new Choice Based Lettings Scheme for the allocation of social housing within Uttlesford.
6. The new Choice Based Scheme called HomeOption will be come into operation week commencing 19 November 2007.
7. The new Allocation Scheme has previously been considered by the Council's Housing Initiative Task Group who following some amendments was agreed that it should be recommended for approval by this Committee.

## Risk Analysis

8. The following has been assessed as the potential risk associated with this issue.

Risk	Likelihood	Impact	Mitigating Actions
That the Council does not have a legal allocation Scheme when Choice Based Lettings is introduced.	High	High	Could result in a legal challenge to the Council

**Uttlesford District Council Housing  
Allocations Scheme  
November 2007**

**1. Introduction**

- 1.1 The Council is required, by virtue of Section 167 of the Housing Act 1996 to have an allocations scheme for determining priorities and the procedure to be followed in allocating housing accommodation. This Allocations Scheme has been formulated in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, the associated Code of Guidance issued by the government and other relevant legislation.
- 1.2 In operating the Allocations Scheme, the Council will have due regard to legislation which shall take precedence.

**2. Choice Based Lettings**

- 2.1 In November 2007, the Council introduced a new Choice Based Lettings Scheme. The scheme enables applicants to express an interest in available properties which are advertised in a fortnightly publication and on a website. All existing applicants have been sent an information pack explaining how the scheme operates, and this will also be sent to new applicants as they register.

**3. The Housing Register**

- 3.1 The Council is not legally obliged to maintain a Housing Register but has chosen to do so.
- 3.2 The Housing Register will be maintained by Housing Services at the Council Offices in Saffron Walden.
- 3.3 The Housing Register will be open to all categories of person except those who are ineligible as defined at Paragraph 5.
- 3.4 The Housing Register will be open to applicants of 16 years of age and over.

**4. The Allocations Scheme**

- 4.1 Allocation of accommodation will be through the Housing Register in accordance with the provisions of the Allocations Scheme.
- 4.2 The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, the Head of Housing Management will have delegated authority to make decisions, as he/she considers appropriate.

- 4.3 The Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to Registered Social Landlords (RSLs) for which the Council is required to make nominations.
- 4.4 The provisions of this Allocations Scheme will apply to applicants on the Council's Housing Register at the effective date of this Allocations Scheme, as well as those who apply after the effective date.
- 4.5 The Allocations Scheme will not apply in the following cases;
  - a) Where a tenant succeeds to a secure tenancy on the death of a tenant
  - b) Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant
  - c) Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant
  - d) Where a tenancy is disposed through the courts.
  - e) Where a priority transfer is agreed in urgent circumstances due to person's safety being at risk.
  - f) Where a property has been identified as temporary accommodation

## **5. Ineligible Applicants**

- 5.1 The following categories of applicant may be ineligible for the Housing Register;
  - a) Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
  - b) Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)
  - c) Persons (or a member of their household) who have been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant of the Council at the time of their application. Such behaviour is behaviour which if the person concerned were a secure Council tenant would entitle the Council to obtain a possession order against them. Examples of such behaviour include:
    - Serious rent arrears
    - Breaches of Tenancy Conditions
    - Causing a nuisance to neighbours
    - Being convicted of a relevant arrestable offence committed in, or in the vicinity of, their home (i.e. prostitution, handling drugs, handling or storing stolen goods).
    - Causing the condition of the property to deteriorate by a deliberate act, or by neglect.

- d) Existing tenants/RSL tenants who have an Anti Social Behaviour Order or an Anti Social Behaviour Contract.

5.2 If the Council decides that an applicant for housing is ineligible it will notify the applicant in writing of the decision and the grounds for it.

5.3 If an applicant is found to be ineligible for the Housing Register they may make a fresh application when the grounds for ineligibility no longer apply.

## **6. Application to the Housing Register**

6.1 The Council will ensure that advice and information is available free of charge to persons in the District about the right to make an application for housing.

6.2 The advice and information can be provided by the Council on the phone, by letter/e-mail or in person at the Council Offices. You may also seek advice from other agencies such as the Citizens Advice Bureau.

6.3 Housing applicants will be required to sign a formal application for inclusion on the Housing Register and to provide written answers to such questions as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made.

6.4 Housing applicants will be required to provide documentary proof from two official sources of;

- a) Their identity and
- b) Their current residence.

6.5 Required documents in respect of 6.4 above will be;

- a) Birth certificate, current passport, current driving licence, medical card
- b) Current tenancy agreement, \*recent utility bill/bank statement, \*recent document or letter from a Government Department e.g. Inland Revenue, Benefits Agency, Customs and Excise, Employment Service.

\*recent, means dated within the last three months.

6.6 In respect of all other persons included on their application, housing applicants will be required to provide documentary proof from two official sources of;

- a) Identity and
- b) Current residence.

6.7 Required documents in respect of 6.6 above will be as set out in 6.5 above.

6.8 If required documents cannot be provided the Housing Management Manager may authorise the acceptance of other documents.

- 6.9 Additional documentary evidence to substantiate an application for housing accommodation may be required as the Council considers appropriate.
- 6.10 Applications not properly completed or not accompanied by supporting documents will be returned to the applicant with a request for the missing information.
- 6.11 Any necessary assistance in making an application to the Housing Register will be available from Housing Services to people in the Uttlesford District who are likely to have difficulty in applying unless they have assistance.
- 6.12 The application can also be made available in alternative formats if required.

## **7. Access to Information**

- 7.1 Upon written request, applicants will be able to;
  - a) Have access to their file in accordance with the provisions of the Data Protection Act 1998
  - b) Ask for a formal review of any decisions about the facts of their case
  - c) Receive general information to enable them to assess;
    - (i) How their application is likely to be treated
    - (ii) Whether accommodation appropriate to their needs is likely to be available and, if so, when.

## **8. Assessment of Priorities**

- 8.1 Generally, the relative degree of priority to be awarded to applicants on the Housing Register will be assessed by reference to the Points System set out in appendix 1.
- 8.2 Applicants will be allocated points according to their circumstances and these may be amended as their circumstances change in the future.
- 8.3 Applicants who, in the opinion of the Council, have sufficient income and/or assets to enable them to purchase accommodation or privately rent will, generally, be given 0 points.
- 8.4 Applicants with the same number of points will be prioritised in date order of their application being registered on the Housing Register.
- 8.5 Any vacancy, will be offered, subject to Section 9 below, to the applicant identified by the Council who has the highest priority (based on their points and date of application) and has expressed an interest in that property.
- 8.6 Please note that the Council will reserve the right to bypass /overlook applicants who are in serious rent arrears, minor but persistent rent arrears, other breaches of tenancy or licence conditions, damage, neighbour nuisance, harassment or illegal activities. Generally this will include applicants under a court order for possession,

notice of seeking possession or a notice to quit (except where arrears have been cleared) or are subject to an Anti Social Behaviour Order or Anti Social Behaviour Contract or who have a demoted tenancy.

- 8.7 The likely size of housing accommodation to be allocated to applicants on the Housing Register is set out in appendix 2. However, this may be overridden in extenuating circumstances.
- 8.8 The Council will operate some local lettings schemes as detailed in appendix 3.

## **9. Homeless Households**

- 9.1 Applicants accepted by Uttlesford District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Housing Act 1996 will be able to participate in the Choice Based Letting Scheme, for a period of 8 weeks (4 cycles) after receiving their S.184 decision letter in accordance with the criteria set out in the Allocations Scheme. If no successful expressions of interest are made by the Applicant, the Council will make the applicant one offer of accommodation when a suitable property becomes available. If the offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.

## **10. Types of Tenancies**

- 10.1 Any new tenancy offered from November 2007 will be an introductory tenancy for a period of at least 12 months. If the introductory tenancy has not been breached during this period it will automatically be made a secure tenancy.
- 10.2 Section 10.1 will not apply if:
- a) The applicant(s) being offered the tenancy is already a secure tenant of Uttlesford District Council
  - b) The applicant(s) being offered the tenancy are already assured tenants with another Registered Social Landlord.
- 10.3 Joint tenancies will be offered to adult partners where there is a need for a long term commitment to a joint home, except where one of the prospective joint tenants is excluded from or ineligible to join the housing register.
- 10.4 Generally, homeless applicants residing at homeless accommodation (including the Council's managed short stay accommodation) or bed and breakfast accommodation, if offered Council accommodation, will be offered an open ended Introductory Tenancy followed by secure tenancies in accordance with the Council's Introductory Tenancy Scheme.

## **11. Tenancy Start Dates**

- 11.1 Most applicants will have been given an early opportunity to view the property they are being offered and to give the Council a decision. If they are interested in the tenancy they will either be advised by telephone when the property is ready for letting or made a formal offer of the tenancy by first class post. The Council will allow applicants 7 days to reach a decision about the accommodation offered to them, although they may allow longer having regard to an applicant's personal circumstances.
- 11.2 Generally, for properties becoming ready for letting on Friday, the tenancy start date will be the following Monday.

## **12. Redecoration Scheme**

- 12.1 Internal decorations to a property are the tenant's responsibility. However, if general needs property offered to a housing applicant is, in the view of the inspecting officer, in need of redecoration, a paint order will be left at the property as a contribution towards costs. The paint order will consist of 2.5l each of white undercoat & gloss and 20l of magnolia emulsion.

## **13. Removal Expenses**

- 13.1 The Council will not meet the cost of housing applicants' removal expenses except as set out in 14.2 below.
- 13.2 Where an Uttlesford District Council tenant moves from a 3 or 4 bedroom property to a 1/2 bedroom property owned by the Council or an RSL, they will be offered £500 to cover removal costs plus £500 for each bedroom 'released', subject to a maximum payment of £2,000.

## **14. Renewal of Applications**

- 14.1 In order to keep the Housing Register up to date, applicants will be required to renew their application when required by the Council. Normally this will be annually and a letter will be sent to their last known address.
- 14.2 If applicants fail to return their renewal form within 28 days they will be deleted from the Housing Register and given written notification to that effect. If the applicant contacts the Housing Service within 28 days of receiving the written notification, the Council will consider re-instatement.
- 14.3 Applicants allocated and accepting accommodation through the Allocation Scheme will be deleted from the Housing Register and will need to make a fresh application if they wish the Council to consider a further request for rehousing from them.
- 14.4 Applicants not responding to requests for information will not have their applications processed.



## **15. Reviews**

- 15.1 If applicants consider they have been unfairly or unreasonably treated having regard to the provisions of the Allocations Scheme they have the right to request a review of their case. (i.e. allocation of points)
- 15.2 In the first instance, applicants must appeal in writing to the Housing Management Manager and will receive a written response within 10 working days.
- 15.3 If, having received the response of the Housing Management Manager an applicant wishes to make a further appeal; it will be to Housing Services and will be reviewed by a senior officer of the Council who has not previously been involved in the decision process.

## **16. Equal Opportunities**

- 16.1 The Council's allocation scheme will be operated strictly in accordance with Council policy irrespective of an applicant's ethnic origin, race, nationality, colour, religion, gender, sexual orientation, marital status, age or disability.
- 16.2 The Council will have regard to, and implement, the provisions of the Race Relations Code of Practice in Rented Housing, which it has adopted. The Council will also abide by the Race Relations Act 1976.
- 16.3 As an aid to ensuring that applicants are not discriminated against on the grounds of race, the Council will monitor the racial origin of:
  - a) Applicants on the Housing Register
  - b) Applicants allocated housing
  - c) Applicants offered sheltered accommodation
- 16.4 The practices and procedures of Housing Services will be monitored by the Head of Housing Services to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that practices or procedures may be contravening the Race Relations Act 1976.

## **17. False and Withheld Information**

- 17.1 The Council may prosecute any housing applicant who, in connection with the allocation process
  - a) Knowingly or recklessly makes a statement which is false
  - b) Knowingly withholds information that the Council has reasonably required them to give.
- 17.2 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 if a tenant has induced the Council to grant a tenancy by knowingly

or recklessly making a false statement. The Council can prosecute and fine up to £5,000 if found guilty.

## **18. Information on the Allocations Scheme**

18.1 The Council will

- a) Publish a summary of its Allocations Scheme in a leaflet and provide copies free of charge on request to any member of the public
- b) Provide copies of the Allocations Scheme free of charge at
  - (i) Housing Services, Council Offices, Saffron Walden
- c) Enable copies of the Allocations Scheme to be downloaded on the Internet from the Council's web-site: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

18.2 Within a reasonable period of time, the Council will notify applicants on the Housing Register of an alteration to the Allocations Scheme reflecting a major change of policy, explaining in general terms the effect of the change.

## **19. Review of Allocations Scheme**

19.1 The Allocations Scheme will be reviewed annually by the Council's Community Committee.

## **20. Consultation on Changes to the Allocations Scheme**

20.1 Before adopting a new Allocations Scheme or making an alteration reflecting a major change of policy in an existing Allocations Scheme, the Council will notify every Registered Social Landlord with which it has nomination arrangements of the change, and all local Councils affording them a reasonable opportunity to comment on the proposals.

## The Points Scheme

When the Council accepts an application onto the Housing Register, housing need will be assessed through the use of the point's scheme. The more severe the circumstances are the more points will be given to the application. Homes are generally let according to the highest pointed applicant who is the most suitable match for the empty property whilst also considering people's choice of area.

Points are given as follows:

### POINTS AWARDED

HOMELESSNESS	
Accepted by the Council as a vulnerable household, in priority need (shortly to be homeless or actually homeless – including applicants placed into bed and breakfast by the Council)	15
Extra points if applicant or tenant is likely to be a victim of violence/racial harassment (granted only if being dealt with as a homeless applicant)	2
As above but in Council temporary accommodation (not normally suitable for the family) or subject to a "homeless at home" agreement	10
Acknowledged by the Council as homeless or shortly to be homeless, but not in priority or not vulnerable or not intentionally homeless	8
Current notice of seeking possession/Notice to quit/Court summonses	5
Intentionally homeless	5
Rent Agriculture Act - where the Council has accepted a statutory duty to re-house those in unsuitable housing	5

**POINTS AWARDED**

<b>UNSUITABLE HOUSING</b>	
• lacking a living room	2
• lacking bath or shower facilities	2
• lacking a kitchen	3
• lacking inside WC	3
• lacking water supply	4
• lacking electricity	4
• lacking adequate heating	3
• lacking hot water	2
• lacking appropriate garden facilities for children	1
• Lacking a bedroom or overcrowding. Points to be awarded if parent (s), other adult members of the household, opposite sex children (where one is aged over 7 years) share the same bedroom. More than 2 same sex children sharing an inappropriate sized bedroom.	2
• sharing living room	1
• sharing kitchen	1
• sharing bathroom	1
• sharing WC	1
• property in disrepair (where applicant not responsible)	1 or 2
• property unfit (follow environmental advice)	3 or 5
• property has poor internal/external arrangements for the applicant (e.g. access to WC, difficult stairs etc)	1, 2, or 3
• Elderly people under occupying accommodation	1
<b>MEDICAL GROUNDS</b>	
• Discretionary points to be awarded taking into account an applicant's medical or welfare needs (as disclosed by the applicant and where alternative accommodation would benefit) consideration to be given to letters from GP's and other agencies etc.	1, 2, 3, 4 or 5
• Extra points if medical condition is regarded as urgent.	2

**POINTS AWARDED**

<b>HARDSHIP/WELFARE</b>	
<ul style="list-style-type: none"><li>• Discretionary points to be awarded taking into account an applicant's social welfare and employment needs (where alternative accommodation would benefit)</li><li>•</li></ul>	1, 2, 3, 4 or 5
<b>VIOLENCE/HARASSMENT</b>	
<ul style="list-style-type: none"><li>• Any applicant or tenant currently living in accommodation where there is a risk of them becoming a victim of violence harassment (including racial) where alternative accommodation is required but where a homeless application has not been made to the Council.</li><li>•</li></ul>	10

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**POINTS AWARDED**

<b>UDC TENANTS AND NOMINATED TENANTS TO RSL'S</b>	
<ul style="list-style-type: none"> <li>• UDC tenants or RSL tenants (where UDC have nomination rights) requesting more suitable accommodation resulting in better use of the Council's stock. (in addition to other points awarded)</li> <li>➤ Need to move</li> <li>➤ Request for more suitable accommodation</li> </ul>	<p>8</p> <p>5</p>
<b>LOCAL CONNECTION WITH UDC</b>	
<p>In the event of an Uttlesford residents application scoring any points on the above, further points will be added to the application as follows:</p> <ul style="list-style-type: none"> <li>• Permanent resident in Uttlesford</li> <li>• Extra permanent resident in UDC for more than the last 2 years prior to application</li> </ul> <p>Other connections as follows:</p> <ul style="list-style-type: none"> <li>• If a non resident of UDC scores any needs points, extra points will be added if they have full time employment in the Uttlesford District</li> <li>• Strong family connection within the Uttlesford District</li> <li>• 15 years previous residence in Uttlesford as a juvenile</li> <li>• Returning member of HM forces</li> </ul>	<p>4</p> <p>2</p> <p>1</p> <p>2</p> <p>4</p> <p>4</p>

### Size of Accommodation Allocated:

Household Size	Number of rooms
1 adult	Bedsit/1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (or 2 adults living together as a couple) with 1 child*	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children* of same sex or 2 children* of different sexes if under 7 years old	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 3 children* of same sex - 2 children* of different sexes if one is over 7	3 bedrooms
1 adult (or 2 adults living together as a couple) with 4 or more children*	4 bedrooms

\* The bedroom requirements for children will be based on the accommodation being their main and principle home.

### **Local Lettings Plans – Rural Housing**

A Local Letting Plan is an arrangement for the nomination of applicants with specific recognised needs related to the type or design of the new affordable housing.

Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (outside of development limits), only applicants who comply with the requirement to have a connection with the locality can be considered.

This may also be considered by the Council on a Section 106 site (within development limits) where the Parish/Town Council can demonstrate a housing need locally.

### **Local Lettings Plans - Older Person's Housing**

Some of the Council's properties have been designated as being particularly suitable for older tenants. This is usually where there is a Scheme Manager or where an emergency alarm has been fitted in a property. Where vacancies arise in such properties, applicants over 60 years of age will be given preference for them.

Where properties have been purpose built or adapted for tenants with specific needs, for instance, physical disabilities, preference will be given to applicants from households in need of that particular type of accommodation.

### **Local Lettings Plans - Stansted Area Housing Partnership**

Some of the Council's allocations on new developments are provided by the Stansted Area Housing Partnership.

It was set up to provide affordable housing across the Uttlesford and Harlow Districts and parts of Braintree and East Hertfordshire Districts. The scheme was funded by Stansted Airport Ltd through the planning obligations of the Section 106 agreement to provide a £2.2m fund for the provision of an affordable housing scheme to make available, through a Registered Social Landlord (RSL), social rented accommodation and assisted home ownership.

The scheme operates cross border nominations and follows the guidelines below:

#### **Host Authority**

The authority in whose area the development is taking place will be entitled to 40% of the balance of nominations to homes on the scheme.

#### **Nominating Authority**

The three authorities in whose area a scheme is not being developed will be entitled to nominate to 20% of the balance for each of the three authorities, of the homes being provided under the scheme.

Applicants on the Housing Register can express an interest in a property in the local Authority areas of East Herts, Braintree or Harlow.

(Taken from SAHP Nominations protocol)