

**Uttlesford District Council Housing  
Drafts Allocations Policy/Scheme  
March 2010**

## **1. Introduction**

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.

We have written and published this policy so everyone can be clear how:

- ◆ Council houses are allocated
- ◆ The homes we are offered by our Registered Social Landlords (RSL) are allocated
- ◆ Applicants on our housing register have some choice about the home they are offered;
- ◆ We meet the law's requirements about people whose housing needs we should consider.

This Allocations Scheme has been formulated in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, and has regard to the Allocation of Accommodation: Choice Based Lettings Code of Guidance 2008, Statutory Guidance on the Allocation of social Housing 2009 and recent case law.

In operating the Allocations Scheme, the Council will have due regard to legislation which shall take precedence.

## **2. Choice Based Lettings**

In November 2007, the Council introduced a new Choice Based Lettings Scheme (CBL). The scheme enables applicants to express an interest in available properties which are advertised in a fortnightly publication and on a website. All homeseekers are provided with detailed information explaining how the scheme operates.

Under the CBL Scheme, you are able to register your interest in properties which are suitable to your household size and needs in accordance with the terms of this Allocations Policy.

### **2.1 Direct Lets**

Direct Lets may apply in the following circumstances:

- ◆ Extra care properties
- ◆ If a property is needed to house someone in council property temporarily

- ◆ In cases of where someone has to be moved immediately a direct let may be made
- ◆ In the case of a specially adapted property built for a specific person
- ◆ Decants
- ◆ Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- ◆ If there is no alternative for temporary accommodation and the council would be breaching their duty

**Direct Lets will not be part of the choice based lettings scheme.**

### **3. The Allocations Scheme**

Allocation of accommodation will be through the Housing Register in accordance with the provisions of the Allocations Scheme.

The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, the Head of Housing Services will have delegated authority to make decisions, as he/she considers appropriate.

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.

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.

#### **3.1 The Allocations Scheme will not apply in the following cases;**

- ◆ Where a tenant succeeds to a secure tenancy on the death of a tenant
- ◆ Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant
- ◆ Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant
- ◆ Where a tenancy is disposed through the courts
- ◆ Where a priority transfer is agreed in urgent circumstances due to person's safety being at risk.
- ◆ Where a property has been identified as temporary accommodation
- ◆ Where the council needs to provide alternative accommodation for a council tenant in order to carry out repairs or improvements to their property.

- ◆ Where the council has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. (If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within band A of the scheme).
- ◆ Where the council grants a secure tenancy to a former owner- of a defective home under the Housing Act 1985, s554 or s555

#### **4. The Housing Register**

The Council is not legally obliged to maintain a Housing Register but has chosen to do so.

The Housing Register will be maintained by Housing Services at the Council Offices in Saffron Walden.

The Housing Register will be open to all categories of person except those who are ineligible as defined at Paragraph 5.

The Housing Register will be open to;

- ◆ homeseekers of 18 years of age and over including
- ◆ current council or RSL tenants
- ◆ 16 and 17 year olds owed a full housing duty by a local housing authority under homelessness legislation.

#### **5. Eligibility categories**

The following categories of applicant may not be eligible for the Housing Register;

- ◆ Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
- ◆ Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)

Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. Uttlesford reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

##### **5.1 Exclusions from the Housing Register**

Uttlesford District Council may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour. The Council will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions.

## **5.2 Unacceptable Behaviour**

“Unacceptable behaviour” “ is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any of grounds 1 to 7 of HA 1985 sch 2.”

If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application from.

When making decisions regarding unacceptable behaviour Uttlesford District Council will consider:

- ◆ If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- ◆ When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.
- ◆ What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the landlord to be granted a possession order as detailed above.
- ◆ Whether the behaviour is serious enough to make the applicant unsuitable as a tenant: Behaviour may not be considered serious enough for example if, rent arrears have resulted from factors outside the applicant’s control, e.g. delays in Housing Benefit payments or liability for a partner’s debts.

The Council may decide to exclude existing applicants from the register where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.

All decisions made by Uttlesford District Council in relation to excluding applicants from the housing register are subject to review if requested by the applicant (see 16 below).

## **5.3 Notifying an ineligible applicant**

Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

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

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.

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.

You 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 your entitlement to housing accommodation to be made.

We will ask you to declare that you do not have the financial means to resolve your housing need yourself by open market private purchase and provide the information we need to verify this. We will refer to current market house prices when making a decision. Financial means includes any income, equity, savings or any mortgage borrowing capacity which you may have. If you do have the financial means to resolve your own housing need this will be reflected in the band in which your application is placed.

### **6.1 Joint Applicants**

You may include on your application, anyone who could be reasonably expected to live with you and, where in a permanent relationship and are wishing to have a shared application, you may be a joint applicant with another person, although for a joint application, you must both satisfy the conditions on eligibility stated in paragraph 5 above.

### **6.2 Documents**

As part of your application, you will be asked to provide documentary proof of certain things such as:

- ◆ Photographic proof of your identity and that of all those included on your application
- ◆ Your current address
- ◆ Details of any dependents living with you
- ◆ Your income
- ◆ Your Savings
- ◆ Details relating to previous accommodation where appropriate

Full details of what we require are included in the application pack. We may require additional information according to your circumstances and may sometimes need to contact third parties to verify the information you give us. You will be required to give consent for us to do this.

Applications not properly completed will be returned to you. If the application is not accompanied by all the required supporting documents you will be requested in writing to supply these within 28 days. If the requested documents are not received within 28 days the application will be destroyed.

If assistance is needed in making an application to the Housing Register help will be available from the Housing Services Department.

The application form can also be made available in alternative formats if required.

### **6.3 User guide**

Assuming you have been found to be eligible to join the Register, we will assess your application and you will receive an information pack (Scheme User Guide) which will tell

you:

- ◆ Your HomeOption identification number;
- ◆ The Band that your application has been placed in and the date from which this takes effect
- ◆ The size of home for which you are eligible
- ◆ Details of how you can register interest for a home under CBL

#### **6.4 Renewal of applications**

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 your last known address.

If you fail to return your renewal form within 28 days you will be deleted from the Housing Register and given written notification to that effect. If you contact the Housing Service within 28 days of receiving the written notification, the Council will consider re-instatement.

#### **6.5 Cancelling your application**

We will only cancel your application if:

- ◆ You have written to us to ask us to cancel it, or
- ◆ You have not responded to our renewal requests (see paragraph 6.4 above) or
- ◆ You have accepted an offer of accommodation through the choice based lettings scheme
- ◆ You have ceased to be eligible (see paragraph 5 above), or
- ◆ You have made false or deliberately misleading statements in connection with your application (see paragraphs 18 below)

If you are allocated and have accepted accommodation through the Allocation Scheme your application will be deleted from the Housing Register and you will need to make a fresh application if you wish the Council to consider a further request for rehousing from you.

### **7. Access to Information**

Upon written request, applicants will be able to;

- ◆ receive a copy of your details entered on the Housing Register free of charge
- ◆ receive copies of documents provided by you
- ◆ have access to your file in accordance with the provisions of the Data Protection Act 1998
- ◆ ask for a formal review of any decisions about the facts of your case
- ◆ be informed in writing of any decision about the facts of your case and of your right to request a review of any such decision
- ◆ receive general information to enable you to assess;

- (i) how your application is likely to be treated
- (ii) whether accommodation appropriate to your needs is likely to be available and, if so, when

## **8. Assessment of Housing Need**

Your housing circumstances are assessed and your application placed in one of five Bands. These Bands ensure that we give greatest priority to those in the greatest housing need, so that we make the most effective use of available homes. The law also requires us to give preference to certain categories of housing need, and these have been included within the banding priority criteria.

Band A is considered the highest priority of housing need, Band B the next highest etc, with Band E being the lowest priority.

Within each Band, the applicant with the greatest priority is the applicant who has spent the longest time in that band.

Some allocations will be dealt with outside the scheme; these are explained in paragraphs 2.1 & 3.1.

Your application will be assessed and placed in a band based on your individual circumstances. Further details of how each band has been assessed is provided below:

### **8.1 The Band Criteria**

#### **BAND A**

You do not have the financial means to resolve your housing need yourself by open market private purchase, and you meet at least one of the following criteria

- ◆ Accepted Homeless in severe need
- ◆ Critical Medical/Welfare award – to include emergency situations
- ◆ Relationship breakdowns in council properties where applicants are under-occupying but have been assessed as having housing need within Uttlesford
- ◆ Successions in council properties where applicants are under-occupying but have been assessed as having housing need within Uttlesford
- ◆ Releasing a property in need (council or RSL property) or where it prevents the Council making expensive alterations to a property
- ◆ Those applicants within Uttlesford required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004
- ◆ Uttlesford Council tenants, or tenants in RSL property where the Council will receive the nomination, who are currently in three or four bed accommodation releasing one or two bedrooms. (Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- ◆ Multiple needs - If someone has two or more needs in band B they will be moved to band A (accepted homeless cases do not come under this category)

– if additional preference is needed for homeless cases they will be assessed as accepted homeless in severe need)

High welfare and multiple needs in band A would be expected to express an interest within 4 cycles of available properties otherwise priority may be reduced.

## **BAND B**

You do not have the financial means to resolve your housing need yourself by open market private purchase, and you meet at least one of the following criteria

- ◆ Serious Medical/Welfare award
- ◆ Uttlesford Council tenants, or tenants in RSL property where the Council will receive the nomination, who are currently in two or one bedroom accommodation releasing one or two bedrooms. (Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- ◆ Overcrowding in permanent social housing within Uttlesford
- ◆ Accepted homeless cases
- ◆ Applicants agreed as homeless in a specialist refuges for victims of domestic abuse
- ◆ Applicants threatened with homeless who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the council to prevent homelessness. If in rented accommodation under an assured or assured short hold tenancy or tied accommodation this threat will be deemed to exist at the point at which the applicant's landlord can begin an application to the Court to seek possession of the property. This is the point at which a notice of seeking possession or notice to quit expires
- ◆ Nominations (move-on) from specified agencies
- ◆ A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.
- ◆ An improvement notice has been, or is about to be, served in relation to the applicant's dwelling and
  - I. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
  - II. The cost of the remedies are beyond the means of the applicant (where applicable)
  - III. The remedies will make the property unsuitable for occupation by the applicant
- ◆ Applicants assessed as meeting band A criteria but with no local connection to Uttlesford
- ◆ Multiple needs – Applicants with four or more needs in band C will move to band B



## **BAND C**

You do not have the financial means to resolve your housing need yourself by open market private purchase, and you meet at least one of the following criteria

- ◆ Moderate medical/welfare award
- ◆ Notice to quit
- ◆ Applicants who are homeless or threatened with homelessness who are assessed by the council as not in priority need
- ◆ Applicants who following a homelessness application have been deemed by the council to be in priority need but intentionally homeless
- ◆ No fixed abode
- ◆ Overcrowded in private rented accommodation or social housing outside Uttlesford
- ◆ Fixed term licensees
- ◆ Shared facilities
- ◆ Lacking facilities
- ◆ A hazard awareness notice has been served in relation to a category 1 or 2 hazard at the applicant's dwelling and
  - I. the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or
  - II. the cost of the remedies are beyond the means of the applicant (where applicable); or
  - III. the remedies will make the property unsuitable for occupation by the applicant
- ◆ Applicants assessed as meeting band B criteria but with no local connection to Uttlesford.

## **BAND D**

You do not have the financial means to resolve your housing need yourself by open market private purchase and you meet the following criteria

- ◆ Applicants assessed as meeting band C criteria but with no local connection to Uttlesford

## **BAND E**

- ◆ Caravan or mobile home but no housing need
- ◆ Tied accommodation but no housing need
- ◆ Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- ◆ In prison
- ◆ A suspended prohibition order or improvement notice has been or will be served by the in relation to the applicant's dwelling but the criteria leading to it becoming active are not met by the applicant.

- ◆ A hazard awareness notice or improvement notice has been or will be served in relation to the applicant's dwelling but the specified remedies are low cost and straight-forward to achieve.
- ◆ Owner occupiers (note: owner occupiers will normally only be offered tenancies in sheltered accommodation)
- ◆ **All other applicants** - including those who have the financial means to resolve their housing need through private sector purchase

## 9. Housing Priority

### 9.1 Deciding who has priority on the register

Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

### 9.2 Overcrowding

Homeless applicants cannot fulfil the overcrowding criteria.

Applicants will be placed in band B if they are overcrowded by one or more bedrooms and live in Council or Housing Association properties where the Council has nomination rights to the RSL.

Applicants will be placed in band C if they are overcrowded in private rented accommodation or living with relatives or friends.

Overcrowded applicants with a local connection to Uttlesford, but living in Council or Housing Association properties outside the sub-region will be in band C.

Overcrowded applicants with no local connection to Uttlesford living in either private rented or social housing will be placed in band D.

Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.

Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.

Where an applicant is pregnant and they are entitled to a larger property they will not receive overcrowded priority until that baby is born.

### **9.3 Children sharing bedrooms**

Children of the same sex are expected to share a bedroom unless:

- there is an age gap of at least 5 years between the two children
- or**
- there is a medical or social reason why the children cannot share a bedroom.

Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the children named on the application. Welfare or medical grounds may be considered in other circumstances.

Applicants who have two children of opposite sex in a two bedroom council or RSL property who need a three bedroom property will be placed in band B.

### **9.4 Applicants without children**

Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. For example, young adults living with their parents, or people temporarily sharing with friends will not get overcrowding priority.

### **9.5 Disrepair, poor design and lack of facilities**

Any complaint about poor repair within Council or RSL properties must be reported to the applicant's landlord's Repairs service.

Applicants living in private sector accommodation in poor condition must be referred to the Council's Environmental Health Department who will assess the situation and then make their recommendations according to the Banding Scheme.

If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in band C.

### **9.6 Sharing with another household**

Applicants will be placed in band C if they share any of the following facilities with either people they are not related to or their family if they are wishing to live separately from them.

- living room
- kitchen
- bathroom or toilet.

### **9.7 People living in mobile homes or caravans**

Applicants living in a caravan, mobile home or houseboat will be placed in band E if there is no other housing need, reflecting parity with other private sector applicants.

It does not matter if the caravan is on a site or not or if they own or rent the property.

If their accommodation lacks facilities or is poor repair (see paragraph 9.5) they will be placed in band C.

### **9.8 Homelessness and temporary or insecure accommodation**

Accepted homeless households are applicants to whom:

The Council has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless)

**and**

the council accepts a duty to provide permanent council or RSL housing.

All accepted homeless applicants housed in temporary accommodation provided by the Council, including Bed & Breakfast accommodation, hostels, homeless at home, will be placed in band B.

Under the Choice Based Lettings Scheme all homeless applicants will be expected to make expressions of interest for any suitable property in the areas of their choice. Applicants will be monitored to make sure they are participating. They 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.

### **9.9 Accepted homeless households in severe need**

These are applicants to whom:

the council has accepted a duty under the Homelessness legislation

**and**

the council accepts a duty to provide permanent council or RSL housing

**and**

are elderly and vulnerable due to frailty\*

or

have a terminal or long-term illness

or

have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act

or

are permanent wheelchair users

or

are council or RSL tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk. (These applicants do not need to have made a homeless application)

or

if the council is unable to provide any suitable temporary accommodation

Where the above circumstances apply these applicants will be placed in band A.

The Council will decide who will be placed in band A. Recommendations will be made by the Housing Officer dealing with the case because they have the most accurate and up-to-date information on the applicant, due to the investigations carried out before an applicant is accepted as homeless.

\*Elderly non-frail applicants may still be placed in band A, however clear supporting evidence will be required to support their application.

### **9.10 Other Homeless households not owed a duty**

Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in band C of the scheme.

### **9.11 Prevention of homelessness**

Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the particular scheme council to prevent homelessness will be placed in band B. If the applicant is in rented accommodation under an assured or assured short hold tenancy the threat of homelessness will be deemed to exist at the point at which their landlord can begin an application to the Court to seek possession of your property. This is the point at which a notice of seeking possession or notice to quit expires.

If they are subsequently accepted as homeless they will remain in band B but their earlier effective date will remain.

### **9.12 Assured shorthold tenants under notice**

Assured shorthold tenants who have received a 'Notice Requiring Possession'/ Notice to Quit from their landlord will be placed in band C if there is less than three months before the notice expires.

All applicants will be offered advice regarding their housing options.

### **9.13 Lodger under notice**

This applies to applicants living in the same property as their landlord. They must be renting a room that is for their own use only, and be paying a market rent. Proof that notice has been served is required. They will be placed in band C if there is less than three months before the notice expires. The Council will then check to see whether the notice will be enforced.

### **9.14 Tenants of tied accommodation under notice**

Tenants in tied accommodation with no need to move will be placed in band E. If they have received a legal notice asking them to leave that accommodation they will be placed in band C.

### **9.15 Protected tenants with a possession order**

This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy). They must have been served with a court order for possession and then will be placed in band C.

### **9.16 Fixed-term licensee**

This applies to applicants living in supported housing schemes. Applicants in these schemes will be placed in band C.

Applicants in supported housing schemes where the Council has agreed move-on arrangements will be placed in band B if they are judged as ready to move on.

Applicants agreed as homeless and in a specialist refuge for victims of domestic abuse will be placed in band B

### **9.17 Applicants with no fixed address**

This applies to applicants who have no fixed address. They will be placed in band C. If they are in prison they will be placed in band E.

### **9.18 Medical, welfare and hardship**

**Important:** priority can be awarded under **one** heading: medical, welfare, hardship or harassment.

Applicants can be assessed under all headings, but get awarded priority under only one heading.

Any medical or welfare priority can be reassessed if an applicant's circumstances change.

### 9.19 Medical assessments

This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support.

Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.

The table below is used to act as a guide to priority:

Effect on housing	Medical Problem			
	Very Serious	Serious	Moderate	Low
Very Serious	Band A	Band B	Band C	No award
Serious	Band B	Band B	Band C	No award
Moderate	Band C	Band C	Band C	No award
Low	No award	No award	No award	No award

Assessments of medical priority will be carried out by two senior officers in consultation with any officers with direct knowledge of the applicants and using all information available at the time and using the above guide.

Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the Council will first look to see if alternative temporary accommodation can be found. Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

### 9.20 Welfare/Hardship/Harassment assessments

This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

The table below is used to act as a guide to priority:

Need for settled suitable accommodation	Level of Vulnerability		
	High	Medium	Low
High	Band A	Band B	Band C
Medium	Band B	Band B	Band C
Low	Band C	Band C	Band C

Welfare/Hardship/Harassment priority will be carried out by two senior officers in consultation with any officers with direct knowledge of the applicants and using all information available at the time and using the above guide.

Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on welfare grounds the Council will first look to see if alternative temporary accommodation can be found.

If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the Council can consider the category of 'accepted homeless applicants in particular need' to increase them to band A (see paragraph 9.9).

### **9.21 Tenants with a home that is bigger than they need**

This applies to Uttlesford secure tenants or tenants of RSLs (where the Council has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger home.

Applicants who are currently in 4 or 3 bedroom accommodation and will be releasing one or two bedrooms will be placed in band A.

Applicants who are in 2 bedrooms or less and wish to move to smaller accommodation will be placed in band B.

**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.**

### **9.22 Applicants offered housing because of the death of a secure tenant**

This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time. The rules for this are in the tenancy conditions for the property. In such circumstances the applicant will be placed in band A.



If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985.

If the applicant has no legal right to succeed but has lived in the property for the last 12 months the Council may decide to offer a move to more suitable accommodation. Each case will be individually assessed.

Under Choice Based Lettings applicants are able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed and the Council may reserve the right to express an interest for them on suitable properties.

If the offer of a new home is refused the applicant may lose their right to remain in their present property.

### **9.23 Applicants offered housing because of a Relationship breakdown of a secure tenant**

This category applies to Uttlesford secure tenants only.

Applicants will be placed in band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant either:

- qualifies to be offered the property
- or**
- qualifies to be offered a smaller property.

If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.

If an applicant qualifies to be offered the same property we will make them an offer of that property.

This property will not be part of the choice based lettings scheme.

If an applicant qualifies to be offered a smaller property they will be placed in band A.

They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The Council reserve the right to express an interest for them on suitable properties.

If a property is then subsequently refused they may lose their right to remain in their current property.

### **9.24 Transfers which will release a property that is needed**

Applicants will be placed in band A of the scheme if they wish to move and:

- the property they would leave is needed to meet the urgent housing needs of another household on the register which otherwise would not be met within a reasonable time
- or where it prevents the Council making expensive alterations to the property and
- there is not a serious shortage of the types of home they want to move to.

## **9.25 Housing related debt**

The Council will generally move to one band below their housing needs assessment any applicant with housing related debt.

This includes Council and RSL tenants who have rent arrears at the time of their application. Council and RSL tenants will not be offered a tenancy until all rent arrears have been cleared or an agreement is reached with their landlord.

Housing Associations may also hold their own policy on debt.

Uttlesford District Council also expects applicants to clear any private sector housing related debts that they owe, before an offer of a tenancy is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or significant savings to draw on).

When a financial assessment carried out by the Council shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt.

The applicant shall become eligible to move to the band that reflects their housing assessment as long as the agreed repayments have been made for at least four months even though this may mean only a small proportion of the total outstanding debt has been repaid.

Applicants with housing related debt also includes applicants who owe money through the Council's Rent Deposit Guarantee Scheme.

All cases of housing related debt will be considered on an individual basis taking account of all the information provided by all interested parties.

## **9.26 Applicants who have deliberately made their housing situation worse**

The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re-housing through the register.

If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.

If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.

The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

### **9.27 Owner-occupiers**

Owner-occupiers or applicants who own other residential property either in this country or abroad will be placed in band E. Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.

Owner-occupiers generally will not be able to move to another band or be awarded medical or welfare priority.

Property owners over 60 may be moved to a higher band if they are awarded medical or welfare priority **and** have been assessed as being unable to meet their housing need from their own resources.

Owner-occupiers will be able to express an interest for a property if they wish to do so, however, because a council or RSL tenancy can only be held as a main home, homes are not usually offered to applicants who still own their home or are paying a residential mortgage. An exception will be made where an elderly owner-occupier wants to express an interest in sheltered accommodation.

### **9.28 Applicants in ‘tied’ accommodation which is suitable for their needs**

Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

Applicants in ‘tied’ accommodation will be placed in band E. They will be moved to band C if:

they are six months away from retirement

**or**

they have received a legally binding notice asking them to leave their accommodation.

### **9.29 Deciding the effective date**

Priority within bands relates to an applicant’s effective date. The effective date is usually the date the application is received, except;

Where an applicant is moved from one band to a higher band. their new effective date will be the date their circumstances changed.

Where an applicant receives priority on medical or welfare grounds their effective date will be the date they applied for this award.

Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for band B with an earlier date.

### 9.30 Local Connection

**To have a local connection an applicant must meet at least one of the following criteria a-e below:**

- a. Have lived in the district of Uttlesford for either:
  - Six out of the last 12 months or
  - Three out of the last five years;
- b. Have **permanent paid work** in the district
- c. Have an immediate family member who has lived in the district for at least five years. Immediate family members include:
  - Parents;
  - Adult children;
  - Brothers or sisters;
  - Other family members who are providing on-going support.

If immediate family members live in the district but have been here for less than 5 years and are able to provide evidence that the applicant needs to live near them for support then this residence requirement for family members may be reduced.

- d. Need to be near special medical or support services, which are only available in the district.
- e. Other special circumstances as agreed by a Housing Services Manager

## 10. Types of Tenancies

10.1 All new tenancies offered 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:

You are already a secure tenant of Uttlesford District Council

You are already an assured tenant 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**

The Council will allow you 7 days to reach a decision whether to accept any accommodation you are offered, although we may allow longer having regard to your personal circumstances.

Where possible you will be given an opportunity to view the property you are being offered before you have to give the Council a decision.

If you are interested in the tenancy you will either be advised by telephone when the property is ready for letting or receive a formal offer of the tenancy by first class post.

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 a 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. Bungalows – Age restricted**

Bungalows advertised are designed for older people, or people with disabilities. In areas where there is high demand and limited availability of bungalows, preference will be given to

Those aged 60 or over.

Those under 60 with band B medical assessment for mobility who require this type of accommodation.

In area of lower demand some bungalows may be advertised without an age restriction however in the first instance preference will still be given to applicants over 60 expressing interest.

## **14. Allocating sheltered housing**

When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

An assessment of your suitability and need for support must be completed before any tenancy is offered. If you are considered unsuitable for sheltered accommodation, you will be advised and given advice on homes more suitable to your needs.

When assessing your suitability for sheltered housing you will also be given advice about the allocation scheme and how to bid. If you need help this will be noted and appropriate arrangements made.

## **15. Properties designed or adapted for people with physical disabilities**

If you need a home suitable for wheelchair users or need other specialist adaptations we will usually require an assessment by an Occupational Therapist before an offer can be considered.

Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

Properties which have been adapted to a very high standard may not be included in the scheme and will be directly allocated.

## **16. Reviews**

If you consider you have been unfairly or unreasonably treated having regard to the provisions of the Allocations Scheme you have the right to request a review of your case. (i.e. the band they have been placed in)

In the first instance, you must appeal in writing to the Housing Options/Homelessness Manager and you will receive a written response within 10 working days.

If, having received this response you wish to make a further appeal you will write to the Head of Division Housing Services who will then arrange for your case to be reviewed by a senior officer who has not previously been involved in the decision process.

## **17. Equal Opportunities**

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.

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.

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

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.

## **18. False and Withheld Information**

It is an offence for anyone seeking housing assistance from us to give false information or withhold information that may affect their application for housing.

This could result in:

- ◆ Criminal prosecution
- ◆ Cancelling your housing register application (see paragraph 6.2 above)
- ◆ Possession proceedings for any tenancy you have obtained as a result of giving or withholding false information

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.

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

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 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)

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.

## **20. Review of Allocations Scheme**

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

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

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.



**Size of Accommodation Allocated:**

<b>Household Size</b>	<b>Number of rooms</b>
1 adult	Bedsit/1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (2 adults living together as a couple) expecting baby and the pregnancy is over 24 weeks	2 bedrooms
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	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 3 children* of same sex - 2 children* of different sexes - 2 children* of the same sex with an age gap greater than 5 years	3 bedrooms
1 adult (or 2 adults living together as a couple) with 4 or more children*	4 bedrooms

**\*Parents with 'staying access' to dependent children or shared residence orders**

Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

**Applicants with a medical or social need for a larger property**

Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

**Extra rooms for carers**

If an applicant needs an extra room for a carer, the council will investigate and offer advice on the need for an extra room. The council will make the decision. The guidelines are as follows:

- Social Services should be able to give supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a 'live in' carer.
- If one person has two carers working on a rota to cover 24 hours we would assume that they only needed one bedroom.
- In most cases only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependents cannot usually be considered.

If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered, however an individual assessment will be made.

### **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 - 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)

### **Local Lettings Plans – sustainable communities**

In exceptional circumstances, the council may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The decision to apply a local lettings scheme will be jointly made by the landlord of the property and the council.

On new developments, the partnership may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account.