

HOUSING SERVICES
ALLOCATIONS POLICY

April 06

1.0 Principles of Allocations Policy

The Council's Allocations Policy is influenced by the following principles which will underpin the Council's approach to the allocation of housing;

Consistency – the Council will apply the Allocations Policy in a fair and consistent manner across the District, so that applicants with similar characteristics are treated in a similar manner to achieve similar outcomes.

Openness – the Council will provide explanatory leaflets on the Policy and information on the operation of the Allocations Policy, whilst maintaining individual confidentiality.

Legality – the Council will ensure that its Allocations Policy reflects the legal framework and best practice.

Responsiveness – the Council seeks to have a policy which is capable of responding to a wide range of complex individual needs and circumstances.

Equal Opportunities – the Council will act in a manner to encourage equal opportunities and will seek to ensure that information on the Allocations Policy is accessible to all, and will implement the Allocations Policy in a manner consistent with equal opportunities.

2.0 Objectives of Allocations Policy

- 2.1 To address housing needs in the area and where possible, to take into account applicants' housing choices and aspirations.
- 2.2 To assess applicants for housing in an objective, consistent and fair manner, complying with the relevant legislation and best practice.
- 2.3 To sustain and promote local communities as far as possible.
- 2.4 To monitor performance and respond to changing patterns of need as they may arise, by reviewing the Policy on a regular basis.
- 2.5 To inform the Council's strategic planning process.
- 2.6 To provide advice and assistance to those wishing to make a housing application, in a straight forward way without the use of jargon.
- 2.7 To support the Council's Homelessness Strategy to prevent homelessness.
- 2.8 To work with our partner Registered Social Landlords to increase opportunities for allocation to social housing through nominations

3.0 Eligibility to Housing Register

3.1 In accordance with the Homelessness Act 2002 the Council will operate an open Housing Register. By 'open' we mean that anyone eligible for social housing will be considered even if they are not resident, or have never been resident in South Derbyshire.

3.2 However preference through the award of points will be given to residents of South Derbyshire and those with a strong connection to the district.

3.3 The following people are eligible to apply to be placed upon the Housing Register;

- British citizen habitually resident in the United Kingdom
- British Citizen habitually resident or who has been resident in the Common Travel Area¹ for two years previous to application.
- Nationals of any other country within the European Economic Area (EEA)² who is a European Union (EU)³ worker or has a right to reside in the United Kingdom.
- An EEA² national who is habitually resident or has been resident in the Common Travel Area¹.
- Applicants with refugee status
- Applicants aged 16 years and over. (Anyone aged 16 to 18 years old must have a guarantor) aged 18 and over

3.4 We will ask all applicants to provide proof of identity, proof of residence at current address and to produce child benefit books to evidence children in their care who are to be re-housed with them

3.5 Within the application form we will ask applicants to disclose household income, and where our officers decide that applicants may afford to secure their accommodation, appropriate advice and assistance will be given to help them do so.

3.6 Owner-Occupiers will not normally be eligible for re-housing except under the current Homelessness legislation. However, where an Owner Occupier applicant demonstrates a need for more suitable accommodation on the grounds of health or disability, and where officers deem that the applicant does not have sufficient resources to secure that accommodation themselves, they will be allowed onto the Housing Register and points will be awarded under the Social and / or Medical categories.

1. Common Travel Area includes the UK, the Channel Islands, Isle of Man and the Republic of Ireland

2. European Economic Area countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Lichtenstein, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the UK

3. European Union is EEA minus Iceland, Norway and Lichtenstein.

- 3.7 Applications for housing can be made by sole applicants or jointly between persons. Where an application for a joint tenancy is made, it will normally be granted if a long term commitment to the household can be demonstrated by all parties jointly applying.
- 3.8 On notification of a joint applicant's death, the application shall automatically transfer to the surviving partner. The application will be reassessed for change of circumstance. This transfer cannot be regarded as a succession as no tenancy has yet been created.
- 3.9 Points will be awarded to each eligible application based upon the household's circumstances detailed on the application form and any supporting documentation provided.
- 3.10 These points will be amended when an applicant advises us and, where necessary, evidences changes in their circumstances.
- 3.11 Applicants who are found to have intentionally worsened their housing situation will not be awarded extra points. Their application will be assessed as if such a change had not been made. The points award will be reassessed at six monthly intervals by the Housing Operations Manager / Head of Housing.
- 3.12 The Council is required to give reasonable preference to people who are occupying unfit accommodation, are overcrowded, are living in other unsatisfactory conditions and to people who are homeless or threatened with homelessness.
- 3.13 The points award system set out within this policy aims to ensure that reasonable preference is given to applicants with these types of housing need in accordance with Housing Acts 1985 and 1996, and the Homelessness Act 2002.
- 3.14 All applicants for housing will be asked annually, in writing, to confirm whether or not they wish to remain on the housing register. If there is no response the application will be removed.
- 3.15 Annual renewals will be subject to a review of points award to incorporate changes of policy and to reflect changes in each applicant's circumstances.

4.0 Points awards

4.1 Homeless applicants

4.1.1 Where an applicant is evidenced to be homeless now or within the following 28 days without grounds for defence, eligible for assistance (see section 3), is in priority need (see below), has a local connection and is unintentionally homeless they will be awarded **100 points** to reflect the urgency of their housing need.

4.1.2 Where an applicant is threatened with homelessness, eligible for assistance, is in priority need, has a local connection and is unintentionally homeless they will be awarded **50 points** to reflect their insecurity and potential for actual homelessness

4.1.3 The Homelessness Act 2002 extended the priority needs categories. This may now include applicants who are;

- Are fleeing violence and /or harassment (reasonable enquiries of relevant organisations will be made where an applicant requires a move into the area because of harassment, violence, or threats of)
- Are pregnant
- Have dependant children
- Are vulnerable as a result of old age, mental illness or handicap or physical disability or other such special reason
- Are homeless or threatened with homelessness as a result of an emergency, such as flood fire or other disaster
- Are aged over 21 years and vulnerable as a result of previously being looked after, accommodated or fostered
- Are aged under 21 years and leaving supported accommodation
- Are vulnerable as a result of having been a member of Her Majesty's Armed Forces
- Are vulnerable as a result of having served a custodial sentence, having been committed for contempt of court or any kindred offence, or having been remanded in custody
- Are considered by the Council to be vulnerable for some other reason.

4.2 Insecurity of Tenure

4.2.1 Where an applicant has been placed in supported accommodation by our homelessness team, and no further duty to house the applicant exists, **10 points** will be awarded to facilitate the freeing up of supported accommodation places within the district. The award of points is subject to the applicant engaging with support workers and the support plan is due to end within the following three months.

4.2.2 Where an applicant has been placed in the Vulnerable Women's Unit (provided by Walbrook Housing Association) because a duty to provide accommodation was owed under homelessness legislation, **50 points** will be awarded once the applicant has been in accommodation for at least 6 months and is fully engaging with the support workers. If at any time the applicant ceases to engage with the support workers, at the discretion of the Housing Operations Manager / Head of Housing, these additional points will be removed and not reinstated until the Housing Operations Manager / Head of Housing is satisfied that the applicant has re-engaged and is committed to engaging with the support workers.

4.3 Age

4.3.1 Where the applicant(s) or a member of their household are aged 60 years or over, **1 point will be awarded for each year** they are over 60 years of age.

4.3.2 Where there is more than one person aged over 60 years in the applicant household, points will be awarded for the oldest person only.

4.4 Connections with South Derbyshire

4.4.1 For each year that the Principal Applicant has lived in South Derbyshire, over the age of 18 years, **1 point** will be awarded, up to a **maximum of 10 points**.

4.4.2 Each applicant will have the opportunity to express a preference by indicating the areas within the district in which they would consider for re-housing. There is no limit to the number of areas for which an applicant may be considered.

4.4.3 If an applicant has a strong local connection with a particular area within the District, demonstrated by 10 years continuous current or previous residence, **40 points** will be awarded.

4.4.4 Where applicants apply to move merely streets away, but in a neighbouring ward, those 40 points may be awarded to the neighbouring ward at the discretion of the Housing Operations Manager / Head of Housing.

4.4.5 The 40 point award will only be made against properties in the area with the strongest local connection.

4.4.6 Where an applicant can demonstrate a strong local connection with an area within the District, but there is no suitable housing type for their household within that area, **30 points** will be awarded for their next area of choice. For each subsequent year the applicant is waiting to be

housed in that area, **2 points** will be awarded up to a **maximum of 10 extra points**.

4.5. Employment

Where an applicant has worked in the district for the 6 months preceding the application or can evidence a need to move to South Derbyshire to give or receive care **15 points** will be awarded.

4.6 Enforced Separation from a member of the household

Where an applicant and their household are forced to live apart due to their housing circumstances, the following points will be awarded;

Partners living apart	10 points
A child living apart from sole/both parents	15 points per child
A child living apart from one parent	5 points per child

4.7 Her Majesty's Armed Forces

4.7.1 Where an Applicant(s) is leaving the Armed Forces, and can demonstrate a previous connection with South Derbyshire by living in the District for 3 years out of the 5 years prior to joining the Armed Forces and has served at least 3 years, **15 points** will be awarded.

4.7.2 Where the Applicant demonstrates vulnerability, as defined by the Homelessness Code of Guidance 2002, the application will be assessed under homeless criteria and 100 points may be awarded. (see section 4.1.1)

4.8 Medical Needs

4.8.1 Applicants who want medical need to be considered in support of their application will complete a Claim for Medical Priority Form. Any supporting information from the applicant's G.P., Health Visitor, Consultant or other relevant health professional may also be taken into account.

4.8.2 The medical priority assessment will be made by housing staff and will consider the extent to which the existing housing circumstance of the applicant adversely affects the applicant's mental or physical health.

4.8.3 Points will be awarded on the following scale;

Extreme	60 points
Considerable	45 points
Moderate	30 points
Slight	15 points

None **0 points**

4.8.4 Where more than one member of the applicant household has a medical need, points will be awarded for the member who has the greatest need for re-housing.

4.8.5 Where the medical assessment indicates the type of housing that is needed by the applicant, e.g. ground floor, the medical points will only apply to properties that meet any stated need.

4.8.6 Where the applicant is currently a tenant of Sheltered accommodation, and requires more suitable Sheltered accommodation as a result of a medical need, the appropriate Community Warden will be consulted.

4.9 Transfer due to Under Occupancy

If an applicant is an existing tenant of South Derbyshire District Council in a property that is too large, **20 points** will be awarded for each bedroom which is surplus to requirements, provided they move to a smaller property.

4.10 Transfer from General Needs to Sheltered Housing

If an applicant is an existing tenant of South Derbyshire District Council, aged 60 years and above, and wanting to move from general needs stock into Sheltered Housing, **30 points** will be awarded.

4.11 Adapted property that meets applicants requirements

Existing tenants of South Derbyshire District Council who can demonstrate a specific need for a previously adapted, vacant property will be awarded **60 points**.

4.12 Overcrowding

4.12.1 To calculate overcrowding points, the Council considers that separate bedrooms are required for ;

- Husband / Wife, or similar partnerships
- Each person aged 16 years or over (not in a relationship)
- Children aged 6 years or over of different sex from other children of any age.
- Children of the same sex where there is an age difference of 5 years or more between the elder and younger child.
- No more than two persons of any age should occupy one bedroom

4.12.2 Applicants' current accommodation will be assessed on the above basis and **10 points awarded for each extra bedroom needed.**

4.12.3 Applicants who apply while pregnant and because they will be overcrowded when their child(ren) is born, will be awarded overcrowding points in the third trimester of their pregnancy.

4.13 Relationship breakdown

4.13.1 Upon the breakdown of a relationship between joint tenants of South Derbyshire District Council, preference to remain in the family home will be given to the partner with responsibility for any dependants. The partner without responsibility for any dependants will be awarded **50 points** provided that their share of the joint tenancy is voluntarily relinquished.

4.13.2 These points will not be given to an applicant who had to surrender his / her share of the tenancy by order of the court.

4.14 Shared facilities

If an applicant and their household, are sharing accommodation and facilities with another household, **10 points** will be awarded.

4.15 Upstairs with children

Where an applicant has a child / children under 12 years of age, and is occupying accommodation above ground floor level, **10 points** will be awarded for each qualifying child.

4.16 Unfit housing

Where an applicant is living in accommodation that is

- * determined by the Council as being subject to slum clearance, or other action identified under the Housing Acts as requiring re-housing, or
- * affected by a redevelopment scheme which will have an effect in the short term,

100 points will be awarded

4.17 Social considerations

Where an applicant is a key worker, or can demonstrate a social reason which is having a severe effect on the applicant or a member of their household, which would be eased by re-housing, **up to 100**

points may be awarded at the discretion of the Housing Operations Manager / Head of Housing.

- 5.0 Allocations of properties
- 5.1 Allocations of property will normally be made to the applicant with the highest points award unless that allocation would compromise individual or community safety.
- 5.2 Applicants will receive a written offer of accommodation giving them at least three days notice prior to the intended commencement of that tenancy.
- 5.3 The Allocations Officer will match applicant's preferences to the features of the property to be allocated. Therefore applicants who have indicated that certain house types, heating systems, etc are not appropriate to them, they will not normally be considered for properties with those features.
- 5.4 In allocating any void property the Council will give preference to those applicants with a housing need for that particular size of property to ensure appropriate use of the housing stock.
- 5.5 Allocations will not be made that would result in an applicant under-occupying a property by more than one room, or overcrowding.
- 5.6 Allocations to sheltered housing accommodation will be made to applicants who have within their household a person who is 60 or more years of age. Any allocation outside the over 60 age group needs the express approval of the Head of Housing.
- 5.7 Where an applicant identifies that they are, or is recognised as, an employee within Housing Services, is a Councillor or is closely related to either of these, no allocation will be made without the authorisation of the Head of Housing.

6.0 Right to Review

- 6.1 All applicants have a legislative right to request an internal review of a homelessness decision or points award made by officers of the Council.
- 6.2 The request for a review should be made within 21 days of receipt of the decision notification.
- 6.3 The review will be carried out by the Housing Operations Manager or Head of Housing
- 6.4 Where a review of a homelessness decision has been requested, applicants may ask for an oral hearing. This will involve a meeting with the reviewing officer.
- 6.5 We will send a written notification of the review decision. The notification will explain the decision in plain English and advise of a right to appeal to the county court on a point of law (judicial review) within 21 days of receipt of that notification.
- 6.6 If the applicant has no case for judicial review but is still not satisfied with the outcome they may still pursue the matter through South Derbyshire District Council's complaints procedure. Details are available from Customer Services.
- 6.7 In addition all applicants have a right of access to their personal files within the provisions of the Data Protection Act 1998. Applicants wishing to exercise this right can do so by informing the Council in writing.

7.0 Deferment of applications

Applicants can ask to be considered for re-housing immediately or can remain on the waiting list as a 'deferment' until later date when they wish to be re-housed.

South Derbyshire District Council may also defer applications for the following reasons.

7.1 False and misleading information

7.1.1 In all cases where false or misleading information is knowingly provided by the applicant, the application shall be deferred during any investigation.

7.1.2 If investigation can evidence that false or misleading information was knowingly provided, the application will be cancelled.

7.1.3 The applicant may reapply and this will be treated as a new application.

7.1.4 Any tenancy granted on the basis of false or misleading information may be recovered by the Council.

7.2 Outstanding debts

7.2.1 Any outstanding costs from a former property with South Derbyshire District Council or any other Registered Social Landlord payable by a member of the applicant's household. This may include former tenant arrears, rechargeable repairs and housing benefit debts. Taxation debts are exempt from deferments.

7.2.2 If the debt is less than £200 and the applicant can evidence regular payments in accordance with an arrangement for a minimum of three months, the deferment will be lifted.

7.2.3 Where the debt exceeds £200 but the applicant can evidence regular payments in accordance with an arrangement for three months, the deferment cannot be lifted without the express approval of the Housing Operations Manager / Head of Housing

7.2.4 Where an applicant is currently subject to a suspended possession order for rent arrears with their current landlord, the application will be deferred until that suspended possession order is satisfied.

7.3 Anti Social Behaviour

- 7.3.1 In cases where the applicant or a member of their household has a proven track record of anti social behaviour the application will be deferred until the applicant provides clear evidence to demonstrate a change in behaviour for twelve months prior to application.
- 7.3.2 This deferment provision can also be applied where evidence exists of any other behaviour which would have been grounds for possession within schedule 2 of the Housing Act 1985. This may include domestic violence and convictions for using a former dwelling for illegal or immoral purposes.
- 7.3.3 This deferment cannot be removed without the express approval of the Housing Operations Manager / Head of Housing.
- 7.3.4 Each case will be considered on its own merits.

7.4 Conviction for sex offences

- 7.4.1 Where an applicant or a member of their household has been convicted of an offence which requires their personal data to remain of the Sex Offenders Register, the application will be deferred until the Head of Housing has undertaken consultation with the Police, Probation Service / Youth Offending Team and other relevant bodies to assess risk.
- 7.4.2 The Head of Housing will manage the allocation process in consultation with the Chair and Vice-Chair of the Housing and Community Services Committee.
- 7.4.3 A policy already exists which dictates that applicants with previous convictions for sexual offences against children will not be re-housed within one mile of schools or recreational play areas.

7.5 Right to Review

- 7.5.1 Applicants will be notified in writing of a decision to defer their application. The notification will explain the reasons for deferment in plain English.
- 7.5.2 Deferred applicants have a right to request a review of our decision to defer their application but the onus will be upon them to evidence changed behaviour to justify a reversal of the deferment.
- 7.5.3 If a deferred applicant is not satisfied with the review decision they may pursue this through the Council's complaints procedure.

8.0 Tenancy

- 8.1 South Derbyshire District Council offers introductory tenancies to all first time tenants of social housing.
- 8.2 An Introductory Tenancy lasts for one year to act as a probationary period. If, towards the end of that twelve-month period, there are concerns about the conduct of the tenancy, Housing staff can, with the approval of the Housing Operations Manager, extend the introductory period for a further six months.
- 8.3 Upon completion of a successful introductory period, or if an allocation is made to an existing social housing tenant, applicants will be offered a secure tenancy.
- 8.4 Licences are only used to provide temporary accommodation to meet urgent needs.

9.0 Succession to a tenancy

- 9.1 Following the death of a tenant, a close family member, who has been living with the tenant for a period of not less than twelve months immediately prior to the death, may succeed to the tenancy, in accordance with the Housing Act 1985. There can only be one succession to any tenancy.
- 9.2 This is not treated as an allocation because no new tenancy has been created.
- 9.3 In addition, any household member, who does not qualify as above, but has;
- Been living with the tenant for a year prior to the tenant's demise; or
 - Been looking after the tenant for a year prior to the tenants demise; or
 - Accepted responsibility for the tenant's dependants

will be given outright priority for the same home. If that home is not suitable because occupation will result in under-occupation or the property is sheltered housing and the tenant is too young, priority will be given for alternative and more suitable accommodation.

- 9.4 Tenancies awarded via this route will be on an introductory basis.

10.0 Woodyard Lane Gypsy site plots

10.1 As well as 'bricks and mortar' South Derbyshire District Council also manages a site of plots intended for residence by members of the gypsy community who no longer want to travel.

10.2 To establish eligibility for consideration for a plot we will apply the definition;

"Person of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and/or caravan dwelling"

(ODPM guidance, Feb 2006)

10.3 Plots will only be allocated to those who do not own or have no legitimate claim to settle on another plot elsewhere.

10.4 Plots will be allocated on the basis of need to settle as follows;

- 10 points for each child of school age
- 60 points per household for life threatening or deteriorating conditions that need hospital treatment
- 45 points per household for disabling conditions or ongoing illnesses that require treatment
- 30 points per application where a member of the household is over 60 and wants to stop travelling
- up to 50 discretionary points for circumstances agreed as social need to settle by the Housing Operations Manager or Head of Housing
- gypsies for whom the Council owes a duty of care within Homelessness legislation will receive absolute priority

10.5 Allocations to this site will be made in consultation with the Derby Gypsy Liaison Group, the District Council's site warden and the Advice and Liaison Team Leader to ensure that every effort is made to achieve a balanced and sustainable community.

11.0 Garages

11.1 The District Council also retains a number of garages and garage plots across the district to offer for rent.

11.2 Allocations are made on a waiting list basis but with preference given to existing tenants of South Derbyshire District Council.

11.3 Only one garage or plot will be allocated per tenant.

11.4 Tenants in arrears on their housing rent account will not be offered garages or plots.

April 2006. KT

South Derbyshire District Council

Housing Services

ALLOCATIONS POLICY

1.0 Principles and Objectives of the Allocations Policy

1.1 Principles

The Council's Allocations Policy is influenced by the following principles which will underpin the Council's approach to the allocation of housing;

Consistency – the Council will apply the Allocations Policy in a fair and consistent manner across the District, so that applicants with similar characteristics are treated in a similar manner to achieve similar outcomes.

Openness – the Council will provide explanatory leaflets on the Policy and information on the operation of the Allocations Policy, whilst maintaining individual confidentiality.

Legality – the Council will ensure that its Allocations Policy reflects the legal framework and best practice.

Responsiveness – the Council seeks to have a policy which is capable of responding to a wide range of complex individual needs and circumstances.

Equal Opportunities – the Council will act in a manner to encourage equal opportunities and will seek to ensure that information on the Allocations Policy is accessible to all, and will implement the Allocations Policy in a manner consistent with equal opportunities.

1.2 Objectives

1.2.1 To address housing needs in the area and where possible, to take into account applicants' housing choices and aspirations.

1.2.2 To assess applicants for housing in an objective, consistent and fair manner, complying with the relevant legislation and best practice.

1.2.3 To sustain and promote local communities as far as possible.

1.2.4 To monitor performance and respond to changing patterns of need as they may arise, by reviewing the Policy on a regular basis.

1.2.5 To inform the Council's strategic planning process.

1.2.6 To provide advice and assistance, to those wishing to make a housing application, in a straight forward way without the use of jargon.

1.2.7 To support the Council's Homelessness Strategy.

2.0 Housing Register

2.1 In accordance with the Homelessness Act 2002, the Council will operate an open Housing Register, and applicants will be accepted onto the register provided they are over 16 years of age, are a British Citizen habitually resident in the UK, or an EEA Citizen habitually resident and employed in the Common Travel Area (CTA). In the case of Nationals from the new A8 States, with effect from 1st May 2004, they must be employed in the UK for a continuous 12 month period.

2.2 An applicant may register for any area of the District. Where appropriate, 'Local Connection' points will be awarded for a particular area within the District. Applicants will also be asked to indicate other preference areas for accommodation.

2.3 The Council will seek to ensure equality of treatment for all applicants, without prejudice or discrimination based on class, gender, sexual orientation, race, ethnic origin, nationality, religion, age, disability or illness.

2.4 Applications for housing can be made jointly between persons. Where an application for a joint tenancy is made, it will normally be granted if a long term commitment to the household can be demonstrated by all parties applying jointly.

2.5 The ratio of allocations made against those in the following categories will be determined annually by the Housing and Community Services Committee;

New Applicants
Transfer Applicants
Homeless Applicants
HOMES Applicants

3.0 Assessment of Priorities for Housing

3.1 The Council will assess all applicants for housing on an equitable and consistent basis. The placing on the Housing Register will be determined by the number of points awarded to the applicant on their current circumstances. The Council is required to give reasonable preference to people who are occupying unfit accommodation, are overcrowded, are living under other unsatisfactory conditions and to people who are homeless or threatened with homelessness. The

points system set out below aims to ensure that reasonable preference is given to applicants with these types of housing need, in accordance with the Housing Acts 1985 and 1996 and the Homelessness Act 2002.

3.2 Points will be awarded for the following factors;

(a) Medical Needs

Applicants who want medical reasons to be considered in support of their application will complete a Claim for Medical Priority Form. Any supporting information from the applicant's G.P., Health Visitor, Consultant or other relevant health professional may also be taken into account. The assessment of priority will be made by Housing Staff, in consideration of all available evidence.

The medical priority assessment will mainly consider the extent to which the existing housing circumstance of the applicant(s) adversely affects their health.

Points will be awarded on the following scale;

Extreme	60 points
Considerable	45 points
Moderate	30 points
Slight	15 points
None	0 points

Where more than one member of the applicant household has a medical need, points will be awarded for the member who has the greatest need for re-housing.

Where the medical assessment indicates the type of housing that is needed by the applicant, e.g. ground floor, the medical points will only apply to properties that meet any stated need.

Where the applicant is currently a tenant of Sheltered accommodation, and requires more suitable Sheltered accommodation as a result of a medical need, the appropriate Community Warden will be consulted.

(b) Overcrowding

To calculate overcrowding points, the Council considers that separate bedrooms are required for ;

- Husband / Wife, or similar partnerships
- Each person aged 16 years or over (not in a relationship)
- Children aged 6 years or over of different sex from other children of any age.

- Children of the same sex where there is an age difference of 5 years or more between the elder and younger child.
- No more than two persons of any age should occupy one bedroom

Applicants' current accommodation will be assessed on the above basis and 10 points awarded for each extra bedroom needed.

(c) Under Occupancy

If Applicants are occupying a South Derbyshire District Council property which is too large for them, using the same guidelines as in 3.2 (b), 20 points will be awarded for each bedroom which is surplus to requirements, provided they move to a smaller property.

(d) Living in Rooms

If Applicants and the household to be re-housed, are sharing accommodation and facilities with another household, 10 points will be awarded.

(e) Local Applicants

Where an Applicant(s) resides, is employed, has a written offer of employment, subject to section 3.2 (t), or needs to give or receive support to or from a close relative, within South Derbyshire, 15 points will be awarded.

(f) Living Apart

Where an applicant and their household are forced to live apart due to their housing circumstances, the following points will be awarded;

Partners living apart	10 points
A child living apart from sole/both parents	15 points per child
A child living apart from one parent	5 points per child

(g) Age

Where the applicant(s) or a member of their household are aged 60 years or over, 1 point will be awarded for each year they are over 60 years of age.

Where there is more than one person aged over 60 years in the applicant household, points will be awarded for the oldest person only.

(h) Length of Residence

For each year that the Principal Applicant has lived in South Derbyshire, over the age of 18 years, 1 point will be awarded, up to a maximum of 10 points.

(i) Local Connection

If an Applicant has a strong local connection with a particular area within the District, demonstrated by 10 years continuous current or previous residence, 40 points will be awarded.

Where an applicant can demonstrate a strong local connection with an area within the District, but there is no suitable housing type for their household within that area, 30 points will be awarded for their next area of choice. For each subsequent year the applicant is waiting to be housed in that area, 2 points will be awarded up to a maximum of 10 extra points.

(j) Occupying Upstairs Accommodation

Where an applicant has a child / children under 12 years of age, and is occupying accommodation above ground floor level, 10 points will be awarded for each qualifying child.

(k) Unfit Housing

Where an applicant is living in accommodation that is;

- (i) determined by the Council as being subject to slum clearance, or other action identified under the Housing Acts as requiring re-housing
- (ii) affected by a re-development scheme which will have an effect in the short term

100 points will be awarded.

(l) Social Grounds

Where an Applicant(s) is a key worker, or can demonstrate a social reason which is having a severe effect on the Applicant(s) or a member of their household, which would be eased by re-housing, up to 100 points may be awarded at the discretion of the Housing Operations Manager / Head of Housing.

(m) Disabled Adaptations

Where an Applicant(s) demonstrates a specific need for a previously adapted, vacant property, 60 points will be awarded.

(n) Armed Forces Personnel

Where an Applicant(s) is leaving the Armed Forces, and can demonstrate a previous connection with South Derbyshire by living in the District for 3 years out of the 5 years prior to joining the Armed Forces and has completed the terms of the original engagement in the forces (and in any event has served not less than 3 years), or by being employed in the District or having a written offer of employment in the District, 15 points will be awarded.

Where the Applicant demonstrates vulnerability, as defined by the Homelessness Code of Guidance 2002, the application will be assessed under the Housing Act 1985 as amended by the Housing Act 1996, as amended by the Homelessness Act 2002, and 100 points may be awarded.

(o) Owner-Occupiers

Owner-Occupiers will not normally be eligible for re-housing except under the current Homelessness legislation. However, where an Owner Occupier Applicant(s) demonstrates a need for more suitable accommodation on the grounds of health or disability, and where Officers deem that the Applicant(s) does not have sufficient resources to secure that accommodation themselves, they will be allowed onto the Housing Register and points will be awarded under the Social and or Medical categories.

(p) Insecurity of Tenure

Where an Applicant(s) demonstrates insecurity of tenure as defined by the current Homelessness legislation, 100 points will be awarded.

(q) Priority Needs Categories

The Homelessness Act 2002 has extended the priority needs categories. Where an Applicant(s) is deemed as in priority need within the definition of the Homelessness Code of Guidance 2002, reasonable preference will be shown by the award of 100 additional points. This may refer to applicants who;

- Are fleeing violence and /or harassment
- Are pregnant
- Have dependant children
- Are vulnerable as a result of old age, mental illness or handicap or physical disability or other such special reason

- Are homeless or threatened with homelessness as a result of an emergency , such as flood fire or other disaster
- Are aged over 21 years and vulnerable as a result of previously being looked after, accommodated or fostered
- Are aged under 21 years and leaving supported accommodation
- Are vulnerable as a result of having been a member of Her Majesty's Armed Forces
- Are vulnerable as a result of having served a custodial sentence, having been committed for contempt of court or any kindred offence, or having been remanded in custody
- Are considered by the Council to be vulnerable for some other reason.

(r) Successions

Following the demise of a tenant, providing there has been no other succession to that tenancy held, a close family member, who has been living with the tenant for a period of not less than twelve months immediately prior to the death, may succeed to the tenancy, in accordance with the Housing Act 1985.

In addition, any household member, who does not qualify as above, but has;

- Been living with the tenant for a year prior to the tenant's demise; or
- Been looking after the tenant for a year prior to the tenants demise; or
- Accepted responsibility for the tenant's dependants

will be given outright priority for the same home, or other suitable accommodation in line with the Housing Act 1985, Part IV sch2 Ground 16.

Tenancies awarded via this route will be on an introductory basis.

(s) Relationship Breakdown

Upon the breakdown of a relationship between joint tenants, preference to remain in the family home will be given to the partner with responsibility for any dependants. The partner without responsibility for any dependants will be awarded 50 points provided that their share of the joint tenancy is relinquished.

(t) Persons from Abroad

A person who is a National of any of the countries in the European Economic Area (EEA), and who is habitually resident in the Common Travel Area (CTA), or who is a worker, or has a

right to reside in the UK, is eligible for accommodation. From 1st May 2004, this includes persons who are Nationals of an A8 state who is treated as a worker (who has been continuously employed for at least 12 months), pursuant to the Accession Regulations and the Immigration (European Economic Area) Regulations 2000 (SI 2000/2326). Points will be awarded in line with this Allocations Policy.

In addition, persons who are subject to immigration control, and who have been granted;

- i) Refuge Status,
- ii) Exceptional leave to remain – provided that there is no condition that they shall not be a charge on public funds; or
- iii) Indefinite leave to remain – provided that they are habitually resident in the CTA and their leave to remain was not granted in the previous 5 years on the basis of a sponsorship given in relation to maintenance and accommodation.

Plus persons who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) – provided that they are habitually resident in the CTA and are lawfully present in the UK;

will be entitled to apply for accommodation, and points will be awarded in line with this Allocations Policy.

4.0 Allocation of Property

- 4.1 Each Applicant must indicate the areas within the District which he/she would like to be considered for. There is no limit to the number of areas for which an Applicant may be considered. However, the award of Local Connection points will only be applied to one appropriate area within the District.
- 4.2 Allocations will normally be made to the Applicant(s) with the highest number of points for particular vacancies, where the Applicant's residence in that area does not compromise Community or individual safety.
- 4.3 In accordance with the Housing Acts 1985 and 1996, the Homelessness Act 2002 and relevant Guidance for the Allocation of Accommodation, the following factors will be taken into account before an allocation is made;
 - a) the length of time for which an applicant has resided in the area.

- b) any outstanding liability (e.g. re-chargeable repair)attributable to a property of which the Applicant was the tenant.
- c) any arrears accrued by the Applicant on a previous tenancy, which are still outstanding. Any Applicant owing monies to South Derbyshire District Council, or Registered Social Landlords will not normally be entitled to an allocation of accommodation. However, each Applicant(s) circumstances will be considered on their own merit. If any Applicant has an outstanding debt below £200, and the Applicant(s) has made payments in accordance with an arrangement for at least three months, an offer of accommodation can be made. Where the debt exceeds £200, the Applicant must have made and maintained an agreement to repay the debt, for a similar period. In this instance, an allocation of accommodation will not be made without the express approval of the Head of Housing / Housing Operations Manager.
- d) the age of the Applicant(s) in the allocation of houses which have been designed, designated or adapted for persons of a particular age group. For Applicant(s) aged under 18 years of age, a guarantor to the tenancy will be required,
- e) whether and to what value the Applicant(s) and household owns other property. In addition, if the Applicant(s) has sold property in order to help promote their application, this will be taken into account and their priority will be removed.
- f) whether the Applicant(s) has a proven record of Anti-Social Behaviour.

4.4 The Council will take no account when allocating housing, of whether or not an Applicant(s) lives in the District if;

- a) the Applicant(s) is employed, or has a written offer of employment in the District.
- b) requires a move to fulfil a demonstrable need to give or receive care.
- c) is accepted under the legislation of the Homelessness Act 2002, including the need for accommodation following domestic violence, racial harassment or other harassment, or some other social or medical need.

4.5 Reasonable enquiries of relevant organisations will be made where an Applicant(s) requires a move into the area because of, for example, harassment or domestic violence.

4.6 Where an Applicant(s) and their household have held a previous tenancy with the Council, the application for accommodation may be suspended if the Applicant(s) and their household left that property in a poor condition. The suspension may be lifted at any time where the

Applicant(s) has reimbursed the Council for damage caused, as per 4.3, c).

- 4.7 Before an allocation is made to an existing tenant wishing to transfer, a tenancy inspection will be carried out. If the property is not in a reasonable condition, any offer of housing may be withdrawn.
- 4.8 Where there is clear evidence of current or recent Anti Social Behaviour, related to a current or recent tenancy (usually within the last 3 years),the application may be suspended for up to twelve months. If clear evidence is provided, showing that there has been a change in behaviour, the suspension may be lifted after a minimum period of twelve months. An appropriate professional person must provide such evidence. Decisions on suspension on the grounds of Anti Social Behaviour will be at the discretion of the Housing Operations Manager / Head of Housing.
- 4.9 Where an Applicant(s) or member of their household has been convicted of an offence which requires them to be held on the Sex Offenders Register, allocation of accommodation will not be made to any property until the Head of Housing has undertaken consultation with the Police, Probation Service and other relevant bodies. The Head of Housing will allocate a property in consultation with the Chair and Vice Chair of the Housing and Community Services Committee.
- 4.10 In allocating any vacancy, the Allocations Officer will match Applicants' preferences to the features of the property to be allocated. Therefore, Applicants who have indicated that certain house / heating types etc are not acceptable to them, they will not normally be considered for vacancies with those features.
- 4.11 The Council does not limit the size of the properties that Applicants may apply for. However, in allocating any vacancy, the Council will give preference to those Applicants with a housing need for that particular size of property. Allocations will not be carried out which would result in the Applicant under occupying a property by more than one room. Allocations will not normally be carried out which would result in an Applicant and their household overcrowding a property.
- 4.12 Allocations to sheltered housing accommodation will normally be made to applicants who have within their households a person who is 60 or more years of age. In some locations there may be limited demand from the over 60 age group (particularly for upper floor flats) and in these cases property allocations will be considered to those in other age groups and particularly the 55-60 age group. Any allocation outside the over 60 age group needs the express approval of the Head of Housing.

- 4.13 Where it is known that an Applicant is a member of Housing Services, is a Councillor, or is closely related to either of these, no allocation will be made without the authorisation of the Head of Housing.

5.0 Open Allocations

- 5.1 Where a property has been refused not less than three times, and where there is no registered demand, it may be offered to any person on the Council's Housing Register, provided they meet the criteria for that property. Any property placed on the Open Allocation list will be advertised in Housing Reception, and on the Council's Housing website.

6.0 Working with other Housing Providers

- 6.1 The Council will negotiate Nomination Arrangements with other housing providers within the District. These arrangements will provide the Council with the right to nominate Applicants from the Council's Housing Register, for vacancies arising in the other housing providers' housing stock. The arrangements will not provide the Council with the right to allocate such vacancies, and such allocations will be carried out in accordance with the other housing provider's Allocations Policy and rules. Applicants will be asked to indicate whether they wish to be considered for nomination to other housing providers, and on request, will be provided with further information regarding the other housing provider, tenancy arrangements etc. Applicants who have been nominated to another housing provider will be informed of the nomination by the Allocations Officer.

- 6.2 The Council participates in the HOMES and HOMESWAP Mobility Schemes, which enable Applicants to apply for housing in other areas of the country. The Council will provide any Applicant with further information on these schemes, upon request.

- 6.2 Existing tenants of South Derbyshire District Council can apply for permission to exchange tenancies with another Local Authority or Housing Association tenant. Such requests will be considered under the terms of the Housing Act 1985, and permission to exchange will not be unreasonably withheld.

7.0 Appeal Arrangements

- 7.1 The Council operates a Complaints Procedure which is available to any Applicant who is not satisfied with the way in which his / her application has been dealt with. Details of the Complaints Procedure are available from the Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

- 7.2 An Applicant has the right to pursue any complaint of maladministration in relation to his / her housing application with the Local Government Ombudsman.

- 7.3 An Applicant has a legislative right to appeal against a homeless or housing application decision made by the Council. The appeal must be made, in writing, within 21 days of receipt of the decision notification. The appeal panel will comprise of three Elected Members, ensuring that the Member has not considered the case previously or has any other interest.
- 7.4 If an Applicant, who has been assessed under homelessness legislation, is dissatisfied with the outcome of an appeal, the Applicant has the right to appeal to the county court on a point of law. The county court can confirm or quash the Council's decision.
- 7.5 Pending a review or an appeal to the county court, the Council has the power to accommodate those Applicants who are homeless and in priority need. The Council must consider this power in all cases. If the Council decides not to exercise this power pending a *review*, and the Applicant wishes to appeal to the courts, he or she would need to seek permission to ask the High Court to judicially review the decision. If the Council decide not to exercise this power, pending an *appeal to the county court*, the Applicant can appeal to the county court to review the decision not to accommodate, and the court can require the Council to accommodate the Applicant, pending the appeal on the substantive homeless decision, should the court deem this as necessary.

8.0 General Regulations

- 8.1 All Applicants registered on the Housing Register will receive a written acknowledgement of their Application, which will include notification of the Applicant's unique reference number and level of points awarded.
- 8.2 When an application is received from an Applicant who is / was a Local Authority tenant, or who is / was a tenant of a Registered Social Landlord, a report from their current or previous landlord may be obtained. Where an unsatisfactory report is received, the Applicant will be advised of any effect this may have on the application, in terms of consideration for appropriate allocations as outlined in Section 4 of this policy.
- 8.3 If it is found that an Applicant has purposely changed address, or acted otherwise to worsen his / her housing circumstances to increase the award of points, the application will be assessed as if such a change had not been made. In such cases, this decision will be reviewed after a period of six months, by the Housing Operations Manager / Head of Housing. In the event of a decision at that time to continue to assess the application as if such a change had not been made, a further review will take place after a further six month period.

- 8.4 Where an Applicant applies for housing in order to share a property with friends who are not currently part of the Applicant's household, the application shall be assessed on the basis of the Applicant's current household bedroom needs and will not include overcrowding points assessed on the bedroom needs of the potential sharers, where they live apart from the Applicant.
- 8.5 In all cases where false or misleading information is knowingly provided by the Applicant, the application shall be suspended during investigation. If investigation shows that false or misleading information was knowingly provided, the application will be cancelled. The Applicant will be advised that they can reapply, but that this will be treated as a new application and any waiting time points will be awarded from the date of the new application. Any tenancy granted on the basis of false or misleading information may be recovered by the Council.
- 8.6 On notification of a joint Applicant's death, the application shall automatically be transferred to the surviving partner living with the Applicant. This transfer will be regarded as a succession of tenancy.
- 8.7 All Applicants for housing will be asked annually in writing, to confirm whether or not they wish to remain on the housing register. If there is no response to this request, the application will be cancelled. If the Applicant later asks to go back onto the register, without losing waiting time points, this will be considered by the Housing Operations Manager. The Applicant will be notified of the decision in writing.
- 8.8 From time to time, with the express approval of the Head of Housing, Director of Community Services and the Chair of Housing and Community Services Committee, properties may be let, on a temporary basis (usually no longer than six months), to new South Derbyshire District Council employees, relocating to the area.

9.0 Information and Advice

- 9.1 The Council will provide Applicants with information and advice regarding their housing application. The Council will provide a leaflet on the Allocations Policy. Details of points levels etc. will be provided to Applicants in writing on application to the Housing Register, and annually thereafter. Applicant(s) may request details of their points levels at reasonable intervals.
- 9.2 The Council will treat all Applicants for housing with courtesy, sensitivity and in complete confidence. Applicants can request an interview with a member of staff to discuss their housing application. Applicants will have the right to have a relative, friend or other adviser present at any interview. Interviews will be held in private interview rooms and all information will be treated in complete confidence.

9.3 Applicants will have the right of access to their personal files, under the Data Protection Act 1998. Applicants wishing to exercise this right can do so by informing the Council in writing.

9.4 The Council will make available to any applicant on request, a copy of the Allocations Policy.

10.0 Performance Monitoring

10.1 The Council currently monitors its performance in relation to the time taken to relet vacant properties, and the amount of rent lost as a result of vacant properties. Reports on these Performance Indicators are included in the Council's Best Value Performance Plan, and the Housing Service's Service Delivery Plan.

10.2 In addition to these performance indicators, the Council will also monitor;

- The number of allocations carried out
- The number of complaints regarding allocations under the Complaints Procedure, along with the outcome of these
- The number of allocations carried out each year, broken down into new tenancies, transfers, successions, homelessness and HOMES / Homeswap.

