



UTTLESFORD DISTRICT COUNCIL

**HOUSING ALLOCATIONS
POLICY/SCHEME**

(Draft)

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Uttlesford District Council Housing

Allocations Policy/Scheme

1. Introduction

- 1.1 The Council is required, by virtue of Section 167 of the Housing Act 1996 to have an allocations scheme for determining priorities and the procedure to be followed in allocating housing accommodation.
- 1.2 We have written and published this policy so everyone can be clear how:
 - i. Council houses are allocated
 - ii. The homes we are offered by our Registered Social Landlords (RSL) are allocated
 - iii. Applicants on our housing register have some choice about the home they are offered;
 - iv. We meet the law's requirements about people whose housing needs we should consider.
 - v. We make best use of the available housing stock within the District
 - vi. We give preference to those applicants who have a local connection to the District
- 1.3 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, The Allocation of Accommodation: Guidance for Local Housing Authorities England 2012 and recent case law.
- 1.4 In operating the Allocations Scheme, the Council will have due regard to legislation which shall take precedence.

2. Choice Based Lettings

- 2.1 The Council allocates accommodation through a Choice Based Lettings Scheme (CBL) called Home Option. The scheme enables applicants to express an interest in available properties which are advertised in a fortnightly publication and on a website. All applicants are provided with detailed information explaining how the scheme operates.

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

2.3 Direct Lets

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

2.3.2 Direct Lets may apply in the following circumstances:

- i. Extra care properties
- ii. If a property is needed to house someone in council property temporarily
- iii. In cases of where someone has to be moved immediately a direct let may be made
- iv. In the case of a specially adapted property built for a specific person
- v. Decants – Council properties required to be vacated by the Council for a specific purpose
- vi. Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- vii. If a previously joint applicant qualifies to be offered the property of which they were previously a joint tenant we will make them an offer of that property
- viii. In cases where a multi-agency team requests a planned move to resolve a serious management situation a direct let (one offer only to be made) may only be considered if the situation cannot be resolved by any other means and the tenant is either an existing Uttlesford tenant or the tenant of a Registered Provider's property within Uttlesford and the subsequent vacancy would be allocated through the council's Choice Based Lettings Scheme

3. The Allocations Scheme

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

3.2 The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, Assistant Director of Housing and Environmental Health will have delegated authority to

make decisions, as he/she considers appropriate and these will be fully documented.

3.3 The Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to RSLs for which the Council is required to make nominations.

3.4 The provisions of this Allocations Scheme will apply to applicants on the Council's Housing Register at the effective date of this Allocations Scheme, as well as those who apply after the effective date.

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

- i. Where a tenant succeeds to a secure tenancy on the death of a tenant
- ii. Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant
- iii. Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant or RSL assured tenant
- iv. Where a tenancy is disposed through the courts (under matrimonial and family proceedings)
- v. Where a priority transfer is agreed in urgent circumstances due to person's safety being at risk.
- vi. Where a property has been identified as temporary accommodation
- vii. Where the council needs to provide alternative accommodation for a council tenant in order to carry out repairs or improvements to their property.
- viii. 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).
- ix. 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

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

- 4.2 The Housing Register will be maintained by Housing Services at the Council Offices in Saffron Walden.
- 4.3 The Housing Register will be open to all categories of person except those who are ineligible as defined at Paragraph 5.
- 4.4 The Housing Register will be open to;
 - i. homeseekers of 18 years of age and over
 - ii. current council or RSL tenants
 - iii. 16 and 17 year olds owed a full housing duty by a local housing authority under homelessness legislation.

5. Eligibility categories

5.1 Eligibility

- 5.1.1 The following categories of applicant may not be eligible for the Housing Register;
 - i. Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
 - ii. Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)
- 5.1.2 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.
- 5.1.3 Eligibility for housing will be determined in accordance with the Allocation of accommodation: guidance for local authorities in England issued by the government under s169 of the Housing Act 1996 Part 6 as amended by the Localism Act 2011.

5.2 Exclusions from the Housing Register

- 5.2.1 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. The decision to exclude someone from the housing register will in the first instance be made by the Housing Needs Team Leader.

5.3 Unacceptable Behaviour

- 5.3.1 “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.”
- 5.3.2 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.
- 5.3.3 When making decisions regarding unacceptable behaviour Uttlesford District Council will consider:
- i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
- 5.3.4 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.
- 5.3.5 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).

5.4 Notifying an ineligible applicant

- 5.4.1** 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

6.1 Advice and Information

- 6.1.1 The Council will ensure that advice and information is available free of charge to persons in the District about the right to make an application for housing.
- 6.1.2 The advice and information can be provided by the Council on the phone, by letter/e-mail or in person at the Council Offices. You may also seek advice from other agencies such as the Citizens Advice Bureau.
- 6.1.3 You will be required to complete an on-line application form for inclusion on the Housing Register and to provide supporting documentation as the Council deems appropriate to allow an assessment of your entitlement to housing accommodation to be made.
- 6.1.4 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.

6.2 Joint Applicants

- 6.2.1 You may include on your application, anyone who could be reasonably expected to live with you. Where you are 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 not be ineligible for reasons set out in paragraph in paragraph 5 above.

6.3 Documents

- 6.3.1 As part of your application, you will be asked to provide documentary proof of certain things such as:
- i. Photographic proof of your identity and that of all those included on your application
 - ii. Your current address
 - iii. Details of any dependants living with you
 - iv. Your income
 - v. Your Savings
 - vi. Details relating to previous accommodation where appropriate
- 6.3.2 We may require additional information according to your circumstances and may sometimes need to contact third parties to verify the information you give us. By completing the application form you are giving consent for us to do this.
- 6.3.3 If all the required supporting documents are not received within 28 days the application will be cancelled.
- 6.3.4 If assistance is needed in making an application to the Housing Register help will be available from the Housing Services Department.

6.4 User guide

- 6.4.1 Assuming you have been found to be eligible to join the Register, we will assess your application and you will receive a letter of confirmation and access to an on-line Scheme User Guide which will tell you:
- i. Your HomeOption identification number;
 - ii. The Band that your application has been placed in and the date from which this takes effect
 - iii. The size of home for which you are eligible
 - iv. Details of how you can register interest for a home under CBL

6.4.2 If from your application we have identified that you may need assistance with using the Scheme we will add your name to a database of applicants for whom assistance with making expressions of interest is offered. Your name can be added to this list at anytime upon your request.

6.4.3 A printed version of the user Guide can be provided on request.

6.5 Renewal of applications

6.5.1 In order to keep the Housing Register up to date, applicants will be required to renew their application when required by the Council. Normally this will be annually and a letter will be sent to address registered on the application or by email to the registered email address.

6.5.2 If you fail to renew your application within 28 days you will be deleted from the Housing Register and given written notification to that effect.

6.6 Cancelling your application

6.6.1 We will only cancel your application if:

- i. You have written to us to ask us to cancel it, or
- ii. You have not responded to our renewal requests (see paragraph 6.5 above) or
- iii. You have accepted an offer of accommodation through the choice based lettings scheme
- iv. You have ceased to be eligible (see paragraph 5 above), or
- v. You have made false or deliberately misleading statements in connection with your application (see paragraphs 18 below)
- vi. You have not provided documentary proofs for your application within 28 days of completing the on-line form

6.6.2 If you are allocated and have accepted accommodation through the Allocation Scheme your application will be cancelled 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

7.1 Upon written request, as an applicant, you will be able to;

- i. receive a copy of your details entered on the Housing Register free of charge
- ii. receive copies of documents provided by you
- iii. have access to your file in accordance with the provisions of the Data Protection Act 1998
- iv. ask for a formal review of any decisions about the facts of your case
- v. 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
- vi. receive general information to enable you to assess;
- vii. how your application is likely to be treated
- viii. whether accommodation appropriate to your needs is likely to be available and, if so, when

8. Assessment of Housing Need and Allocation of Properties

8.1 Assessing Housing Need

- 8.1.1 Your housing circumstances are assessed on your individual circumstances 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.
- 8.1.2 Band A is considered the highest priority of housing need, Band B the next highest etc., with Band E being the lowest priority.
- 8.1.3 Within each Band, the applicant with the greatest priority is the applicant who has spent the longest time in that band.
- 8.1.4 Some allocations will be dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2.
- 8.1.5 Where an applicant or one of joint applicants is a tenant of Uttlesford District Council at the time of the application then the property subject to that tenancy will be inspected by the Council to

ensure compliance with the terms of the tenancy agreement before the application is processed.

8.1.6 Further details of how each band has been assessed is provided below:

The Band Criteria

8.1.6.1 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

- i. Accepted Homeless in severe need
- ii. Critical Medical/Welfare award – to include emergency situations
- iii. Relationship breakdowns in council properties where applicants are under-occupying but have been assessed as having housing need within Uttlesford
- iv. Successor tenants in council properties where applicants are under-occupying
- v. Releasing a property in need (council or RSL property that the Council has nomination rights to) or where it prevents the Council making expensive alterations to a property
- vi. 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
- vii. Uttlesford Council tenants, or tenants in RSL property where the Council will receive the nomination, who are currently in accommodation larger than their needs (Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- viii. Applicants who need to move to
- ix. 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)

8.1.6.2 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.

8.1.6.3 **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

- i. Serious Medical/Welfare award
- ii. Overcrowding in permanent social housing within Uttlesford
- iii. Accepted homeless cases
- iv. 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 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 and there is a clear indication that the landlord intends to seek possession.
- v. Nominations from supported housing schemes where the Council has agreed move-on arrangements and the applicant is ready to move on. These applicants will be able to use the CBL scheme for a period of 8 weeks from the date they are placed into this band. If they have not been successful after the end of this period they will be made one offer of suitable accommodation which if they refuse will result in them being down banded to a band that reflects their housing need.
- vi. 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.

- vii. An improvement notice has been, or is about to be, served in relation to the applicant's dwelling and
- viii. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
- ix. The cost of the remedies are beyond the means of the applicant (where applicable)
- x. The remedies will make the property unsuitable for occupation by the applicant
- xi. Applicants assessed as meeting band A criteria but with no local connection to Uttlesford
- xii. Multiple needs – Applicants with four or more needs in band C will move to band B

8.1.6.4 **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

- i. Moderate medical/welfare award
- ii. Notice of Seeking Possession
- iii. Notice to Quit - other than s.21 HA 1988 notices served at the start of a tenancy
- iv. Applicants who are homeless or threatened with homelessness who are assessed by the council as not in priority need
- v. Applicants who following a homelessness application have been deemed by the council to be in priority need but intentionally homelessness
- vi. No fixed abode
- vii. Overcrowded in private rented accommodation or social housing outside Uttlesford
- viii. Fixed term licensees

- ix. Shared facilities – not generally applicable for single applicants under 35yrs
 - x. Lacking facilities
 - xi. A hazard awareness notice has been served in relation to a category 1 or 2 hazard at the applicant's dwelling and
 - xii. the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or
 - xiii. the cost of the remedies are beyond the means of the applicant (where applicable); or
 - xiv. the remedies will make the property unsuitable for occupation by the applicant
- xv. Applicants assessed as meeting band B criteria but with no local connection to Uttlesford.

8.1.6.5 **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

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

8.1.6.6 **BAND E**

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

- vi. 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.
- vii. Owner occupiers (note: owner occupiers will normally only be offered tenancies in sheltered accommodation)
- viii. **All other applicants** - including those who have the financial means to resolve their housing need through private sector purchase

8.2 Allocation of Properties

With the exception of those allocations dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2 properties will be allocated to the applicant who expressed interest in the property, who is in the highest Band and with the earliest priority date within that Band.

9. Housing Priority

9.1 Deciding who has priority on the register

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

9.2 Overcrowding

- 9.2.1 Homeless applicants placed in temporary accommodation by the council will not be assessed under the criteria for overcrowding.
- 9.2.2 Applicants will be placed in band B if they are overcrowded, i.e. lacking one or more bedrooms and live in Council or Housing Association properties where the Council has nomination rights to the RSL.
- 9.2.3 Applicants will be placed in band C if they are overcrowded in private rented accommodation or living with relatives or friends.
- 9.2.4 Overcrowded applicants with a local connection to Uttlesford, but living in Council or Housing Association properties outside the District will be in band C.
- 9.2.5 Overcrowded applicants with no local connection to Uttlesford living in either private rented or social housing will be placed in band D.

- 9.2.6 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.
- 9.2.7 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.
- 9.2.8 Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.
- 9.2.9 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

- 9.3.1 Children of the same sex are expected to share a bedroom until one of them reaches the age of 16.
- 9.3.2 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.
- 9.3.3 Applicants who have two children of opposite sex where one is over 10 years of age 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

- 9.4.1 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. 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

- 9.5.1 Any complaint about poor repair within Council or RSL properties must be reported to the applicant's landlord's Repairs service.
- 9.5.2 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.

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

9.6 Sharing with another household

9.6.1 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.

i. living room

ii. kitchen

iii. bathroom or toilet.

9.6.2 Single applicants under the age of 35 who are sharing will generally be considered as adequately housed. Consideration will be given for applicants in special circumstances.

9.7 People living in mobile homes or caravans

9.7.1 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.

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

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

9.8 Homelessness and temporary or insecure accommodation

9.8.1 Accepted homeless households are applicants to whom:

i. 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**

ii. the council accepts a duty to provide suitable accommodation.

9.8.2 In the first instance the Council will look to discharge its homelessness duty for all accepted homeless applicants within the private rented sector. The Council will ensure that any offer of private rented housing is appropriate to the needs of the household, that the length of any tenancy is a minimum of 12 months and that the property meets the Homelessness (Suitability of Accommodation) (England) Order 2012. An assessment will also

be carried out to assess the affordability of the property, including the eligibility to receive Local Housing Allowance/Housing Benefit.

- 9.8.3 Under the Choice Based Lettings Scheme all accepted homeless applicants housed in temporary accommodation provided by the Council, including Bed & Breakfast accommodation, hostels or homeless at home, will be placed in band B. Accepted homeless applicants in severe need will be placed in Band A.
- 9.8.4 Whilst the Council is looking for suitable accommodation within the private sector applicants will be allowed to make expressions of interest on suitable properties advertised through the CBL system. If after a period of 8 weeks (4 cycles) from when the applicant received their S.184 decision letter they have either not been offered a suitable private sector property or been successful through the CBL system, the Council will make the applicant one final offer of suitable accommodation. This will be in whichever tenure is available first. If this offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to have been discharged.
- 9.8.5 When a private rented property becomes available it will be offered on the same principles as the through CBL i.e. to the accepted homeless applicant who is suitable for that property and who is in the highest Band and has been waiting the longest.

9.9 Accepted homeless households in severe need

- 9.9.1 These are applicants to whom:
- i. the council has accepted a duty under the Homelessness legislation **and**
 - ii. the council accepts a duty to provide permanent council or RSL housing **and**
 - iii. are elderly and vulnerable due to frailty* **or**
 - iv. have a terminal or long-term illness **or**
 - v. 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**
 - vi. are permanent wheelchair users **or**
 - vii. 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 **or**

viii. the council is unable to provide any suitable temporary accommodation

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

9.9.3 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.

9.9.4 *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

9.11.1 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 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 your landlord can begin an application to the Court to seek possession of their property. This is the point at which a notice of seeking possession or notice to quit expires.

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

9.11.3 If the applicant is subsequently deemed to be not working with the Council they will be down banded to the Band that otherwise reflects their housing need.

9.12 Assured shorthold tenants under notice

9.12.1 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.

9.12.2 All applicants will be offered advice regarding their housing options.

9.13 Lodger under notice

9.13.1 This applies to applicants living in the same property as their landlord.

9.13.2 They must be renting a room that is for their own use only, and be paying a market rent.

9.13.3 Proof that notice has been served is required.

9.13.4 They will be placed in band C if there is less than three months before the notice expires.

9.13.5 The Council will then check to see whether the notice will be enforced.

9.14 Tenants of tied accommodation under notice

9.14.1 Tenants in tied accommodation with no need to move will be placed in band E.

9.14.2 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

9.15.1 This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).

9.12.5 They must have been served with a court order for possession and then will be placed in band C.

9.16 Fixed-term licensee

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

9.16.2 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.

9.16.3 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

9.17.1 This applies to applicants who have no fixed address.

9.17.2 They will be placed in band C.

9.17.3 If they are in prison they will be placed in band E.

9.18 Medical, welfare and hardship

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

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

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

9.19 Medical assessments

9.19.1 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.

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

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

9.19.4 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 |

9.19.5 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.

9.19.6 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.

9.19.7 Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

9.20 Welfare/Hardship/Harassment assessments

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

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

9.20.3 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 |

9.20.4 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.

9.20.5 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.

9.20.6 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

9.21.1 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.

9.21.2 Applicants who are currently in property larger than their needs will be placed band A.

9.21.3 Where an Uttlesford District Council tenant is downsizing to a Council or RSL property they may be eligible for a downsizing grant to help with removal costs. For further details please see the Council's Decant Policy.

9.22 Applicants offered housing because of the death of an Uttlesford Council secure tenant

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

9.22.2 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.

9.22.3 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. This will be served more than six months but less than twelve months after the tenant's death.

9.22.4 Where successor tenants are in a property larger than they need or with major adaptations they do not require they will be placed in band A. They are able to express an interest for suitable properties under the scheme. 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.

9.23 Uttlesford Council secure tenants offered housing because of a Relationship breakdown

9.23.1 This category applies to Uttlesford secure tenants only.

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

9.23.3 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 qualifies to be offered a smaller property.

9.23.4 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 reserves the right to express an interest for them on suitable properties.

9.23.5 If a property is then subsequently refused they will have no right to remain in their current property and therefore action will be taken by the council to gain possession of the property.

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

9.24 Transfers which will release a property that is needed

9.24.1 Applicants will be placed in Band A of the scheme if they wish to move **and**

- i. 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**
- ii. where it prevents the Council making expensive alterations to the property **and**
- iii. there is not a serious shortage of the types of home they want to move to.

9.25 Housing related debt

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

9.25.2 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.

9.25.3 Housing Associations may also hold their own policy on debt.

9.25.4 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).

9.25.5 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.

9.25.6 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.

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

9.25.8 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

9.26.1 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.

9.26.2 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.

9.26.3 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.

9.26.4 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

9.27.1 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.

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

9.27.3 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.

9.27.4 Owner-occupiers will be able to express an interest in 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

9.28.1 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.

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

- i. they are six months away from retirement **or**
- ii. they have received a legally binding notice asking them to leave their accommodation.

9.29 Deciding the effective date

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

- i. Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- ii. Where an applicant receives priority on medical or welfare grounds their effective date will be the date they applied for this award.
- iii. 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

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

- i. Have lived in the district of Uttlesford for either:
 - Six out of the last twelve months or three out of the last five years;
- ii. Have **permanent paid work** in the district
- iii. 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.

9.30.2 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.

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

9.30.3 The following categories of person will be exempt from local connection criteria.

- Applicants who are serving members of the regular forces or who have served as regular in the regular forces within five years of their date of application
- Applicants who have recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:-
 - the spouse or civil partner has served in the regular forces; and
 - their death was attributable (wholly or partly) to that service
 - is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

9.40 Armed Forces Priority

9.40.1 Members of the Armed Forces, who are in urgent housing need who falls within one or more of the following criteria, will be placed in one Band higher than their housing need :-

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- Formerly served in the regular forces
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence

following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or

iv. Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

9.40.2 For this purpose "the regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006(4)

10. Types of Tenancies

10.1 The type of tenancy you will be offered will be in accordance with the Uttlesford tenancy policy or the tenancy policy of the landlord of the property. Tenancy policies will be set having regard to the West Essex Tenancy Strategy.

10.2 The Council will offer Joint tenancies 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.

10.3 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 Introductory Tenancy followed by secure tenancies in accordance with the Council's Introductory Tenancy Scheme.

11. Tenancy Start Dates

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

11.2 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.

11.3 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.

11.4 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 an Uttlesford District Council 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 voucher for the purchase of an appropriate amount of paint will be provided.

13. Designation of Property Type – Age restrictions

13.1 To make best use of housing stock properties are designated as being either general needs or for older persons or people with disabilities.

13.2 Older person's properties, such as bungalows, will normally be allocated to the following categories of person:-

i. Those aged 60 or over.

ii. Those under 60 with band B medical assessment for mobility who require this type of accommodation. In these circumstances single people and couples will only be offered 1 bed bungalows and will not be able to express interest in general needs properties.

13.3 In areas 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.

13.4 General needs properties such as houses or flats will be allocated to persons under 60 unless there are special circumstances which indicate that a particular general needs property is suitable for and applicant who is 60 or over.

14. Allocating sheltered housing

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

i. 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.

ii. 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

- 15.1 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. (Please refer to the Council's Disabled Adaptations Policy)
- 15.2 Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.
- 15.3 Properties which have been adapted to a very high standard may not be included in the scheme and may be directly allocated.

16. Reviews

- 16.1 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)
- 16.2 In the first instance, you must appeal in writing to the Housing Needs Team Leader and you will receive a written response within 10 working days.
- 16.3 If, having received this response you wish to make a further appeal you will write to the Housing Needs and Landlord Services Manager who will then review your case.

17. Equal Opportunities

- 17.1 The Council's allocation scheme will be operated strictly in accordance with Council policy irrespective of an applicant's ethnic origin, race, nationality, colour, religion, gender, sexual orientation, marital status, age or disability.
- 17.2 The Council will have regard to, and implement, the provisions of the Race Relations Code of Practice in Rented Housing, which it has adopted. The Council will also abide by the Race Relations Act 1976.
- 17.3 As an aid to ensuring that applicants are not discriminated against on the grounds of race, the Council will monitor the racial origin of:
 - i. Applicants on the Housing Register
 - ii. Applicants allocated housing
 - iii. Applicants offered sheltered accommodation

17.4 The practices and procedures of Housing Services will be monitored by the Head of Service 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 Equalities Act 2010.

18. False and Withheld Information

18.1 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.

18.2 This could result in:

- i. Criminal prosecution
- ii. Cancelling your housing register application (see paragraph 6.6 above)
- iii. Possession proceedings for any tenancy you have obtained as a result of giving or withholding false information

18.3 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

19.1 The Council will:-

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

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

20. Review of Allocations Scheme

The Allocations Scheme will be reviewed periodically by the Council's Housing Board and any recommended changes agreed by the Council's Cabinet.

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.

Data Protection Act

The information you provide may be put on a computer system registered under the current Data Protection law. It may be checked with other information or data held by the Council. It may be disclosed for the purposes as described on the Register Entry in the Council's Data Protection Register. We may also share data with other agencies for the prevention and detection of crime.

**IF YOU REQUIRE THIS INFORMATION LEAFLET IN AN ALTERNATIVE
FORMAT AND OR LANGUAGE PLEASE CONTACT HOUSING SERVICES ON
01799 510510**

Housing Services
Uttlesford District Council
Council Offices
London Road
Saffron Walden
CB11 4 ER

Telephone: 01799 510510
Email: uconnect@uttlesford.gov.uk
Website: www.uttlesford.gov.uk

Appendix I

Size of Accommodation Allocated:

| Household Size | Number of rooms |
|--|----------------------|
| 1 adult | Bedsit/ 1 bedroom |
| 2 adults living together as a couple | 1 bedroom |
| 1 adult (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 either: - 1 child* - 2 children* of different sexes where neither child is over 10 years of age - 2 children* of the same sex up until the eldest child is 16 years of age | 2 bedrooms |
| 1 adult (or 2 adults living together as a couple) with either: - 2 children* of different sexes where the oldest child is over 10 years of age - 2 children* of the same sex where the eldest child is over 16 years of age - 3 children* - 4 children* regardless of sex up until the eldest child is 16 years of age | 3 bedrooms |
| 1 adult (or 2 adults living together as a couple) with either: - 4 children* where 1 child is over 16 years of age - 5 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 dependants 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.

Appendix II

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 proportion of the affordable housing provision, on any site subject to the terms of a planning obligation where a local need can be demonstrated through a housing need survey. To be eligible for an allocation on these sites applicants must be assessed as having a housing need by being in Bands A – D of the allocation policy.

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 a Section 106 agreement to provide a £2.2m fund for the provision of an affordable housing scheme to be made 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