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 it's 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. To facilitate this, this policy will be kept under continuous review. The next comprehensive review will be undertaken by May 2006.

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) Accommodation Release

If Applicants are occupying a South Derbyshire District Council property which is classed as family accommodation, and the request is to move to Sheltered Accommodation, 30 additional points will be awarded.

(e) 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.

(f) 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.

(g) 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

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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.

(n) Disabled Adaptations

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

(o) 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.

(p) 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.

(q) Insecurity of Tenure

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

(r) 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.

(s) 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.

(t) 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.

(u) 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), and is a worker who 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 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) Refugee 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 it is known that 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, 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 Sheltered housing vacancies will be allocated on consideration of the points award for each applicant, together with an assessment of needs. Allocations to Sheltered housing will not normally be made to any Applicant(s) under the age of 55 years. However, upon consideration of need and the type of scheme available, the Housing Operations Manager will present a report to the Head of Housing who has the discretion to authorise allocation to persons below the age of 55 years.

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 it's 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.

SUMMARY OF ALLOCATIONS POLICY ALTERATIONS

ELIGIBILITY FOR ACCOMMODATION

Allocation of accommodation will continue to be made via the Housing Register to eligible persons. The Homelessness Act 2002 introduces further requirements on those to be treated as eligible for accommodation;

*A local housing authority shall **not** allocate housing accommodation –*

(a) To a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5):

This means any person who is subject to immigration control, and other persons from abroad whom the Secretary of State may prescribe. It is therefore proposed that where an applicant meets this criteria, they shall be ineligible for accommodation.

However, any person who is habitually resident in this country, and who is a British Citizen or a citizen of the EEA (European Economic Area) who is habitually resident and employed in the Common Travel Area (CTA) is eligible to apply for accommodation. In the case of Nationals of the new A8 States, with effect from 1st May 2004, they must be employed in the UK for a continuous period of 12 months. Points will then be awarded in accordance the Allocations Policy.

(b) To a person who the authority have decided is to be treated as ineligible for such an allocation by virtue of subsection (7):

This means that the authority may decide that no preference is given to an Applicant, where the Council is satisfied that they, or a member of their household has been guilty of unacceptable behaviour, serious enough to make them unsuitable to be a tenant, and where the council is satisfied that, in the circumstances at the time the case is considered, the applicant does not deserve to be treated as a person to who reasonable preference should be given, or that at the time of the application, the authority considers that the behaviour deems them to be unsuitable to be a tenant. It is therefore proposed that any applicant with a proven history of serious anti-social behaviour (behaviour which would have entitled the Council, had the Applicant been a secure tenant of the Council at the time, to a possession order under s.84 of the Housing Act in relation to any of the grounds in Part I of Schedule 2, other than Ground 8. Each applicant presenting with this criteria will be assessed on an individual basis in line with the Code of Guidance for Allocation of Accommodation.

(c) To two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b)

This means that the authority may not allocate a joint tenancy if either partner falls into either of the above categories.

Current Policy

1. The current policy does not allow for owner-occupiers to be allocated accommodation, unless they qualify for elderly or disabled persons' accommodation, or if they are in mortgage arrears and the mortgage lender has obtained possession of the home through the County Court. It is proposed to amend this criteria as follows;

- 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.

- Where an Owner Occupier applies for accommodation due to the possession of their property by their mortgage lender, the application will be considered under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. Where the application of this legislation determines that the applicant is unintentionally homeless and in priority need, reasonable preference by the allocation of 100 additional points for the allocation of accommodation will be given.

2. Current policy does not allow for the allocation of accommodation to any persons who owe any monies to South Derbyshire District Council, and any persons who owe rent to any Registered Social Landlord. This causes conflict with other statutory duties, such as housing those fleeing domestic violence. It is therefore proposed that the policy be amended to state;

- Persons will not normally be eligible for accommodation if they owe any monies to South Derbyshire District Council or rent to any Social Registered Social Landlord.

  Each application will be treated individually, and consideration will be given to the level of the debt, the cause of the debt, and any agreement and attempts to repay the debt.

3. Local connection with South Derbyshire is currently established whereby the applicant has previously lived in the District for a continuous period of 12 months during the preceding 10 years. This is placing great strain on

the Council, in terms of the numbers of people eligible to apply for accommodation in South Derbyshire. It is therefore proposed to amend to;

- Local connection with South Derbyshire will be established where the applicant has lived in the District for a continuous period of 12 months during the preceding 5 years.

4. Current policy makes no reference to the treatment of ex service personnel. It is therefore proposed to introduce the following category;

- Applicants leaving the service of Her Majesty's Forces will be eligible for the allocation of accommodation, where;
  - The applicant has lived in the District for three years out of the five immediately prior to joining Her Majesty's Forces, and
  - Has completed the terms of the original engagement in the forces (and has in any event, served not less than three years)

  As per the Homelessness Act 2002, where an applicant falls into this category, but is deemed as vulnerable (e.g. discharge on medical grounds) as defined by the Homelessness Code of Guidance 2002, reasonable preference will be shown by the award of 100 additional points.

5. Policy currently states that any applicant who has been convicted of any serious criminal offence that affects the well-being and harmony of a community will not be eligible for accommodation from the authority. The Homelessness Act 2002 places a duty on local authorities to accommodate persons who are vulnerable as a result of having served a custodial sentence. It is therefore proposed to amend this category as follows;

- Applicants who have been convicted of a criminal offence will not normally be eligible for the allocation of accommodation.

  Where vulnerability of the applicant has been established as per the definition of the Homelessness Code of Guidance 2002, reasonable preference will be shown by the award of 100 additional points.

6. The Homelessness Act 2002 introduces Priority Need categories, additional to those stated in points 4 and 5 above. These are;

   A person aged sixteen or seventeen who is not a relevant child or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989

   A person under 21 who was (but is no longer) looked after, accommodated, or fostered between the ages of 16 and 18 (except a person who is a ' relevant student ')

A person aged 21 or more who is vulnerable as a result o having been looked after, accommodated or fostered (except a person who is a ' relevant student ')

A person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out.

Current policy allows that where persons are vulnerable, with a defined need for settled accommodation in the immediate future, they will be awarded 100 points. The categories are defined as any person(s) who are;

- The subject of physical, mental, or social abuse
- A vulnerable young person
- Are leaving long stay, or mental health institutions
- Are leaving care and are especially vulnerable as a result
- Have learning difficulties
- Are vulnerable for some other reason
- Have been accepted onto the Supported Living Scheme

It is proposed to amend the definition of this category as follows;

- Where applicants are deemed as vulnerable, 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 aged under 21 years, and leaving supported accommodation
  - have a proven need for assistance due to learning or physical disability, or other chronic illness.
  - are considered by the authority to be vulnerable for some other reason

7. There is no current consistent mechanism for the acceptance and allocation of applicants under the HOMES mobility scheme.

- It is proposed that where an applicant has been accepted under this scheme, their application will be assessed under the same criteria as other applicants, and included within the Housing Register. No undue preference will be afforded applicants in this category, as they will not be eligible for local connection or length of residence points. Including applicants in this way will allow access to the proposed Open Allocation policy (see page 7). It is further proposed to set a target for the number of allocations made to applicants fulfilling this criteria.

8. The Homelessness Act 2002 requires that persons who are existing local authority tenants who apply to transfer accommodation, must be treated on the same basis as other applicants, in accordance with the provisions set out in the Allocation Policy.

- It is therefore proposed that no distinction be made against those in this category, thus allowing the application to be assessed on the same criteria as other applicants (other than those applying via the HOMES Scheme).

  Currently, tenants applying to transfer to another Council property are automatically awarded 10 points. Further points are awarded to applicants occupying a two or three bedroom council house, who wish to transfer to elderly persons accommodation.

- It is proposed to remove the initial award of 10 points, as this serves no other purpose than to prioritise those applying for a transfer. However, it is further proposed to award 20 points to any applicant, who is an existing tenant of the Council, occupying two, three or four bedroom requesting a move to smaller accommodation.

9. Current policy has no statement in relation to successions to tenancies to household members on the demise of the tenant. Where the question of succession to a tenancy arises currently, the procedures defined within the Housing Act 1985 are invoked. The Homelessness Act 2002 requires that where the tenant dies and another household member (who does not have succession rights to the tenancy) has;

   (a) been living with the tenant for the year prior to the tenant's demise; or
   (b) been looking after the tenant for the year prior to the tenant's demise; or
   (c) accepted responsibility for the tenants' dependants,

   that household member must be considered favourably by the Council.

- It is proposed to amend the Allocations Policy to award outright priority for the same home or other suitable accommodation to applicants within this category. For clarity, this will include applicants who do not have the right to succession, as a succession to the tenancy has taken place previously. Tenancies awarded via this route will be on an Introductory Tenancy basis.

10. Current policy does not give definitive direction in relation to the criteria for the allocation of Sheltered accommodation.

- It is therefore proposed to amend the Allocations Policy to state that properties identified as "Sheltered Accommodation" will not normally be allocated to persons below the age of 55 years. However, consideration will be given to applicants aged not less than 55 years, whereby the applicant demonstrates a need for the sheltered accommodation by virtue of disability. Should an applicant below the age of 55 years demonstrate on disability grounds, a need for accommodation within sheltered housing, the Housing Operations Manager will present a report to the Housing Manager, for decision on the allocation of identified accommodation.

11. Current policy gives no direction in terms of the granting of joint tenancies.

- It is therefore proposed that applicants will be made aware of their option to undertake a joint tenancy with a person who has a long term commitment to the home. Whilst each application for a joint tenancy will be considered separately, the following criteria will usually be applied;

  They are married to, and not 'separated' from their spouse.

  They are in a de facto relationship i.e. ongoing committed relationships, including same sex relationships.

  Unpaid live – in carers, where the need for a live in carer has been demonstrated.

  Friends – where the best use of housing stock can be demonstrated.

12. Current policy does not recognise the difficulty experienced in allocating accommodation following the breakdown of a relationship where a joint tenancy is held.

- It is therefore proposed that 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.

13. Current policy does not set targets for the ratio of allocations against categories of applicants. The establishing of targets will assist the Council to monitor and demonstrate the use of it's stock, and will therefore complement and inform the Homeless Strategy, the Housing Strategy, the Regional Housing Strategy and the Planning Strategy.

- It is therefore proposed that the Housing and Community Services Committee determine on an annual basis, the ratio of allocations against the following categories;

  New Applicants
  Transfer Applicants
  Homeless Applicants
  HOMES Applicants

  For the forthcoming year, it is proposed that allocations are made to the following ratios;

New Applicants	35%
Transfer Applicants	29%
Homeless Applicants	35%
HOMES Applicants	1%

CHOICE IN LETTINGS

The existing Allocations Policy aims to promote some choice in allocations via the attempt to match an offer of accommodation with the Applicants first area of choice. Furthermore, there is no restriction in the number of offers of accommodation made to any applicant(s);

- who are current South Derbyshire tenants requesting a transfer of accommodation,
- On the Housing Register requiring elderly persons or special needs accommodation
- HOMES schemes nominees and key workers
- On the general Housing Register.

Those applicants to be housed via the Homelessness list are currently entitled to only two offers of accommodation.

It is not proposed to alter this statement of policy, as to do so would restrict applicants' expression of choice in terms of the area in which they would prefer to reside.

Promotion of choice is also achieved via the allocation of additional points, to applicants with a strong local connection to a particular area of the District. To ensure the equity of this, it is proposed to amend the current policy of the award of 40 points for applicants have a strong local connection with an area, where that area is the applicants' first choice of area. The aim of this criterion was to ensure that where an applicant falls into this category, they were given reasonable priority for accommodation in that area.

Experience of administering the Policy has highlighted the fact that, where there is no suitable accommodation for persons in this category, the first choice must be to an area other than where their local connection determines. Where this is the case, the applicant will lose their additional points, which does not ensure the equity of the system.

- It is therefore proposed that where an applicant has a strong local connection with an area of the District, but the area does not have any suitable properties, 30 points will be awarded for the second choice area. 2 points will then subsequently be awarded for every full year the applicant remains on the list, up to a maximum of 40 points. This ensures that reasonable priority is still awarded, but not to the detriment of those with a strong local connection in the applicants' second choice area.

- To further promote choice in lettings, it is proposed to introduce an Open Allocation policy and advertise in Housing Reception and the Council's website, properties that have been refused three times, and where there is no registered demand. In these circumstances, it may be offered for letting to any applicants from the Housing Register (this will include those accepted under the HOMES scheme), who meet the basic criteria, e.g. a family of not less that three persons, for a two bedroom property.