



South Staffordshire Council

ALLOCATIONS POLICY

SOUTH STAFFORDSHIRE COUNCIL
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1 What is an allocations policy?

- 1.1 This scheme has been designed to simplify and improve access to rented homes owned by housing associations within the South Staffordshire area. Individual circumstances will be assessed against the criteria specified within the scheme and customers will be notified of whether or not they will be accepted on to the Scheme
- 1.2 Properties let through the scheme will be those made available from Registered Providers through existing nomination agreements with individual social landlords.
- 1.3 Properties will be directly matched with qualifying applicants. Where one or more applicants have the same priority, the nomination will be made to the applicant who has been registered the longest time.

2. Access to the scheme.

- 2.1 The Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011 states that the following persons are eligible to be considered for social housing.
 - Existing tenants - all secure, assured, and introductory tenants of a housing authority where they fall into a reasonable preference category.
 - British nationals who are habitually resident in the Common Travel Area, (CTA)
 - European Economic Area (EEA) nationals - Any person, who is a national of any of the countries in the EEA and is habitually resident in the CTA, or is a worker, or has the right to reside in the United Kingdom.
 - Persons not subject to immigration control.
- 2.2 Anyone over the age of 18 can apply. If an applicant is aged between 16 or 17 years of age, they will need a suitable guarantor before a tenancy can be offered to them as legally a minor cannot hold an interest in a tenancy. The guarantor will need to be willing to be responsible for the tenancy until the applicant reaches the age of 18.
- 2.3 Individual applications will be assessed following an interview with a Housing Advisor who will take into account all relevant factors.

3. Eligibility for the scheme.

- 3.1 Under certain circumstances applicants will not be eligible for registration on the scheme. These are listed below.

- (i) A person subject to immigration control. Such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State.
- (ii) A person from abroad other than a person subject to immigration control. The Secretary of State may make such regulations as to provide for other persons who may be ineligible for an allocation of housing other than those subject to immigration control.

3.2 Where a person may not be eligible, an investigation will be completed and the person notified of the decision and reasons for it in writing.

4 Statement as to Choice

- 4.1 South Staffordshire Council wishes to offer all qualifying households on its Housing Register a choice of where they wish to live. Where an applicant has been offered and has refused 3 suitable properties, their application will be cancelled and they will not be allowed to reapply for 12 months.
- 4.2 Where an applicant has been accepted as unintentionally homeless and in priority need by this Council to ensure that they are offered accommodation as quickly as possible and to limit the time spent in temporary accommodation, a direct offer of accommodation will be made to them. This offer of accommodation could be either a private rented property, or a social rented property. Should the applicant refuse such an offer of accommodation which is considered both suitable for their needs, and reasonable, subject to the Council's Homelessness Review Procedure, this Council may no longer have a duty to provide them with accommodation, and any additional priority awarded to them because of their homelessness may be withdrawn.

5 Prioritisation of applications

- 5.1 Based on the information provided by the applicant they will be placed into one of three bands, Band 1 having the highest priority, and Band 3 the lowest.
- 5.2 The date of the application, the "applicable date" will be the date the applicant is placed into an individual band.

6. Right of Review

- 6.1 Where an applicant is dissatisfied with the priority they have been awarded, they may request a review of their banding which will be considered by an officer senior to the one that made the original assessment.
- 6.2 Where a decision as to an applicant's priority has been made following the Issue of a formal homelessness decision under s184, of the Housing Act 1996 as amended, any review will be carried out under the Council's Homelessness Review Procedure.

7. Assessing Housing Need

7.1 Applications will be assessed under this scheme, to ensure that those in greatest housing need receive the highest priority. In determining the categories, regard has been made to the reasonable preference categories set out in s166A (3) of the Housing Act 1996, the Localism Act 2011 and the Homelessness Act 2002, which are listed below. Regard has also been made to the appropriate Codes of Guidance on allocations issued by central government.

- Applicants who are homeless. This includes applicants where there is a statutory duty to re-house as well as applicants who are intentionally homeless, those threatened with homelessness, and those who do not fall within a priority need category.
- Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Applicants who need to move on medical or welfare grounds, including grounds relating to disability.
- Applicants who need to move to a particular locality within the district where failure to meet that need would cause hardship to themselves or to others.

7.2 To ensure that local priorities are met, the scheme may provide for other factors, other than those set out in section 166A (3) of the Housing Act 1996 in determining which categories of customers are to be given preference for an allocation of accommodation within the scheme, providing they do not dominate the scheme at the expense over those listed in the statutory preference categories as listed in 166A(3).

8 Non Qualifying Households

8.1 An allocation of accommodation will not be made to those households who are defined as "non- qualifying" households. The following categories of households have been determined to be "non- qualifying" households:-

- (i) Households that have no local connection to the South Staffordshire area, regardless of housing need. Local connection is defined as:-
- The applicant currently lives, or has lived within the South Staffordshire area, and has done so for 6 out of the past 12 months, or three out of the past 5 years. **NB** residence in a hospital or prison does not form a local connection by residence.
 - The applicant lives outside the district, but works within the district and has done so for the last 12 months, and to travel to work by public transport would take them in excess of one hour each way. This must be their actual place of work, not where their head office is situated.
 - The applicant has close family that have resided in the area for a minimum of 3 years, and with whom the applicant has close links.

Close family members include, a parent, step parent or parent in law; brother or sister, half- brother and half-sister, step brother or step sister, son, son in law, daughter, daughter in law, step son, step daughter or the partner of any of the above.

NB: In certain circumstances the Senior Housing Officer may determine that another relative could form a local connection to the area. E.g. where an applicant has been raised by a grandparent, or foster parent, who resides in the area. This will be assessed on an individual basis.

- (ii) Applicants who have none of the housing need identified in bands 1 to 3 of this policy.

Exceptions

No local connection is required for the following:-

- Serving Members of the armed forces or those who have been discharged within the previous 5 years.
- Bereaved spouses or civil partners of those serving in the regular forces where:
 - The bereaved spouse or civil partner of those serving in the regular forces has recently ceased or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and; the death was partly or wholly attributable to their service

Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

- 8.2 Where an applicant is refused access to the scheme they will have the right to have that decision reviewed by an officer senior to the one that made the original assessment.

9. Eligibility for property type

Eligibility is dependent on the criteria for each individual landlord, but generally will be as follows:-

Property type	Family size
One bedroom flats	Single persons or couples without children
Two bedroom flats/houses	Households with a minimum of one or two children dependent on the children's age and sex
Three bedroom flats/ houses	Households with two or more children dependent on the

	children's age and sex
Four bedroom houses	Households with three or more children dependent on the children's age and sex
One bedroom bungalows	Single persons or couples without children aged 55 years or over, or who have a medical need to live in a bungalow
Two bedroom bungalows	Single persons or couples without children aged 55 years or over and have a need for a carer to reside with them, or have a medical need for a 2 bedroom bungalow, or have one child.
Sheltered accommodation	Single applicants or couples where one is aged 60 years or over.

10. Priorities within each Band

10.1 **Band 1**

- (i) Applicants who have been accepted as unintentionally homeless and in priority need by this Council. This Council has a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) to ensure that homeless applicants owed a full housing duty under s.193 (2) are provided with suitable accommodation. This priority will be awarded following an investigation and a formal decision letter being issued.
- (ii) Applicants who have been determined as being homeless, but having no priority need following completion of a homelessness investigation, and where a formal decision letter has been issued.
- (iii) Applicants who are overcrowded because their present home is short of at least 3 bedrooms. (See section 11.1 for further guidance on the bedroom standard)
- (iv) Applicants who cannot continue to live in their current home due to a high medical need or a disability, and where the property is no longer suitable for their needs, or it is having a detrimental effect on their medical condition. (See section 11.3 for further guidance)

Supporting information will be required from appropriate professionals before any additional priority is awarded for medical circumstances.

Priority may be awarded on medical grounds if information received indicates a move to alternative accommodation will benefit the health of the applicant or a member of their household, or where their current home is no longer suitable for their needs.

Examples would include, but are not limited to:

- A wheelchair user occupies a home where facilities are upstairs and therefore inaccessible.
 - An applicant is due to be discharged from hospital and their current accommodation is totally unsuitable for their needs.
 - The applicants current housing is having a severe detrimental effect on their, or a member of their households mental well- being.
 - The applicant or a member of their household needs to move to suitable adapted accommodation because of serious injury, medical condition or disability.
- (v) Applicants who cannot continue to live in their current home due to harassment or violence.

Supporting evidence will be required from appropriate professionals, agencies and support networks before any additional priority would be awarded.

Examples would include, but are not limited to:-

- An applicant suffering domestic abuse from a partner, or relative with whom they currently reside, or a former partner and for whom the use of an injunction or other form of legal remedy may not be appropriate.
- An applicant suffering serious harassment and the legal remedies are not working or are inappropriate. Harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance.
- Victims of hate crime, racial crime and/or abuse at their current home.

- (vi) Applicants who are in short term supported housing and are required to move on to alternative accommodation following completion of the support package.
- (vii) Vulnerable due to special circumstances.

This would be considered where the applicant or a member of their household is considered to be vulnerable and a move to alternative accommodation would improve their health and wellbeing and their general quality of life. In these circumstances evidence would be required to support the case from appropriate professionals, agencies and support networks before any additional priority would be awarded.

Examples would include, but is not limited to:

- Where a member of the household has learning difficulties resulting in them being targeted by anti-social behaviour and a move would improve their quality of life.
- Where a member of the household has experienced a sexual assault and the perpetrator lives in the area.
- Where an applicant needs to move to a particular locality within the South Staffordshire area and significant hardship would be caused if they did not.

10.2 Band 2

- (i) Where an investigation has been completed under the homelessness legislation and an applicant is determined to be threatened with homelessness within 2 months.
- (ii) Applicants who are in rented accommodation that does not meet the Decent Homes Standard. The Housing Team and Environmental Health Team will work together to resolve the issues. This priority will only be awarded where there is danger to life and there is no other remedy but to move the household.
- (iii) Applicants who are overcrowded because their present home is overcrowded and is short of 2 bedrooms. (See section 11.5 for further guidance)

- (iv) Applicants who are in armed forces accommodation will be placed into this band 6 months before their discharge and their forces accommodation is to be vacated.
- (v) Where a person needs to move to a different area in order to give or receive care, access specialised medical treatment or take up a particular employment, education or training opportunity.

Band 3

- (i) Applicants who are overcrowded because their present home is short of 1 bedroom. (See section 11.1 for further guidance)
- (ii) Applicants determined to be "Intentionally Homeless"

Where an investigation has been completed under the homelessness legislation and an applicant is determined to be intentionally homeless.

10.3 The following categories of people will not be allowed access to the Housing Register and will be deemed as "non qualifying" households:-

- Applicants who have no housing need as identified in bands 1 to 3.
- Applicants who do not have a local connection to the South Staffordshire area.

11. Further Information about Categories

11.1 Overcrowding and Bedroom Standard

For the purpose of assessing overcrowding the following criteria will be used:

A separate bedroom is required for the following:-

- Every adult couple married or cohabiting
- Any other adult aged 18 or over
- Any 2 children of the same sex aged 10 -16
- Any 2 children regardless of sex aged under 10
- Any other child
- An expected child will not be included until it is born.

- A couple may be allotted a bedroom each where medical reasons dictate that they need to sleep separately.

NB: Only children permanently residing with the main applicant are included. (Living permanently would mean that children must spend at least 50% of the time with the main applicant) In these circumstances supporting evidence would be required which may include a home visit in order to make an assessment. The type of information we would require would be proof of child benefit or tax credit award, a court order if one is in place or a residency order.

The total number of persons in the property, and the total number of bedrooms will be taken into account when calculating overcrowding.

12. Local Lettings Policies

12.1 From time to time a local lettings policy may be agreed for specific areas or developments to reflect local circumstances. Any such policy will be published and have regard such as the social mix, density, age and community stability. Any such policy may be time limited but during that time, properties may be let to applicants outside the normal rules for priority and banding within this policy.

13. Homelessness Reduction Act

13.1 The Homeless Reduction Act 2017, at this present time is still awaiting a commencement order; this is expected to come into force in April 2018.

The Act requires LA's to work closely with those tenants who are at risk of homelessness to prevent the risk. This policy will be updated in line with The Homelessness Reduction Act in Spring 2018.

14. Affordable Housing Developments

14.1 When new housing developments are built within rural areas planning restrictions may state that those applicants wishing to apply must have a local connection to that rural area. Properties will be let on this basis.

Printed by: South Staffordshire Council
Council Offices
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX

Telephone: 01902 696504

E mail: homes@sstaffs.gov.uk

Web site: www.sstaffs.gov.uk