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## ALLOCATIONS/LETTINGS

### 1.0 Strategic Links

#### South Lakeland District Council Housing Strategy 2002 – 2006

To have an accurate understanding of housing need, demand and supply in the District in order to enable residents to access/and or retain good quality affordable homes suitable to their identified needs.

To work in partnership in a holistic way to prevent homelessness in the District, where, possible and respond to homelessness where it does occur.

To enable the provision of a range of integrated accommodation and support services for identified needs in order to facilitate independent living.

To work in partnership with stakeholders (all interested parties) to plan and deliver housing services which meet local needs, and on wider initiatives to improve the quality of life of residents of the District in a sustainable way.

### 2.0 Key Objective

To establish criteria which determine how South Lakes Housing will meet its fundamental objective for meeting housing need by making best use of its housing stock in the allocation of its properties and to give priority in allocating vacant properties to those applicants in highest housing need.

### 3.0 Key Policy Standards

See attached detailed SLDC Allocations Policy Document (APPENDIX A).

### 4.0 Key Targets and Performance Indicators

South Lakes Housing will use the following Key Performance Indicators which include those set by the Audit Commission (Best Value Performance Indicators (BVPI's), collated monthly by management patch, to monitor performance in this area:-

- New tenancies given to vulnerable people, excluding elderly people, as a % of all tenancies;
- Average re-let times for dwellings (BVPI);
- Customer satisfaction with re-lets;
- Percentage of offers accepted.

Compliance with the Commission for Racial Equality's Code of Practice in Rented Housing.

### 5.0 Monitoring, Review and Consultation Process

- The South Lakes Housing Board, South Lakeland District Council and the Tenants' Committee will receive regular reports on the allocations process and performance against agreed targets and indicators
- Annual report to tenants and regular reports to Tenants' Committee and tenants groups.

- Benchmarking review with regard to best practice
- Consultation with tenants, the local authority and other representative groups on performance of the system

#### 6.0 **Service Development and Review Priority**

The decision to implement Choice Based Lettings will mean a review of this policy in the next 12 to 24 months.

Policy Review Priority – High.



SOUTH LAKELAND DISTRICT COUNCIL

# HOUSING ALLOCATION SCHEME

*The purpose of this document is to set out the Council's Housing Allocation Scheme which determines the priorities and procedure to be followed in allocating housing accommodation as required by the Housing Act 1996 and the amendments made by the Homelessness Act 2002.*

*A Summary to the Allocation Policy is also available; this provides concise details of the full Allocation Policy. The Guide can be made available in other languages, large print and audio-tape if required.*

APPENDIX A

Updated February 2003



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## Introduction

The Council has a duty to produce an allocation scheme which satisfies the provision of the Housing Act 1996 and Homelessness Act 2002.

This legislation is intended to ensure that social housing meets long term housing needs and in a wider context it embraces other objectives such as using stock effectively, reducing the number of empty and underoccupied properties, improving the turnaround time for void properties, maximising rental income and where possible creating balanced communities.

### **Aims and Objectives**

The overall aim of the Council's allocation policy is to promote lasting and sustainable communities in South Lakeland.

Its principal objectives are to:-

- Meet housing need;
- Make most effective use of the housing stock;
- Establish stable local communities;
- Create sustainable tenancies;
- Treat all applicants equally.

Its secondary objectives are to:-

- Meet preferences of applicants;
- Be sensitive to special circumstances.

### **Equal Opportunities**

In the application of this allocation and transfer scheme, South Lakeland District Council will comply with its statutory duties under the Sex Discrimination Act 1975, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, Disability Discrimination Act 1995, Human Rights Act 1998 and relevant codes of practice including the Commission for Racial Equality's Code of Practice in rented Housing.

Allocations will be monitored on an ongoing basis to ensure discrimination does not apply.

### **Access to Information**

Under s 166(1) Housing Act 1996 a person on the Housing Register is entitled to see the entry relating to him/herself and to receive a copy of it free of charge. Applicants also have the right to see personal information held by the Council under the Data Protection Act 1998.

# Housing Register

## What is the Housing Register?

The Housing Register is a list of people who require accommodation within the South Lakeland District.

People should apply to put their names on the Register if they are interested in any of the following:-

- A Council tenancy;
- A tenancy with a Registered Social Landlord (Housing Association);
- A tenancy with a private landlord;
- Low cost home ownership or shared ownership;
- A transfer or house swap (existing tenants).

The Council will only allocate Introductory Secure or Secure Council tenancies or make a nomination to a Registered Social Landlord for an assured tenancy, to people whose name is on the Housing Register.

## Who can go on the Housing Register?

Anyone aged 16 years or older may apply to put their name on the Housing Register, subject to the exclusions below.

## Who is excluded from the Housing Register?

Section 166 (3) of the Housing Act 1996 places an obligation on the Council to consider all applications for social housing made in accordance with the procedural requirements of the Allocation Policy, however, the Council must exclude the following persons from allocation under S.160A (1)(a), (3) or (5). These are mainly:-

- Persons subject to immigration control who do not have leave to remain in the country;
- Persons from abroad who are not habitually resident in the Common Travel Area of UK, Republic of Ireland, Channel Islands or Isle of Man.

See Appendix 1 for further details.

Applicants excluded from the Housing Register will be given written notification of the decision, this will give clear grounds for the decision based firmly on the relevant facts of the case.

Applicants have the right to request a review of any decision as to eligibility and have a right to be informed of the decision on review and the grounds for that decision (see page 6 - Reviews/Appeals).

## Unacceptable Behaviour

By virtue of S.167 (2B) and (2C) of the Housing Act 1996, the Council's Allocation Policy provides that no preference or priority is given to an applicant where the Council is satisfied that an applicant, or a member of their household, has shown unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council. Hence such applicants will be accepted onto the Housing Register but will not be allocated accommodation. Applicants who have suffered domestic violence from a member of their household, ie unacceptable behaviour, will not be denied preference or priority for housing should they make an application in their own right.

The only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his household that would – if the applicant had been a secure tenant of the Council at the time – have entitled the Council to a possession order under S.84 of the Housing Act 1985 in relation to any grounds in Part I of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and the use of the property for immoral or illegal purposes. For further guidance see section 4.22 of the Allocation of Accommodation Code of Guidance, which came into force on 31 January 2003.

Applicants given no preference or priority under the Allocation Policy because of unacceptable behaviour will be advised in writing of the decision of the Council, this will give clear grounds for the decision based firmly on the relevant facts of the case.

Such applicants have the right to request a review of the decision and a right to be informed of the decision on review and the grounds for that decision (see page 6 – Reviews/Appeals).

If an applicant, who in the past, the Council has been satisfied to have shown unacceptable behaviour, considers their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they may make a further application. Unless there has been a considerable lapse of time it will be for the applicant to show that their circumstances or behaviour have changed.

### **How to apply?**

Everyone who wishes to put their name on the Housing Register will be asked to complete an application form. Assistance will be provided to anyone who has difficulty completing the form. Home visits are available if applicants have difficulty accessing the Council offices. Advice and assistance will be provided to all applicants but in particular to vulnerable and minority groups in order to ensure they are not disadvantaged by their circumstances. Everyone who applies will receive a written acknowledgement of their application.

Admittance to the Housing Register does not guarantee that an offer of accommodation will be made.

### **Keeping the Register up-to-date**

Every year each applicant will receive a letter asking them to confirm that they still want their name on the Housing Register. If no reply is received within 28 days a further reminder will be sent; if no reply is received then their name will be removed from the Register. Applicants will be advised in writing should this happen, they will also be advised of their right to a review of this decision.

### **Choice and preferred options**

All applicants, whether Housing Register or transfer applicants, may choose to live in any area. Applicants may choose as many or as few areas as they wish. However, applicants will be asked to state their three (or less) preferred areas of choice. This will enable the most appropriate offers of accommodation to be made under the Allocation Policy. Applicants may also state if there are particular estate or streets in an area where they do not want to live.

Applicants should be aware that, in general, the more restricted their choice of area, the less likely it is that a suitable vacancy will arise.

In addition to the location applicants may also express a preference about the type of accommodation they require. Wherever possible, such preferences will be taken into account in allocating accommodation to that person. However, the Council will seek to allocate accommodation suitable to an applicant's needs (see page 22).

However, the Council must reconcile this with giving reasonable preference to those people in most urgent housing need.

A key aspect of the Council's statement of offering choice is to provide appropriate information to enable informed choices to be made, this will include providing the following information to applicants:-

- Details of all social housing in the District, showing what types of accommodation is available in each settlement, and in the case of Kendal and Ulverston to show this information at estate level.
- To write to all applicants following assessment of their application, providing details of their requested areas of choice, the number of points and waiting list they have been allocated to, the average length of wait for the accommodation requested in their preferred areas of choice (maximum of three areas), an indication if they are likely to be offered the accommodation they have requested, and whether they are likely to fall within the reasonable preference categories.
- Information to assist vulnerable and minority groups (see front page).
- To write to applicants when their points change and remind them of their preferences.
- To provide detailed information on individual properties and the surrounding area upon offers of accommodation being made.

### **Registered Social Landlords (RSLs)**

The Council has nomination rights for certain RSL accommodation, including supported housing (further details can be obtained from the Council). Where an applicant has indicated that they would be willing to consider RSL accommodation the Council may be able to nominate that person to the RSL when a vacancy exists. It may be that this route provides the most suitable housing option for applicants, particularly where supported housing would best serve the applicant's interests.

### **Who makes decisions?**

The Council approves the overall Allocation Policy but all decisions on individual applications and allocations and transfers are delegated to officers as follows:-

- Director of Strategy and Planning;
- Housing Services Manager.

### **Reviews/Appeals**

Applicants have the right to an appeal/review of their case in several instances, they are detailed with the Policy. In such cases an appeal must be made within 21 days of the date of the original notification of the decision. Appeals should be sent to the Housing Services Manager at South Lakeland House who shall review the decision, in certain instances the case may be referred to a panel of Councillors. A response will be sent within 10 working days. If an applicant is not satisfied with the decision of the Housing Services Manager an appeal may be made to a panel of Councillors (this will be held in the presence of the applicant). Applicants will be advised in writing of the decision of all reviews.

Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to him.

A further right of appeal may be made to the County Court on a point of law. This must be made within 21 days of being notified of the decision of the Council's review.

Reviews of decisions must take account of relevant legislation governing the Allocation Policy, ie Housing Act 1996 and Homelessness Act 2002.

## **How to complain?**

If you are unhappy about any aspect of the housing service please write to the Director of Strategy and Planning at South Lakeland House. Your complaint will be investigated and you will receive a response in writing within 10 working days.

Any complaint will not affect a person's application.

## Allocation Scheme

The allocation scheme applies to applicants for secure or introductory Council Tenancies; nominations to be a secure or introductory tenant of housing accommodation held by another person (ie one of the authorities or bodies fulfilling the landlord condition mentioned in the Housing Act 1985, S.80); or nominations to Registered Social Landlords for assured tenancies. All applicants must have their name on the Housing Register. All applicants are then assessed and placed on a waiting list. There are eight waiting lists. Applicants on the first waiting list will be housed before applicants on the second waiting list who will be housed before applicants on the third waiting list etc. Applicants on the deferred waiting lists will not normally be offered accommodation.

Applicants are also awarded points and within each waiting list the applicant with the highest number of points will be offered accommodation first. If two applicants have the same number of points then the one with the earliest date of application will be offered accommodation first. The details are now explained in full.

### Date of Application

The date of application is usually the earliest date upon which a housing application form is received from the applicant.

It is the date the **form** was received not other correspondence.

Applicants must renew their application each year. If an application has lapsed for less than a year then the applicant keeps their original date of application. If the application has lapsed for more than a year then the applicant must start again. Applicants have the right to a review in such instances, see page 6 (Reviews/Appeals).

Homeless persons will be registered from the date their homeless application was received. All homeless applicants will be put on the Housing Register.

### Waiting Lists

All Housing Register applications will be registered on one of the **HR** lists.

The waiting list codes and definitions are as follows:-

- 1 **HRU** Urgent;
- 2 **HRS** Standard applicants;
- 3 **HRL** Applicants with a local connection who have lived in the area for less than two years or have been on the Housing Register for less than a year;
- 4 **HRF** Applicants who have refused two offers;
- 5 **HRR** Applicants who have sufficient resources to purchase a property;
- 6 **HRC** Applicants with no local connection;
- 7 **HRI** Applicants incapable of living independently for whom support has not been arranged;
- 8 **HRM** Applicants who have stated they are not ready to move yet;
- 9 **HRD** Applicants who have been deemed guilty of unacceptable behaviour or owe debts from a former tenancy.

## 1 **HRU** Urgent

These applicants will be considered before all other Housing Register applicants. Applicants may only be put on the HRU list in certain specific circumstances:-

- (a) Resident SLDC sheltered housing wardens who are leaving their employment and the accommodation is required for an incoming warden. The warden leaving must have been employed by the Council for at least two years and must not be leaving due to misconduct.
- (b) Applicants referred and accepted through the special referral process agreed through South Cumbria Housing Forum, for people with special needs such as: children leaving care, people leaving hospital, people with a learning disability, physical disability or mental health problem, see page 16 – applicants with support needs.
- (c) Applicants needing to move on urgent medical grounds following an assessment by the Council's appointed medical advisor.

All the other categories, except **HRU** above, mean that the applicant has a lower priority, or are not to be offered a tenancy except in exceptional circumstances.

## 2 **HRS** Standard

The majority of applicants will be registered on **HRS**. Anyone who is not registered on another HR list will be on the **HRS** list. They are eligible to be offered a tenancy immediately. Priority for allocation of accommodation will be determined by a points system (see Award of Points section below), this will provide that reasonable preference is given to certain categories, ie:-

- (a) People who are homeless (within the meaning of Part 7 of the 1996 Housing Act);
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any other housing authority under section 192(3);
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) People who need to move on medical or welfare grounds; and
- (e) People who need to move to a particular locality in the District, where failure to meet that need would cause hardship (to themselves or others).

## 3 **HRL** Applicants who have a local connection but have not lived in the area for two years nor been on the Housing Register for a year.

They will be transferred to the **HRS** list when they have either lived in the SLDC area for two years or been on the Register for one year, whichever is the sooner. To understand what is meant by a local connection see 6 - HRC below.

#### 4 **HRF** Applicants who have refused two offers

If an applicant has refused two reasonable offers of accommodation without reasonable grounds their application may be deferred for a year. All such applicants will have received a letter informing them of the deferral and date it ends. They will be given the reason for the deferral and an opportunity to appeal (see page 6 – Reviews/Appeals). These applicants will be transferred back to the **HRS** list after one year.

#### 5 **HRR** Applicants with sufficient resources

Applicants who could afford to purchase a suitable property or who already own one will be placed on the **HRR** list.

In order to decide whether or not an applicant can afford to purchase a property the Council will have regard to current house prices of the types of accommodation required and in the areas requested.

The Council will also have regard to where applicants want to live and the type of property they need. This is in recognition of the different levels of property prices in different parts of the District.

Ability to purchase will be judged on the basis that any capital over £3,000 is available to contribute to the purchase, and that a mortgage of 2.5 times the household income can be secured (3 times for single applicants). If there are any special reasons that an applicant cannot obtain a mortgage (e.g. they are an undischarged bankrupt) then it will not be assumed that they could afford to buy a property even if their income might suggest otherwise.

In order to decide whether or not an applicant can afford to purchase a property the Council will have regard to current house prices.

If it seems from the assessment carried out as described above that an applicant could afford to purchase a property, but requires specialist accommodation (e.g. sheltered housing) and there is no accommodation for sale of that type in the applicant's areas of choice, they will not be placed on the HRR list.

Particular attention will be paid to the situation of applicants who already own a property. Evidence must be provided to explain why they cannot live in the property or sell it and purchase a new one (unless this puts the applicant at risk, e.g. domestic violence. In the case of a relationship breakdown the family home would be expected to remain with the partner with whom any children live.

#### 6 **HRC** Applicants with no local connection

Applicants who neither live nor work in South Lakeland will be placed on the HRC list unless one of the following apply (in which case they will usually be placed on the list stated in brackets, unless other circumstances apply which would dictate that they be placed on another list):-

- (a) They are currently in the Armed Forces, in prison, in hospital or similar accommodation whose location is beyond their control, and immediately before moving to this type of accommodation they lived in South Lakeland. (HRS)
- (b) They have a firm permanent job offer in South Lakeland. (HRL)

- (c) They need to live in South Lakeland either because they are ill and need support from a relative who lives in South Lakeland, or because they need to give support to a relative who is ill and who lives in South Lakeland, and a minimum of ten medical points have been awarded. (HRS)
- (d) They previously lived in South Lakeland for most of their lives and left the district less than five years ago. (HRL)
- (e) They are owed a duty by this Council under the homeless legislation. (HRS)

For the purpose of determining whether an applicant has employment, or a firm offer of employment, in South Lakeland, only permanent employment which is not of a temporary or casual nature will be taken into account.

“Most of the applicant’s life” will be interpreted as over half of the applicant’s life up to the point that they left South Lakeland, or a continuous period of twenty years up to the point they left the district.

- 7 **HRI** Applicants who are incapable of living independently and appropriate support has not been agreed.

This category will apply only very rarely. It will generally be a decision reached following a home visit.

Such applicants will not be offered a tenancy until support has been agreed. The applicant will be informed that this decision has been made. It will often be appropriate to involve other agencies, relatives etc although this of course may only be done with the applicant’s consent.

The usual approach will be to suggest to the applicant that they apply only for accommodation where support is available or to get an agreement, usually from Social Services, that support will be provided if the applicant is offered an ordinary tenancy. In such cases the Council will make a referral to Social Services.

- 8 **HRM** Applicants who are not ready to move.

These applicants would be on the HRS list except they have clearly indicated that they are not interested in moving yet.

These applicants will not be offered a tenancy until they have indicated they are ready to move.

- 9 **HRD** Applicants who owe a debt arising from a former tenancy or where the Council is satisfied that there has been unacceptable behaviour.

- (a) Applicants deemed guilty of unacceptable behaviour will be placed on the HRD list.
- (b) Applicants who owe a Council or a registered social landlord a debt arising from a former tenancy, will be placed on the HRD list until the debt is paid. A debt arising from a former tenancy means either rent arrears or a rechargeable repair as a result of damage to the property which is the responsibility of the former tenant.

Applicants on the HRD list will not normally be offered a tenancy but this may be done in exceptional circumstances:-

- Where there had been a significant change in the applicant's circumstances since they accrued the debt which made it unreasonable to withhold an offer of tenancy on that basis.
- Where regular payments to substantially reduce the debt had been made.
- Where the applicant's housing circumstances were so desperate that an offer of tenancy could not reasonably be withheld. In the case of applicants where the Council is satisfied that unacceptable behaviour has occurred, a risk management process will be undertaken in conjunction with other relevant agencies.
- Where rent arrears are entirely due to a delay in processing a Housing Benefit application where once processed the debt will be fully cleared.

### **Award of Points**

Points may be awarded in eight categories:-

- 1 Temporary or insecure accommodation;
- 2 Overcrowding;
- 3 Medical;
- 4 Sharing;
- 5 Unfit/disrepair;
- 6 Welfare/special circumstances;
- 7 Local connection;
- 8 Time on list.

### **How points are assessed in each category**

- 1 Temporary or insecure accommodation **[5 - 20 points]**

Interpretation:

- Applicants may be awarded points for only one of the six reasons listed below:-
- If the applicant must leave their accommodation within two months, they will be awarded 10 points. This would apply to all assured shorthold tenants who have been given written notice in the correct form and to licensees who have been asked to leave, in writing, within two months. Points in this category will not be awarded to assured or secure tenants unless a possession order has been made.
- If the applicant is owed a duty to be provided with temporary accommodation under the Homelessness Act 2002, ie they are unintentionally homeless and in priority need, they will be awarded 15 points (20 points for applicants with children). Appendix 2 provides details of the priority need categories. An applicant will be notified by letter if they are owed this duty. After they have lived for 6 months in temporary accommodation provided under the above duty a homeless household will be awarded a further 10 points. This is to assist with move-on from temporary accommodation.
- If the applicant has a tenancy or licence which has less than two years to run they will be awarded 5 points. Assured or secure tenants will not be awarded points under this category.

- If an applicant is homeless/no fixed abode and does not otherwise come into any of the above categories they will be awarded 10 points under the 'Two Months' category. This may include 'rough sleepers'.
- If housing is tied to applicant's job, and the applicant wished or needs to move, they will be awarded 5 points.
- Households living in supported housing schemes defined as 'short-term' under the Supporting People programme, ie needing to move-on within two years (and capable of living independently with or without floating support), will be awarded 10 points. This will include households living in 'safe home' accommodation who are recovering from the effects of violence.

Summary:

Must leave within two months	10 points
Homeless and in priority need	
- applicants with children	20 points
- other applicants	15 points
Tenancy/licence less than two years	5 points
Tied accommodation	5 points
6 months in temporary accommodation	10 points
Supported housing (short-term)	10 points

## 2 Overcrowding [5 points per room]

Interpretation:

Applicants will be awarded 5 points for each bedroom lacking due to a person sharing a bedroom with the following exceptions:-

- Two people living as a couple;
- Two children aged under 18 of the same gender (points will be awarded if the age difference is over 10 years);
- Two children of different gender aged under 10 years;
- Three children all aged under 7 years.

The room sizes required are as follows:-

- Less than 50 sq. ft should be ignored;
- 50 – 70 sq. ft suitable for half a person (child aged 0-10 years);
- 70 – 90 sq. ft suitable for one person (or two aged 0-10 years);
- 90 – 110 sq. ft suitable for one and a half persons;
- Over 110 sq. ft suitable for two people.

A bedsitting room is considered adequate for a single person, assuming that it is of an adequate size.

A couple living in a bedsitting room will be awarded 5 points for overcrowding. A couple are considered to require a separate living area and bedroom.

The assessment of overcrowding will be made on the basis of the most favourable permutation possible for the household, even if this is different from the sleeping arrangements in place.

Only couples and siblings will be expected to share a room e.g. not cousins.

The applicant will not be given points for overcrowding if they have taken in lodgers.

Points will not be given for overcrowding because there is insufficient room to accommodate visiting children to whom the applicant has access, but who do not live with the applicant. Children will only be taken into account at their main place of residence.

### 3 Medical [1 - 15 points]

Applicants who indicate they may have a medical reason for rehousing will be asked to complete a separate form. This will be sent to the Council's Medical advisor for assessment. Medical points are only awarded by the appointed Medical Advisor.

Medical points will include:-

- Chronic or progressive medical conditions (eg MS, HIV/AIDS);
- Infirmary due to old age;
- The need to give or receive care;
- Need for adapted housing and/or extra facilities;
- Need for improved heating (on medical grounds);
- Need for sheltered housing (on medical grounds);
- Need to be near friends/relatives or medical facility on medical grounds.

### 4 Sharing [5 - 10 points]

Interpretation:

Applicants may be awarded points for only one of the categories below:-

- Points for sharing facilities are awarded to applicants who do not have their own self-contained accommodation, but have to share kitchen or bathroom, or have to use a shared area to get from one part of the accommodation to another.
- If the applicant shares kitchen, bathroom or toilet facilities with another household to whom they are related they will be awarded 5 points.
- If the applicant shares kitchen facilities only with another household to whom they are not related, they will be awarded 5 points.
- If the applicant shares bathroom or toilet facilities only with a household to whom they are not related, they will be awarded 5 points.
- If the applicant shares bathroom or toilet facilities and kitchen facilities with another household to whom they are not related, they will be awarded 10 points.
- A 'related' household means parents, grandparents, aunts, uncles, siblings, adult children, grandchildren, nephews and nieces.
- If an applicant has to go into a shared corridor to get from one part of the accommodation to another, but does not qualify for any points under the other sharing categories, they will be awarded 5 points.
- If an applicant is sharing accommodation because they have taken in lodgers, whether related to the applicant or not, they will not be given points for sharing.

Summary:

Kitchen or bathroom-“related”	5 points
Bathroom only –“unrelated”	5 points
Kitchen only –“unrelated”	5 points
Kitchen and bathroom-“unrelated”	10 points
Shared corridors only	5 points

**5 Unfit/Disrepair [1-15 points]**

Points for unfit accommodation or disrepair will be awarded by an Environmental Health Officer, following a visit to the property. Points are awarded in respect of the following fitness standards (up to a maximum of 15 points):-

Repair	1 - 3 points
Stability	1 - 3 points
Dampness	1 - 3 points
Ventilation, heating and lighting	1 - 3 points
Water supply	1 - 2 points
Cooking etc.	1 - 5 points
WC, wash hand basin and bath	1 - 6 points
Drainage	1 point

**6 Welfare/Special Circumstances [1 - 15 points]**

Interpretation:

Special Circumstances points are intended to reflect issues of housing need which are not taken into account in the other points categories.

These points are given on a scale of 1-15 by the assessing officer, at their discretion. In order to ensure consistency between officers, a standard tariff is given below. This will be adhered to, except in exceptional circumstances.

Points will be awarded according to the tariff below:-

1	Children aged less than 10 living in upstairs flats	5 points
2	Children aged less than 10 with no garden or play area	2 points
3	Family living apart	5 points

Couples who have previously lived together as man and wife or parent(s) and child who would normally live together permanently, having to live apart due to circumstances beyond their control.

Points for family separation will only be awarded rarely, and will not be given to households who have no previous residence together, but merely wish to live together. They will not be given in circumstances where the separation is due to a choice exercised by the applicant, e.g. where the applicant has moved to take up employment, or has refused to move in with the rest of their family due to perceived inadequacies of the accommodation. If a family are separated, other points will be given to the part of the family who are in the worst situation. Points will not be given for both addresses.

- |   |   |                   |
|---|---|-------------------|
| 4 | Living in a caravan or on a boat            | 5 points          |
| 5 | Rent higher than Housing Benefit will cover | 1 point per £5.00 |

If the household is in receipt of Housing Benefit but do not receive the full amount due to the rent being too high they will be awarded 1 point for every £5 or part £5 per week the Benefit falls short.

No points will be awarded if the Benefit is less than the rent due to the household income being too high or to the deduction of ineligible charges.

- |    |                                    |           |
|----|------------------------------------|-----------|
| 6  | Large difficult to maintain house  | 2 points* |
| 7  | Large difficult to maintain garden | 2 points* |
| 8  | Long distance from amenities       | 2 points* |
| 9  | Vulnerability due to isolation     | 4 points* |
| 10 | Difficult access to property       | 2 points* |
| 11 | Dangerous access to property       | 4 points* |
| 12 | Difficult internal design          | 2 points* |
| 13 | Dangerous internal design          | 4 points* |

The classifications marked \* will usually only apply to elderly or disabled applicants. They will not be given to such applicants automatically, but only if the household circumstances warrant it. They may be awarded to other households in exceptional circumstances. An example of this might be for "Dangerous internal design" in a three-storey house with a deep and open stairwell and young children.

Special circumstances points may also be given in other situations than those detailed above. The most likely other reason is 'households with social or economic circumstances such that they have difficulty in securing settled accommodation'. This is difficult to define to cover all possible situations and so will be assessed individually.

The Council will also have regard to the requirement under the Rent (Agriculture) Act 1976 to provide accommodation for displaced agricultural workers. Special circumstances points will be awarded to a displaced worker to provide sufficient priority to offer that person suitable alternative accommodation where the advice of the Agricultural Dwelling-House Advisory Committee deems this necessary.

#### Applicants with support needs

All applicants who require housing with some form of support package, for example through Social Services or a floating support provider, will be dealt with through the Special Needs Referral System, the exception being older people requiring sheltered housing. Applicants accepted under the system will be put on the Urgent waiting list. However, it should be noted that the most appropriate accommodation may be managed by a Registered Social Landlord (Housing Association), in which case the Council will seek to nominate that person to the RSL where the Council holds nomination rights to that property.

Allocations will be made following a liaison meeting with the appropriate agencies, such as Social Services, however in urgent circumstances, e.g. hospital discharge, this will not be possible. In such cases contact will be established with the relevant agencies prior to allocation. The case will then be considered retrospectively at the next liaison meeting.

The following applicants will be considered under the system:-

- People with a physical disability;
- People with a learning disability;
- People with mental health problems;
- Young people at risk, including those leaving care;
- People leaving hospital;
- People with behavioural difficulties.

Referrals can be made by an RSL, Social Services, Health professionals, or voluntary organisations to the Council's Housing Services Group. Additionally Council housing officers may internally refer applicants through this route.

#### 7 Local Connection **[1 - 7 points]**

Interpretation:

Points for local connection are only awarded if the applicant also has points for housing need (ie categories 1 – 6 above).

If at the time of an applicant's birth, their parents were resident in South Lakeland, they will be awarded 2 points.

Applicants who are living in South Lakeland now will be given 1 point per year up to a maximum of five for length of residence in South Lakeland.

Length of residence should be continuous up to the present.

Applicants will be given points for the family member who has the maximum local connection.

Summary:

Born in the area		2 points
Born and living in the area	2 + 1 per year	Max 7 points
Living in the area	1 per year	Max 5 points

#### 8 Time on List **[5 points per year]**

Points for time on list are only awarded if applicant also has points for housing need (ie categories 1 - 6 above).

Points will be awarded on the anniversary of the applicant's date of application.

## Use of Council Housing

The Housing Allocation Scheme is not the only way that people come to occupy Council homes.

Examples of other ways are:-

- Relatives succeeding to a tenancy on the death of a tenant;
- Existing tenants exchanging properties;
- Temporary accommodation for homeless families.

## Transfers

Existing Council tenants may apply for a transfer to another Council property. These are considered as part of the Housing Allocation Scheme. Transfer applicants are considered on the same criteria as other applicants, although in order to make best use of the Council's stock, transfers are banded separately. The Council aims to achieve a sensible balance between transfer and other applicant allocations.

The Council's transfer policy is as follows:-

Both Council tenants and tenants of Registered Social Landlords in South Lakeland District are treated equally as transfers, and applications are prioritised according to the following criteria:-

- (a) when a transfer is considered an appropriate alternative to adaptation work for disabled tenants;
- (b) to make best use of the housing stock;
- (c) when the tenant's household is overcrowded in its present accommodation;
- (d) when the tenant's household is under occupying its present accommodation;
- (e) if there are medical grounds for a move;
- (f) special circumstances;
- (g) no priority to be given to tenants who simply do not like the neighbourhood in which they live; and
- (h) tenants will not normally be offered a transfer unless their rent account is up to date and the property they are vacating is in a relettable condition.

The requirements for transfer of tenants may be varied, having regard to the urgency of the need for the tenant to transfer and the ability of the tenant to carry out any necessary works.

Scope: This policy applies to Council and RSL tenants in South Lakeland only. Other Council and RSL tenants will be placed on the Housing Register and assessed as such.

Categories: All transfer applications will be assigned to one (and only one) of the six transfer categories described below.

### 1 TX Urgent

- 1 Decant: Tenants who need to move to enable an improvement scheme to take place, property to be sold etc.
- 2 Adaptation: Tenants who have requested an adaptation on grounds of disability and it has been decided that they should be offered a transfer to a more suitable property instead.
- 3 Adapted property: Tenants living in a property specially designed or adapted for a disabled person where the household no longer contains a disabled person and there is a disabled person for whom the property would be suitable.
- 4 Other: Other cases deemed urgent by the Director of Strategy and Planning, Housing Services Manager or Area Housing Managers.

There will be very few urgent transfer cases.

2 **TM Medical**

All applicants who have been awarded medical points by the Council's medical advisor, regardless of other factors.

3 **TO Overcrowded**

1 Overcrowding actual: Applicants who are overcrowded using the standard applied to Housing Register applicants:-

- The same criteria will be applied as to Housing Register applicants.
- Overcrowding will only apply to a child's main place of residence. If the parents are separated and the non-residential parent has access including overnight stays these will not be included when assessing overcrowding.

2 Overcrowding potential: Applicants who are not overcrowded using the above definition but will become so as their children become older e.g. couple with 3 children in 2 bedroom house.

4 **TU Underoccupying**

Applicants living a property who have spare bedrooms (using the definition of bedrooms needed described in 3.1 above).

5 **TS Transfer applicants with special circumstances**

- 1 Children aged under 10 in upstairs flat/maisonette.
- 2 Children aged under 10 in property with no garden or other play space.
- 3 Applicant has ordinary tenancy and would benefit from housing with support services.
- 4 Applicant is living in a tenancy with support services and no longer requires such support.
- 5 Applicant is elderly or disabled and property is unsuitable due to large garden, isolation etc.
- 6 Applicant needs to give support to/receive support from a family member.
- 7 Applicant has access to children and their present accommodation is too small to accommodate the visiting children, but preference will always be given to a family where the children are permanent residents.
- 8 Transfer has been requested by Social Services or other statutory agency, in writing with reasons (subject to the agreement of the Council).
- 9 Transfer is requested to minimise risk of violence and harassment, including domestic violence and race related violence and harassment.
- 10 Transfer has been requested by estate management staff on management grounds. Such requests would not usually be granted where the incoming tenant would face the same problem as the outgoing tenant.
- 11 Other special circumstances.
- 12 To make better use of the housing stock (e.g a couple in house requesting move to a flat).

## 6 **TA** All other transfers

Any tenant who has requested a transfer but does not fit into any of the above categories. For example tenants who would like a property with a lower rent, tenants who do not like the neighbourhood where they live now.

### **Procedure to be followed before offering a new tenancy to a transfer applicant**

Before nominating a transfer applicant for a void property a check will be made of:-

- The tenant's rent account;
- The condition of the property.

### **SLDC tenants**

If the tenant is in arrears then the tenant will be informed in writing that they will not be eligible for a transfer unless their rent account is clear. The exception is where rent arrears are entirely due to a delay in processing a Housing Benefit application where once processed the debt will be fully cleared.

All transfer applicants will be visited before the offer of a tenancy is made.

To enable them to become eligible for a transfer the tenant may be required to carry out works to rectify any damage or unauthorised alterations made to the property.

The tenant will be informed if they are not going to be considered for transfer and given the reasons.

A tenant will not usually be offered a transfer if:

- Their rent account is in arrears, or
- The condition of the property is poor due to their use and would require extensive repairs. (For example damaged kitchen units, this clause would not apply where the property was in poor condition due to no fault of the tenant's household or of visitors to their home), or
- The decorative condition of the property is poor.

In exceptional circumstances a transfer may be approved even though one of the above applies. This discretion would be exercised where the need for a transfer outweighed the above factors or where it would not be reasonable to expect the tenant to address the problems.

An example would be a single older person living in a three bedroom house in poor decorative order who has requested a transfer to a sheltered flat on the grounds that they can no longer manage the property and are in need of support services.

### **Tenants of Registered Social Landlords (RSL)**

In the case of the tenant of an RSL the Council will contact the landlord (with the consent of the applicant), inform them that one of their tenants is being considered for transfer and ask if there are any problems with the tenancy.

The tenant will be informed if they are not being considered for a transfer, given the reason and what steps they need to take to become eligible for a transfer.

All RSL tenants will also be visited before an offer of a transfer is made.

# Selection of Tenants

## Priority order

The allocation of vacant properties may be made either to a transfer applicant or to a Housing Register applicant.

Allocating officers have discretion whether to select a transfer applicant or a Housing Register applicant for any particular vacancy.

In making this choice officers will have regard to the relative housing needs of the applicants and the demand for the vacated property in the case of a transfer.

## Housing Register

Housing Register applicants will be offered tenancies firstly from the highest priority list, then by the highest points total on that list and if points are equal, by date of application.

If a Housing Register applicant is selected above another Housing Register applicant who is higher on the list, then objective reasons will be recorded which will be made available to Councillors, Ombudsman etc but not to other individual applicants or their advisors on grounds of confidentiality.

An example may be on grounds of estate management (see below page 25).

## Exceptional Circumstances

In wholly exceptional circumstances the Director of Strategy and Planning has authority to grant additional priority to an applicant. An example would be at the request of the Police on grounds of community safety. This authority would only be exercised as the need arises.

## Transfers

An urgent transfer, TX, will always be considered before all other applicants.

Transfer applicants on the TA list will not normally be granted a transfer.

The other transfer categories are not in any set order, it will depend on all the circumstances.

Within each transfer group applicants will be treated consistently. If all other circumstances are the same then applicants with the earliest date of application will be offered a transfer first.

Medical transfers, TM, will be considered in point order.

## Property type and size

Sheltered housing will normally only be allocated to applicants who are:-

- 1 Aged 60 years or older;
- 2 Over the age of 55 where there is medical support for the application;
- 3 Younger people, in exceptional circumstances, if they will be compatible with a community of older people.

Other specialist accommodation such as properties which are either purpose built or adapted to be suitable for the physically disabled or accommodation with support services will be offered to an applicant for whom it is appropriate, irrespective of points.

All bungalows will be let either to applicants who are aged 60 years or older or physically disabled, unless there are no such applicants.

Properties which have customarily been let to older applicants will be allocated to applicants over the age of 50 unless there are no such applicants.

This includes the following:-

High Tenterfell Court, Kendal	Longlands View, Kendal
Wattsfield Lane, Kendal	Orrest Drive Flats, Windermere
High Greenbank, Ambleside (flats)	High Greenbank House, Ambleside
Firs Road Flats, Milnthorpe	Ryleyfield Road, Milnthorpe
Leather Lane, Ulverston	Thornfield Place, Grange over Sands

Properties which are eligible for connection to “Careline” (dispersed alarm system) will be allocated to applicants over the age of 55 or people registered disabled unless there are no other applicants.

Preference for houses will always be given to applicants with dependent children (under 18 years) or expecting a child.

If the applicant is a ‘non-residential’ parent and they have rights of access (including overnight stays) this may be taken into account in the size of accommodation offered eg 2 or 3 bedroom flat/maisonette, but houses will be reserved for applicants whose children live with them full-time unless there are no such qualifying applicants. The same criteria as for ‘non-residential’ parents applies to foster parents.

In making accommodation offers to applicants who receive support from carers who do not reside with them, the Council will take account of the applicant’s need for a spare bedroom.

In general applicants are eligible for the size of property they need according to the criteria used to assess overcrowding, plus one spare bedroom.

A summary of the type and size of property which applicants are eligible for depending upon the make-up of their household are shown below:

Household Type	Size (No of bedrooms)	Dwelling Type
Single person under 60 years old	Bedsit,1,2	FLAT/MAISONETTE
Couple under 60 years old	1 or 2	FLAT/MAISONETTE
Adults with access to children (s)	2	FLAT/MAISONETTE
Adult(s) with 1 child	2	FLAT/MAISONETTE
Adult(s) with 2 children	2 or 3	FLAT/MAISONETTE/HOUSE
Adult(s) with 3 or more children	3 or 4	FLAT/MAISONETTE/HOUSE
Single person over 60 years old	Bedsit,1,2	FLAT/MAISONETTE/BUNGALOW/SHELTERED FLAT/ SHELTERED BUNGALOW
Couple over 60 years old	1 or 2	FLAT/MAISONETTE/BUNGALOW/SHELTERED FLAT/SHELTERED BUNGALOW
Other households	Individual assessment	
All households may have any floor level unless they specifically ask for ground or upper floor.		
Households over 60 years old will only be registered for sheltered flats and bungalows if they request them.		
Applicants may be registered for fewer dwelling types or sizes if requested, but not for more unless there are special circumstances.		

## Additional Information

### Local Lettings Policy

The Council has the discretion to operate local lettings policies in areas where specific circumstances are such that changes to the Allocation Policy would be beneficial to that community. The Council will ensure that such policies do not discriminate, directly or indirectly, on racial or other equality grounds.

From November 1999 for a trial period there is a local lettings policy for 14 flats at High Ridge, Hallgarth Estate, Kendal. These flats will be let to applicants where at least one member of the household is aged over 50 years. If a qualifying applicant cannot be found then the property will be marketed. If a qualify applicant cannot be found after marketing then consideration will be given to applicants aged 40 –49 years, and so on in reducing age bands of 10 years. This policy is currently under review (February 2003).

### Local Occupancy Clauses

In some cases the Council and Registered Social Landlords own properties on sites which have special conditions attached to them. These conditions were usually imposed when the land was acquired or planning permission granted.

The conditions are most commonly in the form of Section 106 Planning Agreements which restrict the occupancy of the properties to certain classes of person, usually those with a connection to the immediate parish or nearby parishes.

In these circumstances, the special conditions will override the Council's allocation and transfer policies.

In other words the priorities will still apply but certain applicants may be ineligible for certain properties. Further information on such special conditions are available from Council officers.

### Joint Tenants

Joint tenancies will normally be offered unless one partner is a non-qualifying person.

Where a joint tenant serves a notice to quit, the Council has the discretion to grant a sole tenancy to the remaining tenant. In exercising this discretion the Council will ensure that there are no adverse implications for the good use of the housing stock taking account of housing need.

Where a 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 death; or
- (b) been providing care for the tenant; or
- (c) accepted responsibility for the tenant's dependants and needs to live with them in order to do so,

- the Council shall consider granting a tenancy to the remaining person or persons, either in the same home or in suitable alternative accommodation, provided the allocation has no adverse implications for the good use of the housing stock and has sufficient priority under the allocation policy. In the case of (a) and (b) the accommodation in question must be the principal or only residence of the survivor at the time the tenant dies.

## **Applicants Under 18 years of age**

A tenancy will only be offered to an applicant under the age of 18, ie a 16 or 17 year old, if a suitable guarantor is available, this will usually be the Social Services authority but does not have to be. A special tenancy agreement will be required.

The Council will adhere to the Government's objective that all 16 and 17 year old lone parents who cannot live with their parents or partner and who require social housing should be offered semi-independent accommodation with support. As a minimum this will involve arranging for floating support to be provided as a condition of the tenancy.

Upon receiving an application from a 16 or 17 year old, the Council will seek to undertake a joint assessment of the applicant's housing, care and support needs with Social Services. In the case of young parents the Council will obtain their consent before involving Social Services, unless child protection concerns are present and to seek such consent might endanger the welfare of the child of the young parent.

## **Estate Management**

The Council aims to build sustainable communities where people live together in harmony. For example, if a block of flats is mainly occupied by older people then preference will be given to older applicants if possible.

In some areas there have been a number of instances of anti-social behaviour. In these circumstances preference may be given to applicants who are more likely, at the discretion of the Council, to assist in establishing a more settled community.

## **Rehousing of Dangerous and Potentially Dangerous Offenders**

A protocol has been produced which documents the relationship between Cumbria Probation Service, Cumbria Constabulary, Social Services and Housing Providers throughout Cumbria.

The protocol provides a working model for local authorities and registered social landlords in managing the risk of dangerous and potentially dangerous offenders being housed or already housed in Cumbria. South Lakeland District Council has agreed to operate according to the Cumbria protocol.

## **Offers of Tenancy**

Applicants may receive two offers of tenancy in the area(s) of their choice. Applicants will be given sufficient time for careful consideration of an offer. Vulnerable applicants will be given longer to consider an offer where necessary. If these offers are refused without good reason their application will be deferred for one year.

## **Addresses of Council Offices:**

South Lakeland District Council  
South Lakeland House  
Lowther Street  
Kendal  
Cumbria  
LA9 4UD

Ulverston Town Hall  
Queen Street  
Ulverston  
Cumbria  
LA12 7AR

Ambleside Office  
Council Offices  
Church Street  
Ambleside  
Cumbria  
LA22 0BT

Tel No: 01539 733333  
Fax No: 01539 737659

Tel No: 01229 584424  
Fax No: 01229 586240

Tel No: 015394 33631  
Fax No: 015394 34700

## Classes of person ineligible for an allocation

- A person registered with the Home Office as an asylum seeker.
- A visitor to this country (including an overseas students) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have recourse to public funds.
- A person who has a valid leave to enter or remain in the UK which includes a condition that there shall be no recourse to public funds.
- A person who has a valid leave to enter or remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area.
- A sponsored person who has been in this country less than 5 years (from the date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is still alive.
- A person who is a national of a non-EEA country that is a signatory to the ECSMA and/or the ESC but has ratified neither.
- A person who is a national of a non-EEA country that has ratified the ECSMA and/or the ESC but is not lawfully present in the UL (ie does not have leave to enter or remain or is an asylum seeker with temporary admission) and/or is not habitually resident in the Common Travel Area.
- A person who is in the UK illegally, or who has overstayed his/her leave.

## Homeless Priority Need Categories

- (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
  - (b) a person with whom dependent children reside or might reasonably be expected to reside;
  - (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
  - (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster;
  - (e) a person who is aged sixteen or seventeen and is not a relevant child (see note 1. below);
  - (f) a person (other than a relevant student) who is under 21 and at the time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered;
  - (g) a person (other than a relevant student) who has reached the age of 21 and who is vulnerable as a result of having been looked after, accommodated or fostered;
  - (h) a person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces;
  - (i) a person who is vulnerable as a result of:
    - having served a custodial sentence (within the meaning of section 76 of the Powers of Criminal Courts (Sentences) Act 2000);
    - having been committed for contempt of court of any other kindred offence;
    - having been remanded in custody (within the meaning of paragraph (b), (c) or (d) of section 88(1) of that Act);
  - (j) a person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.
- 1 *A "relevant child" is a person aged 16 or 17 years who has left care having been an eligible child. Eligible children are those in care who have been looked after for prescribed period of time.*
- 2 *A "former relevant child" is someone over 18 who was previously a relevant child, or was in care until 18 for a prescribed period of time.*