

South Holland Common Housing Allocations Policy

1. Introduction

The South Holland Common Housing Allocations policy sets out how the council, working in partnership with its partner affordable housing providers, will allocate affordable housing throughout the district. It also sets out which groups are eligible to apply for housing, which groups are not, and how applicants will be prioritised.

2. Aims and Objectives

The principle aims of the South Holland Allocations Policy are as follows:

- i. To provide a single point of access to affordable housing in the district
- ii. To ensure that affordable housing is allocated in a fair and transparent manner
- iii. To ensure the best use of the housing stock across the district
- iv. To prevent homelessness and to assist the council in meeting its statutory duties around homelessness
- v. To contribute towards the building of strong communities
- vi. To provide partner affordable housing providers with an effective and timely housing allocations service

3. Homelessness Strategy and Strategic Tenancy Strategy

This policy has been produced having had due regard to the Lincolnshire Homelessness Strategy and the South Holland Strategic Tenancy Strategy.

4. Consultation and Equalities Impact Assessments

In accordance with the legal requirement placed upon local authorities, in formulating this policy South Holland District Council has consulted each housing provider with which it has nomination rights.

There is no legal requirement placed upon authorities to undertake an Equality Impact Assessment of their Housing Allocations Policy. However, an Equalities Impact Assessment of this policy has been completed and is available to view upon request.

3. Key partners

This policy covers the allocation of the vacant accommodation of a range of partner affordable housing providers, including but not exclusive to the following:

- South Holland District Council
- South Holland Homes
- Longhurst and Havelock
- Cross Keys Homes
- Broadgate Homes

A full list of partners is included in Appendix 1 of this document.

4. Lettings covered by this policy

This policy covers the following arrangements for allocating affordable housing:

- New applicants for assured, secure and non-secure tenancies
- Existing tenants of a partner landlord who want to transfer to different accommodation let by their current landlord
- Existing tenants who want to transfer to different accommodation let by a different partner landlord

5. Lettings not covered by this policy

The following are examples of lettings not covered by this policy:

- Assignment of and succession to secure and assured tenancies
- Mutual exchanges of assured tenancies
- Temporary accommodation offered to homeless families whilst applications made under the homelessness legislation are investigated
- Temporary accommodation to enable the landlord to carry out repairs and improvements to the tenants existing homes

6. Statement on choice

In applying to the housing register, applicants will be able to express choice over the following:

- The areas of the district where they wish to be considered for an allocation of accommodation
- The broad property type for which they wish to be considered (i.e. house, flat, bungalow etc...).

Applicants to the register will be able to vary their choices at any stage during the time whilst they hold a live housing register application.

7. Joining the register

7.1 Housing Options interview

In order to apply for affordable housing in the district applicants must first complete an interview with a housing advisor. The purpose of this interview is as follows:

- To ascertain your present circumstances
- Assess your eligibility and qualifying person status
- To explore the range of housing 'options' available to you, in addition to your eligibility to join the housing register

- To identify opportunities to help address any underlying issues that are prompting you to apply for alternative accommodation through the housing register

7.3 Applications from members of staff, board members, employees and their close relatives

Members of staff of partner landlords, elected members and their close relatives may apply for housing in the same way as other customers. However, those that fall into these groups will be expected to declare their status as part of their application.

When handling an application from an individual that falls into one or more of these groups, the Housing Manager at South Holland District Council will be the officer responsible for verifying and approving the following:

- The level of priority awarded to the application
- The vetting of offers of accommodation made as part of this scheme

7.4 Young people aged 16 or 17

Young persons aged 16 and 17 year old may apply to the register in the same way as any other customer. However, as the law prevents those in this age group from holding a tenancy agreement until they turn 18 years of age, any offers of accommodation are likely to be dependent upon the specific requirements of the partner landlord.

In general, applicants that fall within this age group will only be made an offer of accommodation where all of the following apply:

- The applicant can provide a nominated adult who can hold the tenancy in trust until they reach the age of 18
- The applicant's support needs have been assessed and they are considered to be:
 - Able to maintain a tenancy without support; or,
 - Able to maintain a tenancy with support, and that support arrangements are in place
- The applicant has the financial means to cover the rent

The details of the specific requirements of each partner landlord can be made available on request.

7.5 Assistance with joining the register

A number of organisations are able to provide help to applicants who may have difficulty in undertaking the necessary steps to join the housing register. Organisations that may be able to assist include:

- South Holland Citizens Advice Bureau
- The Lighthouse Project

- Framework Rough Sleeper Outreach Service
- National Probation Service
- NACRO
- Women's Aid South Holland
- Children's Services, Lincolnshire County Council
- Adult Social Services, Lincolnshire County Council
- Addaction
- Drug and Alcohol Recovery Team (DART)
- Lincolnshire Action Trust
- Lincolnshire Mental Health Services
- Lincolnshire Home Improvement Agency

7.6. Consent to access data and information

In order to access the housing register, the applicant must first grant the council consent to make necessary enquiries that will enable it to verify their circumstances. These enquiries may include:

- Credit agency reference checks in order to verify present and previous addresses, household information, instances of housing-related debt and income details
- Cross referencing details with Housing Benefit and Council Tax records
- Contacting previous or existing landlords to establish whether tenancy terms have been adhered to
- Contacting other partner agencies such as the Police and anti-social behaviour teams in order to verify incidents of anti-social behaviour
- Contacting border agencies and embassies in order to establish whether an applicant has an interest in land and/or property outside of the UK

7.7 Applicant declaration and false statements

In order to access the housing register, applicants will be required to declare that the information provided as part of their applications is accurate and true. Applicants will also be asked to declare any of the following:

- Details regarding income and assets, including any interest in land and/or property
- Details of any criminal convictions or any incidents of anti-social behaviour where they have been either victim or perpetrator
- Details of any outstanding housing-related debts, including rent and mortgage arrears

It is an offence under s.171 of the Housing Act 1996 if an applicant makes a false statement or withholds information for the purposes of securing an offer of affordable housing.

Where it has been identified that an applicant has given false information as part of their housing register application, they will be excluded from the

housing register for a period of twelve months. Where false information has resulted in an applicant receiving an allocation of accommodation, the landlord may bring possession proceedings in order to recover property that was allocated to them.

8. Who can join the register?

The council will accept an application to join the housing register from any person provided that they are both:

- 'Eligible for assistance', and;
- A 'Qualifying Person'

8.1 Eligibility

An applicant is not eligible for accommodation if they are a person from abroad who is ineligible for an allocation under s.160ZA of the Housing Act 1996. There are two categories for the purposes of this section of the Act:

- **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.
- **A person from abroad other than a person subject to immigration control**. The secretary of state may make regulations to provide for other descriptions of persons from abroad who, although they are not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

Eligibility is an extremely complex area of housing law. However, as a general rule the following groups will be considered to be 'eligible for assistance' in the following circumstances:

- **British citizens**
- **EEA Nationals** who are:
 - Workers
 - Self-employed
 - Retired former workers
- **Non EEA Nationals** who:
 - Have been granted indefinite leave to remain
 - Are former asylum seekers with 'refugee' status

In addition to these requirements, any applicant to the register will need to demonstrate that the UK is their main and permanent home in order to be considered to be eligible for assistance. This test is known as the 'habitual residency' test.

South Holland District Council can provide further clarification on applicant eligibility on request.

8.2 Qualifying Persons

Applications to the join the housing register will only be considered from 'qualifying persons'. Qualifying persons are:

- Those who hold a 'local connection' to the district (as defined within section 8.2.2), **and**:
- Those entitled to priority for housing in accordance with the allocations scheme set out within this policy (as set out in sections 9.2.1 – 9.2.3), **or**;
- Existing tenants of partner affordable housing providers that meet set pre-defined criteria (as set out in 8.2.4), **or**;
- Prospective and existing foster carers and adopters that meet set pre-defined criteria (as set out in 8.2.3).

8.2.1 Reasonable preference

The law requires that local authorities use their allocations schemes in order to ensure that 'reasonable preference' is awarded to applicants that fall within certain groups. These groups are as follows:

- People who are homeless within the meaning of the Housing Act 1996 Part VII
- People who are owed a duty by any local authority under Housing Act 1996 s.190 (2), s.193 (2) or s.195 (2), or the Housing Act 1985 s.65 (2) or s.68 (2), or who are occupying accommodation secured by any such authority under s.192 (3)
- People who are living in unsanitary or overcrowded housing, or otherwise living in unsatisfactory housing conditions
- People who need to move on proven medical, support or welfare grounds
- People who need to move to a particular locality within the district where failure to meet that need would cause hardship to themselves or others

Sections 9.2.1 to 9.2.3 of the South Holland Housing Allocations policy has been framed in such a way as to award these groups a 'reasonable preference'. Applicants that fall into the groups set out in these sections will be considered to be qualifying persons for the purposes of this policy.

8.2.2 Local Connection

An applicant will only be considered to be a qualifying person if they or a member of their household holds a local connection with the district of South Holland. A person will be considered to have a local connection with the district if one or more of the following apply:

- They have, through their own choice, lived in the district for at least three out of the last five years from the date of the application

- They have a close family member that has lived in the district for at least the last five years. For the purposes of this policy the definition of family members is restricted to parents, grandparents, siblings and/or children with whom the applicant has proven regular and ongoing contact
- The applicant or a member of their household holds a position of full or part time employment within the district
- There is a need for the applicant or a member of their household to be accommodated in the district due to other special circumstances, as determined appropriate by the council.

In addition to the above circumstances, an applicant will also be considered to be a 'qualifying person' on the grounds of local connection in the following circumstances:

- Where an applicant is accepted by South Holland District Council as being owed the full homelessness 'duty'
- Where an applicant is a present member of the British regular or reserve forces working within the council's district
- Where an applicant is a present member of the British regular or reserve forces working outside of the council's district, whose principle home prior to joining the forces was within the council's district
- Where the applicant is considered to be a 'qualifying person' on the grounds of being a prospective or existing foster carer or adoptive parent (as defined within 8.2.3)
- Where they are an existing tenant of a partner housing association and their tenancy is for a property located within the district of South Holland.
- Where an applicant is an existing social housing tenant in England who, in the view of the council, needs to move into the district in order to avoid hardship
- Where an applicant is an existing social housing tenant in England who, in the view of the council, needs to move into the district as a result of having been offered work in the district and where the applicant has demonstrated, to the satisfaction of the council, a genuine intention to take up the offer of employment.

8.2.3. Foster Carers and Adoptive Parents

Across Lincolnshire there is an urgent need to improve the supply of placements for looked after children. Consequently, South Holland District Council believes that the housing allocations process should not disadvantage those that plan to or presently foster and/or adopt.

Prospective or existing foster carers and/or adoptive parents will be considered to be qualifying persons where:

- The applicants lacks one or more bedrooms required to facilitate adoption and/or fostering, and;

- The Adoptions and Fostering Manager (or an officer of equivalent seniority) at Lincolnshire County Council has confirmed in writing that the applicant has been provisionally approved to foster/adopt new or additional children on the basis of suitable accommodation being made available.

8.2.4. Existing tenants of partner affordable housing providers

Existing tenants of partner affordable housing providers will only be considered to be 'qualifying persons' where one or more of the following circumstances apply:

- Where the tenant and their household is under-occupying their accommodation by one or more bedrooms (i.e. they have more bedrooms than they require)
- Where the tenant and their household is over-occupying their accommodation by one or more bedrooms (i.e. they have fewer bedrooms than they require)
- Where the tenant or a member of their household has a need to move on medical grounds, or due to a welfare need i.e. the need to give or receive support
- Where the tenant or a member of their household has a need to relocate in order to access employment
- Where the tenant is considered to be a 'qualifying person' on the grounds of being a prospective or existing foster carer or adoptive parent (as defined within 8.2.3).

In general, tenants of partner affordable housing providers may be considered as qualifying persons at point of application, but will not be provided with an offer of accommodation until the following has been satisfied:

- The rent account of their existing property is clear
- The property has been inspected and has been assessed as being in a good condition
- There have been no further breaches of tenancy conditions

With the exception of the tenants of South Holland District Council, tenants of partner housing providers who wish to transfer must obtain permission from their landlord in writing. Furthermore, in general all transfer applicants must have held their current tenancy for a period of at least twelve months before being considered for a transfer.

A list of all partner housing providers is set out in Appendix 1 of this policy.

8.2.5 Sheltered Accommodation

Sheltered Housing provides communal living for individuals who wish to live independently.

The following will *automatically* qualify for Sheltered Housing:

- Where the main applicant is at least the state pension age for females, regardless of gender (presently set at 62 years of age)
- Where no other member of the household is aged below 50 years of age, except a partner
- Where all other 'qualifying person' criteria tests in relation to local connection, unacceptable behaviour, owner-occupation and 'sufficient resources' are met.

Applications for sheltered housing *may* be considered in the following circumstances:

- Those who fall below the automatic qualification age, but in the view of the council would benefit from living in the communal environment that sheltered housing provides.
- Those ordinarily considered being 'non-qualifying persons' on the grounds of being owner-occupiers or having sufficient resources, but where individual need is demonstrated.

When considering the circumstances of those who do not automatically qualify for sheltered housing, the council may take into consideration the following:

- Whether the applicant has the financial capability to meet their needs through alternative forms of housing, including market housing (see appendix 3)
- Whether the applicant has a vulnerability and/or health and wellbeing need that is best met in a sheltered housing environment
- Whether the applicant has an overwhelming medical need that is best met in a sheltered housing environment.

All applicants for sheltered accommodation must agree to undertake the following:

- To have their needs assessed via a 'pre-tenancy assessment process'
- To subscribe to an alarm monitoring and assistance system
- To complete an annual Sheltered Housing Information Plan

8.3 Non-Qualifying Persons

A person is not a 'qualifying person' in any of the following circumstances:

- They or members of their household have been previously found guilty of 'unacceptable behaviour' which would make them unsuitable to be a tenant
- The applicant or a member of their household is the subject of an injunction or any such legal mechanism designed to prevent and limit anti-social behaviour

- The applicant or a member of their household is in at least eight weeks of arrears of accommodation charges within their existing accommodation
- The applicant or member of their household owes a former landlord accommodation charges
- The applicant or member of their household owns a freehold or long leasehold interest in a property. The only exception to this is where there is an overwhelming welfare need, as assessed by the council and its partners.
- Those whose annual income and/or savings and assets would enable them to purchase or rent suitable accommodation on the open market
- Those who are presently serving a custodial sentence, and therefore unable to take up an offer of accommodation

8.3.1 Unacceptable Behaviour

An applicant is not a qualifying person if they have been guilty of unacceptable behaviour. Unacceptable behaviour is the behaviour of an applicant or a member of their household that would entitle the council to obtain at least a suspended possession order on any of the following grounds:

- Failing to pay the rent
- Breaking the terms of a tenancy agreement
- Causing nuisance or anti-social behaviour
- Being convicted of using the home for immoral or illegal purposes
- Being convicted of an offence committed in or in the vicinity of the home
- Causing the condition of the property to deteriorate by deliberate act or by neglect
- Making a false statement to obtain a tenancy agreement

The council may also use its discretion where an applicant has been previously found guilty of action deemed to be 'unacceptable behaviour', but has demonstrated to the satisfaction of the council an ability to maintain a tenancy following a sustained period of acceptable behaviour. Individual cases concerning the application of discretion will be considered by the Housing Assessment Panel.

8.3.2 Civil injunctions

An applicant is not a qualifying person if they or any member of their household are subject to any form of injunction or legal mechanism designed to prevent and limit anti-social behaviour. This includes injunctions where issues such as noise, harassment, drug dealing, racial threats and/or violence are prevalent.

Clarification as to whether an applicant is subject to any form of injunction designed to address anti-social behaviour will be sought as part of the application process.

8.3.3 Being convicted of an offence

For the purposes of clarity, an applicant will be considered to be a non-qualifying person where they have been convicted of an offence of a type and severity which, if they were tenants in the social housing sector, would enable their landlord to obtain at least a suspended possession order.

Where an applicant is deemed to be a non-qualifying person on this basis, the applicant will remain as a non-qualifying person until such time when the sentence imposed by the court has been served (including any periods of custodial sentence and/or supervision).

Where an applicant has served a sentence but has a long history of previous criminal activity, the council may take the view that an applicant must first demonstrate a period of acceptable behaviour without being linked to further criminal activity before being considered to be a 'qualifying person'. Furthermore, the council may consider an applicant to be a 'non-qualifying person' where an applicant to the register has court action pending in relation to offences which, if later proven to be guilty, would compromise the suitability of the applicant to hold a tenancy in the social housing sector. Decisions of this nature will be taken by the council's Housing Assessment Panel.

8.3.4 Housing-related arrears

An applicant is not a qualifying person if they or any member of their household has recoverable housing-related arrears in excess of 8 weeks' worth of accommodation charges on their present accommodation, and/or where any outstanding accommodation charges are owed at one or more former addresses.

For the purposes of this policy, the definition of an 'accommodation charge' concerns the following:

- Rent and service charge arrears
- Mortgage arrears
- Recoverable housing benefit overpayments
- Arrears on a debt relating to a council-led rent deposit assist scheme

A debt is defined as not being recoverable where:

- The debt is statute barred
- The debt is part of an Individual Voluntary Arrangement (IVA) or bankruptcy arrangement

The council will, however, apply its discretion on this matter in certain circumstances. The council may consider an applicant with a housing-related debt to be a 'qualifying person' where one of the following apply:

- The applicant can demonstrate that the housing-related debt is the consequence of circumstances beyond the applicant's immediate control (i.e. the loss of employment due to medical circumstances) and that every effort was made to avoid accruing the debt
- The applicant can demonstrate that they have entered into a regular repayment arrangement, and that they have maintained that agreement for at least 13 weeks.

The council may also, in exceptional cases, consider an applicant to be a 'qualifying person' where an applicant holds a former housing related debt, but has demonstrated to the satisfaction of the council an ability to maintain a tenancy and manage their finances.

Individual cases concerning this matter will be considered by the Housing Assessment Panel (see 9.8).

8.3.5 Homeowners

An applicant is not a qualifying person if they own a freehold or long leasehold interest in a property. The only exceptions to this are where one or more of the following apply:

- Where the council is satisfied that an applicant is threatened with homelessness
- Where an applicant can demonstrate that there is an overwhelming welfare need, as assessed by the council and its partners, that is best met through accommodation in the affordable rented sector
- Where the applicant is considered to be a 'qualifying person' on the grounds of being a prospective or existing foster carer or adoptive parent (as defined within 8.2.3).
- Where the applicant is applying for and meets the criteria for sheltered accommodation. In this situation an applicant will be considered to be a qualifying person but only for the purposes of being allocated sheltered accommodation.

Where an applicant does not hold a direct freehold or leasehold interest in a property, but instead is likely to have a right to an interest in a property (financial or otherwise) by virtue of rights under Family Law, then the applicant will be considered to be a 'non-qualifying person' until such time when any financial matters relating to any potential interest have been settled. This includes situations where an applicant is not named on a mortgage or deeds of a property, but is married or in a civil partnership with the property owner.

8.3.6 Applicants with sufficient income, savings and equity

An applicant will not be considered to be a qualifying person if:

- Their annual earned net income would enable them to purchase or rent suitable accommodation on the open market.

- The value of their savings, equity and assets would enable them to purchase or rent suitable accommodation on the open market.

The only exceptions to this are as follows:

- Where an applicant for sheltered housing does not meet the automatic qualification criteria, but has been assessed by the council as demonstrating an individual need for sheltered housing (see Section 8.2)

The council will publish, on a bi-annual basis, an appendix to this policy which sets out:

- The level of net household income at which it is deemed feasible for a household to rent or purchase on the open market.
- The level of savings, equity and assets at which it is deemed feasible for a household to obtain a mortgage with a deposit.

This appendix can be found in Appendix 3.

9. Prioritising Applications

9.1 How applications will be prioritised

Applications are prioritised on the basis of the priority group into which their application has been placed. In situations where two or more applications share the same priority group, those applications will be prioritised on the basis of their 'relevant date'. Two illustrative examples are set out below:

Example One

Position on shortlist	Priority Group	Relevant Date
Applicant #1	High	01/12/2015
Applicant #2	Medium	01/06/2014
Applicant #3	Low	01/09/2014

Example Two

Position on shortlist	Priority Group	Relevant Date
Applicant #1	High	01/06/2015
Applicant #2	High	01/12/2014
Applicant #3	Medium	01/09/2012

9.2. Priority Scheme

This section sets out the priority scheme associated with this allocations policy. The scheme is based on the award of a priority group, depending upon the circumstances of an applicant.

Applicants to the housing register will have their individual housing needs assessed and will be categorised within a priority group most appropriate to their application. Applicants will be prioritised on the basis of their highest assessed need, as opposed to being awarded priority for cumulative needs.

9.2.1 High Priority Group

Applicants assessed as falling into the following groups will be placed into the 'High' priority group on the housing register.

Homeless. The council considers that you are homeless through no fault of your own, your homelessness cannot be prevented, you have a local connection and that you are in 'priority need'.

Overcrowding. You are living in the district as a tenant of a partner affordable housing landlord and your family requires two more bedrooms than you presently have. Alternatively, you have been assessed as being statutorily overcrowded in accordance with the Housing Act 1985 and/or the Housing Act 2004.

Under-occupying. You are living in the district as a tenant of a partner affordable housing landlord and you live in a property that has two bedrooms more than you need. You must wish to move to a property of a size as defined as suitable for your household under the council's bedrooms standards policy (See XX). You will not be entitled to 'opt-in' for a larger property.

Medical. You have been assessed as living in accommodation that is totally unsuitable by virtue of your medical circumstances. Examples of where this level of medical priority will be awarded include where:

- A medical condition is life threatening and the existing accommodation is making the condition worse
- The applicant's accommodation is so unsuitable that it cannot be adapted or otherwise used in such a way as to meet their needs

Severe disrepair and/or insanitary conditions. You have been living for more than twelve months in a private sector property within the district where continued occupation is due to be prohibited by the council, or where the property is due to be demolished.

Panel Points One. The Housing Assessment Panel has decided that the applicant's situation is such that the award of a high level of discretionary priority is deemed appropriate.

9.2.2 Medium Priority Group

Applicants assessed as falling into the following groups will be placed into the 'Medium' priority group on the housing register.

Homeless. The council considers that you are homeless, but that you not owed (or are no longer owed) the ‘full’ statutory homelessness duty.

Threatened with Homelessness. The council considers that you are threatened with homelessness. Alternatively, you occupy temporary accommodation made available to you by the council whilst it investigates your circumstances

Overcrowding. You are living in the district as a tenant of a partner affordable housing landlord and your family requires one more bedrooms than you presently have. Alternatively, your household requires two more bedrooms than you presently have and you are:

- A tenant in the private rented sector
- A tenant of a partner landlord but your home is outside of the district
- A tenant of a non-partner landlord

Alternatively you are a tenant of a partner landlord who is not entitled to an additional bedroom, but your family composition is such that your existing accommodation is not large enough to meet your needs. See Section 19.1.

Under-occupying. You are living in the district as a tenant of a partner affordable housing landlord and you live in a property that has one bedroom more than you need. You must wish to move to a property of a size as defined as suitable for your household under the council’s bedrooms standards policy (See XX). You will not be entitled to ‘opt-in’ for a larger property.

Fostering/Adopting. You are a prospective or existing foster parent or adopter and you lack the bedrooms required to facilitate new and/or additional fostering and/or adoption.

Medical. There is a demonstrable link between your housing and your health, and you are experiencing significant difficulty. This level of medical priority will be awarded where a medical condition is serious and rehousing will give some quality of life.

Sharing facilities but inadequate bed spaces. You are living with family or friends in accommodation where you are sharing facilities (such as bathroom, kitchen or toilet) without sole use of a bedroom.

Social or welfare need. Details of the circumstances under which priority will be considered on these grounds are set out in Section 10 of this policy.

No Fixed Abode. You are staying between addresses due to a lack of permanent accommodation, and you are engaging with support services and the local authority in an attempt to make more settled, suitable arrangements. Alternatively, you occupy one of the following:

- Short term temporary-style hostel-type accommodation
- Accommodation for those with housing-related support needs

Panel Points Two. The Housing Assessment Panel has decided that the applicant's situation is such that the award of a medium level of discretionary priority is deemed appropriate

9.2.3 Low Priority Group

Applicants assessed as falling into the following groups will be placed into the 'low' priority group on the housing register.

Overcrowding. Your household requires one more bedroom than you presently have and you are:

- A tenant in the private rented sector
- A tenant of a partner landlord but your tenancy is outside of the district
- A tenant of a non-partner landlord

Alternatively you fall into the category of tenant list above who is not entitled to an additional bedroom, but your family composition is such that your existing accommodation is not large enough to meet your needs. See Section 19.1.

Medical. You have a medical condition that is marginally impaired by your housing situation, but the applicant is generally able to cope. Examples of where this would apply include:

- Where the layout of the property creates minor difficulties with mobility
- Where the medical condition is exacerbated by issues partially related to your present accommodation and/or its locality (i.e. mental health).

Social or welfare need. Details of the circumstances under which priority will be considered on these grounds are set out in Section 10 of this policy.

Sharing facilities and adequate bed spaces. You are living with family or friends in accommodation where you are sharing facilities (such as bathroom, kitchen or toilet) but you have sole use of a bedroom. You have no security of tenure.

Panel Points Three. The Housing Assessment Panel has decided that the applicant's situation is such that the award of a low level of discretionary priority is deemed appropriate.

Lacking facilities. You are living in accommodation that is permanently lacking basic essential facilities. See Section 12 for further details on this policy.

Sheltered Housing. Applicants seeking sheltered accommodation who are living in adequate accommodation but have a need for housing-related support

9.3. Relevant Date

The 'relevant date' is normally the date on which your fully completed application to join the housing register is received by the authority.

In cases where an applicant's circumstances alter and their priority increases by virtue of an award of additional points, the 'relevant date' will be the date from which they were awarded those additional points.

In cases where an applicant's circumstances alter and their priority decreases by virtue of having points removed, then the 'relevant date' will be the date when they first joined the housing register.

10. Social and welfare need

The South Holland Common Allocations Policy includes within it a mechanism that seeks to ensure that those with social and welfare need can be awarded a degree of priority on the housing register. The policy makes a distinction between those with a greater level of social and welfare need, and those deemed to have a lesser level of need.

An award of **medium band** priority may be awarded, at the discretion of the council, in circumstances such as those listed below:

- The need to relocate relates to the need to access a specialist service, a suitable alternative of which is not available within the applicant's existing location (i.e. specialist treatment under a consultant)
- The need to relocate relates to a need to give or receive a defined level of care and support (i.e. 20 hours of respite care per week)
- A parent/guardian has a need to relocate in order to take up parental responsibilities. It is not reasonable, in the view of the council, to expect the applicant to fulfil these duties from their existing location.
- The need to relocate relates to the inability of the applicant to take up an offer of employment or vocational training from their existing location. There are no other reasonable adjustments that the applicant could make in order to overcome any barriers to accessing this offer.
- Where an applicant is an existing social housing tenant in England who, in the view of the council, needs to move into the district in order to avoid hardship
- Where an applicant is an existing social housing tenant in England who, in the view of the council, needs to move into the district as a result of having been offered work in the district and where the applicant has demonstrated, to the satisfaction of the council, a genuine intention to take up the offer of employment.

An award of **low band** priority may be awarded, at the discretion of the council, in circumstances such as those listed below:

- There is a need to move in order to provide emotional and social support (as opposed to providing a defined level of care) to an

individual. The council is satisfied that the individual would benefit from such support.

- There is a need to move in order to assist a vulnerable person in overcoming issues with social isolation. The council is satisfied that some benefit will be derived from relocation.

For the avoidance of doubt, the following are examples of scenarios where priority on social and welfare grounds will not be considered:

- A desire to relocate in order to access generic services, or services of choice, such as schools, GP surgeries and hospitals
- A desire to relocate for the purpose of accessing childcare

10.1 Social and welfare need, and ‘local connection’

In order to qualify for priority on the grounds of a social and welfare need, applicants must also be considered to hold a ‘local connection’ with the district in accordance with policy.

However, where an applicant can demonstrate a need to move to the district on social or welfare grounds but does not hold a ‘local connection’ with the district in a conventional sense, the authority retains the discretion to consider an applicant to hold a ‘local connection’ on the basis of ‘special circumstances’.

11. Hardship and affordability

The council may consider an applicant to be a qualifying person where they can demonstrate, to the satisfaction of the council, that they are experiencing issues with affordability in their existing accommodation. In assessing whether an applicant is experiencing affordability issues, the authority may consider one or more of the following:

- Whether the applicant has experienced an ‘income shock’, leading them to struggle to maintain payments towards accommodation costs
- Whether there has been a sudden rise in an applicant’s rent costs, leading them to struggle to maintain payments towards accommodation costs
- Whether, in the view of the council, relocation to an alternative locality within the district would address issues relating to hardship and/or affordability e.g. a move closer to employment
- Whether without the council’s intervention, an applicant’s situation may deteriorate to a point where they may become threatened with homelessness
- Whether, in the view of the council, it is no longer reasonable for the applicant to continue to occupy in their accommodation as a result of hardship brought about through affordability issues

Where an applicant presents with affordability concerns, the council may first request that the applicant agrees to and follows an 'affordability action plan', containing actions agreed by the council, before priority is awarded on the grounds of accommodation affordability.

Such cases will be considered by the Housing Assessment Panel. Priority will be recognised via an award of 'Panel Points', the appropriate level of which will be determined by the Housing Assessment Panel.

11. Lacking basic facilities

The South Holland Common Allocations Policy includes within it a mechanism that seeks to ensure that those living in accommodation which is permanently lacking basic essential facilities are awarded priority on the housing register. An applicant may be considered to be lacking facilities where one or more of the following apply:

- The accommodation is lacking bathing facilities, cooking facilities, hot or cold water supplies, and/or an inside toilet. Enforcement action on behalf of the council is not possible as a means to address these matters.
- The applicant is living in rented caravan accommodation, and has done so for a continuous period of 6 months or more. As a general rule, this excludes those living in holiday-let caravan accommodation.

12. Additional Preference and Local Lettings Plans

The Localism Act has introduced a mechanism by which local authorities, through their Housing Allocations policies, can award 'additional preference' to housing applicants that meet certain criteria. For the purposes of South Holland's allocations policy, applicants to the housing register will be awarded 'additional preference' where:

- They make a significant impact by their positive contribution to their local community
- They are a serving member of the armed forces (including reserved forces) or the bereaved spouse of a member of the armed forces
- They are a former member of the armed forces (including reserved forces)

Those that are entitled to additional preference on one or more of the above grounds will have their 'relevant date' of application enhanced by 90 days.

12.1 Community contribution

Those who play a part in making their neighbourhood strong, stable and healthy, those who help to make it a good place to live, work and play are valuable people.

Applicants will receive additional preference if they are able to demonstrate that they or a household member undertakes voluntary work for at least ten hours per month and has done so for at least six months continuously.

12.2 Serving and former members of the armed forces

Additional priority will be awarded to the following classes of armed forces personnel:

- Former members of the British regular or reserve forces where the application is made within five years of the date of discharge
- Serving members of the British regular or reserve forces
- Bereaved spouses and civil partners of members of the British regular forces leaving family accommodation following the death of their spouse or partner

No additional preference will be awarded to a person who has been dishonourably discharged from the British regular or reserved forces

12.3 Those leaving the armed forces

For the purposes of this policy, those leaving the armed forces will be considered to be threatened with homelessness when their date of discharge falls within six calendar months from their application to the council.

12.4 Local Lettings Plans

In addition to recognising the contribution made by certain groups through the award of additional preference, the council and its partners will also seek to support those that make a strong contribution to the economy of the district through the use of local lettings plans. Local lettings plans set out certain criteria that apply when allocating accommodation in a defined location, be it a specific street or neighbourhood.

The council and its partners will aim to use local lettings plans as a means of ensuring that households in paid employment are given preference for approximately 20% of total lettings over each annual period. These lettings plans will be targeted in areas of the district where there is a demonstrable need to achieve either of the following:

- A balanced and sustainable mix within the existing local community
- A balanced and sustainable mix of residents within a new housing development

The council and its partners may, from time to time, seek to utilise Local Lettings Plans to address other matters, including anti-social behaviour.

13. Allocations in designated rural areas

In rural areas there may be some housing schemes where planning consent and/or government funding was awarded subject to a condition that the development should be for people with a strong connection to that specific locality. When considering the letting of accommodation in areas where these constraints apply, priority will be given to people who hold a strong local connection to the area where the development is located.

14. Adapted properties

In cases where a property has been fitted with adaptations, the council will seek to match a suitable applicant to the property. This may mean that higher priority applicants will be bypassed in order to make best use of adapted housing stock; for instance, where a property has been fitted with a stairlift, priority will be given to applicants that require this facility.

When allocating general needs bungalow accommodation, the council will prioritise those with an assessed medical need for ground floor accommodation before other applicants without such a need.

When allocating general needs ground floor flats, the council **may** at its discretion and on a property by property basis, seek to prioritise properties for those with a need for ground floor accommodation.

15. Worsening of applicant circumstances

Applicants who are deemed by the council and its partners to have worsened their housing circumstances, either deliberately or otherwise, may be subject to sanctions designed to ensure that access to affordable housing remains fair for all. Details of these sanctions, and the circumstances in which they may be applied, are included with Appendix 2 of this policy.

16. Pathways into independent living

The South Holland Common Allocations Policy seeks to prioritise those living in supported accommodation, such as projects for those who require support to help prepare for independent living, for permanent accommodation through the housing register.

In order to protect against the risk of tenancy failure, applicants living in supported accommodation will only be considered to be 'qualifying persons' when they have been assessed by their accommodation provider as being ready to 'move on' from a supported environment. The council will seek a copy of an applicant's 'move-on plan' prior to facilitating access to the housing register.

However, in order to appropriately reflect the achievement of those who have passed through a supported housing programme and have been assessed as being ready for independent accommodation, the authority will seek to set an applicant's 'relevant date' to the date upon which they first entered into the supported housing project from which they applied.

17. Housing Assessment Panel

Due to the broad range of circumstances in which applicants to the housing register are likely to find themselves, there will be occasions where the council will be required to exercise its discretion in order to ensure that an applicant's priority and status on the register adequately reflects their situation.

The decision as to whether to award priority on discretionary grounds will be taken by the Housing Assessment Panel. The panel consists of two senior officers of the council. Priority will be awarded in the form of 'Panel Points' graded between levels 'one', 'two' and 'three'.

- Panel Points One will be awarded in circumstances where it is deemed there is a high-level need to move.
- Panel Points Two will be awarded in circumstances where it is deemed that there is a medium-level need to move.
- Panel Points Three will be awarded in circumstances where it is deemed that there is a low-level priority to move.

In exercising its discretion and deciding which level of priority to award, the council may give consideration to some or all of the following factors:

- Whether, without the council's intervention, the applicant will become homeless.
- Whether, without the council's intervention, the applicant will experience considerable hardship
- Whether in becoming homeless, the applicant is likely to be owed a full duty by the council under the homelessness legislation
- Whether by virtue of an applicant's personal circumstances, an offer of affordable housing is the only viable accommodation option available to the applicant.
- Whether alternative housing options are available to the applicant and have been considered
- Whether the award of discretionary priority would lead to better use of the housing stock
- Whether the award of discretionary priority would facilitate better use of supported housing provision in the district
- Whether the award of discretionary priority will assist in ensuring the safety of the applicant and/or the wider public

Applications assessed via the Housing Assessment Panel will be assessed in a standardised manner in accordance with the Housing Assessment Panel pro-forma.

In addition to being responsible for exercising the council's discretion, the Housing Assessment Panel will also consider requests for reviews of decisions made by the council under the allocations policy. For further details on reviews, see section 20.

18. Offers of accommodation

18.1 Number of offers

South Holland District Council and its partners are committed to offering applicants as much choice as possible. However, with access to the register restricted to those in the most urgent need, the council expects that refusals of offers should be few and far between. Consequently, where an applicant refuses three offers of accommodation without good reason, they will have their application suspended for a period of six months.

A different approach will apply to applicants owed the 'full' homelessness duty by the authority. In these circumstances, the applicant owed the duty will be offered one 'reasonable' offer of accommodation. If the applicant refuses this one offer without good reason, then the duty owed to that applicant will cease and their priority reduced (in accordance with the priority scheme set out in this document).

18.2 Assessment at point of allocation

In addition to assessing an applicant's situation at point of registration, the council and/or its partners will reassess an applicant's circumstances at point of allocation. This assessment will include a full appraisal of the applicant's identification and supporting documentation. This assessment may also include a visit to your application address from a representative of the landlord that has made an offer of accommodation to you.

The purpose of this assessment and home visit is in order to ensure the following:

- That the applicant is still eligible for assistance
- That the applicant is still a 'qualifying person'
- That the applicant's priority on the register reflects their present circumstances
- That the applicant gave true and accurate information regarding their circumstances at point of application.

Where it is apparent that there has been a change in the applicant's circumstances, the council will reassess their application in accordance with this policy. The council and its partners may withdraw any offer of accommodation on the basis of the outcome of this assessment.

19. South Holland Bedroom Standards Policy

The South Holland Bedroom Standards Policy is the standard by which applications to the housing register will be assessed when looking at issues relating to overcrowding, under-occupation and property suitability.

It is also the standard by which households of differing sizes will be matched to properties of different sizes when allocating accommodation through the housing register.

The number of bedrooms needed is based on the number, age and sex of people who form the household on a full-time permanent basis.

For the purposes of this policy the standard takes into account the prevailing housing benefit regulations that relate to bedroom entitlement. This includes the regulations that relate to the housing benefit entitlement for parents who do not have full-time residence but have access to their children.

The policy is as follows:

- One bedroom for a couple who are married, in a civil partnership or cohabiting as if they were married or in a civil partnership
- One bedroom for any two children of the same sex aged at least 10 and under 16
- One bedroom for any two children regardless of sex aged less than 10
- One bedroom for any other person aged 16 or over
- One additional bedroom for each personal carer of a member of the household who is disabled or has a long-term health condition, provided that it is essential that overnight care of that member of that household is provided by a non-resident carer

19.1 Bedspaces and overcrowding

The council's Bedrooms Standards Policy sets out the bedroom entitlement of applicants to the housing register. It also provides a guide as to what constitutes overcrowding for the purposes of the policy.

There will be, however, cases where an applicant does not require an additional bedroom, but their family composition is such that their existing accommodation is too small to appropriately meet their needs. This may include, for example, where a family has two children but the second bedroom within a dwelling is a 'box room' only large enough to accommodate a single bed.

Where these circumstances apply, the council will allow an applicant to apply for suitable alternative accommodation which is of a more suitable size for their household, subject to the council being satisfied that the size of the dwelling is inappropriate considering the size of applicant's household. The council may seek to make reference to prevailing Building Regulations when undertaking this assessment.

19.2 Under-Occupation

The council and its partner landlords retain the discretion to allow under-occupation by a maximum of one bedroom where one or more of the following applies:

- An applicant can demonstrate that they are in a position to meet the accommodation costs associated with a property other than which they would automatically be entitled. This can include financial means associated with welfare payments (in addition to earned income). This will be subject to an affordability assessment.
- There is a need for a separate bedroom to accommodate a disabled child, and that there is medical evidence to support this need
- An applicant is of retirement age and requires a separate bedroom on medical grounds

The council and its partner landlords retain the discretion to allow under-occupation by a maximum of two bedrooms where the household are considered to be 'qualifying persons' by virtue of being a prospective or existing foster carer or adopter.

Those who are awarded priority on the basis of the under-occupation of their existing accommodation will not be eligible to 'opt-in' for a larger property.

The final decision as to whether to allow under-occupation will be made at point of allocation, and will rest with the relevant partner landlord.

20. The right to a review

Any person who is refused admission to or are removed from the Housing Register will be notified in writing.

An applicant has a right to request a review of the following:

- i. Any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them
- ii. Any decision that they are ineligible for an allocation or are not a 'qualifying person'

A request for review must be made in writing and submitted to:

The Housing Manager
 Strategic Housing
 South Holland District Council
 Priory Road
 Spalding
 PE12 2XE

Requests for review will be considered by the Housing Assessment Panel. Applicants to the register will be notified of the outcome of any request for a review in writing.

Appendices

Appendix 1 – Partner affordable housing providers

List of partner affordable housing providers

The following is a list of affordable housing providers who are viewed as partner organisations for the purpose of the South Holland Common Allocations Policy.

- South Holland District Council
- South Holland Homes
- Longhurst and Havelock
- Broadgate Homes
- Cross Keys Homes
- Accent Nene
- Waterloo Housing Association
- Lincolnshire Rural Housing Association

This list of partner providers will be reviewed on a regular basis.

Additional priority granted to partner affordable housing providers

The South Holland Housing Register gives priority to tenants of the above organisations where they are living in accommodation that is too large or too small for their needs. This additional priority is awarded on the basis that by helping a family who is over or under-occupying their accommodation, it creates a vacancy for another family on the housing register.

Consequently, only partner affordable housing provider tenants who presently live within the district will be eligible for additional priority on this basis.

Partner affordable housing provider tenants who live *outside* of the district will not be eligible for additional priority on the basis of over or under-occupying their accommodation. Instead, applications from such tenants will be considered on their own merits in accordance with this policy.

Appendix 2 – Worsening of circumstances

Deliberate worsening of circumstances

The South Holland Common Allocations Policy includes a measure that seeks to prevent applicants in certain circumstances from gaining an unfair advantage on the housing register. This is known as the 'deliberate worsening of circumstances' test.

In applying this test, the council is seeking to establish whether an applicant has deliberately sought to gain an unfair advantage on the housing register in order to access housing.

Amongst other considerations, the council will take the following into account when applying this test:

- Whether the council has evidence that an applicant has moved into unsuitable accommodation with the aim of seeking to access the housing register and/or qualify for higher priority
- Whether the applicant has knowingly acted against the advice of the council and/or a partner organisation. For example, where an applicant has been advised not to surrender suitable accommodation but has proceeded to do so anyway.
- Whether there is evidence that the applicant has entered into a collusive arrangement in order to gain priority on the register.

Applicants who have been deemed to have deliberately worsened their circumstances, and therefore to have failed this test, will have their application deferred for an initial period of 12 months, upon which the situation will be reviewed.

Applicants who move into unsuitable accommodation

In addition to scenarios where applicants will have been deemed to have deliberately worsened their circumstances, there will be situations where applicants have moved into unsuitable accommodation where viable alternative accommodation arrangements could have been made instead. This is called the 'test of suitability'.

Examples of scenarios where an applicant may be deemed to have failed the 'test of suitability' include:

- Moving from affordable accommodation into unaffordable accommodation
- Moving from suitably adapted accommodation into un-adapted accommodation
- Where un-natural overcrowding has occurred. This includes:
 - Moving into accommodation which is not large enough to accommodate the applicant's household, resulting in overcrowding.

- Allowing non-dependent individuals to move into the accommodation, resulting in overcrowding

Where it is assessed that an applicant has moved into unsuitable accommodation, and therefore has failed the 'test of unsuitability', the council expects applicants to explore all available housing options before relying upon the housing register as a means of resolving their situation.

Consequently, whilst the council will accept an application from applicants assessed to have knowingly moved into unsuitable accommodation, their application will be deferred for an initial period of 3 calendar months from the point of completing their application and/or notifying the council of the change in their circumstances. The applicant will be expected to use this period of time to explore securing alternative accommodation through means other than the housing register.

The situation will be reviewed upon the expiry of the three month period. Evidence that the applicant has sought to secure alternative accommodation during this time may be sought.

Appendix Three – Income, Savings and Capital

The South Holland Common Allocations Policy includes within it a mechanism that seeks to ensure that those with the financial means to secure suitable accommodation on the open market are encouraged to do so. The purpose of this policy is to ensure that those whose income will enable them to source suitable accommodation relative to their needs on the open market are encouraged to do.

Specifically, the policy sets out that an applicant to the housing register will not be considered to be a 'qualifying person' if one or more of the following applies:

- Their annual income would enable them to purchase or rent suitable accommodation on the open market
- The value of their savings, assets and equity would enable them to purchase or rent suitable accommodation on the open market

There are a number of minor exceptions to this rule. These include the following:

- Where an applicant is applying for and meets the criteria for sheltered accommodation (as set out within Para 8.2.5 in the main policy)
- Where an applicant is a homeowner and has equity valued in excess of the published limit, but is considered by the council to be a 'qualifying person' by virtue of an overwhelming welfare need (as set out in Para 8.3.4 of the main policy)

Income

The household income threshold for the housing register is as follows:

- Single applicant households: **£19,702* net / £24,628* gross**
- Other households: **£34,478* net / £43,098* gross**

* Based on average full time salary in South Holland (source: Annual Statement Hours and Earnings 2013)

** Based on 1.75x average full time salary in South Holland (source: Annual Statement Hours and Earnings 2013)

Income includes all earned income, along with all monies received from welfare benefits.

Savings and Capital

The household savings threshold for the housing register is as follows:

£16,000, regardless of household size.

Whose financial circumstances are taken into account?

For the purposes of this test, a household is defined as a lead applicant and spouse, or joint applicants.

The council does, however, reserve the right to consider the financial capacity of the wider household if it feels that there is a case in favour of doing so.

Note that this test will be applied at point of joining the housing register, and also at point of allocation.

Benchmark house price values

The following benchmark values will be utilised when assessing the ability of applicants for sheltered housing to access alternative forms of housing, including market housing:

One bed bungalow: TBC

Two bed bungalow: TBC

