South Hams District Council's

A guide to housing allocation scheme 2004

South Hams
District Council

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1 Introduction

South Hams District Council is committed to providing housing at affordable levels for local people. As affordable housing is highly sought after, the Council's allocation scheme prioritises local people who are in greatest housing need. The Housing Act 1996 as amended requires all councils to give 'reasonable preference' in their allocation schemes for groups in high housing need such as the homeless, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they can move to a particular locality within the district.

South Hams is an area of high housing demand and need. Property prices and private sector rents are high, resulting in additional pressures on affordable housing. The Housing Allocations Policy aims to give clear criteria setting out who is eligible to apply for social rented housing in the District and how applicants' priority is assessed. The Policy also outlines the procedures applicants and staff should follow relating to the Housing Register. The Policy was reviewed in 2004.

The Council's Allocation Scheme is points based, with points awarded according to housing need. Affordable accommodation is provided to households who have the highest level of points (and therefore greatest housing need).

Affordable housing in the South Hams is owned and managed by Housing Associations. The Council itself no longer owns a stock of affordable housing. In 1999 the Council transferred its stock to Tor Homes. Without its own stock, the Council seeks to enable local people to access affordable housing through Nomination Agreements with Housing Associations. The Council works closely with the following Housing Associations operating in the South Hams:

- **Tor Homes**
- **Dartington H.A**
- **Devon and Cornwall H.A**
- **Sanctuary H.A**
- **Sovereign H.A**
- **The Guinness Trust**
- **Signpost H.A**
- **Tamar Housing Society**
- **Anchor Housing Trust**
- **Westcountry H.A**
- **South Western Housing Society**
- **Hastoe H.A.**
- **English Churches H.A.**

This detailed Allocation Policy complies with the requirements of the Housing Act 1996 as amended and takes into account the Code of Guidance issued by the Office of the Deputy Prime Minister. A summary of this Policy will be made widely available and will be sent to everyone applying for housing. This more detailed document will be made available upon request and can be accessed via the Council's website. www.southhams.gov.uk

1.1 The Scope of the Housing Allocations Policy

The Housing Allocation Policy covers eligibility for the Council's Housing Register and nominations of eligible applicants from the Housing Register to Housing Association (or Registered Social Landlords) properties. The nominations are to rented homes. The Policy does not cover lettings made by Housing Associations from their own waiting or transfer lists, through decants or management transfers.

1.2 The Objectives of the Housing Allocations Policy

The principal objective of the Allocation Policy is to ensure that the homes for which the Council has nomination rights are allocated within the law, fairly and consistently, to eligible people both according to their needs and choices.

Other objectives are to:

- Support and contribute to the Council's Strategic Objectives:-
- To improve the well being of the People of the South Hams
- Secure a supply of affordable housing for local people at affordable levels
- Make the most effective use of the affordable housing stock in the District;
- Contribute to partnership working with local stakeholders;
- Develop and support sustainable communities.

1.3 Equal Opportunities and monitoring

The Council is committed to equality of opportunity and anti-discriminatory practice in service provision and seeks to promote social inclusion.

Every effort will be made to ensure that housing applicants are treated fairly and sensitively. Applicants who are eligible to join the Housing Register will not be discriminated against on the grounds of race, colour, ethnic or national origin, disability, religion, age, gender, sexual orientation or marital status. All applicants will be asked to provide details of their ethnic origin. This is not a requirement for acceptance of the applicant.

Ethnic origin records will be kept and monitored on a regular and systematic basis to ensure that properties are being offered and allocated fairly and will be reported annually to the Council's Community Policy Development Group. This is to ensure compliance with the council's obligations to monitor its practices carrying out its functions and to have due regard for the need to eliminate racial discrimination and to promote equal opportunity and good race relations under the Race Relations Act.

The Policy will be amended and updated in order to conform to new housing and other relevant legislation and case law and to ensure that they do not operate in a way that discriminates against or disadvantages any particular group.

1.4 Advice, Assistance and Information

The Council will provide advice and information to people about applying for a home and give assistance to people who have difficulty in making an application. Applicants on the housing register are entitled to know whether they are likely to be nominated to a housing association for a home in a particular area and, if so the period of time they are likely to wait. Applicants are also entitled to information about any decision on the facts of their application. The Council will therefore advise applicants approximately how long they will have to wait and provide information as and when requested by applicants. The Council will also publish a newsletter "Homepage" giving information to everyone on the Housing Register. Information will include details of the number of nominations made and the level of points which resulted in those nominations and how long they waited.

The Council will also provide advice and information about housing issues relating to the District free of charge. This advice and information may cover issues relating to homelessness and the prevention of homelessness, owner occupation, shared ownership, private sector tenancies, Housing Association tenancies and exchanges.

Where specialist advice is necessary, for example if there are complex legal or financial problems, applicants will be referred to specialist agencies which can help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.

For those people who have difficulty in completing forms due to a medical condition or vulnerability a Housing Advisor will arrange a home visit to help complete the form. Alternatively applicants may visit the Council's offices for help in completing the Application Form.

1.5 Publicity and Training

The Council will make every effort to ensure that stakeholders, partner agencies and applicants can access information about the Council's Allocation Policy. Information about the Policy will be provided to every applicant.

2 The housing register and points scheme

2.1 Definition of terms

The term **"applicant"** will include single people and the term **"joint applicants"** will usually include couples where spouses or partners could be joint tenants.

The term **"household"** includes all individuals included in the applicant's application. A household may therefore be an individual, a couple, a family, or two or more individuals who wish, or need, to live together in the long term. Short term sharing arrangements or temporary part-time arrangements will not normally qualify as a household for general needs lettings.

2.2 People who are eligible to join the Housing Register

Anyone over the age of 16 can apply for housing with South Hams District Council by completing an application form which are available from the Council's offices or by downloading the forms at www.southhams.gov.uk.

For those living in the District a Home Visit may be arranged to verify the information contained on the Housing Register form and provide an opportunity to discuss what housing options may be available.

For anyone with a medical or welfare problems a separate form is available which will provide the Council with more information about how these problems are affected by the accommodation in which they live.

Anyone under the age of 18 years of age who is offered a tenancy by a Housing Association will need to have an adult to act as a trustee and guarantor to hold the legal tenancy and guarantee rental payments until the applicant reaches 18.

2.3 People who are not eligible to join the Housing Register - Exclusions

The Housing Act 1996, as amended, requires Councils to consider applications for housing from anyone unless they are:

a. Persons subject to immigration control within the meaning of the Immigration and Nationality Act 1996 unless they fall within one of the classes of persons defined by regulations as eligible for housing assistance;

Persons subject to immigration control are persons from abroad who require leave to enter and remain in the UK whether or not such leave has been granted. The restriction applies to all persons who have entered the UK other than as of right except those stated to be eligible by regulations.

b. persons not subject to immigration control but defined by regulations as being persons from abroad who are ineligible for housing assistance;

Persons not subject to immigration control are persons who have a right of admission to the UK. This restriction applies to nationals of the European Economic Area who are not habitually resident in the Common Travel Area (UK, Channel Island, Isle of Man, and Republic of Ireland) and with a right to reside which is not conditional on being self sufficient.

c. Persons guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant

Unacceptable behaviour is behaviour that would be likely to result in the Council obtaining a possession order from a court against your household even where you are not a tenant of the Council. Unacceptable behaviour includes (Grounds 1-7 Schedule 2 of the Housing Act 1985):

- rent arrears or breach of tenancy agreement
- causing or engaging in conduct likely to cause nuisance or annoyance (anti-social behaviour)
- conviction for using your home for illegal or immoral purposes
- committing an arrestable offence in or near your home
- violence towards members of your household causing them to leave your home
- allowing the condition of your home to deteriorate
- allowing furniture provided by the landlord to deteriorate due to ill treatment
- getting your tenancy by deception (by giving a false statement)
- paying or receiving money to get a Council tenancy
- eviction from your home (where provided because of your job) as a result of behaviour.

2.4 Homelessness

If someone is threatened with homelessness then they will be required to attend a homelessness interview to discuss their housing options, including whether their homelessness can be prevented.

Homeless people owed a full re-housing duty under the homelessness legislation will be provided with temporary accommodation, which may include a period of time in Bed and Breakfast accommodation, until their housing register application accrues enough points to enable them to be nominated to a permanent home with a Housing Association. The Government has made it a legal requirement that a family with children should not spend more than 6 weeks in Bed and Breakfast accommodation.

For Homeless people owed the full re-housing duty and housed in accommodation arranged by the Council but provided by other agencies (such as people in supported housing projects) will also receive homeless priority points.

Homeless people will be able to choose which part of the District they want to be housed. However it will always not be possible for an offer to be made in the specific town or village and homeless people will be expected to be considered for the adjoining rural areas as outlined in the table below. When a permanent home becomes available in their chosen area this will be their "final offer" of permanent housing and if it is refused then the Council will discharge its responsibility and a Notice to Quit temporary accommodation will be issued.

"Staying Put" or "Homeless at Home" – Homeless people will be encouraged where possible to try and find their own temporary accommodation with friends or relatives which is known as "Staying Put" or "Homeless at Home". Those taking this option will receive more points than others living in temporary accommodation provided by the Council to reflect the fact that they are sharing with friends and relatives. As a result Homeless Households who have found their own accommodation would normally be expected to be housed quicker than others in the Council's temporary accommodation.

The following table shows the areas of the District broken down by town and their catchment areas:-

DARTMOUTH			
Dartmouth	Blackawton	Capton	Dittisham
Kingswear	Stoke Fleming	Strete	
IVYBRIDGE			
Ivybridge	Bittaford	Brixton	Cornwood
Ermington	Holbeton	Lee Mill	Lee Moor
Newton Ferrers	Noss Mayo	Roborough	Sparkwell
Ugborough	Wembury	Wotter	Yealmpton
KINGSBRIDGE			
Kingsbridge	Aveton Gifford	Batson	Beesands
Beeson	Bigbury	Chillington	East Allington
East Portlemouth	East Prawle	Frogmore	Goveton
Galmpton	Hope Cove	Kellaton	Kernborough
Kingston	Loddiswell	Malborough	Ringmore
Modbury	St. Anns Chapel	Salcombe	Slapton
South Milton	Stokenham	Thurlestone	West Alvington
West Charleton			
TOTNES			
Totnes	Avonwick	Berry Pomeroy	Compton
Cornworthy	Dartington	Dean Prior	Diptford
Halwell	Harberton	Harbertonford	Holne
Landscove	Marldon	Moreleigh	Rattery
Scorriton	South Brent	Staverton	Stoke Gabriel
Tuckenhay			

2.5 Size of Accommodation

Applicants must be clearly advised what size of accommodation they will be nominated to when they reach the top of the Housing Register. The overcrowding standards contained in Part X of the Housing Act 1985, will be applied to the use of bedrooms. If bedrooms are of a suitable size, children will be expected to share a room in the circumstances outlined below. The bedroom standards which will apply in most circumstances are as follows:

a. single people will be considered for bedsits or 1 bedroom homes;

b. couples will be considered for one bedroom homes;

c. parent(s) with one child will be nominated to two bedroom homes;

d. families with two children of the same sex will be nominated to two bedroom accommodation unless the age gap between the children is 7 or more years;

e. families with two children of opposite sexes will be nominated to three bedroom accommodation if the older child is over 7;

f. larger families will be nominated to three or four bedroom houses, according to the number, ages and sex of their children, using the criteria specified above.

When determining the size of accommodation suitable for the family, children from former relationships will be counted only if they spend more than half of their time resident with the applicant. Access agreements for weekend and/or holiday visits will not qualify the applicant for additional bedrooms in most circumstances. Parents may be asked for evidence of residence orders or access arrangements and supporting evidence from other agencies may be required where conflicting information is given. In most cases, the parent receiving Child Benefit will be considered as the principal carer and the person with care and control of the children.

Applicants should provide medical evidence of the need for separate bedrooms. In cases where children are in the care of Social Services no bedrooms will be set aside for the child until a decision has been made as to the long term future of the child as determined by the courts.

Pregnant women with no children will be considered for 2 bedroom properties when they produce a certificate of pregnancy. Families with existing children will, upon receiving proof of pregnancy have their bedspace entitlement recalculated depending on the age and sex of the children within the family.

In the case of two bedroom older persons accommodation for which there are low levels of housing need, then single people in high need, who would normally only be considered for 1 bedroom accommodation may be considered.

In the case of one bedroom bungalows for people under 60 years of age these will only be allocated if there are not sufficient older people over 60 years of age and also with the agreement of the relevant Housing Association.

	Bedsit	1 Bed Flat/ House	1 Bed bungalow	2 Bed Flat/ Maisonette	2 Bed bungalow	2 Bed House	3 Bed Flat/ House	4 Bed House
Single Under 60	✓	✓	✓					
Single Over 60	✓	✓	✓					
Couple Under 60		✓	✓					
Couple Over 60		✓	✓		✓			
Household with 1 child				✓		✓		
Household with 2 children (same sex)				✓		✓		
Household with 2 children (opposite sex and aged over 7 years old)							✓	
Household with 2 children of the same sex with over 7 years age difference							✓	
Household with 3 children							✓	✓
Household with 4+ children							✓	✓

2.6 The Points Scheme

			STD	RSL	HTH	HIA	HCT	HAH
1	**Unsatisfactory Accommodation**							
	a Bedspace deficiency	50	✓	✓	✓	✓	✓	✓
	- expected bedspace deficiency	25	✓	✓	✓	✓	✓	✓
	b Occupation of a bed sit/boat/caravan	100	✓	✓	×	×	×	×
	c Occupying property with children under 7 with no garden	50	✓	✓	✓	✓	✓	✓
	d Sharing facilities with another household	100	✓	×	×	×	×	×
	e Substandard Property (awarded in multiples of 50) - up to	200	✓	✓	✓	✓	×	×
2	**Medical Welfare**							
	(Awarded in multiples of 50) - up to	300	✓	✓	✓	✓	✓	✓
3	**Hardship**							
	a Isolated property/difficult access	25	✓	✓	✓	✓	✓	✓
	b Low income households	25	✓	✓	✓	✓	✓	✓
	c Essential key workers	75	✓	✓	✓	✓	✓	✓
	d Support - to give or receive	75	✓	✓	✓	✓	✓	✓
4	**Temporary or Insecure accommodation (only one to be awarded)**							
	a Assured Shorthold Tenancy/Resident Landlord letting	50	✓	×	×	×	×	×
	b Homeless/Hostel/Refuge	100	×	×	×	✓	×	×
	c Leaving Institutional care	100	×	×	×	✓	×	×
	d Nowhere to site mobile home	100	×	×	×	✓	×	×
	e Notice to quit or possession order	100	✓	×	✓	×	×	×
	f Temporary accommodation provide by South Hams Council to persons owed a full re-housing duty under the homelessness legislation (10 additional points awarded monthly thereafter)	100	×	×	×	×	✓	×
	g Homeless at Home or Staying Put (10 additional points awarded monthly thereafter)	150	×	×	×	×	×	✓
5	**Length of time on the Housing Register**							
	Each period of 12 months	10	✓	✓	✓	✓	✓	✓
6	**Local Connection - both to be awarded to local people**							
	a Strong local connection with town or village of 1st choice	20	✓	✓	✓	✓	✓	✓
	b Where one of the following connections has been satisfied:							
	(Only one to be awarded)							
	i. Currently resident in the district for the last 12 months	100	✓	✓	✓	✓	✓	✓
	ii. Previous residence in the district for 3 years out of the last 5 years	100	✓	✓	✓	✓	✓	✓
	iii. Close relatives in the district resident for the last 5 years	100	✓	✓	✓	✓	✓	✓
	iv. Previous residence in the district for 7 years out the last 20 years	100	✓	✓	✓	✓	✓	✓

Application Types:

STD - General (standard) applicants
RSL - Registered social Landlord (eg Housing Association Tenant)
HTH - Threatened with Homelessness
HIA - Homeless - Insecure Accommodation
HCT - Homeless in Council arranged temporary accommodation
HAH - Homeless at Home
✓ = points could be applicable. × = points not applicable.

2.7 Explanation as to how Points are awarded

1. Unsatisfactory accommodation

Points are awarded according to this standard.

a. Bedspace deficiency: points are awarded for the lack of bedspaces available in the accommodation. It is assumed that a separate bedroom is required for each of the following:

Adults:

- husband & wife
- cohabiting couples
- lone parent
- single adult (aged 18 or over)

Each child except where:

- 2 children of the same sex with less than 7 years age difference
- 2 children of opposite sex both under 7 years of age

b. Occupation of a Bedsit/Boat/Caravan: awarded where there is only one habitable room, bedspace deficiency points can be awarded under 1 (a) provided that the household have not deliberately worsened their circumstances;

c. Occupying property with Children under 7 years of age with no garden: awarded where a household with young children live in a property without a self contained garden or yard;

d. Sharing facilities with another household: Awarded where a household is sharing facilities with another household, such as those living in the home of family or friends. The applicant must not include the family or friends on their application as wanting to be re-housed with them.

e. Substandard Property: Awarded in multiples of 50 points by an Environmental Health Officer to take account of unfit or substandard accommodation. Wherever possible, disrepair and unfitness in the applicant's home should be remedied, rather than additional priority being awarded for poor housing conditions. Points for poor housing conditions should only be awarded if:

- it is impossible or unreasonable for the landlord/owner to undertake repairs to remedy the problems;
- the applicant has not caused or contributed to the problems;
- the applicant has not deliberately moved to a property in poor repair in order to increase their priority for re-housing via the Housing Register.

No priority will be awarded for poor decoration, any problems caused by the applicant, or poor use of the available accommodation by the applicant.

2. Medical and Welfare Points

Medical points are awarded by the Council's medical assessment officer. We will refer your case for a medical assessment if you have stated on the Application form that you have a medical problem that affects your need to move, or the type of housing you need. Health or social care information will be required to substantiate any award of medical and welfare points. Applicants that request information from their medical or welfare advisor for assessment by the council will be responsible for paying any charges.

A maximum of 300 points to be awarded per household unless, in exceptional circumstances, where more than one person in the household has medical problems then an additional 50 points in total may be awarded on the recommendation of the Council's medical assessment officer. There are three medical categories that you can belong to:

Category A 250-300 Points

In this category applicants will have an urgent need to move for medical reasons. This would include people whose life may be at risk due to their housing conditions, or who are completely housebound because of the type of housing they live in.

Category B 150-200 Points

In this category applicants will be living in housing which is unsuitable for medical reasons, but whose need to move is less urgent. This will include people with considerable mobility problems who have difficulty in living in their current home.

Category C 50-100 Points

In this category applicants who have been given points in relation to unsatisfactory housing and have a medical condition that is caused or has been made worse by their housing problems. These points will be given in recognition of the medical problem, but the applicants need to move is less urgent than those in categories A or B.

Threats and Harassment

Medical and welfare points may be awarded if an applicant is experiencing threats of, or actual, violence, intimidation, nuisance, harassment or other forms of antisocial behaviour. In cases of harassment additional points of either 50 or 100 will be awarded depending on the nature and severity of the situation. These points can be only be awarded where there is evidence that the harassment is having an effect on the applicant's health. However, wherever possible appropriate remedies (for example mediation or legal action) should be taken to resolve the situation. It is always preferable to deal with the perpetrator, rather than move the victim. Housing staff will liase with appropriate agencies and advice applicants, to try and achieve a solution where the victim doesn't have to move.

The Council must be satisfied that the applicant has not caused or contributed to the situation where a dispute has escalated. Evidence will be required from the applicant and independent agencies to support allegations of antisocial behaviour.

Where an applicant is, or has been, the perpetrator of antisocial, criminal or unacceptable behaviour, the Council may, in exceptional circumstances accept an application from such an applicant where they are subject to threats or harassment, however, the Council must be satisfied that a move is appropriate and is likely to minimise or end the problem. The principle of rewarding good rather than bad behaviour will be maintained

3. Hardship

a. Isolated Property/Difficult Access: Awarded if property has no public transport or shop within 1 kilometre (0.6 miles) from their home and they do not have access to a vehicle. Difficult access is defined if the road leading to the property is an unadopted road, or if it is difficult to access the property for families with children less than 7 years of age, either by steps up to, or down to the property.

b. Low income: Points awarded where households are reliant on means tested benefits, including Working Tax Credits, and whose economic circumstances lead to difficulty in getting settled accommodation.

c. Essential Key Workers: The Council defines essential key workers as follows:

Essential Key Workers in public and/or essential services will be given additional priority in order to attract or retain them. It is not possible to guarantee the availability of accommodation to coincide with recruitment, or to commit accommodation for a specific date. Essential Key Workers who are employed in the following areas of work may be considered:-

- Care Services
- Education Services
- Health Services
- Emergency Services
- Public Sector Services
- Any other essential key worker who makes a significant contribution to the social and economic well being of the District

The Council can give housing advice to employers as well as applicants or potential applicants and can assist in finding privately rented accommodation. Key workers who are accepted on to the Housing Register may be considered for shared ownership or rented accommodation.

The Council will continue to explore and promote a range of housing opportunities for key workers. This includes shared ownership and specific schemes, such as the Starter Homes Initiative and Challenge Funding.

d. Support: Awarded for people with medical or welfare problems who need to move to a particular locality within the District to give or receive support from close relatives. Close relatives are defined as immediate family including parents, sisters, brothers and adult children. Any other close relative will be considered in exceptional circumstances.

4. Temporary or Insecure accommodation (only one to be awarded)

a. Assured Shorthold Tenancy: Awarded to reflect the temporary nature of assured shorthold tenancies. Resident Landlord lettings will also be awarded these points. The Council will need to see the Tenancy Agreement for these points to be awarded.

b. Homeless/ Hostel/ Refuge/Caravan: Awarded where an applicant or household have nowhere to live including those classed as having "No Fixed Abode" (NFA). In addition those living in a temporary homeless hostel or refuge will be awarded these points.

c. Leaving Institutional Care: Awarded when an applicant leaves institutional care including Prison.

d. Nowhere to site Mobile Home: Awarded when there is nowhere for either a mobile home, boat or any other temporary structure can be sited legally.

e. Notice to Quit or Possession Order: Awarded when a Notice to Quit or Possession order has been served by a landlord. Not to include family exclusions.

f. Temporary Accommodation provided by South Hams District Council to persons owed a full re-housing duty: Awarded to homeless people in temporary accommodation provided under the homeless legislation. 10 additional points will be awarded each month to ensure that homeless households in temporary accommodation accrue enough points to move into permanent housing after a reasonable period of waiting. Those households with persistent rent arrears may have these points suspended until an agreement has been reached for the repayment of the debt. No homeless household with rent arrears will be put forward as a nomination to a housing association until an agreement has been reached on the repayment of the debt.

g. Homeless at Home or" Staying Put": This category only applies to homeless households owed the full re-housing duty but are able to stay with family or friends temporarily. Applicants in this category will receive 150 points and will also be eligible for bedspace deficiency points. As is the case with other homeless households they will be awarded 10 points per month whilst living as Homeless at Home. They will not receive any other points in Section One.

If it isn't possible for the Homeless at Home to be sustained then the applicant will keep the length of time they have spent as Homeless at Home if they have to be placed in temporary accommodation.

5. Length of Time on the Housing Register:

Awarded for every complete period of 12 months spent on the Housing Register

6. Local Connection

a. Strong local connection with town or village of first choice: Awarded where applicants are currently resident in the South Hams and have accumulated 10 years residence or more in the town, or village of their first choice. These points are particularly important when an exceptions site scheme has been built in a rural village.

b. Where one of the following connections has been satisfied (only one to be awarded):

i. Currently resident in the district for the last 12 months: Awarded where someone has accumulated 12 months continuous residence in the area. Any time spent outside of the area for employment, armed services or time spent in prison will be considered and evidence provided.

ii. Previous Residence in the district for 3 out of the last 5 years: Awarded where someone has previously been resident in the district for a continuous period of 3 years during the last 5.

iii. **Close relatives in the district resident for the last 5 years:** Close relatives are defined as immediate family unless specific reasons for other family connections can be demonstrated.

iv. **Previous residence in the district for 7 years out of the last 20 years:** Awarded to those people with a strong previous connection with the district. Periods of residence have to be continuous and evidence provided.

v. **Permanent employment within the district:** Awarded to those with a permanent job in the District with a minimum contract of 2 years. Part-time jobs can be considered. Seasonal jobs will not be considered as a local connection.

2.8 Exceptional Circumstances

The Council allocates accommodation according to the policy in this document. However, there may be circumstances where applicants do not meet the criteria set out above.
The Council may by exception consider applications from applicants where exceptional circumstances apply to the applicant or their home. The Housing Advice Manager and the Head of Customer Services, in consultation with the Executive Member responsible for housing will jointly consider and decide whether to accept an application by reason of exceptional circumstances.

3 Administering the housing register

3.1 Joining the Housing Register

In order to join the Housing Register, applicants must complete the Housing Application Form and provide appropriate verification of their circumstances.

Applicants may be asked to provide documents to prove:

- their date of birth and those of members of their household;
- their National Insurance Number and those of relevant members of their household;
- details of their current housing circumstances;
- the composition of the household (including proof of pregnancy where applicable) and the size of property for which the applicant is eligible;
- evidence to support priority on health or social grounds;
- local connection with the District, whether by residence, employment or family connection

3.2 Confidentiality

Details relating to each housing applicant, including the fact of their being registered, will be kept confidential. Information about a housing applicant and/or members of their household, or the progress of their application, may not be passed to anyone who is not part of the applicant's household, without their permission. This permission should preferably be in writing. The Data Protection Act 1998 and Section 166 of the 1996 Housing Act (and superseding legislation) should be observed.

Applicants will be asked to authorise information sharing with relevant agencies, for example Housing Benefits, Social Services, Probation and a range of voluntary and statutory agencies, where this is necessary.

Issues relating to child protection or community safety must, however, always take precedence over confidentiality. Similarly, if there is evidence to suggest that the applicant is involved in criminal activity and/or fraudulently claiming welfare benefits, this information will normally be disclosed to the relevant agency.

Applicants are entitled to see their files if they wish to do so. If the file contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

3.3 False Information

Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. A fine of up to level 5 on the standard scale may be imposed by the courts if the applicant is found guilty.

An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which has reasonably been requested on the housing application form, in response to correspondence with the Council at the annual update of the application, or relating to a review. An offence is also committed if the applicant allows a third party to provide false information on their behalf, or at their instigation.

The Council reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant, or a person acting on the applicant's instigation, has given false information or withheld information relevant to their application. If evidence is obtained that an applicant has gained a tenancy through providing false information or withholding relevant information, the Council will advise the landlord to take possession proceedings and will supply appropriate evidence.

3.4 Confirmation of Acceptance or Rejection

Housing applications should be acknowledged within 10 working days and the applicant should be advised in writing or by telephone that:

Their application has been accepted and a Home Visit may be arranged; **or**

That further information is required before their eligibility can be assessed (details of what information is required must be included); **or**

That they are not eligible to join the Housing Register and the reason(s) why not.

3.5 Home Visits

A Housing Advisor will arrange a home visit, if necessary, within 4 weeks of the applicant being advised that their Application has been acknowledged. The purpose of the visit is to confirm the housing circumstances and to offer advice and assistance on housing issues in the District. In some cases it may not be necessary to undertake a home visit and this may be discussed with the applicant over the phone and a number of questions asked to verify their application.

It is important to discuss area choices and establish with the applicant any areas which are not suitable, especially areas where the applicant could be at risk. Applicants should be encouraged to make informed decisions about their areas of choice and given information about the availability and turnover of affordable housing.

The home visit is an opportunity to seek clarification about any health or social needs of the applicant and to offer an opportunity for the applicant to discuss personal issues, which they might be reluctant to disclose on their form, or might be unaware of their relevance to the housing application.

Home visits will only be undertaken within the District boundaries. For those living outside of the South Hams it will be necessary for their housing circumstances to be verified either by their Local Authority undertaking a home visit, or with written evidence from an independent source.

Following the home visit, the Housing Advisor will write to the applicant, confirming their level of points.

3.6 Renewing and Updating Applications

Each applicant will be sent a renewal form each year, in the anniversary month of their application. The renewal form needs to be completed in order for the application to remain live.

The applicant should sign that their circumstances haven't changed and are correct, or make appropriate amendments and confirm that they still wish to be included on the Housing Register. The form must then be returned to Housing Services and the application will be updated. If there are significant changes to the application, a home visit may be arranged.

If no response is received to the renewal request then the application will be cancelled and a letter will be sent to the applicant to confirm that their application has been cancelled.

If an applicant's circumstances change, they should not wait until renewal before advising the Council about any changes. If the applicant has failed to advise the Council of significant changes in their circumstances, this may affect their points level and eligibility for nomination to a Housing Association.

Applicants' points may change, either increasing or reducing, as their circumstances change. Points for bedroom shortage will increase on the birth of a child and will reduce if additional space becomes available to the applicant. Health and welfare points, as well as all other categories, may be reduced or withdrawn if they are no longer valid.

3.7 Applicant's Choices

Statement on choice

Applicants may choose as many areas as they wish for their re-housing and should be encouraged to make informed choices using information about the number, sizes and types of affordable homes and recent turnover statistics. The more flexible applicants are in their choices, the sooner they

are likely to be offered accommodation. Applicants may also be as restrictive as they wish in their choices, provided that they understand that this will limit their opportunities for re-housing and is likely to result in a long wait. Information to help applicants make realistic choices will be contained in the newsletter, "Homepage".

The Council will promote choice within its Lettings Policy as follows:

- Each applicant may select any number or all of the parishes in the District where they would like to be housed

- Homeless households in priority need to whom the Council has a duty to secure permanent housing are required to select a town and the surrounding rural area in which they wish to be housed. However due to the acute shortage of housing in the District homeless households will be expected to accept a final offer of accommodation in the locality of their first choice for re-housing as identified in the Table in paragraph 2.4.

- Additional choice may be available to applicants expressing an interest in areas/ properties where a local lettings policy or separate social housing agreement is in place. All schemes which are subject to a Local Lettings Policy will be identified in the Council's Newsletter "Home Page"

3.8 Community Safety and Social Inclusion

It is important to balance the needs of the individual applicant with the needs and rights of neighbours and the local community. The Council will work closely with other organisations including Social Services, Probation, Health and voluntary agencies in order to minimise any risks to, and from applicants. It is particularly important to consider that applicants, who are seen as "high risk" by neighbours or members of the community, may in fact be more at risk of being the victim rather than the perpetrator of nuisance, harassment or other antisocial behaviour.

Stable accommodation can play a significant role in minimising the risks of an individual offending, or of their mental or physical health deteriorating. It also facilitates the provision of care and support for vulnerable people. In order to promote community safety and to promote the well-being of vulnerable and socially excluded applicants, additional priority under health or social criteria may be awarded when applicants are leaving institutional or therapeutic care.

Examples of this include:

Young people who have been looked after by Social Services;

People leaving long term hospital care;

People leaving prison or a probation hostel;

People leaving drug or alcohol rehabilitation.

3.9 Suspending Applicants – unsuitable behaviour

Where the Council decides that an applicant's or a member of their household's behaviour is not so serious as to make them unsuitable to be a tenant (see section 2.3 above), the Council may accept the application but suspend the applicant from the Housing Register in the following circumstances:

they owe rent arrears, or Housing Benefit overpayments, to the Council or a Housing Association (RSL) (see further section 3.10 below)

they have failed to make their contribution to bed and breakfast or

other temporary accommodation costs;

they have other housing related debts (including rechargeable repairs)

to a social landlord or to the Council;

they have deliberately worsened their living conditions or relinquished reasonable accommodation in an attempt to increase their priority for housing;

they are in breach of their tenancy conditions;

they have threatened, abused or assaulted a member of staff (this includes Council and Housing Association employees) *they are guilty of proven anti-social behaviour.

In cases of minor housing related debts, the period of suspension will only be enforced if the applicant is persistently in arrears. If the housing related debts are large, the applicant will be expected to keep to a repayment schedule and/or to maintain a debt free period after repayment of the debt, before their application is reactivated. If a satisfactory payment plan has been reached and there is evidence that the debt is being repaid then the suspension will be lifted.

The period of suspension following repayment of housing related debts, or for breach of tenancy conditions or unsuitable behaviour, will be decided by the Housing Advice Manager, where appropriate in consultation with the applicant's current or former landlord. No priority under the criterion of time waiting on the Housing Register will be valid during the period of suspension.

3.10 Rent Arrears

Applicants who owe rent or other housing related debts to a local authority or Housing Association will be expected to repay these, or demonstrate that they are making regular repayments of the debt before they will be considered for a nomination to a Housing Association.

In cases where Homeless Households in the Council's temporary accommodation are in arrears with their rent and/or other housing related debts and these have been serious and/or persistent, then the applicant may be asked to maintain a debt free period before any offer will be made. If an agreement cannot be reached within 2 months of a homeless household falling into rent arrears then legal proceedings may be commenced. In addition a homeless household with persistent rent arrears may have their application suspended and will not receive time in temporary accommodation points under category 4 (f) of the Points Scheme.

3.11 Cancelling Applications

Applicants may ask for their application to be cancelled at any time.

Applications will also be cancelled in the following circumstances:

- no response is received to a reminder for renewal;
- the applicant accepts an offer of accommodation;
- contact with the applicant is lost;
- the applicant ceases to be eligible to remain on the Housing Register.

Unless the Council has been informed that the applicant no longer lives at the address on their housing application, and no other contact address is known, written confirmation of cancellation will be held in the office.

3.12 Reinstating Applications

Applications may be reinstated in cases where they have been cancelled because contact with the applicant has been lost, if the applicant can provide genuine and valid reasons to justify this. However, this will normally only apply within six months of cancellation. Reinstated applications will retain "length of time on the Housing Register" points.

Applicants will be advised at the time of their initial application, and on each renewal, of the importance of keeping their application details up to date. If applicants fail to advise the Council of a change of address and contact is lost, it may be necessary for them to reapply as a new applicant.

3.13 Allocating Applicants for Tenancies

When a vacancy occurs, a shortlist of applicants wishing to be considered for properties in the area concerned and eligible for that size and type of property available will be generated from the Housing Register database.

Applicants with the highest points award for that type and size of property will be considered. Where more than one applicant has the same points award, the applicant who has waited longest on the Housing Register will normally have priority. In the case of two applicants having the same level of points if one of the applicants is a tenant of a Housing Association their application will be given priority over another applicant as their property will be available to

another applicant on the Register. This will only be on the basis that the Housing Association agrees that the property will be available for the Council to nominate another household from its Housing Register to the resultant vacancy.

Properties which are adapted for a disabled tenant will normally be reserved for applicants needing the adaptations.

3.14 Making a Nomination

a) Rented Homes

The Council no longer owns any housing itself and the only way it can discharge its allocation policy is through nomination agreements with Housing Associations.

One nomination will be made for each vacancy for rented housing. Housing staff from the Council will advise the relevant Housing Association about the nominated applicant and will advise the applicant that they have been put forward to the Housing Association.

Housing Associations have the right to reject a nomination on the following grounds:-

- The nominee would be unsuitable as a tenant due to a history of anti-social behaviour including a persistent refusal to pay rent
- The nomination would be in breach of Schedule 1 of the 1996 Housing Act where it is illegal for a housing association to provide housing to staff or Board Members or any relative thereof
- The nomination would be in conflict with their charitable status

If a Housing Association refuses the nominated applicant, the reasons for the refusal must be given in writing to the Council and the applicant, and must be valid and recorded on the applicant's file. The applicant will be informed of the decision and the reasons for the decision. Housing Associations will be encouraged to give applicants the right of appeal against their decision to reject their nomination.

b) Shared Ownership

Applicants will need to apply directly to the Zone agent "home2own". Application forms can be completed on-line at www.home2own.org.uk or a form can be requested by telephoning the Zone agent on 0800 975 1915.

3.15 Applicant's Refusal

If an applicant refuses an offer of accommodation, the reasons for the refusal should be recorded on the applicant's file. These will, wherever possible, be taken into account when making further offers.

Applicants are advised that they cannot be guaranteed a nomination to a particular property which they know or believe will soon become available, or that their next offer will more closely match their ideal.

3.16 Review of Decisions

Applicants may ask for any decision about their housing application to be reviewed.

Applicants will be advised of their right to a review of decisions about their housing application when notified of the decision. They must make a request for a review in writing, within 21 calendar days of their notification of the decision they wish to have reviewed.

The applicant should specify what decision they wish to be reviewed, the reason why they wish it to be reviewed and provide any additional evidence to support their case.

The review should be undertaken within 21 days, by a senior officer who was not involved in the original decision. The applicant must be advised in writing of the outcome of the review. If there is likely to be a delay in completing the review, the applicant must be advised of this in writing, with the reasons for the delay and the expected completion date of the review.

Applicants cannot request a formal review of a decision about allocations or nominations. This is because it is unreasonable to delay nominations and allocations in case of appeal and because the reasons for a particular applicant receiving a nomination or allocation

cannot be explained to another applicant without breaching confidentiality. However applicants may ask a senior officer to review a nomination or allocation and check that it was made in accordance with the Housing Allocations Policy.

Allegations that an applicant has obtained a nomination, allocation or tenancy through false information will be investigated if there is evidence to do so.

3.17 Complaints Procedure

The Council has a complaints procedure which can be used by any housing applicant, or other customer of Council services, if they feel that they have not been treated satisfactorily. The following is the link to the Council's corporate complaints policy. A hard copy is available upon request. www.southhams.gov.uk/council/SuggestionsComplaints.htm

4 General Information

4.1 Supported Housing

Applicants needing supported housing will in many cases have a restricted choice of housing opportunities. This is because for most client groups there is not the range or supply of supported accommodation which can meet all needs and preferences.

No limit on the number of offers will apply for applicants moving to sheltered accommodation for older people. In order to be considered for sheltered housing older people will have to be in need of support.

When an applicant lacks independence skills, or would be a risk to themselves and/or others in a mainstream tenancy, it is important that they should receive sufficient tenancy support, be placed in supported accommodation suitable to their needs, or referred for specialist care. In cases where support will be provided in a mainstream tenancy, or where additional support to that provided in a specialist project is required, it is essential that suitable care and support packages are agreed and funding available before a tenancy is offered.

4.2 Under Occupation

The Council will seek to reduce under occupation in affordable rented housing, by encouraging tenants in this situation to transfer to smaller accommodation. Housing staff will also promote opportunities for tenants to receive assistance and incentives for under occupation transfers.

4.3 Dangerous Offenders

Special arrangements apply in cases where a housing applicant is considered by the Multi-Agency Public Protection Panel (MAPPP). It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained.

This may also apply to individuals who are considered to pose a high risk to themselves and/or others, who have not been convicted of an offence.

4.4 Local Lettings Policies

Housing Associations may, in exceptional circumstances, agree local lettings policies with the Council. The need for Local Lettings policies will be identified in the Council's Housing Strategy. They are likely to apply for supported housing but can be agreed, on an exceptional basis, for family housing schemes.

Local letting policies may be used to address social problems or to promote balanced and sustainable communities. Local lettings policies should only be applied after consultation with relevant stakeholders (for example, parish or town councils, the police, social services and other relevant statutory and voluntary agencies and local residents in the area of the proposed local lettings policy).

There must be evidence that a local lettings policy is needed, that its use is supported by the local community and that it is likely to address the problems identified. Local lettings policies will be reviewed regularly.

4.5 Additional Criteria for Rural Exception Site Properties

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a strong local connection have first priority for nomination to the properties.

Applicants must be on the Housing Register before they can be nominated for exception site or restricted properties. This means that they must meet the normal eligibility criteria for joining the Housing Register as well as having a strong local connection with the parish where the homes with restrictions apply.

The following criteria will be used to define local connection with respect to rural exception site properties:

Local Connection

- Applicant to have lived in the parish for a minimum of 12 months;
- Applicant previously lived in parish for 3 out of the last 5 years or 7 out of the last 20 years;
- Applicant's parent or child to be currently resident in the parish, and to have at least 10 years' continuous residence;
- Applicant has worked full time for 2 years in the parish, or equivalent in part time (this may include voluntary work), and there is evidence of continuing commitment to work in the parish.

If there are insufficient applicants meeting these criteria, applicants meeting the local connection criteria for the immediately neighbouring rural parishes will be considered.

If there are insufficient applicants meeting these criteria, applicants may be considered whose local connection is with any parish in the District.

4.6 Home Owners

People who own a home will usually be expected to use it, or to sell it and buy or rent privately another property which meets their needs. However, in some circumstances, for example if the equity would be insufficient to allow the applicant to purchase another suitable home, they would be eligible to join the Housing Register. This applies to shared owners as well as freeholders and long leaseholders.

In some cases, applicants may be able to join the Housing Register and be nominated for a Housing Association tenancy, if they agree to sell their current property to a Housing Association at a price within Housing Corporation limits for acquisitions.

Applicants who inherit a property or a legacy enabling them to purchase a suitable home, will no longer be eligible to join or remain on the Housing Register. Similarly, applicants who succeed to a tenancy with a Housing Association landlord will no longer be considered to be in housing need if the property matches their housing need.

4.7 Tied Tenants

Applications from employers under the Rent (Agriculture) Act 1976 for the re-housing of agricultural workers in tied accommodation will be referred to the

Agricultural Dwelling Housing Advisory Committee and upon confirmation of the agricultural need and urgency, then the Council will accept responsibility for re-housing the tenant.

4.8 Reciprocal Nominations

In appropriate cases, the Council may agree a reciprocal nomination with another Council or Housing Association. Reciprocal arrangements are used if it is inappropriate or impossible to use HOMES or Homeswap and a tenant has an urgent and important need to move to another area. In return for accepting a tenant or applicant from another area a landlord will, in turn, nominate another tenant or applicant to the referring landlord. Reciprocal arrangements are made on a voluntary and ad hoc basis. They are rarely used, but can be a useful means of resolving difficult housing situations.

4.9 Mutual Exchanges for Housing Association Tenants

Tenants of social landlords can move by exchanging their properties. Secure tenants have a statutory right to mutually exchange with their landlord's consent; assured tenants usually have the same contractual right. A mutual exchange does not usually create a new tenancy for either party, but represents an assignment of existing tenancies.

Consent to exchange can only be withheld on certain limited grounds, for example, if the proposed assignee is subject to a Possession Order, or Notice of Seeking Possession, if the accommodation is substantially larger or smaller than that required, or if the accommodation is not suitable for the needs of the assignee.

Contact address and telephone number

Housing Advice
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

Tel: 01803 861234

Fax: 01803 861479

Website: www.southhams@gov.uk

e mail: housing.advice@southhams.gov.uk

All our publications are available in alternative formats, such as large print or a language other than English. Please contact us on 01803 861234 or e-mail customer.services@southhams.gov.uk.

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