

# Milton Keynes Council Housing Allocation Scheme

June 2022



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## 1.0. Introduction

- 1.1. This Scheme explains how people can apply for an allocation of social rented housing, to Milton Keynes Council (the “**Local Authority**”). It describes:
  - A. eligibility and qualification criteria to join the Scheme,
  - B. the extent of choice Applicants will be offered when an allocation is being made,
  - C. Applicants that are entitled to an additional preference for an allocation
  - D. how priority between Applicants will be determined when an allocation is being made
  - E. and the arrangements for nominating Applicants for some homes owned by private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area
- 1.2. The Local Authority will allocate social rented housing to people whose housing needs cannot be met by the general housing market, in a fair, transparent and effective way, that prioritises Applicants who are most in need and makes best use of the homes available to let.
- 1.3. The Local Authority will allocate social rented housing to:
  - A. persons (“**Applicants**”) applying to become a social housing tenant, for both general needs and supported housing (including housing for older persons), let at affordable rent and social rent rates.
  - B. secure/assured Local Authority tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.
- 1.3. Throughout this document a reference to the “**Local Authority**” means Milton Keynes Council.
- 1.4. Registered Providers publish their own rules and policies about how they will allocate social rented housing. Copies of such documents are available directly from Registered Providers. The Local Authority holds copies of housing allocation rules and policies, for Registered Providers that own or manage stock in the Local Authority area (See Appendix A for a list of Registered Providers who own or manage stock in the Local Authority area).
- 1.5. People who make an application to the Local Authority for an allocation of social rented housing, are also entitled to make separate additional applications for housing directly to any Registered Provider, where their own housing allocation rules and policies allow this.
- 1.6. The Local Authority will carry out appropriate checks on an Applicant’s eligibility to be allocated social rented housing but will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. The Local Authority will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. The Local Authority will train its

employees about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority shall ensure that language and interpretation support is available for Applicants who have difficulty reading or speaking English.

- 1.7 This Scheme does not apply to tenants that need to be decanted from their homes on a permanent basis because of redevelopment or regeneration. Each redevelopment/regeneration scheme will be subject to consultation, equalities impact assessment and approval by Cabinet.

## **2.0. Allocation of social rented housing**

- 2.1. An “**allocation**” is defined as occurring when the Local Authority select an Applicant to be a secure or introductory tenant of social rented housing held by the Local Authority, or nominates a person to be an assured tenant (encompassing flexible and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions.
- 2.2. The Local Authority will accept applications from its current tenants, for transfers (“**Transfer Applicants**”) to alternative social rented housing available in the Local Authority area. Such Applicants have the right to:
  - A. Make applications.
  - B. Have their applications considered.
  - C. Be notified as to their rights to information and review.
  - D. Confidentiality of the fact of their application.
- 2.3. The Local Authority will initially treat Transfer Applicants in the same way as all other Applicants, except that there will no inquiries made about eligibility. Transfer Applicants will be prioritised in the same way as new Applicants (e.g. by housing need and then date of applying to join the scheme).
- 2.4. Transfer Applicants will be made an offer that ensures they do not inadvertently lose accrued rights and will be a tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy can be transferred to the new one when both properties are held by the Local Authority, subject to agreement as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new occupancy agreement).

## **3.0. Cases where provisions about allocations do not apply**

- 3.1. There will not have been an allocation in any of the following cases. The Local Authority and/or Registered Providers shall have their own rules and policies for these matters, which should be referenced for further details:
  - A. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g. a ‘family intervention tenancy’,

temporary accommodation provided to homeless households that are owed a duty of assistance, etc).

- B. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
- C. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
- D. The devolution of a fixed term secure tenancy on the death of a tenant.
- E. The assignment of a secure tenancy as part of a mutual exchange.
- F. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant's death.
- G. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
  - a. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
  - b. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce);
  - c. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
  - d. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
- H. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).
- I. A transfer initiated by a private registered provider of social housing of a secure or introductory tenancy (i.e. not initiated by an application for a transfer by the tenant).
- J. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
- K. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.
- L. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.
- M. The granting of a secure tenancy to a person who is already a secure tenant or an assured tenant of a private registered provider of social housing unless the person applies for a transfer and is entitled to a statutory reasonable preference.

- 3.2. The letting of a property and actual entry by an Applicant into a tenancy agreement for a particular property is beyond the scope of this Scheme. The Local Authority's Tenancy Policy determines how decisions are made about type of tenancy an applicant might be given [\[insert hyper-link\]](#). Each Registered Provider also has their own tenancy policy, copies of which can be requested from individual organisations.

#### **4.0. Eligibility and qualification**

- 4.1. The following classes of persons, subject to the satisfying a habitual residency test, will be eligible to join this Scheme:
- A. British citizens (constituting the nations of England, Scotland and Wales).
  - B. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
  - C. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
  - D. EEA Nationals (other than those from Ireland) and their family members, who
    - a. have acquired limited leave to enter and remain in the UK
    - b. were frontier working before 31 December 2020, or
    - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the "Grace Period statutory instrument"
  - E. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
  - F. Persons granted refugee status by the UK Government.
  - G. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
  - H. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
  - I. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
  - J. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
  - K. Persons who are habitually resident in the Common Travel Area, who have Calais leave to remain under the Immigration Rules
  - L. Persons who are habitually resident in the Common Travel Area and who have been granted leave to remain as a stateless person under Immigration Act 1971
  - M. Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person' of Northern Ireland by virtue of the Immigration Rules.
- 4.2. EEA Nationals means nationals of any of the EU member states, and nationals of Iceland, Norway, Liechtenstein and Switzerland.
- 4.3. Eligibility provisions do not apply to Applicants who are already secure or fixed-term tenants (let at social rent or affordable rent) of the Local Authority seeking to transfer.
- 4.4. Even when an Applicant is eligible for an allocation of social rented housing, only those who are habitually resident in the Common Travel Area will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law or

statutory guidance). If it is apparent that an Applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an Applicant is habitually resident:

- A. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands.
- B. The association between a person and their place of residence.
- C. Why a person has come to live in the UK
- D. Whether a person is joining family or friends in the UK
- E. Whether a person has accumulated a continuous period of residence prior to making their application.
- F. The length of residence in another country
- G. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
- H. A person's future intentions, employment prospects and centre of interest
- I. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

4.5. Applicants who are subject to immigration control or are an ineligible person from abroad will not be eligible for an allocation of social rented housing. The following classes of person will not be eligible to join the Scheme:

- A. Persons not habitually resident in the Common Travel Area
- B. EEA nationals whose only right to reside in the UK is:
  - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker)
  - b. An initial right of residence for 3 months.
  - c. Derivative right of residence because the person is the primary carer of a British citizen.
  - d. Right to reside as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
- C. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
- D. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

4.6. Where there is any uncertainty about an Applicant's immigration status, the Local Authority shall contact the Home Office. Before doing so, Applicants will be advised that such inquiries will be made in order to comply with data protection legislation. Confirmation of the immigration status of an Applicant from abroad will be obtained, where necessary, from the Home Office by emailing [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

- 4.7. The Local Authority is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. The Local Authority will only perform checks on the eligibility of any Applicant, as per this section of this Scheme.
- 4.8. To qualify to join the Scheme, any of the following circumstances must be relevant to an Applicant or a member of their household:
- A. Homeless, as defined by the Housing Act 1996, Part 7 (as amended):
    - a. section 175 (regardless of whether an Applicant for homelessness assistance has been made) and including those owed the section 189B initial duty, owed to all eligible persons who are homeless.
  - B. Owed a homelessness duty under Housing Act 1996, Part 7 (as amended):
    - a. section 190 duty, owed to all eligible persons who are intentionally homeless and having a priority need for accommodation,
    - b. section 193 duty owed to all eligible persons who are not intentionally homeless and having a priority need for accommodation,
    - c. section 195 duty owed to all eligible persons who are threatened with homelessness.
  - C. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory living conditions:
    - a. Lacking a bathroom or kitchen, inside WC, cold or hot water supplies, electricity, gas or adequate heating
    - b. Overcrowded against the UK Government's Bedroom Standard, which allows a separate bedroom each for:
      - a. A married couple, cohabiting couple or single parent
      - b. Adult aged 21 years or more
      - c. Pair of adolescents aged 10-20 years
      - d. Pair of children aged under 10 years regardless of gender
      - e. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
      - f. An unpaired adolescent aged under 21 years
    - c. Property in disrepair
    - d. Under-occupying social rented housing
    - e. Need to move because their home is being demolished as part of an Estate Regeneration Scheme.
  - D. Needing to move due to current accommodation having an adverse impact on medical condition or welfare needs (including those relating to a disability):
    - a. A mental illness,
    - b. including former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
    - c. A physical or learning disability of any member of the Applicant's household.
    - d. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
    - e. Frailty due to old age.
    - f. The need to give or receive care. (e.g. the Applicant will be entitled to receive Carer's Allowance and they will either be moving nearer to the person whom they shall provide care to, or the person who receives care will be moving nearer to the applicant.
    - g. Victims of domestic abuse.

- h. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
- i. A restricted ability to fend for self.
- j. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
- k. Young adults at risk of financial and/or sexual exploitation
- l. People with behavioural difficulties.
- m. Need adapted housing and/or extra facilities, bedroom or bathroom.
- n. Need improved heating, due to an applicants' current dwelling having ineffective insulation or inefficient heating, or the dwelling being a Category 1 hazard under the Health and Housing Safety Ratings System due to in being excessively cold.
- o. Need sheltered housing.
- p. Need ground floor accommodation.
- q. Need to be near friends/relatives or medical/social care facilities. To qualify the Applicant would be entitled to a Carer's Allowance, or someone is entitled to a Carer's Allowance to look after the Applicant, or the Applicant is entitled to assistance under the Care Act 2014.
- r. Need to move following hospitalisation or long-term care.
- s. Moving on from drug or alcohol recovery programme.
- t. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
- u. Current accommodation is unaffordable and as a result the applicant (and/or their usual household members) being unable to afford any one of the following:
  - 1. housing costs (including rental charge and any service charge)
  - 2. reasonable living expenses, equal to Universal Credit standard allowances).
  - 3. relevant expenditure to nurture and keep safe any child that lives in the household
  - 4. any priority debts
- E. Needing to move to a particular locality in the local authority area, where failure to meet that need would cause hardship by remaining in current accommodation (to themselves or others):
  - a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such has harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Access specialised medical treatment.
  - f. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work.
- F. Members of the Armed and Reserve Forces, such as:
  - a. Former members of the Regular Armed Forces
  - b. Serving members of the Regular Armed forces 6 months prior to discharge.

- c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (including a mental ill health condition) which is wholly or partially attributable to their service
- d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service
- G. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.

- 4.9. Applicants that satisfy the above qualifying conditions, will be disqualified if any of the following criteria, set out from section 4.11. to 4.21 inclusive, are applicable to them or their circumstances.
- 4.10. Applicants who have been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.
- 4.11. Applicants' incapable of holding a tenancy agreement, which extends to:
- A. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An exemption will apply to an Applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), where a tenancy can be granted to a third party (e.g. an adult relative or friend or social worker, etc), 'a trustee', and held on trust for the child until they reach the age of 18 years. An exemption will also apply if there is a person aged 18 years or over who is willing to enter into a joint tenancy agreement with a child.
  - B. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is leaving the care of the Local Authority, full regard will be made to any protocol agreed between the Local Authority's Children Services and Housing Services for rehousing care leavers. Former care leavers aged 18 years or older fall outside the scope of this section, determination as to whether they qualify will be based on any or all relevant factors in the entirety of section 3.2.0
  - C. Persons lacking mental capacity as defined in the Mental Capacity Act 2005.
- 4.12. Applicants, or a member of their household guilty of past unacceptable behaviour of a specified standard that makes them unsuitable to be a tenant of the Local Authority (or a Registered Provider it makes a nomination to). Only behaviour that would be serious enough that a county court judge could make an outright order for the Local Authority to obtain possession, had the Applicant been a tenant at the time the unacceptable behaviour was carried out, will be considered as unacceptable behaviour. The meaning of unacceptable behaviour for the purpose of this Scheme will encompass a past action or activity (including an omission, failure to act, passivity or inactivity) on the part of an Applicant or a present or past member of their household. Applicants will be considered unsuitable to be a tenant if there has been no improvement in their behaviour since the date when the unsuitable behaviour occurred, to the date when a decision is made about their application and/or when an allocation of social rented housing is due to be made. The Local Authority will not take account of any behaviour

relating to a spent conviction under the Rehabilitation of Offenders Act 1974, section 4(1). Unacceptable behaviour is defined as:

- A. Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.
- B. Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions
- C. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
- D. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
- E. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
- F. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
- G. Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to access to be allocated social rented housing or sub-letting of social housing by current tenants.
- H. Within the past [timescale to be determined, e.g. 12-months], having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an Applicant being responsible for:
  - a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority
  - b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
  - c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the Applicant, which resulted in them leaving and being unlikely to return the property.
  - d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
  - e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance

where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.

- f. Being granted a tenancy as a result of deliberately making a false statement, made by themselves or another person at their prompting.

4.13. Applicants or a member of their household who has outstanding liabilities (such as rent or service charge arrears, or recharges) attributable to a tenancy which are more than 2/12th of the annual amount payable (or which was payable) by an Applicant to a landlord in respect of a tenancy. When determining a realistic repayment agreement, there will be an emphasis on an Applicant's willingness to address the debt and to come to an agreement to do so. Any agreement will be based on the affordability of an Applicant, rather than the level of debt. Efforts will be made to take into consideration why the arrears have arisen. The urgency of an Applicant's housing need will also be of paramount importance. For the purpose of this Procedure, outstanding rent arrears or debts which fall within the following categories will be disregarded:

- A. Any outstanding liability (such as rent arrears) attributable to a tenancy of which the Applicant (or a member of their household) is not, and was not when the liability accrued, the tenant.
- B. Any rent or other liability which is outstanding, but where the amount outstanding is less than 1/12<sup>th</sup> of the annual amount payable (or which was payable) to a landlord in respect of a tenancy, or the Applicant has both (i) agreed payments with a landlord for paying the outstanding liability, and (ii) made payments in line with that arrangement for at least three months and is continuing to make such payments.
- C. Any outstanding liability of an Applicant or anyone who will live with them, which does not relate to the tenancy of a property.
- D. Any outstanding liability that has been declared unenforceable or statute barred (e.g. any debts that can no longer be recovered through court action). For rent arrears this will be after six years. (Debts which are subject to court action before the unenforceable period begin will not become statute barred).

4.14. Applicants or a member of their household who have been found to have breached any of the following tenancy conditions, within the past two years, regardless of tenure:

- A. Purposely failing to report repairs.
- B. Failing to allow contractors to enter the property to carry out maintenance.
- C. Running a business from the property without permission from the landlord.
- D. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.

4.15. Applicants or a member of their household who do not have a minimum of three years continuous connection to the area (at the date of application), due to any of the following factors (exemptions apply to Applicants who are survivors of domestic abuse and Armed Forces personnel):

- A. Residence - a connection is established by being normally resident within the Local Authority area, by their own choice for a minimum period of three years. Being normally resident includes permanent housing but also includes anyone who has nowhere to live, occupying interim accommodation provided under the Local Authority's homelessness duties, community care duties, or other duties. Persons who have been detained in the

Local Authority (e.g. in prison or hospital) will not be able to establish a local connection as this does not constitute a choice of being resident in the area. Nor will former asylum seekers who were previously accommodated under Immigration and Asylum Act 1999, section 98 (temporary support) or section 4 (hard cases support), or former asylum seekers previously accommodated under the Asylum Seekers (interim Provisions) Regulations). Exemptions to residence conditions will apply to:

- a. homeless households and care leavers owed a duty by the Local Authority placed outside the local authority area.
  - b. Transfer Applicants under-occupying and wishing to downsize to a smaller home.
- B. Employment – a connection established by employment of no less than three years duration (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a fixed-term contract), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work that is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. An exemption will apply for Applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the Local Authority will consider evidence (the following list is not exhaustive, and the Local Authority will consider any other appropriate factors and local circumstances):
- a. The distance and/or time taken to travel between work and home.
  - b. The availability and affordability of transport, taking account the level of earnings.
  - c. The nature of the work and whether similar opportunities are available closer to home.
  - d. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place.
  - e. The length of the work contract.
  - f. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship.
  - g. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment.
  - h. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
    - i. a contract of employment,
    - ii. wages/salary slips or bank statements in cases of zero hours contracts,
    - iii. proof of receipt of tax and benefit information,
    - iv. a formal offer letter.
- C. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Local Authority for a minimum period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Local Authority area, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.

- D. Other special reason – Applicants who need to be near special medical or support services which are only available in the Local Authority area will be exempt from local connection requirements.
- E. Care leavers – Applicants aged 18-21 years (or up to 25 years old if they are pursuing a programme of education agreed in their pathway plan), who are owed a duty under Children Act 1989, section 23C, by the Local Authority will be deemed to have a local connection to the Local Authority area.

- 4.16. Applicants or a member of their household who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home (disregards apply to Applicants who have survived domestic abuse). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:
- A. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
  - B. Where the property has not been let, but the owner cannot secure entry to the property, for example due to it not being safe to enter the property due to severe structural faults, or there are squatters living in the property.
  - C. Where it is probable that occupying the property will lead to abuse from someone living in the property.
  - D. Where it is probable that occupying the property will lead to abuse from someone who previously resided with the Applicant whether in that property or elsewhere.
  - E. Where the Local Authority has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an Applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an Applicant is in negative equity). The Applicant or a member of their household does not have the financial resources in respect of the value or sale of the property as set out in 4.17. below.
- 4.17. Applicants or a member of their household with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel).
- 4.18. The Council considers that where an applicant household has sufficient financial resource to either purchase or privately rent accommodation within Milton Keynes, they will not qualify to join the housing register. Therefore, the applicant household must not have income or savings and assets above the thresholds which are set annually. These income limits have considered the average market rent in Milton Keynes. The amounts permitted reflect gross household income, including adult children aged 18 and over that are included as part of the application.

Table 1:

Size	Income Threshold
1 bedroom	£33,000
2 bedrooms	£42,250
3 bedrooms	£52,000
4+ bedrooms	£64,200

- 4.19. Applicants whose qualification would solely derive from a household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to public funds, will not qualify to join the Scheme.
- 4.20. Applicants who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied.
- 4.21. Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing [DIORDAccn-LOETeam@mod.gov.uk](mailto:DIORDAccn-LOETeam@mod.gov.uk) with any queries about the status of such Applicants). The following Applicants who are members of the Armed Forces community are exempt from local connection
- A. Applicants who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the five preceding years of their application, and their spouses.
  - B. Applicants who are a bereaved spouse or civil partner, of a person who was serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation.
  - C. Applicants who are serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their Service.
  - D. Applicants who are divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
  - E. Applicants who are adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

## **5.0. Applications**

- 5.1. Information and advice will be made available in writing via website of the Local Authority and in-print where an Applicant is unable to access the website. Information and advice will also be provided orally via the telephone or videotelephone, or when an Applicant is unable to communicate via this media, in-person either at an office of the Local Authority or at their home or other appropriate location when they are unable attend an office of the Local Authority. The Local Authority will consider requests for information in translated and alternative formats (e.g. Braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective Applicants (e.g. the housebound, prisoners, gypsies and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice.

- 5.2 The Local Authority will provide any person, regardless of whether or not they intend to make an application to this Scheme, information about:
- A. The social housing in its area.
  - B. Rights to make an application for an allocation of social rented housing
  - C. The rules associated with initial consideration of an Applicant's application to join this Scheme, plus the treatment of any nomination for social rented housing made by the Local Authority to a Registered Provider.
  - D. Potential stock availability.
  - E. Eligibility, qualification and prioritisation criterion for joining the Scheme and being offered an allocation of social rented housing by the Local Authority and being offered a nomination of social rented housing.
- 5.3. The Local Authority will provide the following information whenever any dwelling is made available by the Local Authority or Registered Providers:
- A. Type (e.g. house, flat, bungalow, etc), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by electoral ward).
  - B. Whether it is already accessible for people with disabilities or could be adapted to be so.
  - C. Whether there is access to a shared or private garden.
  - D. The year the property was built, if available.
  - E. An indication of how frequently it is likely to become available.
  - F. An indication of the cost of running it e.g. the likely Council Tax valuation, typical charges paid for utilities, copy of an Energy Performance Certificate, etc.
- 5.4. The Local Authority will freely help Applicants who are likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join the Scheme. This assistance will include (this list is not intended to be exhaustive):
- A. Completing any form that might exist.
  - B. Explaining what evidence might be required for the Local Authority to determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment.
  - C. Explaining what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment.
  - D. Explain what evidence might be required to help determine the type of property that should be allocated and help collect this evidence for assessment.
  - E. Express a preference of the location of the social rented housing they might be allocated.
- 5.5. The Local Authority will provide Applicants with the following general information accompanied by a free summary of this Scheme:
- A. How their application is likely to be treated.
  - B. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible
  - C. Whether or not they qualify to join the Scheme and, where not, the reasons for being disqualified.
  - D. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have.
  - E. The method that will be used in assessing their needs.
  - F. The number of other Applicants with equal or greater priority.

- G. An assessment of the likely time that they will have to wait to receive an offer by reference to average waiting time or the number of allocations of similar properties, based on data available for the most recent 12-month period.
- H. Any facts about the Applicant's case which have been or will be taken account of when making decisions.
- I. The right to request a review of any decision that they are not eligible and/or do not qualify to join the Scheme, or concerning an allocation or nomination of social rented housing.
- J. Any review decision, along with the grounds for that decision in a written acknowledgement.
- K. The right to seek a judicial review on any point of law where this Scheme (or the administration of it) is irrational, illegal, or fails to follow public law procedural requirements.

5.6. The Local Authority is subject to the Equality Act 2010 which has been duly considered when formulating this Scheme. A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from its website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. To ensure compliance with public sector equality duties, the following arrangements will be made by the Local Authority and/or Registered Providers for each individual Applicant with a relevant protected characteristic, such as persons who have a disability:

- A. Assistance to make an application, including exercising any choice they might be entitled to.
- B. Via a specific question at the application stage, to identify the housing needs.
- C. Provide information on a property's accessible features.
- D. At the stage of offer or nomination, to allow extra time, (of a duration relevant to the circumstances of any given case) to determine whether or not to accept an offer.

5.7. The Local Authority will maintain a list of suitable homes for disabled people with access needs, to avoid potentially disadvantaging Applicants who might require a home with such features.

5.8. The Local Authority will advise Applicants that equalities information will be collected, to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against because of the way this Scheme has been framed, or during the administration of it. Applicants will be informed as to how such data will be used, handled and stored.

5.9 The Local Authority is subject to the information disclosure requirements of the Data Protection Act 2018. The administration of this Scheme will ensure compliance with this legislation. For further information please reference the Local Authority's *Data Protection Policy* <https://www.local.gov.uk/about/who-we-are-and-what-we-do/our-policies-and-procedures/lga-data-protection-policy> Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner if they believe the Local Authority

has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 1998.

- 5.10. Applicants have the right to confidentiality. An application will not be divulged to any other party without an Applicant's consent, unless it gives rise to a safeguarding concern. Applicants will be asked to give consent to share relevant details of their application with relevant third-party organisations, such as public authorities, Registered Providers, voluntary organisations and others. Where consent is given, this only extends to those who can provide evidence that can help to determine an application and/or who need to know to process an allocation (e.g., employees of health, social care, criminal justice, social housing organisations, etc). For further information, please refer to the Local Authority's *Information Sharing Protocol* <https://www.gov.uk/government/publications/data-sharing-guidance-for-local-authorities/local-authority-data-sharing-guide>
- 5.11. Applicants will be provided with a user account that they will be able to securely log into via the Scheme website. The Local Authority will primarily communicate with Applicants via their user account, to provide them with information and advice, give assistance, issue warnings about fraud, seek further evidence or clarify matters relating to evidence already submitted, make notifications as whether someone is eligible and qualifies to join the Scheme, make an offer of an allocation, confirm whether an Applicant wishes to accept an offer of an allocation and other matters relating to their application. Whenever necessary, the Local Authority will also communicate with Applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when they are having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative method of communication
- 5.12. All applications must be made using the prescribed online Housing Assessment form published by the Local Authority. Whenever necessary, the Local Authority will also arrange for applications to be completed by other means such as when an Applicant is having difficulty completing the prescribed online form, this includes where a person with a protected characteristic need or asks for an alternative. Copies of the application form can be accessed from the Scheme website <https://www.gov.uk/apply-for-council-housing>. Applications can only be made by a sole individual, all other persons who might presently live with the Applicant can feature as usual household members. Multiple applications are not allowed. An Applicant may have only one active application with the Local Authority (but is entitled to have active applications with other local authorities and/or Registered Providers). Applications are welcomed from persons who live at two separate addresses, but who wish to live together at one single address, one person will have to feature as the Applicant (although an Applicant together with one or more other persons might be able enter into a joint tenancy with the Local Authority or a Registered Provider, subject to such an organisation's acquiescence), with the other person(s) featuring as a usual household member. Anyone who might usually reside with an Applicant, or who might reasonably be expected to reside with an Applicant, can feature as part of the application. A usual household member is a person who primarily (for at least 50% of a month) or exclusively lives with an Applicant. People who usually live with the Applicant, but are temporarily absent due to circumstances beyond their control (e.g., they are in prison, care of a local authority, hospital, armed forces, etc), are also considered a usual household member.

- 5.13. In addition to the application, the following documents (where available) must be submitted as evidence to verify the information provided by the main Applicant:
- A. Passport, to help determine eligibility to rent social housing in England.
  - B. A utility or Council Tax bill from the past three months, to help determine eligibility to rent social housing in England.
  - C. Birth certificate, to help determine qualification to join the Scheme.
  - D. Details of any relevant unspent convictions (see section 4.13), to help determine qualification to join the Scheme.
  - E. All financial records from the past three months relating to income and savings, to help determine qualification to join the Scheme.
  - F. All legal records relating to property ownership to help determine qualification to join the Scheme.
  - G. Any other information that helps to determine eligibility and/or qualification to join the Scheme.
- 5.14. A housing application will be removed from the Scheme in the following circumstances
- A. When the Applicant requests it
  - B. When the Applicant either becomes ineligible for housing or ceases to qualify for inclusion onto the Scheme
  - C. When the Applicant has been housed through the Scheme or in relation to those who are owed a homelessness duty, they have accepted an offer of suitable accommodation, which has resulted in the duty has been discharged
  - D. When the Applicant accepts an Assured Shorthold Tenancy
  - E. When the Applicant fails to maintain their housing application or they move home and fail to provide the Local Authority with the relevant contact details
  - F. When the Applicant fails to respond to a request for further information within the specified time
- 5.15 The Local Authority will receive applications from any person, regardless of where they currently reside, and this extends to persons of no fixed abode. Applicants will be required to renew their application annually, from the anniversary of being accepted to join the Scheme. Failure to renew an application will result in an application being closed and membership of the Scheme being discontinued. Applicants will have 21 days from receipt of this information to comply with the renewal request. Failure to comply will result in an Applicant being removed from the Scheme.
- 5.16 The Local Authority will aim to process applications within 33 working days, after an Applicant has submitted a completed application and supporting documents. Upon receipt of an application, the Local Authority will inform the Applicant of its complaints procedure and how they may seek the help of the Local Government & Social Care Ombudsman.
- 5.17 Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness will trigger inquiries as to what duty of assistance, if any, is owed under Housing Act 1996, Part 7 (as amended). Any information provided by an Applicant in support of their application to join the Scheme, or to determine the degree of priority they might be entitled when social rented housing is being allocated via

this Scheme, or what might constitute a reasonable offer under the Scheme, will be used, along with any other relevant evidence to determine what homelessness duty, if any, is owed by the Local Authority. Such inquiries and any subsequent assistance a person might be entitled to are outside the scope of this Scheme. The Local Authority has separate arrangements to administer public law homelessness duties. Contact details for which are as follows:

- A. Housing Allocations Team
- B. Milton Keynes Council, Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ
- C. [www.milton-keynes.gov.uk/housing](http://www.milton-keynes.gov.uk/housing)

- 5.18 The Housing Allocation Manager will be responsible for minimising the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form, plus any evidence supplied by an Applicant (e.g. proofs of identity, etc), or information gained from public bodies (e.g. prisons, young offender institutes, secure training centres, secure colleges, youth offending teams, probation services, DWP/Jobcentre Plus, social services authorities (adult social services and child social care), NHS Trusts and NHS Foundation Trusts, Ministry of Defence, general medical practitioners, schools, police, etc), Registered Providers, voluntary organisations, land registry and credit agencies and any other persons or organisation that might be able to provide or verify evidence relevant to a person's application.
- 5.19 Upon receiving an application, the Local Authority will:
- A. Confirm accuracy of all information provided by an Applicant. Where information is inaccurate or missing, the Local Authority will contact the Applicant notifying them of this and requesting that they provide further relevant information. Where information requires verifying by a third party (e.g., housing, health, social care or other professional), the Local Authority will contact the relevant party and seek their opinion about the Applicant's circumstances at the date of their application and how this affects their housing needs.
  - B. Confirm whether an Applicant is eligible for an allocation of social rented housing.
  - C. Confirm whether an Applicant satisfies the qualification criteria for this scheme:
    - a. If the Applicant has applied on the grounds of being homeless or owed a homelessness duty, ascertain whether or not the Applicant has already made an application of homelessness assistance.
    - b. If yes, subject to the Applicant's acquiescence, access the Local Authority's homelessness database for information relevant to the Applicant's application for an allocation of social rented housing.
    - c. If no, subject to the Applicant's acquiescence, arrange for the Applicant to make an application for homelessness assistance and share any information from the Applicant's application for an allocation of social rented housing that might be relevant to their application for homelessness assistance.
  - D. Confirm an Applicant's priority for an allocation.
  - E. Confirm the best interests of any children that might need to be taken account of.
  - F. Confirm whether an Applicant's circumstances warrant any discretion needing to be exercised.

- G. Confirm the degree of choice an Applicant is entitled to express a preference of up to three electoral wards they would prefer to be allocated housing, and the process if the Applicant refuses an offer of a property.
- H. Confirm what would constitute a reasonable offer of accommodation, also explaining
  - a. Affordability will be determined in accordance with the criteria set out in Appendix B.
  - b. Bedroom entitlement will be determined in accordance with the criteria set out in Appendix C
- I. Advise them of their right to request a review of any of the above matters.

- 5.20. The above steps will be repeated whenever the Applicant notifies the Local Authority of a change of circumstances and also at the point the Local Authority will make an offer or a nomination of social rented housing to an Applicant.
- 5.21. Decisions on applications will be notified in writing, regardless of whether they are adverse or successful. Additional arrangements will be made for Applicants who might have difficulty understanding the implications of the decision to be informed orally (e.g. via a telephone call or in person).
- 5.22. Where the notification confirms a successful decision, Applicants will also be told when realistically they might be offered a letting of social rented housing.
- 5.23. Unsuccessful Applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining the Scheme, can make a new application when they believe there has been a change of circumstances.
- 5.24. Where the notification confirms a decision that an Applicant is ineligible for an allocation of social rented housing or disqualified from joining the Scheme, the Applicant will be given reasons for the decision based on the relevant facts of the case. They will be informed that they can make a further application whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review. Copies of all adverse decisions will be made available for a reasonable period of time for collection by Applicants, or by someone on their behalf, at the main offices of the Local Authority.
- 5.25. Decisions about applications made by employees of the Local Authority, will be made as per the rules set out in this Scheme. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of the Local Authority. Where a person affirms on their application that they (or a usual household member) are an employee of the Local Authority, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by the Local Authority.

## **6.0. Reviews**

- 6.1. Applicants will be informed of their right to request a review, of any of the decisions shown below within 21 calendar days of receiving a decision about their housing application:
- A. That an Applicant is not eligible for an allocation, due to being subject to immigration control or being an ineligible person from abroad.
  - B. That an Applicant is not within a class of persons qualifying to join the Scheme.
  - C. The degree of preference an Applicant has been afforded under the Scheme, including any changes made to the degree of preference they are entitled to.
  - D. The facts of an Applicant's case which are likely to be, or have been, taken account of when deciding whether to make an allocation or a nomination to a Registered Provider, including their medical condition or other welfare needs.
  - E. The type of social rented housing for which an Applicant will be considered under the Scheme.
  - F. The extent of an Applicant's household.
  - G. Whether an allocation or a nomination constitutes a final offer with the terms of this Scheme.
- 6.2. The review will be a re-consideration of all the relevant facts and the legal requirements at the date the review is carried out. Upon receipt of a review request from an Applicant, the Local Authority will complete the review within eight weeks (56 days). This timeframe can be extended by mutual agreement between the Local Authority and the Applicant. The review will be carried out by the Deputy Allocations Manager or Allocations Manager, who will not have previously been involved in making the original decision. An Applicant will not usually be entitled to an oral hearing. However, when the Local Authority deem an oral hearing helpful to determine the facts of the case, an Applicant will be entitled to have an advocate present.
- 6.3. If the Local Authority concludes that there was a deficiency or irregularity in the original decision, or in the manner in which it was made, but is minded to decide against the interests of the Applicant anyway, the Local Authority shall notify the Applicant of their intentions and the reasons for them. The Applicant and/or their advocate may then, within a reasonable period of time, make oral and/or written representations to the Local Authority.
- 6.4. Notification of all review decisions, including reasons for decisions made, will be made in writing.
- 6.5. Applicants will be informed of their right to pursue a judicial review. This includes a refusal to take an application to join the Scheme. If Applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman or the Housing Ombudsman.

## **7.0. Making allocations**

- 7.1. All Applicants who are members of the Local Authority's previous Scheme, will have to reapply to join this Scheme.
- 7.2. An annual report will be published by the Local Authority about allocations made as a result of this Policy. This report will inform whether the purpose and principles set out in section one of this Procedure are being accomplished. The report will consider matters such as:
- A. Who was allocated social rented housing
    - a. characteristic (e.g., age, gender, household formation etc)
    - b. eligibility and ineligibility
    - c. qualification and disqualification
  - B. What social rented housing was allocated
    - a. number of bedrooms
    - b. property types
    - c. tenure type (e.g., affordable rent, social rent, supported, etc)
  - C. When was social rented housing allocated
    - a. waiting times by band
  - D. Where was social rented housing allocated
    - a. by electoral ward
    - b. by local authority area in comparison with other local authority areas that are members of the Scheme
  - E. With whom was social rented housing allocated
    - a. by registered provider
  - F. Why was social rented housing allocated
    - a. reasonable preference
    - b. victims of domestic abuse
    - c. armed forces veterans
    - d. local connection
    - e. right to move criteria
  - G. How was social rented housing allocated
    - a. direct let
    - b. final offer
    - c. as a result of a review decision
- 7.3 The Local Authority will inform Applicants of their entitlement to express a preference of up to three electoral wards they would prefer to be allocated housing and the process if the Applicant refuses an offer of a property.
- 7.4. The Local Authority will identify and support any Applicants who may have a difficulty in expressing a preference. Applicants will be encouraged to self-identify that they require support to express a preference. The Local Authority will use its own judgement on initial contact with an Applicant, based on whether they need assistance to complete an application. Applicants who are not expressing a preference will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to ensuring those who are homeless, have a disability or are from an ethnic minority group, are provided with any support they might need to express a preference.

- 7.5. Applicants are able to express a preference about the location of the property they would wish to be allocated by selecting up to three electoral ward areas when they complete their application to join the Scheme. However, this does not guarantee that they will be offered a property in any of their preferred areas.
- 7.6. Applicants are subject to a limit on the number of properties that would be reasonable for them to occupy, which they are entitled to refuse an offer of. Once an Applicant has exhausted the applicable refusal threshold, if the Applicant refuses a final suitable offer, they will be given reduced preference for a period of 12 months. The Local Authority will consider the circumstances of each refusal on a case-by-case basis and confirm with an Applicant they are refusing an offer prior to imposing a sanction. An Applicant who is homeless or owed a homelessness duty will have no entitlement to a refusal of a reasonable offer of accommodation.
- A. Band A – Applicants are entitled to one refusal of a reasonable offer of accommodation.
  - B. Band B – Applicants are entitled to two refusals of a reasonable offer of accommodation.
  - C. Band C – Applicants are entitled to two refusals of a reasonable offer of accommodation.
  - D. Band D – Applicants are entitled to two refusals of a reasonable offer of accommodation.
- 7.7. An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an Applicant, having had regard to the following matters at the date when the offer is made:
- A. Whether the Applicant and their household would be overcrowded or under-occupying.  
As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment
  - B. Affordability of the property when compared to the Applicants' income and expenditure, see Appendix B for the methodology that will followed to determine whether a property is affordable
  - C. Location of the property in regard to essential journeys the Applicant needs to make
  - D. Public sector equality duty in Equality Act 2010, section 149
  - E. When there is a child or children in the Applicant's household, the duty to safeguard and promote the welfare of children in the Children Act 2002, section 11
  - F. In respect of school-age children, the duty in the Human Rights Act 1989, that no person should be denied the right to an education (Notwithstanding this, an offer of accommodation might necessitate a child having to move school).
  - G. Space and arrangement of the property (e.g. whether the Applicant and usual household members could access the property and suitably move around inside and use all of its features, in particular taking account of any medical and/or physical needs).
  - H. The general condition of the property (e.g. that it is in a reasonable state of repair, there are suitable fire safety and carbon monoxide precautions and a current gas safety record, the property is free from damp and mould growth, there is reasonable hygiene, sanitation and water supply, etc).
  - I. The specific health needs of the Applicant or their usual household members
  - J. The proximity and accessibility of family support
  - K. The proximity and accessibility of medical facilities and other support services which are currently used by or provided to the Applicant or the usual family members that are essential to that persons' wellbeing

L. The proximity of alleged perpetrators or victims of domestic abuse, or other types of abuse or harassment

- 7.8. Instances when an Applicant who requires adaptations who is offered a property, that is subsequently deemed to be unable to be adapted, or where existing adaptation are not appropriate for an Applicant's needs, will not be deemed as a refusal.
- 7.9. The Local Authority will publish feedback on the outcomes of allocations made. Requests for this information to be provided in alternative formats will be considered on an individual basis.
- 7.10. Following an offer or nomination by the Local Authority, Applicants will be given a reasonable period to properly consider whether to accept it. Typically, this will 24 hours following a viewing, however, the personal circumstances of each Applicant, including those who are vulnerable Applicants, unfamiliar with the property being offered, in hospital, require a support worker to be present at the viewing, are working, or have childcare commitments will be given longer to consider the property offered. Any longer timescale will be based on the specific circumstances of an Applicant. The actual letting will be handled by the Local Authority [insert title landlord services division, e.g. tenancy and estate management service] or a registered provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the Applicant.
- 7.11. Applicants will not be offered an allocation that at the date and allocation or nomination is made, would result in them under-occupying the dwelling (as per the definition used by the Department of Work and Pensions to determine claims for help with housing costs), being overcrowded (as per the UK Government's Bedroom Standard) or being unable to forward housing costs (including rental charge and any service charges), reasonable living expenses equal to universal credit standard allowances, relevant expenditure to nurture and keep safe any child that lives in the household, and any priority debts. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered subject to an affordability assessment. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible. Properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet, will be offered to Applicants who have a medical need for such a dwelling over an Applicant who has no need for such accommodation. Any particular needs of elderly Applicants will be taken account of. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs when evidence, submitted by an Applicant, requires clarification either on a point of accuracy or of the prevailing circumstances of their condition. The needs of Applicants who have been approved by the Local Authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an Applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not.
- 7.12. One bedroom will be allocated to each of the following, (this includes students and members of the armed forces or reserve forces if they're away and intend to return home):

- A. A married couple, cohabiting couple or single parent
- B. Adult aged 21 years or more
- C. Pair of adolescents aged 10-20 years
- D. Pair of children aged under 10 years regardless of gender
- E. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
- F. An unpaired adolescent aged under 21 years
- G. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
- H. An overnight carer for any usual household member, if the carer isn't a usual household member.
- I. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
- J. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time.

7.13. Applicants will not be made an offer of a property in an electoral ward in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives.

7.14. Applicants will be informed when an offer is made whether the property will be furnished or unfurnished.

7.15. Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for occupation at the date of the letting, or that any repairing obligations imposed on a registered provider, will be met within a reasonable time of commencement of the tenancy.

7.16. Applicants will be prioritised for an allocation of social rented housing according to the following criteria:

- A. Bands, in the order of A to D. Band A has the highest priority and Band D the lowest.
- B. Where two or more Applicants might have the same priority in the same Band, then by the time and date their application was first received by the Local Authority.

7.17. In determining in which band to place an Applicant, the following priorities will apply:

- A. Applicants whom the Local Authority have chosen to award an additional preference, in addition to the requirement to be afforded a reasonable preference for an allocation, will be placed in Bands A or B.
- B. Applicants whom statute stipulates must be afforded a reasonable preference, will be placed in B and C.

7.18. Band A will consist of Applicants in the following circumstances:

- A. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the

impact on their housing needs, when evidence submitted by an Applicant requires clarification on either a point of accuracy or of the prevailing circumstances of their condition. The Local Authority will consider whether an Applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.

- B. Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires clarification on either a point of accuracy or of the prevailing circumstances of their condition. The Local Authority will consider whether an Applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
- C. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy.
- D. Persons leaving care of the Local Authority's children services.
- E. Members of the Armed and Reserve Forces, such as:
  - e. Former members of the Regular Armed Forces
  - f. Serving members of the Regular Armed forces 6 months prior to discharge.
  - g. Serving members of the Armed Forces who need to move because of a serious injury, medical condition, or disability (including a mental ill health condition).
- F. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability.
- G. Victims of domestic abuse, including those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC. Domestic abuse defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse.
- H. Victims of racial harassment amounting to violence or threats of violence.
- I. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
- J. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- K. Sudden loss of existing home as a result of a disaster, such as those who are required to leave their home due to fire safety concerns identified by the Fire & Rescue Service.
- L. Under-occupying social rented housing by one or more bedrooms, as per the criteria set out in section 7.12

7.19. Band B will consist of Applicants in the following circumstances

- A. Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate due to having an apparent priority need.
- B. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
  - h. Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
- C. Severely overcrowded due to lacking two or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
  - i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
- D. Persons approved by the Local Authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order with respect to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise.
- E. Persons need to move because their home is being demolished as part of an Estate Regeneration Scheme.
- F. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.

- 7.20. Band C will consist of Applicants entitled to a reasonable preference for an allocation of social housing accommodation. These Applicants are defined for the purpose of this Policy as persons who are:
- A. Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty.
  - B. Owed a duty under Housing Act 1996, Part 7, specifically those who are:
    - a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
    - b. Threatened with homelessness, owed the (prevention) section 195 duty.
  - C. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990, Part 3 (in relation to premises which pose a statutory nuisance to the occupant), Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by the Local Authority when determining an Applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:

- a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
  - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
  - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
  - d. Overcrowded due to lacking one bedroom. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
    - i. A married or cohabiting couple,
    - ii. Adult aged 21 years or more,
    - iii. Pair of adolescents aged 10-20 years of the same gender,
    - iv. Pair of children aged under 10 years regardless of gender,
    - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
    - vi. An unpaired adolescent aged 10-20 years,
    - vii. An unpaired child aged under 10 years.
  - e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
- D. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires clarification either on a point of accuracy or of the prevailing circumstances of their condition. The Local Authority will consider whether an Applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies. The following list is intended to be illustrative and in no way prescribed or definitive:
- a. A mental illness, including but not limited to current or former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
  - b. A physical or learning disability of any member of the Applicant's household.
  - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
  - d. Frailty due to old age.
  - e. The need to give or receive care.
  - f. Victims of domestic abuse including those have been provided temporary protection in a refuge or other form of temporary accommodation. (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can

encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse),

- g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
  - h. A restricted ability to fend for self.
  - i. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
  - j. Young people at risk.
  - k. People with behavioural difficulties.
  - l. Need adapted housing and/or extra facilities, bedroom or bathroom.
  - m. Need improved heating (on medical and/or social care grounds).
  - n. Need sheltered housing (on medical and/or social care grounds).
  - o. Need ground floor accommodation (on medical and/or social care grounds).
  - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
  - q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
  - r. Moving on from drug or alcohol recovery programme.
  - s. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
- E. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Give or receive care.
  - f. Access specialist medical treatment.
  - g. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work
  - h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

7.21. Band D will consist of Applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing (see section 5.15). Applicants will remain in Band D for a period of 12 months from date of final refusal. After which, they will then be moved to whichever Band is applicable to their circumstances at that time.

7.22. Applicants whose circumstances change once they've been accepted onto the Scheme must notify the Local Authority of such changes. If as a result of a change in circumstances an Applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their application date will be amended to reflect the date of the change. If as a

result of a change in circumstances an Applicant is assessed as having the same banding preference (e.g. they remain in Band B), the original application date will remain in force. If as a result of a change in circumstances an Applicant is assessed as having less banding preference (e.g. the move from Band B down to Band C), the original application date will remain in force. If an Applicant is moved from Band A or B down to Band D, their application date will be amended to reflect the date of the change. If as a result of a change in circumstances an Applicant becomes ineligible or disqualified, then they shall cease to be a member of the Scheme.

- 7.23 Where the Applicant needs to move because their home is being demolished as part of an Estate Regeneration Scheme, their application date will be the date that their tenancy began in their current property. An Applicant who succeeded to a tenancy will be given the date the original tenancy began in their current property.
- 7.24 The Local Authority will use local lettings schemes to achieve a wide variety of housing management and policy objectives subject to agreement with the Local Authority. The following list is intended to be illustrative and in no way prescribed or definitive. The Council is under no obligation to instigate a local lettings scheme for any of the examples listed below:
- A. Creating more mixed and/or sustainable communities.
  - B. Dealing with a concentration of deprivation.
  - C. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
  - D. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
  - E. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
  - F. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than three years.
  - G. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
  - H. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for Applicants under the age of 35 years, or over the age of state pension entitlement.
- 7.25. Upon identification of particular types, clusters or locations of housing for particular types of Applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate the Scheme and will overall give a reasonable preference to those in Band A and Band B over Applicants in Band C or Band D. to adopt a local lettings scheme, evidence will be submitted for approval by elected councillors prior to any local letting scheme being put into force. Any local lettings scheme adopted will set out the following:
- A. A clear definition of the objective(s) to be achieved, backed up by evidence.
  - B. A method which is likely to achieve the objective(s).
  - C. An equality impact assessment.

- D. How the scheme will be monitored and who will be involved.
- E. Mechanisms of reporting and reviewing the scheme.
- F. How the views of local communities have shaped the scheme (e.g. with people who are on the electoral register as being resident in an electoral ward(s), where a local letting scheme is being proposed. Their view will not be treated as an overriding factor in decision making).
- G. The circumstances in which the local lettings scheme will be reviewed or will come to an end.

7.26. Local lettings schemes will be adopted to set aside:

- A. A portion of properties for letting of new build properties for the first time, to be determined in accordance with the Local Authority's Local Plan.
- B. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for former members of the Armed Forces based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
- C. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for households in types of employment where skills are in short supply.
- D. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for prospective and approved foster carers and adopters (endorsed by the Local Authority), so it can satisfy its duty under Children Act 1989, section 22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the Local Authority's Children Services.
- E. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

7.27 A local lettings scheme will be adopted for specific types of accommodation which provide with linked support services for:

- A. Older persons applying for accommodation at an Extra Care Scheme or sheltered housing. A joint assessment of the Applicant's housing, care and support needs will be undertaken by the Local Authority's housing and adult social care departments, subject to consent from the Applicant.
- B. Single parents aged 16/17 years, who are not living with their parents. A joint assessment of the Applicant's housing, care and support needs will be undertaken by the Local Authority's housing and children services departments, subject to consent from the Applicant.
- C. Rough sleepers and people at risk of rough sleeping. An assessment of housing and support needs will be undertaken by the Local Authority housing department, adult social care department, or an organisation commissioned by the Local Authority to provide support to people sleeping rough or at risk of rough sleeping.
- D. Sex offenders. A joint assessment will be undertaken by Thames Valley Police, National Probation Service, the Local Authority's adult social care department, health professionals and other bodies to manage risk to the community.

- 7.28. A local letting scheme will be adopted for displaced agricultural workers, where they have been displaced due to a need to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker and needs to be rehoused in the interest of efficient agriculture.
- 7.29. Discretion about qualification, choice, prioritisation (banding) or being allocated social rented housing will be exercised by the Local Authority only in limited individual cases where there are exceptional circumstances as defined below:
- A. Providing protection to people who need to move away from another area, to escape violence, harm, or intimidation.
  - B. Enabling those who need support to rehabilitate and integrate back into the community.
- 7.30. When assessing whether discretion should be applied, the Local Authority will consider:
- A. All the circumstances of the Applicant, including whether they would usually qualify to join the Scheme, the degree of choice they would be entitled to, the degree of prioritisation they would be entitled to and the type of social housing they might be allocated, if no discretion was applied.
  - B. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the Applicant's housing needs are more urgent than other Applicants.
  - C. What will be the consequences if no discretion is exercised. This will include considering how serious the potential consequences are and how likely each potential consequence is.
- 7.31. When deciding, the Local Authority will have regard to:
- A. The fact that decisions to exercise discretion will be kept to minimum.
  - B. The need for consistency with previous decisions regarding exercising discretion.
  - C. What would be a fair outcome to ensure that there is no discrimination.
  - D. The likelihood and severity of the potential consequences of discretion not being exercised.
- 7.32. A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.
- 7.33. When drawing up this Scheme, the Local Authority has taken account of the objectives of its Homelessness and Rough Sleeping Strategy and Tenancy Strategy.
- 7.34. This Scheme and the administration of it will help to help prevent homelessness, by providing people who are homeless or owed a homelessness duty with information about the allocation of social rented housing and assistance to make an application to join this Scheme. A copy of the Council's Homelessness and Rough Sleeping Strategy can be found here [\[insert hyper-link\]](#)
- 7.35. This Scheme, and the administration of it, will help to secure accommodation for Applicants who are homeless or owed a homelessness duty, by affording an additional preference to Applicants who are eligible, homeless and owed the relief (section 189B) duty, or are homeless and have a priority need for accommodation owed the main (section 193) duty. Applicants who are owed the homelessness prevention (section 195) duty, are intentionally

homeless and have a priority need owed (section 190) duty to provide accommodation for a reason, or are homeless within the legal meaning of the term, will be entitled to an additional preference for an allocation under this Scheme. Applicants who are homeless or owed a homelessness duty, which have been afforded an additional preference, will be placed in Band B of this Scheme. Applicants who are homeless or owed a homelessness duty which are entitled to a reasonable preference for an allocation, will be placed Band C of this Scheme. Applicants who are homeless or owed a homelessness duty will be subject to the same eligibility and qualification criteria as all other Applicants. They will be afforded the same degree of choice as other Applicants awarded the same degree of priority (Banding) as them.

- 7.36. This Scheme and the administration of it, will be the principal way to allocate housing for the purpose of the Local Authority entering into secure or fixed-term tenancies (let at social rent or affordable rent and can include a probationary period) with Applicants, or making a nomination for a Registered Provider to enter into an assured shorthold or an assured tenancy with Applicants. Decisions concerning Applicants who are granted a fixed-term tenancy and whether to grant a further fixed-term are outside the scope of the Scheme. Applicants whose fixed term expires and a further tenancy is not granted will be entitled to make an application to join this Scheme. Decisions about whether they are eligible or qualify to join this Scheme will be made consistent with all other Applicants. Information about the types of tenancies the council offers and how it can be found in the following documents:

1. Milton Keynes Tenancy Strategy [insert hyper-link]
2. Milton Keynes Tenancy Policy [insert hyper-link]

## **8.0. Information about this Scheme**

- 8.1. The Local Authority will provide a copy of this Scheme to any person who requests one, irrespective of whether they intend to make an application or not. A summary version of this Scheme is also available. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. A copy of this Scheme is available on the Local Authority's website [insert hyperlink]
- 8.2 Copies of this Scheme can be requested by:
- A. In person [insert office address to which customer can visit in person].
  - B. In writing [insert postal address if different from above].
  - C. On the phone [insert telephone number].
  - D. By email [insert email address]
  - E. Online [insert website hyperlink, which contains all of the above].
- 8.3 Prior to adopting this Scheme, the Local Authority carried out consultation on how it intended to prioritise allocations. Applicants who were members of the Scheme in force at that time and other people, such as advocates for people who have protected characteristics, as the Local Authority deemed appropriate were consulted before finalising this Scheme. Any major changes to this Scheme that will affect the relative priority of a large number of Applicants who were members of the previous Scheme, have been communicated in writing.

- 8.4 When formulating this Scheme, a variety of consultation methods, such as focus groups and online surveys, were used to solicit opinions from interested and relevant parties. The Local Authority took account of the needs of specific groups, such as persons with a disability, or learning and support needs. The Local Authority has published a report on the consultation of this Scheme, on the outcomes of the consultation and changes that have been made to the Scheme.
- 8.5 An Equality Impact Assessment has been completed in conjunction with adopting this Scheme.
- 8.6 This Scheme will be reviewed by the Local Authority at least every two years (and more often if required, for example due to legislative or regulatory changes) in conjunction with Applicants and other appropriate persons or organisations.
- 8.7 Should any further amendments be made to this Scheme, the Local Authority will take such steps as it considers reasonable, within a reasonable period of time, to bring to the attention of those likely to be affected by:
  - A. any subsequent alteration to this Scheme that would affect the relative priority of a large number of Applicants; and
  - B. any significant alteration to any associated procedures for administering this Scheme.

## **9.0. Legislative framework**

- 9.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
  - A. Housing Act 1985
  - B. Housing Act 1996
  - C. Homelessness Act 2002
  - D. Housing and Regeneration Act 2008
  - E. Localism Act 2011
  - F. Armed Forces Act 2006
  - G. Asylum and Immigration Act 1996
  - H. Immigration and Asylum Act 1999
  - I. Children Act 2004
  - J. Equality Act 2010
  - K. Data Protection Act 2018
  - L. European Union (Withdrawal Agreement) Act 2020
  - M. Statutory guidance:
    - a. Allocation of accommodation: guidance for local authorities, December 2020, updated September 2021
    - b. Providing social housing for local people, December 2013
    - a. Right to Move and social housing allocations, March 2015
    - b. Improving access to social housing for victims of domestic abuse, November 2018
    - c. Improving access to social housing for members of the Armed Forces, June 2020
  - N. The regulatory standards for registered providers of social housing in England:
    - a. Tenancy Standard, published April 2012

- 9.2. Case law from the English and Welsh Courts has also been taken into consideration.
- 9.3. An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149 (the “Public Sector Equality Duty”). Regard has been had to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.
- 9.4. This Scheme intends to always ensure that non-discriminatory decisions will be made about the allocation of social rented housing. Regard has been had to advice on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.
- 9.5. When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual or transgender. Any substantial variation to this Scheme will also be subject to an equality impact assessment. For further information, please see *the Scheme’s Equality Impact Assessment* [\[insert hyper-link\]](#).
- 9.6. This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, the Equality Act 2010 and the European Convention on Human Rights Article 14 and regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Procedure will be undertaken in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.
- 9.7. The Local Authority will provide regular, accurate and generalised information on how the Scheme is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in the Scheme.
- 9.8. Applicants will be informed of their right to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminating against them.
- 9.10. When formulating this Scheme, the Local Authority has considered and taken full account of the need to safeguard and promote the welfare of children, in accordance with the Children Act 2004, section 11.

- 9.11. This Scheme and the administration of it will accord with the objectives and actions set out in the Local Authority's joint working protocol agreed between its Housing Services and Children Services.
- 9.12. When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a primary (but not overriding) consideration. Active involvement from the Local Authority's Children Services department will be sought when making decisions about housing allocations where there is involvement with an Applicant or a usual member of their household with the Local Authority's Children Services. If there is some uncertainty about whether an Applicant should qualify specifically due to matters relating to children services' duties, the Children Services team will be consulted.

#### **10.0. Co-operation with Registered Providers**

- 10.1. Arrangements for nominating Applicants for homes owned by Registered Providers, set down in an agreement [\[insert hyper-link\]](#) prescribe the portion of lettings that Registered Providers will make available to the Local Authority. The agreement also has a criterion for how Registered Providers can accept or reject a nomination and describes how any disagreements between the Local Authority and Registered Providers about nominations will be resolved.
- 10.2. A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to be satisfied that it is fulfilling its legal obligations to allocate social rented housing. An annual report on nominations agreements will be presented to elected councillors of the Local Authority and will be shared with Registered Providers who have entered into a nomination agreement with the Local Authority.
- 10.3. The Local Authority and Registered Providers have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an Applicant to share their information with a Registered Provider.
- 10.4. Applicants will be informed of their rights to make a complaint to a Registered Provider about a decision to reject a nomination. The methods by which complaints can be made are set out in the housing allocation rules and policies published by each Registered Provider. Applicants that have a dispute about the housing allocation rules and policies of Registered Providers, and how these affect any nomination made, will be informed of their right to make a complaint directly to the organisation and if still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a Registered Provider's decision to reject a nomination. Additionally, Applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed by the Local Authority of their right to seek assistance from the Equality and Human Rights Commission.

#### **11.0. Fraud**

- 11.1. Every Applicant will be provided with advice about offences in relation to applications, prior to making an application. Applicants will be disqualified, and might be prosecuted, if they deliberately withhold information, provide misleading information, or do not notify the Local Authority of any change in circumstances (e.g. change in income, change in household formation). A warning will include the following facts: a person guilty of such an offence could be liable to pay a fine (with no maximum) and may also face prosecution for fraud which can result in imprisonment.

## **12.0. Other matters**

- 12.1 A copy of this Scheme has been sent to the Regulator of Social Housing and the Local Government & Social Care Ombudsman.
- 12.2. The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this Scheme. Where such arrangements have been established, any reference made in this Scheme to the Local Authority automatically extends to any third party appointed to undertake such administration.
- 12.3. Elected Councillors of the Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing and can represent their constituents and discuss their cases with Scheme administrators. Elected Councillors shall participate in making decisions about the overall content of this Scheme. Elected Councillors shall consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer shall be obtained. The Local Authority arranges for Elected Councillors to be provided with suitable training in these matters.
- 12.4. The Local Authority will decide at the Lettings stage whether an Applicant is allowed to keep pets at the property. Registered Providers will have their own policies on pets.

## **Appendix A – Registered Providers which own stock in the Local Authority area:**

- A.1. The Local Authority has copies of the rules and policies for allocating social rented housing for the following Registered Providers, which all own and/or manage stock in the Local Authority area. Applicants can request a copy of such rules and policies from the Local Authority or directly from any of the Registered Providers listed below.
- A. A2 Dominion Homes Limited
  - B. Accent Housing Limited
  - C. Advance Housing and Support Limited
  - D. Almshouses of Miss Anne Hopkins-Smith
  - E. Anchor Hanover Group

F. Bespoke Supportive Tenancies Limited  
 G. Bpha Limited  
 H. Catalyst Housing Limited  
 I. Chorus Homes Limited  
 J. Clarion Housing Association Limited  
 K. Co-operative Development Society Limited  
 L. Cross Keys Homes Limited  
 M. Derwent Housing Association Limited  
 N. Dimensions (UK) Limited  
 O. Golden Lane Housing Ltd  
 P. Grand Union Housing Group Limited  
 Q. Habinteg Housing Association Limited  
 R. Hastoe Housing Association Limited  
 S. Heart of England Housing Association Limited  
 T. Heylo Housing Registered Provider Limited  
 U. Hightown Housing Association Limited  
 V. Home Group Limited  
 W. Housing 21  
 X. Hyde Housing Association Limited  
 Y. Metropolitan Housing Trust Limited  
 Z. Milton Keynes YMCA Limited  
 AA.Network Homes Limited  
 BB.Notting Hill Genesis  
 CC Nothing Hill Home Ownership Limited  
 DD.Old Farm Park Housing Co-operative Limited  
 EE.Omega Housing Limited  
 FF.One Housing Group Limited  
 GG.Optivo  
 HH.Orbit Group Limited  
 II. Paradigm Homes Charitable Housing Association Limited  
 JJ. Places for People Homes Limited  
 KK.Places for People Living+ Limited  
 LL.Reside Housing Association Limited  
 MM.Sage Housing Limited  
 NN.Sanctuary Housing Association  
 OO.Settle Group  
 PP.Stonewater Limited  
 QQ.Stonewater (2) Limited  
 RR.Stonewater (3) Limited  
 SS.The Extracare Charitable Trust  
 TT.The Guinness Partnership Limited  
 UU.The Richmond Fellowship  
 VV.Thrive Homes Limited

- A.2. Information on the number of properties owned and managed by each Registered Provider shown above and how to contact them, can be found on the Local Authority's website [insert hyper-link].

## **Appendix B – Determining an Applicants’ ability to afford an allocation of social rented housing**

- B.1. An Applicant will be disqualified from joining the Scheme if they have outstanding rent arrears or other property related liabilities above a specified cap.
- B.2. Property related liabilities shall be limited to outstanding current or former rent arrears, service charge arrears and recharges for property related damage. Any liabilities that are statute barred, were not accrued by the Applicant, or were accrued as result of financial abuse shall be wholly disregarded.
- B.3. The following criterion will be used when determining whether to disqualify an Applicant with outstanding property related liabilities:
- An Applicant’s liabilities exceed more than 1/12<sup>th</sup> the annual repayment amount, and
  - they have failed to make three monthly or 12 weekly consecutive payments.
- B.4. Notwithstanding the above, any allocation is conditional on an Applicant being able to pay any charges (e.g. rent and/or services charges) levied for occupying a dwelling.
- B.5. Any amount an Applicant is charged for occupying a dwelling e.g. rental charges must be demonstrated to be affordable for them.
- B.6. What an Applicant can afford to pay will vary according to the type of dwelling and their personal circumstances.
- B.7. Following a property being allocated, the Local Authority will wish to consider affordability as part of their processes for allocating a property.
- B.8. When determining affordability, the Local Authority shall consider whether an Applicant can afford the housing costs of the property they have been allocated, without being deprived of basic essentials, such as food, clothing, heating, transport and other essentials specific to their circumstances.
- B.9. All income should be taken account of when determining an Applicants’ reasonable living expenses, other than rent, having regard to any children who might reside with them (local

authorities have a duty to promote and safeguard the welfare of children under Children Act 1989, which is relevant in the matter of determining affordability). The following will be considered income for the purpose of an affordability assessment:

1. Salary
2. Compensation, including fees, commissions, fringe benefits, etc
3. Gains derived from dealing in property
4. Interest
5. Rents
6. Royalties
7. Dividends
8. Annuities
9. Income from life insurance and endowment contracts
10. Shares
11. Income from a trust

B.10. If an Applicant is unable to pay any or all of the housing costs, the Local Authority registered provider might arrange for another source of funding (e.g. Discretionary Housing Payment). In cases involving a child, this might be from the Local Authority's Children Services under Children Act 1989 section 17. After housing costs, a tenant should be left with sufficient income to pay all other reasonable costs.

B.11. An Applicant shall have the right to request a review of an affordability assessment, this should extend to the right to a review of any charges levied for occupying a dwelling. Should an Applicant remain dissatisfied, they shall be informed of their right to make a complaint to the relevant ombudsman and/or pursue judicial review.

B.12. The following formula shall be followed to determine whether charges for a dwelling are affordable

B.13. Evidence for an Applicant:

- a. Total income from all sources, including earnings, fees, other payments, savings, welfare benefits they are in receipt of or would be entitled to claim
- b. Total debts, including priority and non-priority debts

B.14. Ignore any:

- A. tenancy related debts that are statute barred

- B. not accrued by the tenant
- C. accrued as a result of financial abuse

B.15. Once the above factors have been ignored, take note the total amount of outstanding income.

B.16. To determine whether a prospective tenant can afford the housing costs of the property that has been allocated to them

- A. Take note of their total income
- B. Deduct from the total income received, housing costs (including rental charge and any service charge)
- C. Deduct from the total income received, other reasonable living expenses, equal to Universal Credit standard allowances, for items such as,
  - i. food,
  - ii. clothing,
  - iii. heating,
  - iv. transport,
  - v. other essentials, specific to the circumstances of the prospective tenant (and any other person that lives with them, or might be reasonably expected to live with them)
- D. Deduct from the total income received, relevant expenditure to nurture and keep safe any child that lives in the household
- E. Deduct from the total income received any priority debts, such as,
  - i. court fines,
  - ii. council tax,
  - iii. TV licence,
  - iv. child maintenance,
  - v. gas and electricity bills,
  - vi. Income Tax, National Insurance and VAT,
  - vii. mortgage and any loans secured against a home owned by the Applicant (and any other person that lives with them, or might be reasonably expected to live with them),
  - viii. hire purchase agreements if what has been purchased is essential

B.17. From the remaining amount of income, a calculation can be made as to whether the prospective tenant can afford the housing costs of the property that has been allocated to them.

B.18. Where two or more people will hold a tenancy jointly, income and debts from all tenants should be taken account of.

## **Appendix C – Determining an Applicants’ entitlement to bedrooms, for assessing overcrowding, under-occupancy and for an allocation of accommodation**

- C.1. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government’s Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- A. A married couple, cohabiting couple or single parent
  - B. Adult aged 21 years or more
  - C. Pair of adolescents aged 10-20 years
  - D. Pair of children aged under 10 years regardless of gender
  - E. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
  - F. An unpaired adolescent aged under 21 years
- C.2. Once an Applicant’s bedroom needs are known, the Local Authority will confirm whether an Applicant’s existing accommodation is overcrowded or under-occupied. The Local Authority will confirm the size and type of the existing accommodation and the usual members of the Applicant’s household. This might include the Local Authority (or an agent on its behalf) carrying out an inspection of an Applicant’s current accommodation or seeking evidence from their current landlord or other relevant parties.
- C.3. Whilst determining whether an Applicant is overcrowded or under-occupied, the Local Authority will consider whether any other services could assist an Applicant in resolving their overcrowding or under-occupation and will advise the Applicant accordingly.
- C.4. The Local Authority will notify Applicants as to whether they are overcrowded or under-occupying. Applicants that are overcrowded or under-occupied by two or more bedrooms will be placed in Band A. Applicants that are overcrowded or under-occupied by one bedroom will be placed in Band B. Applicants that are not overcrowded or under-occupied will not qualify to join the Scheme, unless there are any other grounds relevant to their Application.
- C.5. Applicants who have contrived an overcrowding or under-occupation situation will not qualify to join the Scheme.
- C.6. Applicants will each be entitled to one bedroom each (this includes students and members of the armed forces or reserve forces and any other person who is temporarily away and intend to return home):
- A. A married couple, cohabiting couple or single parent
  - B. Adult aged 21 years or more
  - C. Pair of adolescents aged 10-20 years
  - D. Pair of children aged under 10 years regardless of gender
  - E. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
  - F. An unpaired adolescent aged under 21 years

- G. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
- H. An overnight carer for any usual household member, if the carer isn't a usual household member.
- I. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
- J. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time.

C.7. Properties will be allocated to the following household types:

- A. Bedsit
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more
- B. One-bedroom properties
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more
- C. Two-bedroom properties
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more, with any one of the following:
    - i. Pair of adolescents aged 10-20 years
    - ii. Pair of children aged under 10 years regardless of gender
    - iii. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
    - iv. An unpaired adolescent aged under 21 years
    - v. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
    - vi. An overnight carer for any usual household member, if the carer isn't a usual household member.
    - vii. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
    - viii. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time.
- D. Three-bedroom properties
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more, with any two of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
    - i. Pair of adolescents aged 10-20 years
    - ii. Pair of children aged under 10 years regardless of gender
    - iii. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
    - iv. An unpaired adolescent aged under 21 years
    - v. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
    - vi. An overnight carer for any usual household member, if the carer isn't a usual household member.
    - vii. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.

- viii. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time
- E. Four-bedroom properties
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more, with any three of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
    - i. Pair of adolescents aged 10-20 years
    - ii. Pair of children aged under 10 years regardless of gender
    - iii. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
    - iv. An unpaired adolescent aged under 21 years
    - v. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
    - vi. An overnight carer for any usual household member, if the carer isn't a usual household member.
    - vii. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
    - viii. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time
- F. Five-bedroom properties
  - a. A married couple, cohabiting couple or single parent, or
  - b. An adult aged 21 years or more, with any four of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
    - i. Pair of adolescents aged 10-20 years
    - ii. Pair of children aged under 10 years regardless of gender
    - iii. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
    - iv. An unpaired adolescent aged under 21 years
    - v. A household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
    - vi. An overnight carer for any usual household member, if the carer isn't a usual household member.
    - vii. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
    - viii. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time

C.8. Applicants who are statutorily overcrowded at the point of application and remain so at the point of an offer of accommodation being made, that include adults who would be eligible and qualify for an allocation of social rented housing in their own right, will be offered allocation of multiple properties, one for the Applicant and their usual household members and another(s) for any eligible and qualifying adult(s) that would otherwise have been a household member.

C.9. Applicants who receive support from a carer who does not live with them, and who is required to stay overnight, will be allocated a property with one additional bedroom for use by an overnight carer. A health or social care professional with direct knowledge of the

Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires clarification on either a point of accuracy or of the prevailing circumstances of their condition.

- C.10. Accessible properties will always be offered to Applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. A health or social care professional with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires either clarification on a point of accuracy or of the prevailing circumstances of their condition.
- C.11. Properties purposely built for elderly Applicants will always be offered to Applicants that are elderly, over those with no such need, even when those with a need might have waited a shorter time than those without a need. A health or social care professional, or other relevant professional, with direct knowledge of the Applicant's condition will be contacted by the Local Authority for an opinion of the Applicant's health and the impact on their housing needs, when evidence submitted by an Applicant requires either clarification on a point of accuracy or of the prevailing circumstances of their condition.
- C.12. Properties suitable for Applicants that have been approved by the Local Authority to adopt or foster, who require a larger property for an adoption or fostering placement to commence, will always be offered to such Applicants over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. Active involvement from the Local Authority's Children Services will be sought when making decisions about housing allocations where there is involvement with an Applicant or a usual member of their household from the Local Authority's Children Services.