

Choice based lettings (CBL) allocations policy

Author: Housing Solutions team

Contact: homelessprevention@luton.gov.uk

Version: 1.1 (published)

Last updated: July 2021

ContentsChoice based lettings (CBL) allocations policy	1
Contents.....	1
1. Introduction	4
2. Scheme objectives	4
3. Types of tenancy or tenancy changes that are not an allocation under this scheme	5
4. Allocations made outside the CBL scheme	5
5. Who is eligible to apply?	6
6. Applying to the scheme.....	7
Adding new household members	8
7. Assessment of applications.....	10
8 Suitable properties	13
9 Banding assessment.....	13
Band 1 - urgent housing need	14
Band 2 - high housing need.....	14

Homeless households not at serious and immediate risk of violence	15
Households subject to an order	15
Households in the area under-occupying the council’s accommodation	15
9.5.6 Households requiring a management transfer	15
Band 3 – medium housing need	16
Band 4 - low priority	21
- Local connection / residency	21
Employment	23
Family connection	23
Exceptional circumstances	23
Homeowners	23
LA or housing association tenants where current property is suitable	24
Private sector Tenants with an assured/secure tenancy where the property is suitable ..	24
Households assessed as having sufficient financial resources to secure alternative accommodation	24
Reduced preference as a result of behaviour	24
Households subject to an order	25
Households where the applicant has been abusive	25
Applicants who have knowingly worsened their housing circumstances	25
Households who have breached the terms/conditions of their tenancy/licence	25
10 Households with housing related debts	26
11 Bidding	27
12 Advertising	29
13 Shortlisting	30
14 Viewing a property	31
15 Offers of tenancy	31
16 Refusals of offer	31
17 Withdrawal of offer	32
18 Feedback	32
19. Allocation quotas and local lettings policies (LLP)	33
20. Retirement housing	33
21 Other housing options	33
22 Confidentiality, data protection and access to information	34
23 Equality and diversity	35
24 Legislation	35
25 Decision making / person by whom decisions are taken	36
Appendix A: eligibility guidance	37
Appendix B: Luton Council decision making	38
Housing Needs Review Panel	38
The Sheltered Housing Extra Care Assessment Panel	38
Quota arrangements	38
Appendix C: local lettings plans	40
Luton Council local lettings policy – Bungalows and Older Persons Housing Units	40
Background	40

Who will be eligible?	41
Allocation procedures	41
Publicising LLPs.....	41
Review	41
Appendix D: incomes and savings limits as of 1 April 2021	43

1. Introduction

1.1 In accordance with the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002), local authorities and/or agents administering the Local Authorities duties must provide an allocations scheme. Luton Council (the council) has chosen to operate a choice based lettings (CBL) scheme.

1.2 The CBL scheme aims to provide applicants with as much choice as possible where they live by openly advertising vacancies and inviting applicants to express interest in vacancies they would like to be offered and for which they are eligible.

CBL also aims to simplify existing allocations procedures and provide an open and transparent service to applicants. For the purpose of this CBL scheme, an applicant includes anyone seeking housing through the scheme, including existing tenants of the council wishing to transfer.

1.3 This CBL scheme aims to provide as much consistency as possible in the letting of affordable bricks-and-mortar housing. The scheme takes account of both the geographical and demographic make up of Luton, as well as the diversity of the town's population.

1.4 The purpose of this scheme is to set out how the council will assess an applicants' eligibility for housing, their housing need and the types of property applicants can apply for. The policy sets out:

- eligibility to join the scheme
- how to apply for housing
- who is given preference – assessment
- preference bands 1 to 4
- the definitions of each of the 'needs' categories in band 3
- how homes will be let
- expressing choice for vacant properties through 'bidding'

1.5 Due to high demand for affordable housing and a comparatively limited supply, not everyone eligible to express interest in vacant properties will be housed from the register. Applicants can obtain advice about other housing options from the Bedfordshire Homefinder website.

2. Scheme objectives

To meet the legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996 (as amended by the Homeless Act 2002). This includes the allocation of:

- affordable housing owned by the council
- affordable housing owned by registered social landlords with whom the council has nomination agreements allowing the council to nominate an applicant for housing using this scheme

(A nomination agreement is a formal agreement between a local authority (LA) and a registered social landlord governing the allocation of some or all of the provider's vacancies to applicants from the LA's housing register.

A nomination is the provision to a registered social landlord, by the LA or its agent, of details of an eligible household who has bid successfully for a vacancy advertised on behalf of the registered social landlord.)

- to ensure appropriate levels of priority are afforded to applicants
- to ensure priority status on the scheme for applicants with an urgent/high housing need
- to offer as much choice to applicants as is reasonably possible
- to let properties in a fair and transparent way
- to support vulnerable applicants
- to provide feedback to applicants about homes let through the scheme
- to encourage and support sustainable communities and social inclusion
- to ensure applicants are treated fairly, individually and in accordance with the council's commitment to equality and diversity
- to make best use of affordable housing, including the use of targets and/or quotas to meet the needs of the local community

3. Types of tenancy or tenancy changes that are not an allocation under this scheme

3.1 The following are types of tenancy or changes to tenancy that are not an allocation under this scheme:

- mutual exchanges
- assignments of tenancy
- successions of tenancy
- an introductory tenancy becoming a secure tenancy
- a starter tenancy becoming an assured tenancy
- provision of non-secure interim accommodation in discharge of any homelessness duty
- service tenancies

Further information about each of the above types of lettings is available from the council.

4. Allocations made outside the CBL scheme

4.1 The following allocations will be made outside of the CBL scheme:

- direct lettings
- extra care retirement property lettings

4.2 Direct lettings

Where there are exceptional circumstances, or overriding management requirements, the council may occasionally make an offer of accommodation outside of the CBL scheme by way of a direct let.

Examples of these are where:

- a tenant's property has become structurally unsafe
- a tenant is unable to return to their property due to fire or flood
- a tenant or a member of their household is in immediate, serious danger if they remain in the property
- an applicant requires a property with specific adaptations and such a property is available and no other applicants require the same

The above list is not exhaustive.

Where a property is allocated by direct let the property will not be openly advertised.

4.3 Extra care retirement properties

Retirement or 'sheltered' housing schemes will generally be included in the CBL scheme, with the exception of vacancies in extra care schemes designed for frail elderly people requiring significant personal care. These vacancies will be allocated by the council's Sheltered Housing Extra Care Assessment Panel (see appendix B).

4.4 Non-successors

If a tenant of the council dies and there is another member of the household who does not have the right to succeed but who:

- had been living with the tenant for the year before the tenant's death (this does not include lodgers or B&B guests)
- had been resident and looking after the tenant for the year before the tenant's death
- has lawfully accepted responsibility for the tenant's dependants

The council will consider offering a new tenancy where the landlord is satisfied this is a priority when viewed in the context of other demands on housing needs in the area.

If a new tenancy is considered, this could be either in the same accommodation or in suitable alternative accommodation.

5. Who is eligible to apply?

5.1 Any applicant over the age of 18 years will be eligible to register on the CBL scheme unless one or more of the following applies:

- the applicant, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the council
- the applicant is subject to immigration control, unless they are re- included by order of the Secretary of State

Please see appendix A for eligibility guidance.

5.2 A fresh housing register application will be considered in the following circumstances:

- where an applicant has been guilty of unacceptable behaviour, the applicant can demonstrate good behaviour for at least 2 years since the unacceptable behaviour
- where an applicant has been subject to immigration control, the applicant has been given the right to remain in the UK and recourse to public funds
- where the applicant can show he/she is habitually resident and has recourse to public funds

5.1 Unacceptable behaviour is defined as:

behaviour which would (if the applicant were a secure tenant of a LA) entitle the Authority to a possession order under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8), or behaviour of a member of his/her household which would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to a possession order

Examples include:

- being convicted of using the home for immoral or illegal purposes
- harassment such as racial, sexual, religious
- acts of domestic violence

- acts of violence in relation to forced marriages
- persistent, serious anti-social behaviour
- persistent failure to pay the rent/mortgage when it became due
- making a false statement to obtain a tenancy

The above list is for illustrative purposes and does not include all types of unacceptable behaviour.

5.2 Where the council decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour, it must notify them of the decision and grounds for it in writing. An applicant has the right to request a review of such a decision (see section 7.17).

5.3 Applicants aged between 16 and 18 years will be allowed to register on the scheme where a statutory duty to accommodate the applicant exists upon the authority.

6. Applying to the scheme

6.1 Eligibility to apply to the CBL scheme will not be restricted on the grounds of tenure. Applicants can be people renting from councils and housing associations; owners and part owners of properties, including mobile homes and caravans; and applicants in the private rented sector.

6.2 Vulnerable applicants who may experience difficulty in applying to or using the scheme will be given as much support as possible by the council. Difficulties may include:

- not having English as a first or main language
- difficulty reading and/or writing
- disabilities, including sight or hearing difficulties
- learning difficulties
- health, including mental health issues

The council will also work with other agencies to ensure that applicants are supported to use the scheme. An applicant may choose to nominate another person to act on their behalf for the purpose of applying to and using the scheme. This person will be known as a nominated representative.

6.3 Any person aged 18 or over can apply to join the register.

6.4 Applicants aged 16 and 17 years (subject to 5.5 above) will require a rent guarantor and/or a tenancy trustee before commencing a tenancy on any property to ensure that the tenancy is conducted in accordance with the terms and conditions of the tenancy agreement. The council will advise who may be considered as a suitable guarantor.

6.5 Household makeup - an application may include anyone that may reasonably be expected to reside with the applicant as part of their household such as close family relative or a partner. The desire to be part of the household is not sufficient reason for inclusion on the application:

- extended families (minors) - in cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (eg grandchildren, nieces, nephews), proof must be provided of legal guardianship or confirmation from Social Services that this placement is necessary and permanent
- carers - applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be provided by Social Services or a primary health care professional. The carer will be assessed as part of the household even if not resident (ie lack of bedroom priority may be due)
- fostering - families undertaking fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Fostering is defined as fostering for a period in excess of two years (not necessarily involving the

same child or children). It is essential that written confirmation of the fostering arrangement be obtained from Social Services.

- children in care:
 - compulsory: children are treated as though at home, subject to written confirmation from Social Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children will not be included on the application
 - voluntary: children are treated as though at home.
 - no offer of tenancy will be made in either case without confirmation from Social Services that the children are to live on a permanent basis with their parent(s)
- adult children at university – can be included if they previously lived in the household and their intention is to return as their main and only home on completion of their course. Confirmation will be required from the student that they intend to return on a permanent basis
- children of previous relationships - in determining whether a child can be considered as part of the household, the following will be considered:
 - does the child have accommodation available to them which it is reasonable for them to continue to occupy?
 - does the child have a main residence?
 - who predominantly cares for the child?
 - existence of any order of the court pertaining to the child's residence

Although the above are relevant factors they do not guarantee that a child will be accepted as part of a household.

Adding new household members

Adults will not be added to an application where this results in the need for accommodation larger than that for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent).

The desire to be part of the household is not sufficient reason for inclusion on the application. Adults requiring an extra bedroom will only to be added to an application if they have a demonstrable, permanent need to live with the applicant. All adults will need to supply details of their accommodation history for the previous 5 years.

6.6 Where two eligible applicants wish to have a shared application they will be known as joint applicants.

6.7 An applicant, joint applicant or household member can have only one active application, or be included in only one application to the council, at any time.

6.8 To be considered for the CBL scheme, every applicant, including tenants of the council and registered social landlords in Luton, will need to complete the application process detailed on the council's website.

See the council's website for full details of [how to apply for housing](#).

Applicants who would like help to complete the application process can ask for assistance from the council.

6.9 The information given on the application must be correct and the applicant will be asked to provide evidence supporting the details supplied. The council reserve the right to disqualify any applicant from joining the register for a period of two years and/or, withdraw any offer of tenancy or

recover possession of an existing tenancy if the applicant has knowingly given false information. All applicants will be asked to sign a declaration stating that the information provided is true.

6.10 Applicants who knowingly or recklessly give false information or withhold information relevant to their application may be guilty of an offence under section 171 of the Housing Act 1996. Under that Act, the LA has the power to take action against an applicant which could result in a fine of up to £5,000. Where an applicant has obtained a tenancy by deception, the Council will take possession action to recover the tenancy under the Housing Act 1985, Ground 5.

6.11 The council will make any enquiries necessary, including home visits, in order to determine an applicants' eligibility to join the housing register and their level of priority for housing. When signing the declaration form, applicants are authorising the council to make such enquiries as are required to complete the assessment.

When signing the application, applicants are also authorising the council to disclose this information to other parts of the council and other organisations, including, but not limited to, police, probation and social workers, in order to verify the application and complete nomination processes.

6.12 Applicants and joint applicants will be asked to provide information about themselves, their household and their housing circumstances so that an accurate assessment of need can be made. Applicants will be required to provide evidence to support the application. Applications made without the requested evidence will not be accepted or assessed.

6.13 Where an incomplete application is received and/or the requested information is not supplied within 28 days of being requested, the application will be cancelled. Any subsequent application will be treated as a new application. The council will make every effort to assist vulnerable and/or disadvantaged applicants needing additional help and support in the application process and, where any applicant requires assistance to provide the information/evidence, help may be available from the council. Where any applicant can show good cause for failing to provide the requested information within the time period, the date the application was received will apply.

6.14 Upon completion of assessment the council will write to the applicant to inform them of:

- whether they are eligible to join the scheme and, if so:
 - their unique reference number and PIN (personal identification number)
 - the band in which they are placed
 - the date from which they are eligible
 - the size of property the applicant is eligible to bid for and any restrictions that may apply

6.15 Where an applicant is assessed as not eligible to join the scheme, the council will inform the applicant in writing of the reason/s and how to request a review of the decision (see section 7.17).

6.16 Change of circumstances: where an applicant notifies a change of circumstances which may affect their priority or their eligibility for a particular type or size of home, the applicant will be unable to bid until the new information is assessed and verified. Examples would be:

- a change of address (including a move into interim accommodation following a homeless application)
- a change to household income
- adding an additional household member
- removing a household member

This list is for example only and is not exhaustive.

7. Assessment of applications

7.1 Legal requirements

All applicants will be assessed according to their housing need. This is to ensure those with the most acute housing need are afforded the appropriate level of priority and that the council meets its legal obligations as set out in the Housing Act 1996 (as amended by the Homelessness Act 2002).

This CBL scheme is a banding scheme and the assessment of an application will include placing the application in one of four priority bands, as described in section 9.

7.2 The law requires reasonable preference to be given to the following households:

- people who are homeless within the meaning of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and Schedule 15 of the Housing & Regeneration Act 2008)
- people who are owed a duty to be housed by the LA within the meaning of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002)
- people occupying insanitary or overcrowded housing or otherwise unsatisfactory housing conditions
- households who need to move on medical or welfare grounds (including grounds relating to disability)
- households who need to move to a particular locality in the district of the LA, where failure to meet that need would cause hardship (to themselves or others)

7.3 Where an applicant applies as homeless under the Housing Act 1996 Part VII as amended by the Homelessness Act 2002 and Schedule 15 of the Housing & Regeneration Act 2008, they are restricted cases and as such, will not be entitled to reasonable preference under the law.

7.4 Other considerations

In addition to the legal requirements, the CBL allocations scheme aims to extend preference to include the following households:

- people occupying housing accommodation which is temporary or occupied on insecure terms
- households with dependent children/households where a person is expecting a child
- those suffering domestic or sexual violence or harassment, racial violence or harassment, hate crime or any other discriminatory harassment
- households occupying tenancies under the Rent Agricultural Act 1976 who can no longer continue to occupy
- some households in social rented tenancies who are occupying accommodation larger than their needs

7.5 Specific Needs

Applicants requiring a specific type of accommodation or adaptations as a result of disability/health issues will be given preference for vacancies more suited to their needs. Together with any other relevant agencies, the council will work with the applicant to carry out a full assessment of the household's property needs, such as the need for wheelchair access, ramps or level access shower.

Applicants with specific needs will not be excluded from expressing interest on general needs accommodation advertised through the CBL scheme. However, where an applicant successfully bids on a property that does not contain the necessary adaptations, the council will assess whether it is reasonable to carry out the adaptations. Each landlord has an aids and adaptations policy.

The applicant will be informed of the likelihood of new adaptations being carried out and what length of time an applicant may have to wait.

7.6 Divided Households

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing needs assessment the circumstances at both addresses will be considered. A notional housing needs assessment will be carried out of both properties as if the household were residing together. The lowest needs assessment will then be applied to the application.

7.7 Time Waiting

Time waiting in a band will count when considering more than one applicant with the same level of priority for a vacant property.

Therefore, applicants will be placed in each band in date order according to the 'effective date' of application. For applicants placed in band 3, the number of needs accrued (the need) will be taken into account first, and then time waiting.

7.8 The effective date for new applications will be the date a completed application is received by the council.

When applicants move up or down through the Bands due to a change in their circumstances affecting their priority, the following changes to the effective date for time waiting will apply:

- **increased priority:** the effective date will be the latest date the applicant moved into the higher band
- **reduced priority:** where an applicant is moving down a band the effective date will be the original effective date of the application.

7.9 Where an applicant is prevented from bidding due to a housing related debt, the effective date will be amended to the date that the debt is discharged. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.

7.10 Where the council asks tenants to move as part of a refurbishment or redevelopment of their property, the effective date will be the date of the original commencement of tenancy at that property.

7.11 Where an applicant is accepted as homeless and placed in band 1 or 2, the effective date will be the date the homeless application was taken.

7.12 Where an applicant has applied for management transfer priority and is placed in band 1 or 2, the effective date will be the date the transfer priority was confirmed.

7.13 Cancelling an application

When an applicant has not expressed an interest in any available properties for one year, the council will write to them to advise them that their application will be cancelled unless they confirm that they wish to remain on the register. This will be known as a review of non-bidders. The applicant will be given 14 days to respond before the cancellation takes effect.

7.14 An application will be cancelled from the housing register in the following circumstances:

- at the applicant's request
- where an applicant does not respond to an application review, within the specified time limit
- if the applicant becomes ineligible for housing
- when the applicant has been housed by a LA or housing association
- when a tenant completes a mutual exchange
- where an applicant moves and does not provide a contact address
- where the applicant has died

7.15 When an application is cancelled, the council will write to the applicant. Where an applicant has been identified as needing assistance to use the scheme, the council will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision.

7.16 Where an applicant wishes to re-join the housing register at a later date, the application will then be assessed as if it were a first application.

7.17 Requesting a review

An applicant has the right to request a review of decisions made under part VI of the Housing Act 1996, in particular:

- decisions about the facts of the applicant's case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation to the applicant;
- ineligibility for an allocation or lack of any reasonable preference based on previous unacceptable behaviour;
- ineligibility for an allocation due to immigration status

Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this.

A request for a review of a decision can be made in writing or verbally to a member of staff. The request should be made within 21 days of the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

An applicant will only be entitled to one internal review. If an applicant disagrees with the outcome of that review, on the basis that material facts have not been taken into account, s/he can request a further review by Member panel. If the applicant disagrees with the decision made by the member panel s/he can contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.

Disagreement with aspects of the policy itself will be noted and considered as part of the annual policy review process.

Initial reviews will be carried out by an officer who was not involved in the original decision, and who is senior to the original decision making officer. See Appendix B for details of the officer(s) responsible for making these decisions locally.

8 Suitable properties

8.1 Restrictions

Applicants will be restricted from being allocated properties in certain circumstances. Examples may include:

- where a medical assessment recommends ground floor or accommodation with a lift only;
- where a risk assessment indicates an allocation would put a vulnerable person at risk;
- where there is an order of court such as an exclusion order preventing a person from residing in a locality

The above list is not exhaustive.

Where a restriction applies an applicant will be informed and any bids placed on unsuitable properties will be overlooked.

8.2 Bedroom eligibility

A separate bedroom will be allocated to a household for the following:

- single or joint applicants
- a couple
- an adult where that adult has no same sex sibling with whom they can share
- two children of the same sex (regardless of age)
- two children of opposite sex where both are under 10 years
- child aged 10 years or over where the child has no same- sex sibling with whom s/he could share

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or involved professionals.

Eligibility will also be dependent on whether the property can accommodate a household size, for instance properties with very small bedrooms may not accommodate larger households.

8.3 The council may also exercise discretion where a tenant is required to permanently vacate their home due to planned refurbishment or redevelopment, or where permitted by the provisions of a local lettings plan. See Appendix C for details of any local lettings plans in operation.

9 Banding assessment

9.1 Priority bands

The scheme consists of 4 bands:

- band 1: households with an urgent housing need
- band 2: households with high housing need
- band 3: households with medium housing need (1 to 6 or more housing needs)
- band 4: households with low priority

Band 1 - urgent housing need

9.2 To ensure the scheme meets the needs of particularly vulnerable groups and gives appropriate priority to any applicants with an urgent need to move, band 1 priority will be awarded to the following applicants:

- tenants of social landlords requiring an urgent management transfer where the tenancy is within Luton

or

- households where the council has accepted:
 - The Section 193(2) main homelessness duty or the Section 193C(4) “reduced” Section 193 duty, or
 - A Section 189B(2) Relief duty and the applicant is considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the council to meet a section 188 interim accommodation duty

and

where continued occupation of the applicants home would place the household at serious and immediate risk of harm due to one or more of the following:

- racial violence
- domestic violence
- hate crime
- sexual violence
- other violence
- being a witness of crime and referred under witness protection provisions by the police

Evidence to support the applicant’s claim to be at risk of violence will be sought by the council. Evidence required may include:

- risk assessment by MARAC (Multi Agency Risk Assessment Conference)
- evidence from the police
- medical evidence of assault
- referral received by CAF (Common Assessment Framework)

9.3 Bidding requirements or restrictions will apply to band 1 applicants - see section 11.4.1).

9.4 Where an applicant is awarded band 1 priority and the applicant refuses a suitable and final offer of accommodation, their priority will be removed and the application reassessed.

Band 2 - high housing need

9.5 To meet the needs of other vulnerable groups and to make best use of the Council’s housing stock, the following applicants will be treated as households in high housing need:

- households accepted by the council as statutory homeless, not at serious and immediate risk of violence
- households towards whom the Council has accepted a homelessness Relief duty and the applicant is in temporary accommodation provided by the council, not at serious and immediate risk of violence;

- households subject to a Demolition/Closing Order/Emergency Prohibition Order (excluding Suspended Orders)
- some tenants under occupying the council's accommodation or accommodation to which the council has nomination rights
- tenants occupying tenancies under the Rent Agriculture Act 1976 where the Agricultural Dwelling House Advisory Committee confirms the tenant must leave
- tied tenants in LA tenancies where the employment is ending and a contractual obligation to re-house exists
- tenants of a social landlord, where the tenancy is within Luton, requiring an urgent management transfer, not at serious and immediate risk of violence

Homeless households not at serious and immediate risk of violence

9.5.1 Households where the Council has accepted:

- The Section 193(2) main homelessness duty or the Section 193C(4) "reduced" Section 193 duty, or
- A Section 189B(2) Relief duty and the applicant is considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the council to meet a section 188 interim accommodation duty

Households subject to an order

9.5.2 These include:

- demolition / closing order
- emergency prohibition order (excluding suspended orders)

Where the LA confirms the property is subject to the above and requires that the household must move within a set time period.

Households in the area under-occupying the council's accommodation

9.5.3 This also includes accommodation to which the council has nomination rights. Where the council is experiencing a shortage of particular types of property and where there is a high demand for that type of property, the council may exercise their discretion to give additional preference to applicants wishing to vacate this type of property in favour of smaller accommodation. This includes where an occupant succeeds to the tenancy of a property which is unsuitable for their needs.

The council operates an incentive scheme to encourage the release of high demand council-owned accommodation. Details of any scheme currently in operation are available from the council.

9.5.4 Tenants occupying tenancies under the Rent Agriculture Act 1976 where the agricultural dwelling House Advisory Committee confirms in writing that the tenant must leave.

9.5.5 Tied tenants in LA tenancies where the employment is ending and a contractual obligation to re-house exists

9.5.6 Households requiring a management transfer

Where there are management problems and a move to alternative accommodation is appropriate, or where it is in the interest of the council to do so in order to facilitate best use of its housing stock. Approval will be at the discretion of the council.

These provisions will also apply to tenants in Luton of other social landlords. These provisions will not apply to tenants of social landlords where the tenancy is outside of Luton.

Management transfers will be considered in the following circumstances:

- statutory overcrowding – as defined in the Housing Act 1985 part X
- housing, health and safety rating system (HHSRS) where a category 1 hazard A, B or C has been identified in respect of crowding and space, and where the council is satisfied that continuing to occupy the accommodation will pose a considerable risk to the applicant's health.
- racial harassment
- sexual harassment/victimisation
- other discriminatory harassment or abuse
- other violence that does not pose a serious and immediate risk
- landlord requires decanting for refurbishment or redevelopment of the property/site
- the tenant or a member of the tenant's household cannot reasonably reside in the property as a result of acute medical needs and because of this the landlord has a statutory ground for possession.
- where exceptional circumstances exist that are not addressed within the provisions of Band 3 detailed in section 9.8 below and continued occupation of the accommodation would pose a significant risk to the health or welfare of the applicant

Management transfers on the above grounds must be substantiated with supporting evidence. Guidance on the medical assessment will be sought from a qualified medical practitioner where the grounds are due to a medical condition.

9.6 Bidding requirements or restrictions may apply to band 2 applicants (see section 11.4.1).

9.7 Where an applicant is accepted as statutory homeless or a tenant is awarded priority for a management transfer and the applicant/tenant refuses a suitable and final offer of accommodation, their priority status will be removed and the application re-assessed.

Band 3 – medium housing need

9.8 Band 3 includes households who have multiple housing needs, for example, bedroom deficiency and a medical need. Therefore applicants can have varying levels of priority in this band depending on their level of housing need.

Priority for offers of accommodation to applicants in band 3 will be determined by the number of housing needs accrued (the need). Where there is more than one applicant with the same level of Need, the successful applicant will be determined by the earliest effective date.

9.9 Where an applicant meets one or more of the criteria for band 4, they will not be eligible to accrue needs in band 3. See section 9.11 'band 4 – low priority'. Owner occupiers will only be able to accrue needs in band 3 in certain circumstances (see section 9.13).

9.10 To ensure the scheme meets the needs of vulnerable groups and households in significant housing need, the following categories will accrue needs as outlined in the list below:

- a. bedroom deficiency - 1 or 2 bedrooms = 1 need
- b. bedroom deficiency - 3 or more bedrooms = 2 needs
- c. overcrowding = 2 needs
- d. households accepted as homeless non priority = 2 needs
- e. households in residential hostel or mother and baby care unit or leaving care = 2 needs
- f. where legal notice to quit/possession order is in issue – priority need households: 3 needs
- g. where legal notice to quit/possession order is in issue – non priority need households = 2 needs

- h. households in assured shorthold/tied tenancies/private sector lodgings/ living with family or friends (not including Rent Agricultural Act 1976 tenancies) other licensee = 1 need
- i. households with dependant child/children aged 0 to 18 years and/or pregnant = 1 need
- j. households without a water supply and/or indoor sanitation either in the property or on site = 1 need
- k. medical = 1 or 2 needs (dependant on condition)
- l. support / resettlement / hardship = 1 need
- m. harassment: racial/sexual/domestic violence where the applicant is not eligible for Bands 1 or 2 = 2 needs
- n. Armed Forces Community = 1 need

The following definitions provide further information on the levels of need which may be accrued as set out in the table above:

a/b: bedroom deficiency - a bedroom is required for:

- single or joint applicants
- a couple
- an adult where that adult has no same sex sibling with whom they can share
- two children of the same sex (regardless of age)
- child aged 10 years or over where the child has no same-sex sibling with whom s/he could share
- two children of opposite sex where both are under 10 years

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or involved professionals.

c: overcrowding either:

- where a property occupied solely or in part by an applicant, not a current tenant of a social landlord is overcrowded as defined by part X of the Housing Act 1985 – confirmed in writing by the LA
- the applicant occupies accommodation where an Officer from the council's private sector housing team is taking enforcement action (an Improvement Notice or Prohibition Order has been served or where Emergency Remedial Action has been taken but excluding a Hazard Awareness Notice) in relation to a category 1 hazard in respect of crowding and space, and where the council is satisfied that the problem cannot be resolved by the landlord within 6 months; and, as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant's health

d: households assessed as homeless non priority

Where a household is assessed as homeless, is eligible for assistance but is not in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

e: households ready to leave residential hostel or mother and baby care unit or leaving care

Households occupying residential supported hostel/mother and baby units or in care requiring independent living accommodation. The application must be supported by the Social Services and/or support provider. This need will not be applied until a referral is received from the supported accommodation stating that the applicant is ready to move on into independent living accommodation.

f: where legal notice to quit/possession order has been served (priority need households)

Households under legal written notice to quit or in receipt of a court order requiring the household vacate the property who are in priority need as defined by the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

This need will be applied a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the need will be reviewed and may be removed if the tenancy/accommodation continues to be available.

g: where legal notice to quit/possession order has been served (non priority need households)

Households under legal written notice to quit or in receipt of a court order requiring the household vacate the property who are not in priority need as defined by the Housing Act 1996 part VII (as amended by the Homelessness Act 2002).

This need will be applied a maximum of 2 months prior to the expiry date of the notice/possession order. Where the notice/possession order has expired more than 2 months ago and has not been enforced, the need will be reviewed and may be removed if the tenancy/accommodation continues to be available.

h: households in Assured Shorthold/tied tenancies/private sector lodgings/ living with family or friends (not including Rent Agricultural Act 1976 tenancies)

Households in accommodation less secure than an assured/secure tenancy or owner occupation.

i: households with child/children/pregnant

A maximum of 1 need is awarded to each household with child/children, or pregnant. A household with more than one child will not be awarded more than 1 need. Child is defined as aged 0 to 17 years or 18 years and in full time education. Evidence of the child's/children's identity will be required, as will evidence of main or principal residence. In the case of pregnancy, a maternity plan with expected date of delivery will be sufficient.

If a household has dependent child(ren) or pregnancy but meets no other criteria for band 3 needs, this need will not apply.

j: households without either a water supply or indoor sanitation

Where the household has no direct daily access to a water supply and/or sanitation either on site or in the property.

k: medical

The medical assessment is used to make priority awards to applicants whose health is either:

- detrimentally affected by their current housing
- where it is likely to affect their future housing need,

and whose circumstances are not otherwise covered by the banding scheme

The objectives are as follows:

- to make the best use of the social rented housing stock
- to make evidence based assessments of priority for housing where it is affected by health or disability

This process seeks to determine both housing requirements as well as relative priorities of applicants, and to consider whether any other options could address the issue. Guidance will be sought from a medical practitioner.

The following awards can be made in band 3:

- 1 need = low medical needs
- 2 needs = high medical needs

Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through Disabled Facilities Grant) to provide necessary adaptations, medical needs will not be awarded.

Applications may only be re-assessed for medical priority for the following reasons:

- upon a change of circumstances where this would affect the type of accommodation required (such as an applicant previously awarded priority for 1 bedroom accommodation now requiring separate bedrooms; or an applicant previously awarded medical priority for a bungalow, now requiring sheltered accommodation)
- deterioration or improvement in medical condition of applicant
- on the death of one party who had a medical award
- a move to a different address (any medical award would be made on the applicant(s) current accommodation)
- where additional information that was not previously available is provided

I: support / resettlement / hardship

Support / resettlement

Where an applicant or a member of the applicant's household is particularly vulnerable and/or requires significant levels of long term support in order to sustain a tenancy, for example:

- where care support services are required to enable people to live independently in their own homes
- where their current accommodation is unsuitable and means they are unable to live independently even with some support
- young people leaving care, where other housing options are not suitable
- where an applicant or a member of the applicant's household needs to be re-established within the community as part of their rehabilitation, for example, following long term hospitalisation

Social Services and/or the health authority must support the application in writing, ie details of support services required, a detailed care plan, details of disability/illness, etc. Need will not be awarded to applicants requiring temporary or limited floating support.

Hardship

For the purpose of this allocations scheme this will apply to applicants who need to move to a particular area within the borough where failure to meet that need would cause hardship to themselves or others.

Given that the borough is geographically compact with good transport links an award in respect of applicants already residing within the borough will only be made in very exceptional circumstances.

The need will be awarded giving consideration to an applicant's need to move on grounds of a requirement to give or receive support or due to employment. The applicant needs to:

- 1) access social services facilities and unable to travel across the borough
- 2) take up or continue employment, education or training not available elsewhere and who does not live within reasonable commuting distance
- 3) give or receive substantial and ongoing care

Preference would not normally be awarded to applicants who claim that they require ongoing support from relatives or friends unless there are severe mental health, medical or welfare issues relating to this person or a member of the household and exceptional reasons why this support cannot be made available through a reliance on private or public transport.

‘Right to move’ and the hardship award

This need will also be applied where a social tenant residing outside of the borough needs to move to the borough for work, and that, if they were unable to do so, it would cause them hardship.

The decision with regard to an out of area applicant’s eligibility for this award will be taken by the council’s Housing Needs Review Panel (see appendix B). When determining whether the award will be made, the Panel will consider:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

This list is not exhaustive.

The award will only be applied if the employment is not temporary or part-time (less than 16 hours per week) in nature. Where the hours of employment are less than full time, the level of earnings will be taken into account.

The applicant’s place of work must be based in the council’s area, the existence of a company office based in the council’s area will not by itself meet the criterion. Voluntary work is also excluded.

m: harassment: racial / sexual / domestic abuse or other harassment or exploitation of a vulnerable person

Where the circumstances are insufficient to determine the applicant at serious risk and/or homeless (see definitions bands 1 and 2) but the council is satisfied the household or a member of the household is being subjected to any of the above (and will continue to be as long they reside in their current home).

The council will seek evidence of the harassment from external agencies such as police, social services, GP (general practitioner/doctor).

n; Armed Forces Community

This award will only be made to households with a housing need, as defined by the terms of this scheme by virtue of qualifying for a needs award under sections 9.10 a-m above (but excluding 9.10 h & 9.10 i) and where:-

- They are a former member of the Regular Armed Forces, or
- A member of the household is serving in the regular Armed Forces (as defined in the Armed Forces Act 2006) and has a serious injury, illness or disability which is wholly or partly attributable to their service, or
- A member of the household is a serving or former member of the Reserve Armed Forces (as defined in the Armed Forces Act 2006) and has a serious injury, illness or disability which is wholly or partly attributable to their service, or
- The household is, or is becoming, homeless from Ministry of Defence accommodation as a result of the death of a spouse or civil partner which was wholly or partly attributable to their service to their military service

Please note that former service personnel will qualify for this award of needs where the housing application is made within 5 years of discharge.

Any lump sum payments made to the applicant on discharge from the Armed Forces will be disregarded for the purposes of assessing an applicant's financial resources.

Band 4 - low priority

9.11 Applicants meeting one or more of the following criteria will automatically be placed in the low priority band and will not be eligible to accrue needs in band 3, or eligible for band 1 or 2 priority:

- Local connection / residency
 - Applicants with no local connection to the town where the application for housing was made prior to 30 September 2013
 - Applicants who do not meet the residency criteria where the application for housing was made on, or after, 30 September 2013
- Homeowners (see section 9.13 for exceptions)
- RSL/LA/HA tenants in the town where current property is suitable
- RSL/LA/HA tenants where the tenancy is outside Luton who have no local connection to Luton
- Tenants with an assured/secure tenancy where the property is suitable
- Households assessed as having sufficient financial resources to secure alternative accommodation (see section 9.16)
- Reduced preference as a result of behaviour

Applicants with no local connection to Local Authorities' area

To be applied where the application for housing was made prior to 30 September 2013.

Local connection

9.12.1 Where the applicant does not meet one or more of the following criteria, band 4 will apply:

- that they currently live in the town in settled accommodation and have done so for not less than six months in the last twelve or three years in the last five. Settled accommodation does not include, for example, Bed and Breakfast, staying temporarily with family, friends
- that they have close family resident in the LA area ie mother, father, brother, sister, adult son or daughter whom they wish to be near and who live in the town and have done so for at least the last five years
- that they currently have permanent employment in the area excluding casual work

In exceptional cases, where an applicant is unable to exercise their local connection to the town, the Council may relax these criteria. For example, where an applicant would be in immediate danger by remaining in the area where they have a local connection. Evidence will be required.

The council's residency criteria

9.12.2 To be applied where the application was made on 30 September 2013 or after that date.

Residency

An applicant must currently and normally live in the area in settled accommodation and have done so continuously for five years (or three years where the application was made between 30 September 2013 and 1 January 2017) and must remain resident within the town during the lifetime of the application in order to continue to meet this criterion.

Settled and normal accommodation does not include, for example, B&B, staying temporarily with family, friends, etc. (Accepted homeless households placed by the council in accommodation outside of the council's geographical area will qualify for the housing register)

Applicants will not normally be considered to meet the residence criteria if they:

- have been placed in the council's area in temporary accommodation by another council or LA
- have been placed in residential or supported housing by another Council or statutory body or support agency
- are residing in a bail hostel or approved premises unless a local connection already existed prior to residence commencing
- have been placed in the area by another LA's social services (such as foster care)

9.12.3 Exceptions to the residency criteria detailed in 9.12.2 above

The following applicants, or joint applicants, are not required to meet the residency criteria set out in paragraphs 9.12.2 above:

- existing social housing tenants resident in the borough who apply to transfer because they have a housing need
- a person who would be a relevant person under The Allocation of Housing (Qualification Criteria for Armed Forces Regulations 2012 [SI 1869]
- divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence following a breakdown in their relationship with their Service spouse or partner.
- a person who is fleeing domestic violence who would qualify for reasonable preference due to homelessness and cannot reside safely in an area where they have a local connection
- a person who is required to be rehoused in another LA area due to arrangements with other statutory bodies for example: witness protection schemes; multi-agency public protection arrangements
- in exceptional circumstances, where the applicant, or joint applicant, has a need for support or medical treatment which cannot be met in any other reasonable location
- a person who is an existing social tenant seeking to transfer from another LA district in England who have reasonable preference under s.166(3)(e) of The Housing Act 1996 (as amended by the Homelessness Act 2002) because of a need to move to the LA's district to avoid hardship, and need to move because the tenant works in the district, or need to move to take up an offer of work. This is also known as 'Right to Move'

Or:

Employment

An applicant must currently have permanent full or part-time (at least 16 hours per week for single applicants or, if a couple, 24 hours per week) employment in the area excluding casual work and have done so for a continuous period of at least twelve months prior to the application. The applicant must remain continuously employed, as defined above, within the town during the lifetime of the application in order to continue to meet this criterion.

Employment is described as having a permanent contract, or working under contract as a temporary member of staff for an employer, not a recruitment agency. The applicant's normal place of work must be based in the council's area; the existence of a company office based in the Council's area will not by itself meet the criterion.

Or:

Family connection

That they have close family residing in the LA area (ie birth or adoptive mother, father, brother, sister, son or daughter) whom they wish to be near; and who live in the LA area and have done so for at least the last five years; and there is a requirement to give or receive support. (Evidence of the support needed must be provided)

Exceptional circumstances

In exceptional circumstances, where the applicant has a need for support or medical treatment which cannot be met in any other reasonable location, an application may be accepted where the local connection or residency criteria are not met, or where a person has no local connection elsewhere.

Homeowners

9.13 An applicant will be considered a home owner where they have a legal interest in a property and/or occupation rights to it and are able to exercise those occupation rights. This includes applicants who own homes purchased under low cost home ownership schemes such as Homebuy or Shared Ownership.

Except where one of the following conditions apply and the homeowner or a member of the household does not have the financial resources to secure appropriate accommodation (equity within the current property will be taken into consideration):

- a. the applicant or a member of the applicant's household has medical and/or support needs, rendering their current accommodation unsuitable. Guidance will be sought from a medical practitioner. Where a homeowner is in accommodation determined as unsuitable for the household due to medical needs (for example, poor mobility) but resources are available (privately or through Disabled Facilities Grant) to provide necessary adaptations, medical needs will not be applicable

or

- b. the Household is facing imminent eviction (due to a Court Order for Possession having been granted) as a result of mortgage arrears accrued through no fault of their own

or

- c. the household is statutorily overcrowded as defined by the relevant legislation.

LA or housing association tenants where current property is suitable

9.14 Where an applicant is accommodated by either the Council, a Registered Social Landlord or Housing Association and their property is suitable for their needs such as sufficient bedrooms, not overcrowded, not at risk of violence, accommodation has low or nil impact to health, etc.

Private sector Tenants with an assured/secure tenancy where the property is suitable

9.15 Households occupying secure accommodation where the property is suitable for their needs such as sufficient bedrooms, not overcrowded, not at risk of violence, accommodation has low or nil impact to health etc.

Households assessed as having sufficient financial resources to secure alternative accommodation

9.16 The council will apply a threshold of income and/or assets, including equity from the sale of a property or equity held within an existing property. Applicants with income/assets above the threshold will be placed in Band 4. Affordability of other housing options will be calculated on the basis of housing needs.

Households will be deemed to exceed the thresholds if any of the following circumstances apply:

- where private rented accommodation is generally available at a cost not exceeding 30% net (25% gross) of household income. (For the purposes of this calculation, Local Housing allowance rates in effect at 1st April each year will be applied. The rates will be kept under review throughout the year to ensure that where there is any significant increase or decrease, the new rate is applied)
- where a household has equity/investments/other assets as follows:
 - needing 1 bedroom accommodation: £30,000
 - needing 2 bedroom accommodation: £40,000
 - needing 3 bedroom accommodation or larger: £50,000

Where a household has unreleased equity within a property, 80% of that equity will be considered as an asset when applying the above threshold. Due regard will be given to household's ability to release equity.

Rents and house prices (open market and shared ownership) will be regularly reviewed to ensure calculations of income and asset thresholds remain reasonable. Current thresholds will be available on request.

However, where the applicant, or a member of the applicant's household has medical and/or support needs, and does not have the financial resources to secure appropriate accommodation, the application may be placed in band 3 and assessed accordingly.

The council may re-assess these cases where the applicant can provide evidence of a temporary loss of income through no fault of their own. The temporary period will normally only be considered where it exceeds or is likely to exceed 6 months, such as loss of income due to ill health.

Reduced preference as a result of behaviour

9.17 The following applicants, provided they are eligible to join the scheme (see section 5), will be placed in band 4 and their situation reviewed at twelve monthly intervals to determine whether or not their priority should be re-assessed. Due regard will be given to the household's circumstances when applying reduced preference to an application.

- a. households subject to an Acceptable Behaviour Contract (ABC), Anti Social Behaviour Notice (ASBN), Anti Social Behaviour Order (ASBO) or other order
- b. households where the applicant or a member of the applicants household has been abusive towards either Council or Housing Association staff
- c. households who have knowingly worsened their housing circumstances

- d. households who have been found to be intentionally homeless under the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002)
- e. households who have breached the terms/conditions of their tenancy or licence

Households subject to an order

This includes:

- acceptable behaviour contract
- antisocial behaviour order
- antisocial behaviour notice
- injunction
- other order

Where an Order/Injunction is served as a result of the applicant's behaviour or the behaviour of a member of the applicant's household or their visitors, their application will automatically be moved to or placed in Band 4, for a period of not less than 12 months from the date of the most recent incident of antisocial behaviour. The application will be reviewed after 12 months, and where the applicant can demonstrate adherence to the terms of the Order/Notice/Injunction and the Council is satisfied they will no longer behave in an antisocial manner, the application may be reassessed. Due regard will be given to the household's circumstances when applying a penalty to an application.

Households where the applicant has been abusive

This includes:

- the applicant
- a member of the applicant's household
- abuse directed at either council or housing association staff

Where an applicant or a member of the applicant's household is verbally, physically or sexually intimidating or abusive, their application will automatically be moved to or placed in Band 4, for a period of not less than 12 months from the date of the most recent incident. The application will be reviewed after 12 months to assess whether or not the offender and/or household members have improved their behaviour and no longer present a threat. In order for the application to be reassessed there will have been no further incidences of abusive behaviour during the previous 12 months. Due regard will be given to the household's circumstances when applying a penalty to an application.

Applicants who have knowingly worsened their housing circumstances

This includes applicants who have been determined as intentionally homeless.

Where in the last three years prior to application, or during the life of an application, an applicant has knowingly worsened their housing circumstances, or been determined as intentionally homeless, the application will be moved to or placed in Band 4 for a period of not less than 12 months. The application will be reviewed after twelve months to determine whether or not the applicant has secured more suitable/secure accommodation from which the application can be reassessed. Due regard will be given to the household's circumstances when applying a penalty to an application.

Households who have breached the terms/conditions of their tenancy/licence

Where the applicant, a member of the applicant's household, or a visitor of the household has breached the terms/conditions of the tenancy/licence the application will be moved to or placed in Band 4. This does not apply to breaches of tenancy in regards to housing related debt, for debt see section 10. The application will be reviewed after twelve months. Where the applicant can demonstrate significant improvement in the management of their tenancy and have adhered to the

terms/conditions for a period of not less than twelve months, their application will be reassessed. Due regard will be given to the household's circumstances when applying a penalty to an application.

10 Households with housing related debts

10.1 Where the applicant or a member of the applicant's household has been guilty of unacceptable behaviour as defined in section 5 of the allocations scheme, they will be ineligible to join the housing register.

10.2 Households with housing related debt who have been determined as eligible to join the housing register will be assessed according to the allocations scheme as outlined in section 9. However applicants with housing related debt will not be permitted to bid on advertised properties until the debt is cleared. Due regard will be given to the household's circumstances and the criteria below when determining whether they will be permitted to bid.

10.3 Housing related debt refers to:

- rent or mortgage arrears
- dilapidation charges
- court costs
- arrears of service charges included in rent or mortgage

10.4 In respect of an applicant's current accommodation:

Where at the point of application, or during the lifetime of an application, an applicant or member of the applicant's household has, or incurs, housing related debts relevant to a property they are currently legally liable for, the applicant will not be permitted to bid on advertised properties. Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.

If all the housing related debts are cleared, the applicant will be able to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence. The effective date will be the date that the applicant is eligible to bid from.

10.5 In respect of an applicant's previous accommodation:

Where at the point of application an applicant or member of the applicant's household has any housing related debts relevant to a property they were legally liable for in the last 3 years, the applicant will not be permitted to bid on advertised properties for a period of 6 months.

After the six month period the application can be reviewed. If all the housing related debts have been cleared, the applicant will be permitted to bid on advertised properties. Evidence that the debt has been cleared will be required and it will be the applicant's responsibility to provide this evidence.

Applicants with a debt outstanding at the end of the six months but who have maintained an agreed payment plan for 6 months may be permitted to bid on advertised properties. Where there remains a debt outstanding they will be expected to enter into a further payment plan and adhere to it exactly.

Breaches of this agreement will result in the applicant being unable to bid on advertised properties for a further period of six months from the date of the breach. Evidence that the payment plan has been adhered to will be required and it will be the applicant's responsibility to provide this evidence. Due regard will be given to the household's circumstances when determining if these bidding restrictions should apply.

10.6 If during the life of the application it becomes apparent that the applicant has accrued a housing related debt, the application will be reassessed accordingly. If the applicant has successfully bid on a property the bid will be automatically overlooked. Due regard will be given to the household's circumstances when determining whether restrictions to bidding should apply.

10.7 Where the council applies one of the above bidding restrictions to an application, the applicant will be informed of the restrictions and the reasons for this decision.

11 Bidding

11.1 What is bidding?

'Bidding' refers to an applicant expressing an interest in an advertised property. Bidding does not involve any form of payment. A 'bidder' is a person registered on the scheme who expresses an interest in a property advertised through the scheme. Applicants will be able to place 3 bids in each bidding cycle.

11.2 How to bid

Applicants or their nominated representative will be able to bid using the following methods:

- via the internet on the [Bedfordshire Homefinder website](#)
- in person at council offices
- by proxy (a proxy bid is a bid placed by a friend or family member of the applicant, or another person or representative that the applicant has requested to act their behalf)
- autobidding (the auto-bid function automatically allows the computer system to place bids on any available properties that match the applicant's requirements at the beginning of each bid cycle)

When placing more than one bid applicants will be asked to place their bids in order of preference from first to third.

Where an applicant has difficulty placing bids by one of the above methods, assistance will be available from the council.

Where a bid is placed by a nominated representative or a family member or friend on behalf of an applicant, this will be considered as a bid made by the applicant.

11.3 'Suitable' bids

When applying to the scheme applicants will be informed of the size of property for which they are eligible. Only bids for this size of property will be considered.

For applicants placed in Band 1 or 2, properties of an appropriate size will be considered as suitable properties unless, prior to any bidding by Band 1 or 2 applicants, the council has agreed that certain properties may not be regarded as suitable. This may include the type of property and the location.

Applicants assessed as having a medical need may be advised of the type of property that would be considered as suitable, for example ground floor or adapted. Bids placed not meeting this criteria are likely to be overlooked.

Some properties will have restrictions about who can live in them (for example, properties for older persons). These restrictions will be clearly indicated in the advert notes (see section 12 Advertising). If an applicant does not meet specified restrictions, any bid placed on such a property will not be considered 'suitable' and will be automatically overlooked.

11.4 Bidding requirements and restrictions

11.4.1 Applicants in bands 1 or 2

Applicants in these bands (except households under occupying the cCouncil's accommodation or accommodation to which the council has nomination rights to) must recognise that:

- a. they will be expected to use all 3 bids in each bidding round to bid on all suitable vacancies from the date they are placed in either Band. Failure to do so may result in the council placing a bid on the applicant's behalf for the next suitable vacancy/vacancies. Property types and locations deemed suitable will be determined prior to verification of the application
- b. where a bid is placed by either the applicant or the Council and the bid is successful, this shall be regarded as a 'final offer' and fulfilment of the council's duty to assist. Any duty accepted by, or on behalf of the LA, to assist a homeless household, will be discharged

11.4.2 Applicants in bands 3 and 4

Applicants in these bands can choose whether or not to bid in each cycle and can use 1, 2 or 3 of their bids each cycle. However, where an applicant has not placed any bids in a 12 month period, the council landlord will write to the applicant to see if they wish to remain on the housing register (see section 7.13).

11.4.3 Households under-occupying council accommodation or that to which the council has nomination rights

These applicants can choose whether or not to bid in each cycle and can use 1, 2 or 3 of their bids each cycle. However, where an applicant has not placed any bids in a 12 month period, the council will write to the applicant to see if they wish to remain on the housing register (see section 7.13).

11.4.4 Other restrictions

Some applicants may have other restrictions on the types and locations of property they can bid on, for example where an applicant may pose a risk to others or themselves. Where this is the case at the point of application or during the life of an application, the applicant will be informed by the Council.

11.6 Auto-bidding

The auto-bid function places bids on any available properties that match the applicant's requirements at the beginning of each bid cycle. This is done automatically by the computer system. The requirements that the applicant is able to specify are:

- Type of property
- The area in which the property is located
- Floor level

Auto-bidding is available to applicants who are unable to access any methods of bidding and do not have a representative who can place bids on their behalf.

Auto-bidding may also be used by the council when placing bids for applicants in bands 1 and 2.

12-18 Allocation of properties

12 Advertising

12.2 The council will advertise vacant properties using some or all of the following methods:

- internet - [Bedfordshire Homefinder](#)
- council reception areas
- other public access points such as community centres

Properties will be advertised every two weeks. Applicants will be invited to bid for properties for which they would like to be considered.

12.3 The properties advertised will be the council's own properties and properties owned by other social housing providers.

12.4 Occasionally, the council may allocate a property outside of the allocations scheme by means of a direct let. This will be due to exceptional circumstances or to ensure best use of the housing stock. In these circumstances, the property will not be advertised through the CBL scheme.

12.5 Property adverts will contain clear details of any applicants restricted from bidding on the property.

12.6 Property adverts will contain clear details of applicants who will be given preference for a property (for example, people requiring adaptations contained in a property, decanting tenants, homeless households). Where preference is given to specific applicants but no eligible bids are received from these applicants, the criteria may be relaxed and the property offered to the highest priority bidder who does not meet the preference criteria.

12.7 Some properties may be subject to a local lettings policy (LLP). In these cases it will be clearly stated in the advert and this will include details of any restrictions on households who are eligible for the property (for example, minimum/maximum ages of children).

12.8 Where a property has not been let within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.

12.9 Where a property has been advertised and received no eligible bids, the council may re-advertise the property and relax the eligibility criteria.

12.10 Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert, for example very small bedrooms.

12.11 There may be occasions when the council may need to withdraw an advertised property. Reasons for withdrawal may include:

- an error in the advertising details
- extensive works are required to the property
- the existing tenant has withdrawn their notice

This list is not exhaustive.

13 Shortlisting

13.2 Applicants may only bid on vacant properties if they are eligible for the type of property advertised. Of those eligible bidders, the order of priority will be determined as follows.

13.3 Priority will be afforded first to applicants with the greatest housing need as assessed in accordance with this allocations scheme, (such as the applicant in the highest band/need), who meet preference criteria stated in the property advert (for example transfer applicants, households requiring adaptations).

13.4 Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application.

13.5 Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior officer of the council will make the allocation based on best use of the housing stock and needs of the applicants.

13.6 Where an applicant bids successfully for more than one property, the applicant will be offered one property only, in accordance with the order of preference of their bids.

13.7 Where a property has specific adaptations (for example wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs. Details of the accessible housing register which details how adapted or accessible properties, and applicants who require them, are categorised are available from the council.

13.8 Between the period of being successfully shortlisted for an offer of tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.

13.9 The council will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant's responsibility to ensure that the council holds their up-to-date contact details and that they respond within 1 working day to any contact made by the council. If an applicant does not return contact they will be overlooked for the offer.

13.10 At the point of shortlisting, an applicant's circumstances will be verified by council officers. This is to ensure that the application has been correctly assessed and there have been no changes to the applicant's circumstances since assessment of the application that would alter the priority awarded to the application or the household's eligibility for the specific property they have bid on. If any changes have occurred that would alter the priority awarded or eligibility, the application may be overlooked for the offer of tenancy. The applicant will be informed of this using the most appropriate method of communication for that applicant.

13.11 Where an applicant refuses a property (see section 16) the property will be offered to the applicant who has the next highest priority (band/need) on the shortlist and who meets the eligibility and preference criteria of the property. Where a property has not been offered and accepted within 6 weeks of being advertised due to refusals by applicants or the shortlist being exhausted, the property will be re-advertised.

13.12 Certain accommodation (for example sheltered accommodation) will only be let to people who meet the age criteria for the specific property or housing scheme, and/or have a disability which means they require this type of housing. Applicants who do not meet the criteria clearly included in the property advert (for example age restrictions) will automatically be overlooked without contact from the council.

13.13 Where a property has been advertised and received no eligible bids, the council may re-advertise the property and relax the eligibility criteria.

14 Viewing a property

14.2 Upon completion of the shortlist, up to 3 applicants may be offered an accompanied viewing of the property. Viewings with multiple applicants may be used to ensure that if the highest priority applicant refuses the offer, the property can be offered to the next highest priority applicant and so on. The property will be advertised again if more than 6 weeks have passed since the property was first advertised.

15 Offers of tenancy

15.2 A formal offer of tenancy will be made in writing to the successful applicant.

15.3 Applicants will be offered one of the following types of tenancy:

- introductory
- starter
- assured
- secure
- assured shorthold
- tenancy held in trust

15.4 Introductory and starter tenancies

Introductory and starter tenancies provide increased management and support for new tenants usually during the first twelve months of a tenancy but may be extended beyond this. This initial period also provides reduced security of tenure, though progression to a full secure or assured tenancy is automatic at the end of the period, provided there have been no breaches of tenancy resulting in the commencement of possession proceedings.

Starter or introductory tenancies will not be offered to existing secure and assured tenants of any of the Council if they are accepting a transfer of tenancy to another council property. Other housing providers in Luton have different policies regarding the types of tenancy offered to transferring tenants, applicants will need to seek advice from the Landlord of the property being offered.

15.5 Assured tenancies

Assured tenancies are offered by social housing providers other than local authorities. Details of terms and conditions will be contained in the tenancy agreement.

15.6 Secure tenancies

Secure tenancies are offered by local authorities. Details of terms and conditions will be contained in the tenancy agreement.

15.7 Assured shorthold tenancies

Assured shorthold tenancies are fixed term tenancies which can become a periodic tenancy and provides less security of tenure than an assured or secure tenancy.

15.8 Tenancy held in trust

16 and 17 year olds will be offered a tenancy held in trust and may require a suitable guarantor.

16 Refusals of offer

16.1 A refusal will include both verbal and written refusals, including those made prior to a formal written offer being issued.

16.2 Applicants in bands 1 or 2

If an applicant in bands 1 or 2 refuses a suitable offer of a tenancy, the application will be re-assessed, which may result in the priority banding being removed.

16.3 Applicants in bands 3 or 4

After 3 refusals, an applicant in band 3 will be placed in band 4 for a period of 6 months.

After 3 refusals, an applicant in Band 4 will be contacted to discuss their exact requirements. Any subsequent bids not meeting the applicants more detailed specification will automatically be overlooked.

Due regard will be given to the individual's circumstances and the reason for refusal of the property.

This will not apply to applicants who are solely under occupying social rented housing in Luton.

16.4 Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be permitted to make further bids until they have contacted the council.

16.5 Failure to attend an arranged accompanied viewing will be treated as a refusal and paragraphs 16.1 or 16.2 may be applied.

17 Withdrawal of offer

17.2 There may be occasions when the council or registered social landlord may need to withdraw an offer of tenancy. Reasons for withdrawal may include:

- a change in the applicant's circumstances
- the applicant is found to be not eligible for the property
- an error in the advertising details
- where the offer might put a vulnerable person at risk
- extensive works are required to the property
- the applicant has attempted to obtain the property by deception

This list is not exhaustive and withdrawal will be at the discretion of the landlord.

18 Feedback

18.1 In the interests of providing an open and transparent service, the council undertakes to give regular feedback to applicants, to enable applicants to determine the likelihood of future bids being successful. The council will provide this information by:

- information about lettings in printed documents available at council offices or on request
- information about lettings on the website

18.2 Information about successful lets will include:

- property size and area
- band/need and effective date of the successful bidder
- number of bids received on each vacancy

18.3 Applicants receive feedback about each bid they place through their personal login to the website. Information includes:

- position of bid on the final shortlist
- if the applicant has been shortlisted for or offered a property
- if the applicant has been overlooked for a property and the reason for this

19. Allocation quotas and local lettings policies (LLP)

19.1 The council may, in response to prevailing local conditions, or to assist in the management of its housing stock, set quotas whereby a proportion of units of accommodation may be allocated to certain classes or categories of applicants. Any properties subject to quotas will be clearly identified when advertised through the CBL service.

19.2 The council, or its partner registered social landlords, may operate LLP in order to achieve a clearly defined objective in relation to accommodation of a specific type and/or in a geographic location. LLP may be used to meet the following objectives:

- to create mixed, balanced and settled communities
- to encourage the development of sustainable tenancies and communities within particular developments or geographic areas
- to make the best use of accommodation benefitting from attributes that make it particularly appropriate for applicants of a particular description
- to address concentrations of deprivation or anti-social behaviour

The above list is for illustrative purposes and is not exhaustive.

19.3 Any quotas or LLP will be published in appendix C of this policy

20. Retirement housing

20.1 The council has two types of retirement housing:

- sheltered housing, sometimes referred to as 'part one' or 'part two' accommodation
- extra care sheltered housing, for tenants who are more dependant and frail, sometimes called:
 - very sheltered
 - extra care
 - part two and a half schemes

This accommodation is for people who require intensive home care support to remain living independently in their own homes.

20.2 An applicant for sheltered housing (and their partner, if they have one) must normally be:

- aged 55 or over
- have a disability or a specific need for sheltered housing

Applications for all sheltered accommodation will be assessed in accordance with the terms of this policy.

20.3 Offers of sheltered housing will be subject to a risk assessment undertaken by the Council's Sheltered Housing service. An applicant will not be made an offer of sheltered accommodation where this risk assessment indicates that an offer of sheltered accommodation to the applicant may place a vulnerable person at risk.

20.4 Applications for extra care sheltered housing will be considered by the Sheltered Housing Extra Care Assessment Panel. The panel will assess applications, taking advice from medical health and other professionals working with the applicant to assess medical or other needs.

21 Other housing options

21.1 In recognition of the extreme pressures on social housing in Luton, advice and assistance about a range of affordable housing options is available from the council and on the Bedfordshire

Homefinder website. The council offers a number of schemes as part its housing options service. These may include the following:

- **rent deposit scheme** to assist households in securing private rented accommodation
- **other affordable tenures** such as near market rent
- **under occupation incentives** – financial incentives or assistance in moving may be available to council tenants who are under occupying family accommodation and wish to move to smaller more suitable accommodation for example couple or single person household occupying a 2 or 3 bed house and wishing to move to a 1 bed property
- **low cost home ownership**
- **mutual exchange** - the council will actively support applications for mutual exchanges from tenants who wish to exchange with another tenant or a tenant of another housing association or LA

Further details of the above schemes and any others operated by the council, including eligibility criteria, can be sought directly from the council and properties available under these schemes are advertised on the Bedfordshire Homefinder website.

22 Confidentiality, data protection and access to information

22.1 Applicant's rights to information

Applicants have the right to request such general information as will enable them to assess:

- a. how their application is likely to be treated under the allocations scheme, including whether they are likely to be given reasonable preference
- b. whether housing accommodation appropriate to their needs is likely to be made available to them
- c. details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them

22.2 Data protection

When an applicant applies to the housing register, the council will seek only information that they require to assess the applicant's application and housing needs.

The data protection principles which underpin the Data Protection Act 1998, are that data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in a way which maintains the data subject's rights to privacy
- not transferred to countries without adequate protection

22.3 Confidentiality

Confidential information held about applicants will not be disclosed to third parties apart from:

- where the individual who is the subject of the confidential information has consented to the disclosure
- where the council is required by law to make such disclosures
- where disclosure is made in accordance with an information sharing protocol

22.4 Freedom of information

The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003. The second part of the Act came into force on 1 January 2005 and from then the council has been obliged to provide information to anyone who requests it, unless an exemption applies. The deadline for meeting requests is 20 working days. It is free to make a request, but the council can charge for copying and postage. The council cannot provide information about anyone else for example another applicant.

23 Equality and diversity

23.1 The council operates in a diverse area, providing homes for a wide range of needs. Particular emphasis will be given to developing good practice to ensure that all applicants are enabled to use the scheme, and that it does not discriminate against any applicant seeking housing from the council.

23.2 The allocations scheme aims to recognise and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who may require additional care and support. This policy seeks to meet the needs of all applicants regardless of race, ethnicity, faith or religious belief, gender, sexual orientation, age or disability and to comply with all relevant legislation.

23.3 Use, operation and outcomes will be monitored to ensure no sections of the community are excluded or disadvantaged.

24 Legislation

The scheme complies with the requirements of The Housing Act 1996 (as amended by the Homelessness Act 2002), the Housing and Regeneration Act 2008 and the Localism Act 2011. Further, the scheme takes account the following codes of guidance:

- Allocation of Accommodation: Guidance for local housing authorities in England (Communities and Local Government June 2012)
- Providing Social Housing for Local People (December 2013)
- Homelessness Code of Guidance for Local Authorities 2006
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Improving access to social housing for members of the Armed Forces, veterans, and their families: statutory guidance on social housing allocations for local housing authorities in England
- Luton Council's Homelessness Strategy
- Luton Council's Tenancy Strategy

References to the Housing Act 1996 (as amended) throughout this document should be deemed to include amendments brought about by the Homelessness Act 2002, The Housing and Regeneration Act 2008 and the Localism Act 2011.

The scheme operates in accordance with the following acts:

- Housing Act 2004
- Equality Act 2010
- Rehabilitation of Offenders Act 1976
- Housing & Regeneration Act 2008
- The Children Act 1989
- Rent (Agriculture) Act 1976

- Housing Act 1985.
- Prevention of Social Housing Fraud Act 2013
- Homelessness Reduction Act 2017

25 Decision making / person by whom decisions are taken

For details of the decision making structure of the council see appendix B.

Appendix A: eligibility guidance

The following categories of household are deemed eligible to apply: British Citizens who are habitually resident;

Those prescribed by the Allocation of Housing and Homelessness (Eligibility) (England) Regulations (2006) and Allocation of Accommodation: Guidance for Local Housing Authorities in England – Consultation (2012);

Classes A-E

The following categories are also eligible:

1. an EEA national who is in the UK as a worker as defined by the EEA Regulations
2. an EEA national who is in the UK as a self-employed person as defined by the EEA Regulations
3. an Accession State worker in accordance with Accession Regulations 2006 (for example nationals of Bulgaria and Romania who are required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)
4. family members of those in 1 to 3 above
5. those with permanent rights of residence by virtue of regulation 15, c, d or e of the EEA Regulations
6. those leaving Montserrat after 01/11/1995 due to the volcanic eruption
7. a person who is in the UK as a result of being deported, expelled or removed by compulsion of law to the UK from another country
8. a person subject to immigration control but who is eligible because:
 - they are granted refugee status
 - they are granted exceptional leave without condition that they and any dependents should make no recourse to public funds
 - they have current leave to enter and remain in the UK with no condition or limitation, and are habitually resident in the UK or the Common Travel Area
 - they are granted humanitarian protection under the Immigration Rules

The following categories are deemed NOT eligible to apply:

- a. persons who are subject to immigration control within the meaning of Asylum and Immigration Act 1996, unless requalified by regulations
- b. those not subject to immigration control as defined by the above act who are prescribed by regulations

The following are NOT eligible:

- persons not habitually resident
- if the right to reside in the UK is solely dependent from the status of being a job seeker or a family member of a job seeker or has an initial right to reside for a period not exceeding 3 months or those whose only right to reside is determined by the EU Treaty.

The Nationality, Immigration and Asylum Act 2002 also defines groups of persons those, with both refugee status from abroad and failed asylum seekers, who are not eligible, which also includes their dependants.

The guidance above is not wholly prescriptive nor is its intention to fully explain the law. It is important that all applicants' seek the advice of the Authority where they apply or seek independent legal advice in these matters.

Appendix B: Luton Council decision making

Additions to the allocations policy

Persons by whom decisions are taken

Decisions under the Allocations Scheme will be exercised by officers of Luton Council who have been given delegated authority by the Service Director, Housing.

It is unlawful for the council to fetter its discretion and the Service Director, Housing is authorised to take into account individual circumstances and to depart from the criteria laid down where justified by special circumstances.

In the rare case of extreme circumstances, the head of Housing may authorise an immediate offer. However, if the emergency has rendered the applicant homeless, the homelessness procedures of assessment, followed by temporary accommodation if appropriate, will be followed.

The authority delegated to the Service Director, Housing is as described in the council's formal delegation to officers and may be revised by the council from time to time.

Housing Needs Review Panel

The panel will consist of the head the Service Director, Housing or his delegate, the allocations manager and officers relevant to advise on the case. In all cases, the decision will be made by the Service Director, Housing's delegate taking regard of advice from the panel members.

The role of the panel is to ensure consistency of decision making. The panel will deal with requests for internal reviews that have been received from applicants. Examples of decisions to be reached by the panel are:

- considering evidence relating to cases where it may be necessary to register an application in band 1 or 2
- approve grant payments under the Assisted Transfer Scheme
- consider the recommendation of the council's medical officer to place an application in band 2 where acute medical needs for a transfer of accommodation are present
- decide where special circumstances apply which merit a departure from the policy

The Sheltered Housing Extra Care Assessment Panel

The Service Director, Housing will appoint officers to the panel who will consist of professionals from housing, social services and other organisations dealing with the case. The panel will award priority to applications in order to decide who should be offered Extra Care Sheltered Housing.

Where the panel consists of people who are not employed by the council, such persons will be advisors, and all decisions will be made by the council.

Quota arrangements

In order to meet the housing needs of vulnerable groups within the borough 'quota' arrangements set out below will be implemented under the allocations scheme:

- 49% of properties with two or more bedrooms to be allocated to homeless families
- 25% of properties with two or more bedrooms to be allocated to transfer applicants
- 25% of properties with two or more bedrooms to be allocated to applicants from the general housing register
- 1% of properties to social housing tenants from outside of the borough who are seeking a 'right to move'

In addition:

- up to 20 one bedroom properties to support the 'Housing First' initiative commencing 21st May, 2018
- Up to 10 direct allocations per year to support high priority moves which further a Luton Council strategic ambition. Strategic priorities to include, but not limited to, public protection, multi-agency commitments, to enable fostering and reducing out of borough placements. Allocations will be subject to authorisation by the Service Director, Housing, the Portfolio Holder for Housing and, where applicable, Portfolio Holder for the relevant Service Directorate and receiving landlord.

Appendix C: local lettings plans

Luton Council local lettings policy – Bungalows and Older Persons Housing Units

This policy will govern the allocation of the following units of social housing that are owned and managed by Luton Council:

- Bungalows containing one or two bedrooms where the property is not designated as sheltered accommodation and does not contain major adaptations, or is readily adaptable, to benefit a disabled person (bungalows benefitting from major alterations to provide facilities for a disabled occupant will be allocated under the terms of the council's accessible housing register)

In addition, the terms of this policy will be applied to the allocation of vacant units of accommodation within the following schemes:

- Parkmead: all units (1 bedroom flats)
- Lullington Close: all units (1 and 2 bedroom flats)
- Eigmere Lane: all units (1 and 2 bedroom flats)
- Eaton Green Road: no.'s 31 to 50 inclusive (1 and 2 bedroom flats)
- Ivy Court: all units (1 bedroom flats)
- Wolston Close: even no.'s 28 to 50 inclusive (2 bedroom flats)
- Runham Close: even no.'s 38 to 44 inclusive (2 bedroom flats)
- Wheatfield Road: even no.'s 178 to 210 inclusive (1 and 2 bedroom flat)
- Ash Road: odd no.'s 95 to 107 inclusive and 113 to 123 inclusive (1 bedroom flats)
- Osbourne Court: all units (1 bedroom flats)
- St. Kilda Road: odd no.'s 1 to 47 inclusive (1 bedroom flats)
- Cussen Place, Florence Avenue: all units (1 bedroom flats)

Background

Housing management and allocation practice recognises that developments containing a mix of household types and ages of residents can contribute to management issues due to conflicting lifestyles and expectations. Long term sustainable tenancies lead to tenants who are happier in their homes and contribute to settled, and engaged, communities.

This Local Lettings Policy is intended to contribute to maintaining stable and sustainable communities where:

- the units of accommodation have been designed and built in order to accommodate older residents but are not designated as sheltered accommodation
- the units of accommodation are located in close proximity to, or adjoining, sheltered housing units
- the units of accommodation are located within a scheme or location where, through design or by historical allocation practice, the current tenants, either fully or partially, meet the criteria for this scheme and where the council wish to preserve this demographic mix in order to meet the stated objectives of this policy

The allocation of the above units based on housing need and without the application of a LLP would lead to a mix of ages and households within the block or geographic location which could lead to disproportionate management issues due to differing lifestyles and expectations of the residents. This, in turn, could lead to high tenancy turnover and possibly hard-to-let units.

It is the council's position that the application of a local lettings policy to the units detailed above will create units of accommodation where residents are more likely to socialise within similar demographic groups, feel they wish to remain in their accommodation in the long term and therefore have an investment in the local environment and community, thereby encouraging longer term sustainable tenancies and cohesive communities.

LLP objectives:

1. to create sustainable and manageable tenancies in order to minimise turnover and to create long term homes for older people in housing need, rather than a stepping-stone to other housing
2. to create settled and engaged communities
3. to minimise management problems, and resident dissatisfaction, by reducing the likelihood of neighbour disputes that occur due to clashes in lifestyles or residents' expectations

Who will be eligible?

In order to be considered for vacant properties within the schemes or property types to which this policy applies applicants must be either:

- aged 55 years or over
- supported by the council's medical advisor for older persons accommodation

In addition, in order to qualify, an applicant's household members must be aged 25 years or over.

Allocation procedures

It is the council's aspiration to advertise all vacant units of housing accommodation through its CBL service.

The application of this policy upon the allocation of vacant units, as detailed above, will be clearly noted on the relevant CBL advertisement.

Where a relevant vacancy has two bedrooms, eligible applicants requiring both one and two bedroom accommodation will be permitted to bid for the property. When shortlisting the vacancy bids will be considered in the following order:

- those placed by applicants assessed as requiring, or medically supported for, two bedroom accommodation
- those placed by couples
- those placed by single applicants

Please note: due to the introduction of the 'under-occupancy penalty' introduced within the Welfare Reform Act 2012, single applicants or couples not over pensionable age will be subject to an affordability test.

Bids placed by applicants within each of the above categories will be considered in order of priority for rehousing as defined by the council's published allocations policy.

Publicising LLPs

In order to ensure that allocations through local lettings policies are as transparent as possible, the details of this policy will be made available on the council's website as an appendix to the council's allocations policy, and, as stated above, will be detailed to in the CBL adverts.

Review

The council will review this LLP every twelve months. This review will consider the outcomes achieved by the terms of the policy and the appropriateness of the continued inclusion of the schemes and units of accommodation that it applies to.

This policy was approved by the council's head of Housing and portfolio holder for housing on 22 August 2016 under delegated authorities agreed by the council's Executive on 29 July 2013.

Appendix D: incomes and savings limits as of 1 April 2021

If your household income or savings are above the limits listed below your application for housing will be assessed as band 4, ie low priority.

You will be asked to provide evidence to show your total household income and savings when you apply to join the housing register. This includes all income and savings for each adult member of your household that is included on your application.

You must advise us of any changes to your household income or savings that occur during the lifetime of your application.

* Gross, ie before tax

Size of your household	Annual household income limit*	Monthly household income limit*	Weekly household income limit*	Household savings limit
1 bedroom need	£29,952	£2,496	£576	£30,000
2 bedroom needs	£37,128	£3,094	£714	£40,000
3 bedroom needs	£46,696	£3,891	£898	£50,000
4+ bedroom needs	£55,068	£4,589	£1,059	£50,000

Please note that limits are reviewed approximately every 6 months. Income limits are based on the Local Housing Allowance rates in the area.