

# Southampton City Council Housing Allocations Policy



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## Purpose

1. This policy sets out Southampton City Council's (the council) approach to allocating social housing homes in Southampton pursuant to Section 166A of the Housing Act 1996. It sets out how the council determines priorities and the procedure for allocating housing accommodation in Southampton. The policy takes account of relevant legislation, Government guidance and relevant council strategies and policies. The policy will be reviewed regularly to reflect any Government or local policy changes.
2. There is a huge demand for affordable rented homes in Southampton. The purpose of the Allocations Policy is to define a consistent framework, which can be used to allocate the limited number of vacancies that are available. It should be noted that, even where applicants are accepted onto the Housing Register, there is no guarantee that an offer of accommodation will be made.
3. The council aims to:
  - provide affordable housing, for local residents, in housing need;
  - ensure homes are allocated fairly and efficiently, taking into account the applicant's individual needs;
  - make best use of all the available social housing homes; and
  - give people the opportunity to express preferences about housing accommodation to be allocated to them.
4. Throughout this policy, the council has had due regard to its Public Sector Equality Duty (PSED) and with the Human Rights Act 1998. The purpose of this policy is to ensure a fair and consistent approach to housing allocations. However, Southampton City Council recognises that individual circumstances, needs and characteristics will impact and individuals' housing circumstances, and therefore each household will be considered individually and the council retains the right to make exceptions to the provisions of this policy on a case by case basis.

## Scope

5. Part 6 of the Housing Act 1996, as amended, requires the council to make housing allocations and nominations in accordance with an Allocations Policy. The council allocates housing accommodation when it:
  - selects a person to be a secure or introductory tenant of accommodation held by the authority or another organisation;
  - nominate a person to be a secure or introductory tenant of housing accommodation held by them;
  - nominates a person to be an assured tenant of accommodation held by a private registered provider;
  - the policy applies to social housing tenants living in Southampton who need to transfer to alternative socially rented accommodation within the city.

6. This policy does not include lettings of temporary accommodation, changes to existing tenancies, mutual exchanges, applications in respect of homelessness or lets of caravan pitches to gypsies and travellers. Information is provided on the council website, setting out the arrangements for applying for assistance for people who are homeless.
7. This policy does not apply to allocating pitches at the Kanes Hill Caravan site. Please refer to the Gypsy & Travellers Site Allocation Policy for details.

## Legislative Context

8. In drawing up this policy the relevant legislation and codes of guidance have been considered, in particular:
  - The 1996 Housing Act (Part VI) as amended by the Localism Act 2011 requires the council to have an Allocations Policy for determining priorities and for defining the procedures to be followed in allocating social housing.
  - The Housing Act 1996, as amended by the Homelessness Act 2002 and the Housing Act 2004, require that the council ensures that priority for social housing goes to those in greatest need. This includes homeless people, those who need to move on welfare, hardship or medical grounds, or people living in unsatisfactory housing ('reasonable preference' categories).
  - The Allocation of Housing (qualification criteria for Armed Forces Personnel) (England) Regulations 2012 and supplementary statutory guidance December 2013. The policy must give additional preference to serving or former members of the Armed forces (who meet the specified criteria) who have an urgent housing need. In some cases family members are included.
  - Allocation of Housing and Homelessness (eligibility) (England) Regulations 2006 (as amended) sets out which classes of persons from abroad are eligible or ineligible for allocation of accommodation.
  - Regulations made by the Secretary of State sets out person who may be eligible despite being a person from abroad subject to immigration control.
  - Localism Act 2011(as amended) enable councils to determine which applicants do or do not qualify for social housing, to reflect local circumstances.
  - Allocation of housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967, and takes into account the Allocation of Accommodation; Guidance for Councils, issued in June 2012, updated guidance December 2013 and Right to Move statutory guidance issued in March 2015.
  - The Housing and Planning Act 2016.
  - The Homelessness Reduction Act 2017.

### Working with other social housing providers in the city

9. The Allocations Policy also applies to the allocation of properties by the council on behalf of other social housing providers (Housing Associations, also known as Registered Providers) in the city. The council uses a combined waiting list called the Housing Register.
10. The council and other local providers use a joint waiting list. Applicants to the Housing Register will be considered for housing owned by the council and also other social housing providers.

Details of the landlord and tenancy type available will be made clear at the time of advertising and sign-up so that applicants can exercise choice in this matter.

11. The law relating to the council and other social housing providers varies slightly so, on occasion, there may be some additions or variations to the main policy where specific landlords are concerned. Where this is the case the council will do its best to alert applicants to this at the bidding stage.

## Definitions

12. The council identify applications in the following ways:

- ‘R’ – applicants who need **rehousing**
- ‘T’ – applicants who need to **transfer** from their current council property
- ‘H’ – applicants who are **homeseekers** due to being homeless or at risk of homelessness

### Lettings Plan

13. To assist the council in making best use of resources and meeting statutory requirements, a lettings plan is compiled and published on the council’s website. This identifies the different categories of applicants the council are required to assist and sets out how it intends to do this. It will identify the proportion of vacancies likely to be made available to each of the categories of applicants identified in the Allocation Policy.

14. The Lettings Plan is updated as and when it is required to reflect changes in local priorities.

## Policy Detail

### Eligibility and qualifying for the Housing Register

15. In order to join the Housing Register applicants must be both eligible and qualifying and meet the requirements for either “reasonable” or “additional” preference as laid out in the Housing Act 1996 as amended by the Localism Act 2011.

### Eligible/ ineligible applicants

16. An applicant may be ineligible for an allocation of accommodation under S160ZA (2) or (4) of the Housing Act 1996. Provisions on eligibility of persons from abroad are set by Central Government. There are 2 categories of people from abroad who may be ineligible:

- (i) A person from abroad who is subject to immigration control.
- (ii) Two or more persons jointly if any of them is a person subject to immigration control.

17. Regulation 3 of the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006*, as amended, sets out classes of persons who are subject to immigration control, who are eligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996.

18. Currently, European Economic Area (EEA) nationals working, or who have acquired a permanent right of residence, may be eligible for allocation of accommodation. This is likely to change once the UK relationship with the EU is established and this policy may be amended to take into account these changes.

#### Qualifying applicants

19. In addition to being “eligible”, applicants must also “qualify” through meeting the council policy requirements. The council requires that applicants are:

- 18 years of age or older, and;
- Not owners of residential property in the UK or abroad;
- Living within the Southampton City Council boundary and have been doing so continuously for at least three years prior to and throughout the time of application and waiting (subject to the council having due regard to its public sector equality duty and human rights considerations);
- In housing need; and
- Able to manage a tenancy and suitable to be a tenant (see below).

#### Unsuitability to be a tenant

20. You may not qualify for the Housing Register if the council considers you are unable to properly manage a tenancy. This may be because you need a more supported environment than the council can provide, by way of an introductory or secure tenancy, or you or a member of your family are considered to be unsuitable to be a tenant. In making this, and any other decision, the council will take into account all of the relevant factors and make a decision on a case by case basis.

21. The council may reach the view that you are unsuitable to be a tenant through considering factors such as your previous management of a tenancy, housing debts owed or a history of non-payment of rent, a history of arrestable offences committed in the vicinity of your current or previous home or involvement in anti-social behaviour. In making this decision the council can offer advice and steps to improve your chances of becoming a tenant in the future.

22. In determining suitability, the council will take account of the applicant’s level of housing need balanced with the type of and/ or seriousness of the behaviour which may make them unsuitable to be a tenant. This includes any changes in circumstances or behavior since the relevant events occurred together with consideration as to how likely the issues identified are likely to recur.

#### Housing need

23. There is no statutory definition of ‘housing need’. The point’s scheme from section 37 of this policy sets out the categories of people who the council must ensure receive reasonable preference. Applicants who do not fall into a reasonable preference category will be considered to have no housing need.

24. Applicants must remain in housing need throughout the time spent waiting on the Housing Register. They must notify the council within one month of any changes in their address or circumstances.

25. The council uses a points scheme' to prioritise applicants on the Housing Register. The scheme awards points to reflect applicants' circumstances and the degree and/or urgency of applicants' housing need. In addition, applicants will be awarded one point per month waiting time.

#### How the council makes decisions

26. The council makes decisions about housing applications by considering four key questions whenever an application for housing is received:

- a. Is the applicant "eligible" because they meet statutory criteria?
- b. Does the applicant "qualify" under the councils Allocations Policy?
- c. What size and type of property (mostly based on number of bedrooms, but can include other factors such as property condition and facilities) does the applicant need?
- d. What degree of priority is required relative to other applicants?

#### Type of property required

27. The council has to make best use of the resources available in order to be able to house the maximum number of people from the Housing Register. This means that the council have rules about the type of property that applicants can apply for. In deciding on the type of property, and degree of priority required, the council has to consider the type of housing available and the high demand for that housing, for example, there are far more flats than houses and larger homes are scarce.

28. The council classify properties according to a number of different factors. These are:

- The number of bedrooms;
- The type of access inside and outside the property (e.g. steps, stairs, lift, level access);
- Adaptations which have been carried out in order to meet particular needs;
- Whether pets can be permitted;
- Age requirements (if any) of the block or scheme; and
- The provision of support services.

29. If you are accepted onto the Housing Register the council will assess your needs to decide what sort of property you can apply for. The council will tell you what this is once the assessment has been completed and you will be able to bid for this sort of property only.

30. The council does not make any distinction between houses and flats when deciding what type and size of property applicants are eligible for. However, houses can satisfy a greater range of needs than flats so the council have to make best use of them. Therefore, houses will usually be allocated and given priority to particular types of applicants such as families with children or those giving up a larger socially rented home.

#### Size of property required

31. The council have to make best use of the housing stock available, and so expect some people in a household to share a bedroom. The council's rules generally match those in the housing benefit regulations.



32. The council consider the following people may need a bedroom of their own:
- Someone with an assessed medical need for their own bedroom;
  - Couples;
  - Single parents.
33. The council expect the following people to share a bedroom:
- Two children of the same sex (includes step and half siblings, cousins et cetera, age is not relevant);
  - Two children of different sex aged under 10 (including step and half siblings, cousins etc.).
34. Here are some examples of how these rules apply:
- Single parent and 1 child (unless the child is under the age of 12 months) – this family need a two-bedroom property;
  - Couple and two daughters aged 2 and 14 – this family need a two-bedroom property;
  - Couple and four daughters aged 3, 8, 12 and 14 – this family need a three – bedroom property;
  - Single parent with two sons aged 4 and 12 and three daughters aged 14, 16 and 22 – this family need a four-bedroom property.
35. Households without any other qualifying factors and who have the ‘correct’ number of bedrooms will be treated as adequately housed, so will not qualify to join the Housing Register.
36. However, applicants living in a social housing property, which is too large for them, will be treated as if they have reasonable preference and will be permitted to join the Housing Register in order to wait for a property of the appropriate size (this includes allowing downsizers to bid for properties with one-bedroom more than they need). This enables the council to meet the needs of more applicants overall through releasing the larger, under-occupied property, so households in this situation are treated as an exception to the general rule.

#### Points Scheme

37. In framing this policy, the council has had regard to the Communities and Local Government Allocation of Accommodation: Guidance for Local Housing Authorities in England document published in 2012, as amended. This sets out the requirements in respect of reasonable preference and additional preference as follows:
38. “In framing their allocation scheme to determine allocation priorities, housing authorities must ensure that reasonable preference is given to the following categories of people (s.166A (3))”:
- (a) People who are homeless within the meaning of part seven of the Housing Act 1996 (including those who are intentionally homeless and not in priority need);
  - (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65 (two) or 68 (two) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3);
  - (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
  - (d) People who need to move on medical or welfare grounds, including grounds relating to

a disability; and

(e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

39. In addition, the council is required to consider giving additional preference to:

- Those who need to move urgently because of a life-threatening illness or sudden disability;
- Families in severe overcrowding which poses a serious health hazard; and
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious antisocial behaviour or domestic violence.

40. The council manages priority between applicants by using a points scheme. The council award most points to applicants who meet the various criteria listed in the legislation meaning applicants in the worst housing conditions will receive more points than other applicants.

41. The council also recognises the amount of time that people have waited for an offer of housing and will add one point per month for each month applicants have been on the Housing Register.

42. For applicants in housing need (reasonable preference) the following points are awarded in addition to one point per month waiting time.

Applicants identified as having a housing need (reasonable preference).	90
Applicants living in more than one of the defined unsatisfactory housing conditions (see appendix 1).	5
Applicants with an assessed medical/ welfare need to move, this includes grounds related to disability.	30
Applicant households with a second household member with an assessed medical /welfare need to move.	5
Applicants with a priority need, who have not contributed to their homelessness and meet the main homelessness duty within the meaning of Part 7 of the Housing act 1996/ Homelessness Act 2002 (S193).	30
Applicants who meet the homelessness prevention and or the homelessness relief duty within the meaning of the Homelessness Reduction Act 2017 S195 (2) and or S189B (2) who would be require temporary homeless family accommodation and none is available.	30
Applicants who are considered homeless within the meaning of Part 7 of the Housing Act 1996 but are intentionally homeless or not in priority need.	5
Existing council tenants in the city are awarded 25 points to create movement within the housing stock	25
Council tenants, and tenants of Partner Housing Associations who live in the city, who are giving up at least 1 bedroom in order to move to smaller accommodation. This excludes anyone moving from a one-bedroom to a studio flat or a two-bedroom flat (first floor or above) or maisonette to a one-bedroom general needs property. Applicants who are giving up socially rented accommodation which contains 3 or more bedrooms will be permitted to bid for properties with one bedroom more than their requirement under this policy e.g. A single person with no dependants giving up a three bedroom house may bid for two bedroom as well as one bedroom accommodation, subject to landlord specific requirements.	200
Applicants who need to move to a particular locality in Southampton where failure to meet that need would cause hardship (to themselves or others). This is primarily aimed at those with an assessed social need to move to a particular area of the city. These points are not generally available to applicants who have a need common to many others, such as wanting to be near to a particular estate / school unless there are exceptional distinguishing factors.	30
<p><u>Armed Forces</u></p> <p>The law requires Local Authorities to give extra help to certain categories of armed forces personnel. The council meet this requirement through allowing relevant applicants to join the Housing Register and to be treated as if they were 'qualifying' applicants under the scheme.</p> <p>Applicants meeting one or more of the following criteria will be admitted to the Housing Register and awarded the 90 housing need (reasonable preference) points to bring them in line with other qualifying applicants.</p> <p>Criteria.</p> <ul style="list-style-type: none"> <li>• serving members of the regular forces who are suffering from a serious injury,</li> </ul>	90

<p>illness or disability which is wholly or partly attributable to their service.</p> <ul style="list-style-type: none"> <li>• former members of the regular forces.</li> <li>• bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in ministry of defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.</li> <li>• existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.</li> <li>• merchant seamen/women who served during the 2nd World War.</li> </ul>	
In addition, if you are in urgent housing need (as assessed by specialist homelessness officers) you will also be awarded an additional 30 points.	30
<p><u>Short term points</u> Awarded for four months. If, at the end of the four months, the move has not been completed then the additional points will usually be removed.</p>	
<p><u>Urgent management move</u> It may sometimes be necessary to arrange an urgent move. This is most usually done where a management transfer has been agreed for social housing tenants or in cases of urgent reciprocal applications (including witness protection). If this is necessary additional points will be awarded for a period of four months to enable the urgent move to take place.</p>	150
<p><u>Urgent Medical/Welfare Need to Move</u> A very small proportion of applicants are assessed as having an urgent need to move because of disability, medical or welfare grounds.</p> <p>Usually an award of these points will be made to people who (1) live in housing which cannot be adapted for their needs and cannot reasonably access other housing options and, due to the lack of an adapted home, cannot access basic facilities such as a toilet, or (2) people living in conditions which pose an imminent, unavoidable risk of serious physical or mental harm and for whom other housing options are not reasonably available</p>	100
<p><u>Urgent unintentionally homeless applicants in priority need</u> The council have specialist homelessness officers who can award these points if the usual re-housing options are unavailable.</p>	100
<p><u>Urgent disrepair</u> Applicants occupying property in Southampton that has had a notice served under parts 8, 9, and 10 of the housing Act 1985, or an order or declaration has been served or action taken under section 5(2) (b), (e), (f) or (g) of the Housing Act 2004.</p>	100
<p><u>Left in Occupation</u> Applicants left in occupation of the council property where a notice to quit has been served and there has been an agreement to rehouse.</p>	100
<p><u>Decants/ Decommissioning</u> Applicants being decanted or moved, for instance due to decommissioning of the council housing stock, where time allows for bidding within Homebid rather than a direct let outside of Homebid.</p>	100

#### Change in applicant's circumstances and keeping us up-to-date

43. The council must make sure that it does not offer properties which do not match the needs of an applicant's household. Therefore, it is important that the council is kept up-to-date with details of applicant's housing situation. This is done by writing to applicants at intervals during the time they are waiting on the Housing Register to check that their circumstances have remained the same. Applicants must supply all the information to the council within 30 days of service of the letter. Applicants who do not supply the information within this time will be removed from the Housing Register.
44. Where an applicant's circumstances have changed (for example they have bought a property, moved home or their family size has increased or decreased) they must also notify the council within one month so that their application can be reassessed. Again, not doing this may result in the applicant's application being removed from the Housing Register.

#### Choice

45. Within the constraints of the council's stock, and the need to manage the allocations process as efficiently as possible, the council will seek to provide the maximum amount of choice possible to applicants. This is done through the council's Homebid scheme which allows applicants to choose the area in which they wish to live and, within their eligibility criteria, the type of property.
46. The council publish information about the letting of properties previously advertised and re-let through the Homebid webpage so that applicants can find out the number of points usually required. Whilst this varies from time to time, in general, this will enable applicants to work out how long they will have to wait for a particular type of vacancy and to tailor their 'bidding' to either shorten their waiting time or to target a particular area or property type.
47. Applicants are also able to choose their landlord through looking at the advertisements in Homebid and to identify whether the rent payable is appropriate for their income. Other information such as heating type, availability of lifts, service charges and support service information is also available in the advertisement.
48. Applicants can choose to bid on up to 3 properties per bidding cycle. The deadline for bids is indicated on the Homebid website and there is no maximum number of times that bids can be made other than this. Once a property has been advertised the council try to complete the lettings process within the quickest time possible and will notify the selected applicants of the various deadlines involved. It is important that properties are let promptly to ensure that eligible applicants are rehoused as quickly as possible. It also reduces unnecessary charges and loss of income by the council for a vacant property. Therefore applicants who are made an offer of a property must respond to this offer within 3 working days or the offer will be removed.
49. The council reserves the right to place bids on behalf of applicants, for example those with 'short term' points or those who are unable to use Homebid (see paragraph 61).

#### How to apply

50. In order to apply for re-housing, applicants will need to join the Housing Register. This is done by completing the online form which can be found on the council website. You must supply the council with appropriate and relevant information, such as your full address history for the last

five years and whether you or anyone else in the application has ever been a council or Housing Association tenant before.

51. In addition, applicants must provide proof of identity and circumstances, this may include National Insurance Number, address, household composition, responsibility for children et cetera. The council also reserves the right to request any other additional information required to make sure that any application for re-housing is accurate and is dealt with properly.
52. Applicants must provide all information within 30 days of submitting their application to the council. If they fail to do this the application may be cancelled. Applicants must also, from time to time, provide information to the council to confirm their current circumstances. Applicants who fail to do this within the set period may be removed from the Housing Register.
53. Any applicant who has difficulty applying for a pitch with the online form, and/ or require this in another format, should email the Thornhill Housing Office at [housing.serviceseast@southampton.gov.uk](mailto:housing.serviceseast@southampton.gov.uk), or alternatively, contact a member of staff on 023 8042 0520.

#### Age designated property and housing with care

54. Some of the council's properties have minimum age requirements (for example, applicants must be 50 or over). Some more specialist schemes require an applicant to have a care assessment carried out and minimum/ maximum levels of care required or a particular diagnoses (for example a dementia diagnosis). Details of these are available on the council's website.

#### Other landlord's requirements

55. The council work with other social landlords in the city so some of the properties advertised may have particular requirements based on the rules adopted by that particular landlord. Where this is the case, the council will show the qualifying criteria in its advertisement. Each landlord has their own Lettings Policy so individuals can ask to see this if they require further detail.

#### Applicants who are unable to use Homebid

56. Most applicants bidding for properties are required to use the Homebid system. However, for a very few applicants it is not practical for them to 'bid' themselves. Where this is the case the council may be able to bid on behalf of those applicants. Instances where this might be the case include elderly applicants who need to downsize but who are unable to manage the administrative process themselves and have no friends or relatives who can assist. The council will decide if an assisted bid is required and, if this is the case, the applicant will not be able to bid themselves. If the council believes that the applicant or their friends and family are able to make bids themselves then the council will provide advice on how to use Homebid and, where necessary, how to obtain assistance from other agencies to do so.

#### Adapted Property Direct Let

57. An Adapted Property Direct Let (APDL) is the status given to applicants who require a significantly adapted property to meet their disability and housing needs. This is nearly always due to the applicant, or a member of their household, being wheelchair dependent within the home. However, other exceptional circumstances may also require an APDL.

58. Before being accepted on to the APDL waiting list, an Occupational Therapist (OT) will visit the applicant and complete an assessment. This assessment will detail what adaptations are required, as well as why there is a need to move.
59. In order to meet the housing needs of applicants, the council matches adapted properties to those waiting for them. All applicants are able to exercise choice with regards location, and this choice will be considered when matching available properties. However, some areas of the city have no social housing, or a very limited supply, and the more restrictive an applicant is, the more difficult it will be to assist.
60. APDLs are managed outside of the council's usual Homebid system. APDL applicants do not need to bid via Homebid and will not be awarded points. This is because directly matching applicants to available, suitable adapted properties ensures that the council makes best use of such properties, which are very scarce.
61. Due to the availability of adapted properties, the wait is often very long; although often not as long as it would be via Homebid, as the wait for all types of social housing is long.
62. APDL applicants are case managed by the council's Specialist Assessment Team. Applicants wait in date order, using the date the APDL was agreed (not necessarily the application date). Applicants will be informed of the date their APDL status began.

#### Urgent APDLs

63. An applicant may be considered as requiring an urgent APDL in exceptional circumstances. When an applicant is considered as being in urgent need:
- the council will inform the applicant of the date their urgent APDL status began;
  - considered above all other applicants with APDL status for available, suitable adapted properties; and
  - if after a period of four months, a suitable adapted property has not been identified, an **adaptable** property may be sourced where possible.
64. An urgent APDL will only be agreed where the applicant, or a member of their household, is in extremely high housing need. Examples of such could include:
- Permanently unable to leave or access the property due to the unsuitable nature of their current home, and as a result are either housebound or unable to return home from hospital / residential care.
  - Unable to receive personal care in a private space, away from other members of the household.
  - Unable to access essential facilities within the property and temporary solutions are not possible.
  - Where there is an imminent, unavoidable risk of significant harm within the current home and a move will resolve this.
  - Where someone has been accepted as homeless by the Council and will be losing their current home and a temporary move will leave the applicant with an urgent need (as identified above).

65. Whilst the applicant's area of choice will be considered, applicants with an urgent need will be expected to be flexible. This will be discussed with the applicant at the point of an urgent APDL being agreed. If an urgent APDL applicant refuses an offer of a property, they will no longer be considered as urgent and will continue to wait in turn.
66. If there is more than one applicant with an urgent need, waiting for the same size of property, the urgent cases will be considered in date order of urgent status being agreed, and then application date.

#### Who can be included in an application for rehousing?

67. The council will require that anybody included in a re-housing application who is eligible to access public funds and services has a long-term commitment to the household and will live in that household once re-housed. This requirement applies to all members of the household including parents, siblings, partners and children and all members of the application must have lived in the household for a minimum of 12 months at the point of application.
68. The council will usually require those people included in the application to have a 'need' to live together. For example, as dependents or where there are caring requirements that cannot be met outside the household. The 'need' to live together may vary from household to household and will be considered on a case by case basis taking into account all individual circumstances.
69. Children included in the application must genuinely live in the household as their only or principal home (applicants unsure whether or not to include children on their application must seek advice from the council). Where care of children is shared, the council will allow them to be listed in only one re-housing application.
70. There are only a few limited exceptions to these requirements. These are children newly born into the household and children leaving care or being fostered. Special arrangements (below) apply in the case of applicants who are foster carers.
71. Applications which include children who have previously been rehoused by the council in the care of someone else will be refused unless it is satisfied that it is necessary for them to live in the new household and that they meet the requirements of long term commitment to the household as set out above.
72. If the council considers that children have been included on the application in order to gain greater priority or access a larger or different type of housing the application may be treated as fraudulent and appropriate measures taken.

#### Debts to the council or other social landlords

73. Applicants and any other members of the household included in the application who owe money in respect of housing debts to the council or another social housing provider will not usually be made an offer of a property, however, each case will be made on its own merits. 'Housing debts' include:
- current rent;
  - rent from a former tenancy;
  - heating and service charges;



- charges for support services;
- maintenance repair charges; and
- 'mesne profits' (charges for the use and occupation of a property where there is no tenancy e.g. where a person has been left in occupation).

74. Where the debt remains unpaid but cannot be subject to further enforcement action because of a relevant court order, the council will decide whether this has an impact on the applicant's suitability to be a tenant.

#### Exceptions to policy

75. Occasionally, there will be exceptional cases will arise which cannot be dealt with within the normal policy criteria. The relevant Council Director will have the authority to make an exception to policy, to give additional priority or to take other action necessary in these cases.

76. It is not intended that this delegated authority be used other than in very exceptional circumstances as this would undermine the authority's ability to be equitable in its treatment of applications for re-housing. The council will take into account all relevant considerations when making this decision including:

- the applicant's degree of housing need;
- significant events in the applicant's tenancy history; and
- the current position in respect of the applicant's ability to manage a tenancy successfully.

77. Where circumstances arise which require an ongoing change to the Allocations Policy the Service Director: Adults, Housing & Communities has delegated authority to do this so long as the change does not fundamentally alter the overall direction or intentions of the policy.

#### Prisoners

78. Prisoners who have lived in Southampton for at least three years immediately prior to starting their prison sentence may join the Housing Register six months prior to their expected release date. The maximum amount of points which will be awarded in respect of this waiting period prior to release is six. Prisoners whose release date is later than expected will not continue to accrue further points throughout this period. This provision also extends to other applicants such as those detained under the Mental Health Act or Hospital Order and will be subject to specialist assessment including the suitability as to asocial housing.

79. On release from prison, prisoners must secure their own accommodation while they wait for rehousing.

#### Risk to applicant or other residents

80. When deciding whether to accept an application, or to make an offer of housing, the council will take into account any known risk factors. This will include the risk to other residents and to the applicant. The issues which will be taken into account include those which might render the applicant vulnerable if re-housed and those which may affect other residents (for example, a known history of violent or anti- social behavior). If the council considers the risk to be too great then it may decide not accept the applicant onto the Housing Register or may not make an offer of accommodation or restrict the offer to certain types of accommodation or to certain areas of

the city.

81. In considering these factors the council recognises the role that settled accommodation can play in enabling offenders to become rehabilitated. However, the council also exercises a duty as landlord to thousands of tenants across the city therefore it is necessary to balance the needs of individual applicants against the needs of the wider tenant population.
82. In reaching a decision on these matters the council will consider all the relevant factors including seeking the view of Health, Police, National Probation Service and other relevant statutory agencies. Examples of issues which will be taken into account include:
- the applicant's degree of housing need;
  - the nature of the applicant's behaviour/convictions/bail or licence conditions;
  - any mitigating circumstances that applied at the time or to current circumstances;
  - the result of any trial period in accommodation; and
  - whether there are any areas of the city or property types which would be unsuitable.

#### Data protection legislation

83. Information will be held and destroyed in accordance with Data Protection legislation and used only for the purpose of assessing housing applications, or for exercising other duties compatible with the council's status as a strategic authority.

#### Right to review decisions

84. Applicants will be notified in writing if they are not eligible or do not qualify for the Housing Register.
85. Applicants have a right to request a review of any decision and a right to request a review of the facts of the case which were taken into account in making the decision. Details of how to do this will be given in the letter sent to them notifying them of the decision. The review will be carried out by an officer who has not been involved in the case and is more senior than the original decision maker.
86. If the applicant, who the council has previously determined as not being treated as a qualifying person (and they believe that they should be treated as qualifying) wishes to apply again for allocation, then they may do so. However, unless they can demonstrate a change in their circumstances the original decision will remain.

#### Right to move

87. The law requires the council to set aside a proportion of their lettings for social tenants from other parts of the country needing to move to the area to take up work. In line with national guidance the council will make available up to 1% of its annual lettings for this purpose.
88. In order to qualify to be considered for the "right to move" applicants must:
- be an existing social housing tenant;
  - have reasonable preference under s. 166 (3) (e) because of the need to move to the local authority's district to avoid hardship;
  - need to move because the tenant works in the district; or
  - need to move to take up an offer of work.

89. In deciding whether applications will be accepted under these arrangements the council will take into account:

- 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 childcare, which would be affected if the tenant could not move;
- the length of the work contract; and
- 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.

90. Voluntary work is excluded from these arrangements as is work which is only short-term, marginal in nature or ancillary to work in another district. Applicants who are admitted to the Housing Register under these arrangements will be treated as if they have reasonable preference.

#### Fostering and care leavers

91. The council recognises that supporting care leavers and fostering contributes to good care of looked after children. A small number of properties will be identified each year to be used to help families start fostering or to increase the number of children who can be looked after and to offer additional assistance to care leavers. A further number of single person units will be made available each year for applicants who are ready to move on from contracted housing related support provision.

92. The council will identify in the lettings plan the percentage of its properties which will be made available for these purposes. This percentage will be identified in the context of the need to achieve the overall objectives of the Allocations Policy and to satisfy statutory requirements.

93. Children's Services will identify families and young people who would benefit from moving to alternative accommodation through this arrangement. The final decision on the allocation of properties is delegated to the Allocations Manager. In the case of adults, SCC homelessness services will identify adults who would benefit from alternative accommodation under this arrangement.

94. Properties let to foster carers will generally be offered as a 2 year fixed term secure tenancy the criteria for renewing the tenancy will include a requirement that the accommodation is still needed in order to provide fostering services.

95. Foster carers who no longer provide fostering services will be considered for re-housing when their fostering arrangements come to an end. Any accommodation offered will generally be suitable for their current needs at the time.

#### Special letting schemes

96. Occasionally, the council, or one of its social housing partners, may decide to implement a "special lettings scheme". This is most frequently done when a newly built or refurbished scheme is being let but can happen at any time if the landlord deems it necessary in order to

make sure that the scheme operates effectively as a good place to live.

97. This principle may also apply to individual properties where there have been significant management problems previously. In this case the landlord may choose to make a “sensitive letting” by imposing additional qualifying criteria for applicants to make sure that similar problems do not arise through the re-letting of the property.
98. Special lettings schemes and sensitive lettings will only be made where they do not compromise the council’s ability to achieve its overall policy aims. Where they are deemed necessary the additional eligibility criteria will be listed in the Homebid property advertisement.

#### Right to buy

99. The council will not offer alternative accommodation to applicants who have an active right to buy application or who are subject to a court order suspending a right to buy application.

#### Deliberately worsening your housing situation / preventing fraud

100. The council takes its responsibility to make proper use of public resources very seriously. Applications for the Housing Register are investigated to ensure assessments and decisions are accurate. The council will require proof of information you have provided in your application, such as Council Tax and Universal Credit details. The council is required to participate with other Local Authorities as part of the National Fraud Initiative and also verify information by office interviews, home visits, statements from previous social landlords, and verification of documents.
101. Where the council considers an application for the Housing Register to be fraudulent, it may take action in line with any of its enforcement policies, whilst adhering to the legislation set out in the Prevention of Social Housing Fraud Act 2013. The council will consider each matter on a case by case basis.
102. If an applicant moves out of, or alters, suitable accommodation so that is unsuitable for their needs, the council will investigate to find out why this has been done. If it is satisfied that this was done in order to improve the applicant’s position on the Housing Register, the council will continue to treat the application as if the move has not taken place.
103. The council will also carry out investigations where it believes that incorrect information has been provided in order to improve an applicant’s rehousing prospects. Where this is the case the council may amend or cancel an application.

#### Further Information

104. Further information about housing options as well as information about benefits and managing debt is available on the [council's website](#).

## APPENDIX 1

### Defined unsatisfactory housing categories

#### 1. Shared facilities

- Lacking sole use of bathroom
- Lacking sole use of kitchen
- Lacking sole use of inside W.C

#### 2. Disrepair

Relating to privately rented accommodation where, despite intervention from the council's environmental health service, the applicant:

- Lacks cold or hot water supplies
- Lacks electricity and / or gas
- Lacks heating in a minimum of one room

#### 3. Applicants requiring larger property

Please refer to the paragraph in the main body of this policy titled "size of property required" for information on how the council determines how many bedrooms it considers a household requires. (Sections 35-40).

#### 4. Applicants requiring housing for older people

Applicant aged 60 (or over or joint applicants both aged 60 or over), living in general needs socially rented accommodation, who need to move to:

- Housing for people aged 50 and over with floating support
- Housing for people aged 55 and over with either floating or scheme based support

Applicant aged 60 (or joint applicants both aged 60 or over), living in privately rented accommodation, who need to move to:

- Housing for people aged 55 and over with either floating or scheme based support

[ENDS]