

Southampton City Council

Allocations Policy



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Introduction

Purpose

1. Southampton City Council's Allocation Policy establishes who can apply to join the housing needs register and be considered for social housing. It also explains how we prioritise applications to ensure that those in the highest need have an opportunity to be housed.
2. The council is required to have an allocation scheme by section 166A (1) of the Housing Act 1996 (as amended by the Localism Act 2011) and to ensure the scheme is lawful and fair in determining the eligibility for and priorities in the allocation of social housing.
3. The Council has had due regard to its public sector equality duty under S149 of the Equality Act 2010 and relevant legislation, regulations and guidance, this is set out in Appendix 2.
4. There is a huge demand for affordable homes in Southampton and a limited number of vacancies. An offer of accommodation is not guaranteed, even for applicants accepted onto the Housing Register. The purpose of this policy is to provide a framework for allocating the limited number of vacancies that become available.

Aims and Objectives

5. The council's aims and objectives of this policy are to:
 - provide equal and fair access to housing;
 - ensure a centralised method of identifying need;
 - make best use of the available housing in the city, responding to the housing need of local people;
 - provide a clear and transparent allocations policy;
 - empower applicants to make informed decisions about their own housing;
 - afford priority to those applicants in urgent housing need;
 - encourage and assist applicants to take an informed, measured and long-term view on their housing options.
6. In drafting, considering and operating this policy, the council has had due regard to its Public Sector Equality Duty.

Scope

7. Under Part 6 of the Housing Act 1996 (as amended), the council is required 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;
 - nominates 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;
 - provides social housing tenants living in Southampton who need to transfer to alternative socially rented accommodation within the city.

There are many social housing providers in the city, including the council. The council maintains the Housing Needs Register for all applicants who qualify to apply for social housing tenancy within Southampton. *This means that the council is responsible for allocating properties in council-owned housing and on behalf of the other social housing providers (Housing Associations).* This policy applies to all social housing providers.

8. This policy does not include lettings of temporary accommodation, changes to existing tenancies, mutual exchanges, or applications in respect of homelessness. The council website, "[Homelessness advice & housing options](#)" provides information for people who are homeless and how they can access support.
9. This policy does not apply to Secure or Introductory council tenants who are required to move (transfer) on management grounds. For example, to allow repairs to be made to a property. The relevant Local Housing Office administrates and makes decisions for management transfers. This includes the consideration of permitted areas and property type. Once a move is approved, the tenant will be matched with suitable properties by the Housing Allocations service. In the case of Assured tenants, the relevant landlord is expected to facilitate a management move within their own stock. Where this is not possible, the council may agree on a discretionary basis to rehouse the tenant under a reciprocal agreement. This would be discussed between the landlord and the council.
10. 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.

Eligibility and Qualification

Eligibility and qualification

11. To join the Housing Register applicants must be both a) **eligible** and b) **qualifying** and meet the requirements for either c) "**reasonable**" or "**additional**" **preference** as laid out in the Housing Act 1996 and as amended by the Localism Act 2011.
12. **A) Eligibility**
 - 13.1 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:
 - 13.2 Regulation 3
 - (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.
 - 13.3 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.

13.4 The council also requires all applicants to be habitually resident in the UK to be considered eligible for an allocation of accommodation. A full list of those who are considered habitually resident in the UK and those who are eligible or ineligible for an allocation of accommodation is attached in [Appendix 3](#).

13.5 The Director of Housing has delegated authority to change the eligibility requirements of this policy, for example if Central Government amends the regulations which apply to eligibility for housing assistance.

13. B) To qualify

14.1 In addition to being “eligible”, applicants must also “qualify” by 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;
- able to manage a tenancy and suitable to be a tenant;
- have a **Local Connection** to Southampton.

14.2 **Local Connection**

- In order to qualify for a local connection, applicants will need to meet one, or more of the criteria below:
 - live in the Southampton City Council area and have done so for the last 3 years or;
 - have lived 3 of the last 5 years in the Southampton City Council area prior to the date of application.
 - has permanent paid employment in the city and has been in continuous paid employment for a minimum of two years.

14.3 **Exception to Local Connection**

- There are some exceptions where an applicant does not need to meet the local connection requirements. The exceptions include, but not limited to, if the applicant is:
 - owed a prevention, relief, or full housing duty by Southampton City Council under homelessness legislation;
 - a ‘looked after child’ as defined by Childrens Services and formally resident in the council area but had to be placed into accommodation outside of the area;
 - an existing social housing tenant who lives in England outside of the SCC area and have been assessed as meeting the Right to Move qualifying criteria;
 - currently serving with the regular armed forces, or left within 5 years of the date of the application;

- has been asked to leave accommodation provided by the Ministry of Defence because their spouse or civil partner was serving in the regular armed forces and has died, and that his or her death was attributable (wholly or partly) to that service;
- serving or has served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service;
- divorcing/separating partners of serving members of the Armed Forces who are being asked to leave accommodation which has been provided by the Ministry of Defence;
- fled domestic abuse. The council will comply with its duties under Domestic Abuse (DA) and Homelessness legislation and not apply residency criteria where there is unmet housing need and domestic abuse is the reason for having moved to the city.
- moved to the city under a Witness Protection arrangement.

14. C) To meet requirement for “reasonable” or “additional” preference (section 166A(3)):

15.1 **Reasonable preference:** The [Allocation of Accommodation Guidance](#) states that when local authorities in England frame their allocation scheme to determine allocation priorities, they must ensure that reasonable preference is given to the following categories of people (s.166A (3):

- 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);
- 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);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds, including grounds related to a disability; and
- 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)

15.2 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 abuse.

15.3 The council is *required* to give additional preference to certain categories of applicants from the Armed Forces community who have urgent housing needs, including:

- former members of the Armed Forces;
- serving members of the Regular Armed forces 6 months prior to discharge;
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Housing need

Applicants must be in 'housing need' to be eligible for the scheme. There is no statutory definition of 'housing need'. The council must give priority for housing to people who are in a reasonable preference category. This is defined in s. 166 (3) of the Housing Act 1996. The council will determine that an applicant has a 'housing need' if they fall into a reasonable preference category. Applicants who do not fall into a reasonable preference category will be considered to have no housing need. Therefore, they will not qualify for the Housing Needs Register. The [banding scheme](#) section (paragraph 92), provides further detail.

15. The council will consider whether applicants who fall into the additional preference category as defined in paragraphs 15.2 and 15.3 fall under the Urgent Housing Need category as defined in Band A1 or A2.

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

The council uses a banding scheme to prioritise applicants on the Housing Needs Register. This will start from Band A (for people with the highest priority) and continue down to Band D (for people with the lowest priority). Applicants are placed in bands according to their circumstances and the degree of their housing need. Properties advertised in Homebid will be allocated to people who have placed bids.

16. For each property, the successful applicant will be the one in the highest band with the earliest effective band date, except where the property has been labelled to give priority to a particular type of applicant.
17. If there are applicants with the same band effective date, then priority will be given to the applicant with the earliest registration date. If the registration dates are the same, the priority will be given to the applicant who bid earliest.

Non-qualifying Applicants

Some applicants may not be qualifying persons and may not qualify for Inclusion on the Housing Needs Register. Applicants will not normally be qualifying persons if they:

- cannot demonstrate that they can meet the council's local connection criteria;

- are **homeowners**. This may include any applicant who has rights to their home under the Matrimonial Causes Act 1973. This includes those who own a home abroad.

The council recognises that some exceptional circumstances may exist where access to the Housing Needs Register should be granted to **homeowners** who do not have the financial resources to secure suitable or adapted accommodation. These exceptional circumstances might include:

- households who attract reasonable preference and need to sell their home but who have insufficient equity in the property, so that once sold, they will not be able to resolve their own housing situation in the private sector;
- an older person who needs specialised housing for older people and does not have sufficient resources to secure this in the open market and where suitable care and/or adaptations cannot be provided elsewhere;
- a disabled person whose home is deemed unsuitable for adaptations;
- emergency medical reasons that meet the criteria as in Band 1.

18. The applicant will be required to provide appropriate documentation, e.g., proof of shared ownership, property valuation, proof of income, reports from social care team, hospital, GP, occupational therapist regarding the suitability and viability of adaptations in their current property and any risk to health or life in order for an assessment and decision to be made by a housing officer.

Unsuitability to be a tenant

An applicant will not qualify for the Housing Needs Register if the council considers them to be unable to properly manage a tenancy. This may be because an applicant may need a more supported environment than the council can provide. This may also be if an applicant or their family member are considered unsuitable to be a tenant. The council will make case-by-case decisions, taking into account all of the relevant factors.

19. The council may reach the view that an applicant unsuitable to be a tenant. In making this decision, the council can offer advice and steps to improve the applicant's chances of becoming a tenant in the future. The factors that the council will consider include:

- the applicant's previous management of a tenancy;
- previous fraudulent housing applications;
- housing debts owed (by anyone included in the application);
- a history of non-payment of rent;
- a history of arrestable offences committed in the vicinity of the applicants current or previous home;
- involvement in anti-social behaviour.

20. In determining suitability, the council will take account of the applicant's:

- level of housing need;

- type of and/ or seriousness of the behaviour which may make them unsuitable to be a tenant. This includes any changes in circumstances or behaviour since the relevant events occurred. This also includes how likely the issues identified are likely to recur;
- in the case of applicants who are existing SCC tenants, a pre-vacation visit will be required. Any prospective move to new accommodation may be delayed or cancelled if the current home has not been kept to an acceptable standard.

Applying to the scheme

Choice-based lettings (Homebid)

21. The council will seek to provide the maximum amount of choice possible to applicants. However, there are constraints on the council's stock, and there is a need to manage the allocation process as efficiently as possible.
22. The council also has a website called 'Homebid' which provides a framework for choice-based lettings. This website enables housing applicants to view available properties and make bids on those vacancies for which they are eligible and interested in. Most applicants are able to express their choice of accommodation and place bids for any accommodation advertised on the Homebid site. However, the property must match their assessed household requirement(s). Details of the landlord and tenancy type will be available at the time of advertising and sign-up. The advert will also detail if any group of applicants will be given preference for the property being advertised such as ground floor accommodation. Further information available in section Type of Property Required. The council will publish information about the lettings of properties previously advertised on the Homebid website to help inform applicant choice.
23. There is a small number of applicants who are not able to bid. In the example of Direct Let Adapted Property (DLAP) or applicants who require Housing with Care (these are outlined below).
24. Applicants can choose to bid on up to 3 properties per bidding cycle. The deadline for bids is indicated on the Homebid website. Once a property has been advertised the council will aim to complete the lettings process quickly. The council 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 for the council. Applicants who are made an offer of a property must respond to this offer within 3 working days or the offer will be removed.
25. Applicants who are successful with a bid will be suspended from placing further bids whilst they are under offer to a property, during which time other properties they may have placed bids for will be allocated in turn to others.
26. The council reserves the right to place bids on behalf of applicants. For example, for people who require a move quickly or who are unable to use Homebid.
27. The council may also place 'managed bids', which cannot be altered or removed by the applicant. This will usually be done where an applicant is in an urgent housing needs category.
28. The law relating to the council and other social housing providers varies. Housing associations have their own lettings policies. So, there may be some additions or variations to the main

policy. Where this is the case, the council will do its best to alert applicants to this in the property advert during the bidding stage.

Lettings Annual Report

29. The Council will publish an annual lettings report setting out the number of lettings to categories of applicants that the council must assist. The report will also identify the proportion of vacancies likely to be made available for these categories of applicants.
30. The Lettings Report will be published on the councils website annually and will reflect local priorities.

How to apply

31. The council operates an online application system which the majority of applicants are expected to use. Details on how to use the system are available from the council's website. This includes the documentation required. The website is www.homebid.org.uk.
32. Applicants must provide all information within 30 days. They will be notified by email of the status of their application and deadlines to provide information.
33. Applicants who have difficulty using the online application process can be assisted to apply. They should contact housing.allocations@southampton.gov.uk, call 023 8083 3006 or visit Gateway at the Civic Centre offices.

Supporting vulnerable applicants to apply for housing

Any person, who needs support in applying for housing, whether that is assistance with the on-line application form or with bidding on properties each week, can be assisted by the housing team. The council will also be able to provide detailed housing advice for all applicants including those people who may not qualify to join the housing needs register. For this support, please contact the council at housing.allocations@southampton.gov.uk, call 023 8083 3006.

Students

34. Applicants who have children in full time education and are studying away from home during term-time (e.g. at University outside the city) will be permitted to include their child in the application. This is provided the children lived in the household for 12 months immediately before their course started. The child will be removed from the application if they do not return to the family home immediately at the end of their course.
35. Applications from full-time students who are living in Southampton during their studies and remain in Southampton upon completion/termination of their course, may make an application to the Housing Needs Register when they have met the 3 years out of 5 residency requirements.
36. Applications from full time students who are living in Southampton during their studies, but whose main family home was outside of the city boundary immediately prior to beginning their course will not be permitted to join the Housing Needs Register.

Prisoners

Prisoners who have lived in Southampton for at least 3 out of 5 years immediately prior to starting their prison sentence may join the Housing Needs Register. They may only join six months prior to their expected release date. This provision also extends to other applicants. For example, those detained under the Mental Health Act or Hospital Order and who will be subject to specialist assessment which will include an assessment on ability to manage a tenancy.

Fostering and care leavers

Fostering

37. 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.
38. The council will identify in its Lettings Report the number and type of homes to be made available to foster carers who have been approved by SCC to foster but lack the required number of bedrooms. This number will be identified in the context of the need to achieve the overall objectives of the Allocations Policy and to satisfy statutory requirements.
39. Children's Services will identify 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.
40. 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.
41. 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 be suitable for their current needs at the time.

Care leavers

42. Care leavers supported by the council will be placed into either Band B or Band D, depending on their circumstances (more information in the [banding scheme](#) section). Care leavers will be permitted to bid specifically for properties advertised with a priority for Care Leavers. The numbers of properties advertised in this way will be subject to an annual quota which will be identified in the Lettings Report.

Change in applicant's circumstances and annual renewals

43. The council aims to offer properties which match the needs of an applicant's household. Therefore, it is important that the council is kept up to date with details of an applicant's housing situation. All applicants must log in to their application portal annually to confirm whether their circumstances have changed. If applicants fail to voluntarily renew their application, the council will send a written reminder to do so within 28 days of the renewal date. The council will cancel any application which has not been updated.

An applicant must notify the council within one month of their circumstances changing. This could be if they have bought a property, moved home or their family size has changed. They must notify

the council via their application portal so that their application can be reassessed. Not doing this will result in the application being removed from the Housing Needs Register.

In order to remain on the Housing Needs Register, applicants will need to retain a continuous local connection.

44. If the council makes an offer of accommodation to an applicant and later discovers that the applicant's circumstances changed or not as previously disclosed, the council may treat this as fraud and commence the necessary investigations.

If an applicant secures accommodation via the council's housing needs register, their application will be marked as housed and will be closed. If an applicant wishes to reapply to the register at a later date, they will need to make a new application which will be assessed on their circumstances at the time.

Who can be included in an application for rehousing?

45. The council requires that anybody included in a re-housing application to:

- a) be eligible to access public funds and services;
- b) have a long-term commitment to the household and will live in that household once rehoused. This requirement applies to all members of the household including parents, siblings, partners and children. All members of the application must have lived in the household for a minimum of 12 months at the point of application.
- c) have a 'need' to live together as partners, dependents or where there are caring requirements that cannot be met outside the household. Adult children of applicants may be included where they have lived in the household for at least 12 months at the point of application. The need to live together will in the main be determined by: the receipt of Child Benefit; a Care Act assessment demonstrating the need for sleep-in care.

46. Children included in the application must genuinely live in the household as their only or principal home. Applicants unsure whether to include children on their application must seek advice from the council. Where care of children is shared, the council will normally only allow them to be listed in only one re-housing application. There are only a few limited exceptions to these requirements, such as:

- a) children newly born into the household;
- b) children leaving care or being fostered;
- c) children required to live with the applicant because of family court proceedings arising from child protection cases brought by the local authority. Applicants who wish to include children who live with them arising from private family court proceedings will be subject to the 12 month requirement detailed in paragraph 57c.

47. Applications which include children who have previously been rehoused by the council in the care of someone else will be refused.

48. If the council considers that children have been included on the application to gain greater priority or access a larger or different type of housing the application, the application will be refused and may be treated as fraudulent.

Other landlords' requirements

49. The council work with other social landlords in the city. 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. Individuals can ask to see this if they require further details.

Age designated properties

50. Some of the council's and housing associations' properties have minimum age requirements. For example, some properties require applicants to be 50 or over. Details are provided on the Homebid website.

Special letting schemes and sensitive lets

51. Occasionally, the council, or one of its social housing partners, may decide to implement a "special lettings scheme". An approved special lettings scheme operates alongside this policy and may restrict or give greater priority to certain categories of applicant who are eligible for housing. This is most frequently done when a newly built or refurbished scheme is being let. However, this can happen at any time if the landlord deems it necessary to make sure that the scheme operates effectively as a good place to live.
52. 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.
53. 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.

Applicants who are not able to bid

Housing with Care

54. The council lets and makes nominations to several older persons specialist housing schemes. These are categorised as Housing with Care. These schemes offer independent, secure/assured tenancies. They have the benefit of additional onsite care and associated facilities catering to a range of need.
55. The applicant must meet the eligibility and qualification criteria of this policy. For Housing with Care, applicants must also request a Housing with Care referral from their care co-ordinator or social worker. This is so that the council and its commissioned onsite care providers can ensure that the level of care required in the accommodation available. If the applicant does not have a care co-ordinator or social worker, the Allocations service has specialist officers who can begin this assessment process with them.

56. Due to the specialist nature of this accommodation, the council does not advertise Housing with Care vacancies on Homebid alongside other properties. A separate direct let list will be maintained. Applicants will be matched to suitable vacancies in line with their preference of scheme/area. Where more than one applicant is assessed as being potentially suitable for a vacancy, the qualification date will determine who is made a provisional offer.

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 usually due to the applicant, or a member of their household, being wheelchair dependent within the home.
58. Before being accepted on to the APDL waiting list, an Occupational Therapist (OT) assessment is required. This assessment will detail what adaptations are required, as well as why there is a need to move.
59. The council matches adapted properties to the housing needs of applicants. Most applicants are able to exercise choice with regards to 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. 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 placed into a band. Directly matching applicants to available, suitable adapted properties helps to make the best use of them, as these properties are very scarce.
61. 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 and their position on the direct let list when they apply.

Urgent APDLs

62. An applicant who requires an APDL may also be in the Urgent Housing Needs category, or one of the following circumstances may apply:
- 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.
63. There may be more than one applicant with an urgent need waiting for the same size of property. The urgent cases will be considered in the date order of urgent status being agreed. Then in order of the application date.

64. 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.

DRAFT

Allocating Housing

How the council makes decisions

65. The council makes decisions about housing applications by considering four questions.

1. Is the applicant eligible to be rehoused? If so;
2. Does the applicant qualify under this policy? If so;
3. What type of property does the applicant require (see below)? and;
4. Which band must they be placed in according to the banding system?

66. Allocations Officers will make all Allocations decisions unless detailed below:

Decision	Minimum level of authorisation
Reviews (appeals)	Senior Allocations Officer
Direct offers of accommodation	Senior Allocations Officer
Decision to place applicant in Urgent Housing Need category	Senior Allocations Officer
Decision for unsuitability to be a tenant	Allocations Manager
Decision to advertise property as 'sensitive let'	Allocations Manager
Decision to not apply local connection; 12 month living together and housing debt owed requirements	Allocations Manager
Authorisation for special lettings scheme (for new housing developments)	Director of Housing
Exceptions to policy	Director of Housing

67. The council may seek the advice of outside professionals to assist in reaching a decision on an application. This is often due to a complex medical issue identified in the application. The final decision will still be made by an Allocation officer or other officer identified in the table above, taking into account the advice received.

Exceptions to policy

68. Occasionally, exceptional cases will arise which cannot be dealt with within the normal policy criteria. Under the Council Constitution 23 Part 10 - Officer Scheme of Delegation, the Director of Housing has the delegated authority to make an exception to policy, give additional priority or to take other action necessary. This delegated authority will only be used in very exceptional circumstances to ensure the council is 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.

Type of property required

The council must make the best use of the resources available in order to house the maximum number of people from the Housing Needs Register. This means that the council has 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 more flats than houses and larger homes are scarce.

69. The council classifies 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.

For applicants accepted onto the Housing Needs Register:

- The council will assess their needs to decide what sort of property they can bid for on the Homebid website.
- If an applicant bids for a property outside this assessed need, the offer will not be made to that applicant.
- If a property is advertised with a *priority* for certain applicants, the council will make offers to those applicants in turn first. This is normally done where a property would meet the needs of a disabled applicant (e.g. a ground floor property).

70. The council may restrict bidding for properties to applicants within the specified bands. This may be done where there is a need to increase lets to certain categories of applicant, e.g. applicants who are homeless. The council reserves the right to not make an offer of a property to an applicant if, due to its features or adaptations it could be better used by another household or if it would meet the needs of those in emergency housing situations.

71. 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 has to make best use of them. Therefore, houses will usually be allocated and given priority to particular types of applicants. This includes families with children or those giving up a larger socially rented home. Houses which have two reception rooms (i.e. 'parlour houses') will usually be classified as having an additional bedroom. Therefore, they will be advertised with a priority to applicants who require the larger number of bedrooms.

Size of property required

72. The council considers the following people will usually need a bedroom of their own:

- couples;
- a single person aged 16 or over;
- someone who needs to live in the household and has an assessed medical need for their own bedroom.

73. Two children of different sexes aged under 10 will be expected to share a bedroom.

74. Here are a few examples of how the rules apply:

Family Size	Size of Accommodation
Single person	Studio or one bedroom
Two adults living as a couple	One bedroom
Adult couple or single person, with: <ul style="list-style-type: none"> - One child - Two children aged under 10 - Two children aged under 16 of the same sex (includes step and half siblings, cousins, nieces/nephews, etc)	Two bedrooms
Adult couple or single person, with: <ul style="list-style-type: none"> - two children of opposite sexes, at least one over age 10 - Adult couple or single person, with three children under 16 - Adult couple or single person with four children, including two of each sex (includes step and half siblings, cousins, nieces/nephews, etc)	Three bedrooms
Adult couple or single person, with: <ul style="list-style-type: none"> - Three children, one aged over 16 and two aged over 10 of different sex - Four children, one aged over 16, one aged 10-15 and two aged under 10 	Four bedrooms

<p>- Five children aged 0-15</p> <p>(includes step and half siblings, cousins, nieces/nephews, etc)</p>	
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Households without any other qualifying factors and who have the 'correct' number of bedrooms will be treated as adequately housed. So, they will not qualify to join the Housing Needs Register. However, applicants living in social housing in the city can join the housing needs register to move to a smaller property. This includes applicants living in either a council property or a housing association property. The banding scheme details how these applicants will be prioritised.

75. An applicant may be offered a property with fewer bedrooms than they are entitled to as illustrated above. This will be for cases where an improvement may be made to the applicant's current housing situation, however, the limited supply and high demand means there is no realistic prospect of a larger home becoming available sooner.

76. Applicants in Band A3 who are single people or a couple with no children, may bid for one or two bedroom properties.

DRAFT

Banding scheme

The banding scheme operates by grouping applicants into several bands, which reflect the differing levels of housing needs and local priorities in an allocation scheme. The numbers within the bands are to not indicative of order of priority.

Band	Band name	Definition
A	1. Urgent housing needs: A life-threatening illness or sudden disability	<ul style="list-style-type: none"> The applicant is living in accommodation which poses an imminent risk of serious physical or mental harm, for which no other reasonable housing options are available, or: The applicant is living in housing which cannot be adapted for their needs, cannot reasonably access other housing options and, due to the lack of an adapted home, cannot access basic facilities such as a toilet.
	2. Urgent housing needs: Those who require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious antisocial behaviour or domestic abuse,	<ul style="list-style-type: none"> Existing social housing tenants in the city must meet the requirement to be made a management move as determined by their registered social landlord (see paragraphs 95-96). If the applicant is living in owner occupied or privately rented accommodation, or have no housing, they will be referred to the council's Homelessness service.
	3. Under occupation (3+ bedroom property)	<ul style="list-style-type: none"> The applicant is a SCC council tenant (or a tenant of a housing association living the SCC area where the vacancy will be given to SCC); who under occupies their existing 3 bedroom or larger property and is looking to move to a two bedroom or smaller property.
	4. Efficient use of Housing Stock	<ul style="list-style-type: none"> Applicants giving up fully wheelchair accessible or extensively adapted social housing that is no longer required.
	5. Decant - regeneration	<ul style="list-style-type: none"> SCC tenants living in an approved council estate regeneration area and have been served notice that they must give up their council home in the city.
	6. Decant - disposal	<ul style="list-style-type: none"> SCC tenants in the city who are required to move because the property is being permanently disposed of.

B	1. Main Homeless Duty	- Applicants who are statutorily homeless and owed the main Housing Duty by SCC under s193 (2) and are ready to move on from temporary accommodation.
	2. Under occupation (2 bedroom property)	<ul style="list-style-type: none"> The applicant is a SCC tenant or a tenant of a housing association living the SCC area, who under occupies their existing 2 bedroom property and is looking to move to a smaller property.
	3. Efficient use of Housing Stock	<ul style="list-style-type: none"> The applicant is a SCC council tenant or a tenant of a housing association living the SCC area and is giving up ground floor social housing as they no longer require it. An applicant is considered Left in Occupation of a council property where a notice to quit has been served and there is an agreement to rehouse.
	4. Care Leavers Move - On	<ul style="list-style-type: none"> Where a young person who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in the SCC council area and is ready for independent living, to enable a planned move on to independent suitable accommodation providing a support plan is in place. The numbers housed under this provision will be subject to an annual quota agreed with the council's Children Services department.
	5. Applicants with two or more categories in Band C2-C4	<ul style="list-style-type: none"> Applicants not in any of the above categories who are assessed as having two or more reasons to move from Band C2-C4.
C	1. Homeless Prevention or Relief Duty	<ul style="list-style-type: none"> Applicants owed the prevention or relief duties under part 7 of the Housing Act 1996 by SCC.
	2. Occupying insanitary, overcrowded or unsatisfactory housing conditions	<ul style="list-style-type: none"> Applicants living in one or more of the conditions defined in appendix 1
	3. Medical /welfare need	<ul style="list-style-type: none"> Applicants with an assessed medical or welfare reason to move home, including grounds related to a disability.
	4. Hardship	<ul style="list-style-type: none"> Applicants who need to move to a particular locality in Southampton, where failure to

		meet that need would cause hardship to themselves or others.
	5. Right to Move	<ul style="list-style-type: none"> Applicants who have been accepted under the 'Right to Move' regulations. This band will apply regardless of how many other categories in this table may apply.
D	1. Intentionally Homeless	<ul style="list-style-type: none"> Intentionally homeless applicants (regardless of how many other categories in this table may apply).
	2. Housing related debt	<ul style="list-style-type: none"> Applicants with housing debt owed but no repayment plan agreed or being adhered to. This is regardless of whether they would be entitled to be in bands A-C.
	3. Care Leavers Not Ready to Move	<ul style="list-style-type: none"> Where a young person who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in the SCC council area and is not ready for independent living.
	4. Refusal penalty	<ul style="list-style-type: none"> Applicants who have refused three offers of accommodation will be placed in Band D for six months.

77. Applicants in Band A1 or A2 (applicants with urgent housing needs) will remain in the band for 3 months only. If a suitable property does not become available to bid on, the council will suspend the application from bidding and make one direct offer of accommodation. If an applicant in Band A1 or A2 refuses any offer of accommodation and the council is satisfied the offer was reasonable, the applicant will be placed into the band they previously occupied. If the applicant did not previously have a band, they will be removed from the Housing Needs Register.

78. There may be occasions where applicants who are at significant risk of harm and have no alternative housing options may be given a direct offer of accommodation. Whilst we will give due consideration to the applicant's area of preference it may not always be possible to make a direct offer in their area of preference. Priority will be given to ensure risk of harm is removed in the quickest possible timeframe. If an applicant refuses an offer and the council is satisfied the offer was reasonable, the applicant will be placed into the band they previously occupied. If the applicant did not previously have a band, they will be removed from the Housing Needs Register.

Management Moves and Reciprocals

79. Southampton City Council in its role as a landlord may decide to move a tenant in line with its housing management practice and procedures. These applicants will be made one suitable offer of accommodation. This will be in consultation with the relevant local housing office. Offers made under this basis will usually be to a 'like-for-like' property. This is unless the offer would result in a statutory overcrowding situation.

80. If the tenant's landlord is a housing association, their landlord will determine if the tenant needs to move on this basis. They will request the Allocations service to consider making one direct offer of suitable 'like for like' accommodation. This is agreed on a discretionary basis taking into account the relevant factors of the case and prevailing local housing situation. Requests will not

be agreed unless the landlord agrees to reciprocate (i.e. allow the council to advertise the resulting vacancy).

Families in severe overcrowding which pose a serious health hazard

81. The council will investigate the circumstances and causes of the overcrowding and what immediate remedies, if any, are available. It will decide whether to place these applicants into the urgent housing needs band on a case-by-case basis. It is likely that those who apply and are accepted on this basis will be offered interim accommodation under Part VII of the Housing Act 1996.

Refusing an offer of accommodation

82. The council has an obligation to manage its resources efficiently and provide value for money to its customers. Refusals of accommodation place a burden on council staff time. Refusals of council-owned accommodation causes rent loss for councils. This is to the detriment of our tenants and prospective tenants. If an applicant in any band refuses 3 offers of accommodation during the life of their application, they will be placed into Band D for 6 months. If this applicant then refuses another offer of accommodation, they will be treated as if they no longer require a move, and their application will be cancelled.

Right to Review decisions

83. Applicants have a right to request a review of any decision. Applicants also have a right to request a review of the facts of the case which were taken into account in making the decision. The details on how to request a review are provided in the letter 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.

Right to Move

84. The Allocation of housing (Qualification Criteria for Right to Move) (England) Regulations 2015 requires the council to set aside a proportion of their lettings for social tenants from other parts of the England who need to move to the area to take up work.

85. To qualify to be considered for the “right to move” applicants must:

- be an existing social housing tenant in England;
- have reasonable preference under s.166A(3)- the need to move to the local authority 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.

86. To make this decision, the council will take into account factors such as:

- the distance and/or time taken to travel between work and home;
- the availability of transport, taking into account earnings;

- the nature of the work and whether similar opportunities are available closer to home;
- other personal factors such as medical conditions and childcare;
- the length of the work contract and whether failure to move would result in the loss of opportunity to improve their employment circumstances or prospects.

87. Voluntary work is excluded from these arrangements. Work, which is only short-term, marginal in nature or ancillary to work in another district is also excluded.

Right to Buy

88. The Right to Buy scheme allows most council tenants to buy their council home at a discount.

89. 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.

Risk to applicants or other residents

When deciding whether to accept an application, or to make an offer of housing, the council will consider 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 which may affect other residents. For example, a known history of violent or anti-social behaviour. If the council considers the risk to be too great then it may decide not to accept the applicant onto the Housing Needs Register, or not to make an offer of accommodation. The council may also restrict the offer to certain types of accommodation or to certain areas of the city.

90. 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.

91. In reaching a decision on these matters the council will consider all the relevant factors. This includes seeking the view of Health, Police, National Probation Service, and other relevant statutory agencies. Examples of issues which will be considered 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

Applicants deliberately worsening their housing situation and fraud prevention

The council takes its responsibility to make proper use of public resources very seriously. Applications for the Housing Needs Register are investigated to ensure assessments and decisions

are accurate. The council will require proof of information in the application, such as benefits and council tax records, tenancy agreements, bank statements and any other information the council may require in order to validate applications. The council is required to participate with other Local Authorities as part of the National Fraud Initiative. The council will also verify information by office interviews, home visits, statements from previous social landlords, and verification of documents.

92. Where the council suspects fraud, the application may be referred to the council's Tenancy Fraud team for enhanced checks.

Where the council considers an application for the Housing Needs 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.

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 Needs Register, the council will continue to treat the application as if the move or alteration had not taken place.

93. 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.

Data protection

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

Governance

95. This policy will be reviewed regularly by the Allocations Team to make sure it aligns with the latest legislation and changing local priorities.

96. A new system is required to implement the new banding scheme and policy. The Policy will be implemented when the new system is in place.

Appendices

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" (paragraphs 86-88) for information on how the council determines how many bedrooms it considers a household requires.

4. Applicants requiring housing for older people

Applicant aged 50 (or joint applicants both aged 50) or over, living in general needs social housing, who want 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 55 (or joint applicants both aged 55) or over, living in social housing for ages 50+, who want to move to:

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

Applicant aged 55 (or joint applicants both aged 55) or over, living in privately rented accommodation, who want to move to:

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

Appendix 2 Legislation and regulations

The relevant legislation and codes of guidance have been considered, in particular:

- The 1996 Housing Act (Part VI) as amended by the Homelessness Act 2002 and the Localism Act 2011
- The Housing Act 1996 (Part VII) as amended by the Homelessness Reduction Act 2017
- The Equality Act 2010
- The Freedom of Information Act 2000
- Section 17 Childrens Act 1989
- The Domestic Abuse Act 2021
- The Allocation of Housing (qualification criteria for Armed Forces Personnel) (England) Regulations 2012 and supplementary statutory guidance December 2013
- Allocation of Housing and Homelessness (eligibility) (England) Regulations 2006 (as amended)
- Regulations made by the Secretary of State sets out person who may be eligible despite being a person from abroad subject to immigration control.
- Allocation of Accommodation: Guidance for Local Housing Authorities in England (MHCLG 2012, as amended)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013)
- Improving access to social housing for members of the Armed Forces (MHCLG, 2020)
- Improving access to social housing for victims of domestic abuse (MHCLG, 2022)
- Right to move and social housing allocation 2015
- 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.

The Policy has been formulated with regard to law and regulatory requirements including:

1. Statutes

- a. The Housing Act 1985
- b. The Housing Act 1006
- c. Homelessness Act 2002
- d. Homeless Reduction Act 2017
- e. Housing and Regeneration Act 2008
- f. Localism Act 2011
- g. Armed Force Act 2006

- h. Asylum and Immigration Act 1996
- i. 9 Immigration and Asylum Act 1999
- j. Childrens Act 2004
- k. Equality Act 2010
- l. Data Protection Act 2018
- m. European Union (Withdrawal Agreement) (Act 2020).
- n. Human Rights Act 1998.

2. Regulations

- Allocation of Housing (Procedure) Regulation 1997; SI 199/483
- Allocation of Housing (England) Regulations 2002; SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 (as amended)
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021
- Allocation of Housing (Qualification Criteria for Armed Forces) (Armed Forces)(England) Regulations 2012; SI 2012/2989
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015; SI 2015/967
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989

3. Codes of Guidance

- Allocation of accommodation: guidance for local authorities, June 2012, updated, September 2021
- Providing social housing for local people, December 2013
- Right to Move and social housing allocations, March 2015
- Improving access to social housing for victims of domestic abuse, November 2018
- Improving access to social housing for members of the Armed Forces, June 2020
- The regulatory standards for registered providers of social housing in England:
- Tenancy Standard, published April 2012

- Homelessness Code of Guidance for Local Authorities 2018

Appendix 3: Habitual residency, persons subject to immigration control and those who may be eligible or ineligible for an allocation of social housing

The following classes of persons, subject to the satisfying a habitual residency test will be eligible to join the Scheme:

- A. British citizens (constituting the nations of England, Scotland and Wales).
- B. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
- C. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
- D. EEA Nationals (nationals of any of the EU member states, and nationals of Iceland, Norway, Liechtenstein and Switzerland - other than those from Ireland) and their family members, who a. have acquired limited leave to enter and remain in the UK b. were frontier working before 31 December 2020, or c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the "Grace Period statutory instrument
- E. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
- F. Persons granted refugee status by the UK Government.
- G. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
- H. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
- I. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
- J. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
- K. Persons who are habitually resident in the Common Travel Area, who have Calais leave to remain under the Immigration Rules
- L. .Persons who are habitually resident in the Common Travel Area, who have been granted leave to remain as a stateless person under Immigration Act 1971

M. Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland by virtue of the Immigration Rules.

N. Eligibility provisions do not apply to Applicants who are already secure or fixed-term tenants (let at social rent or affordable rent) of the Local Authority seeking to transfer.

Even when an Applicant is eligible for an allocation of social rented housing, only those who are habitually resident in the Common Travel Area will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law). If it is apparent that an Applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an Applicant is habitually resident:

A. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands.

B. The association between a person and their place of residence.

C. Why a person has come to live in the UK

D. Whether a person is joining family or friends in the UK

E. Whether a person has accumulated a continuous period of residence prior to making their application.

F. The length of residence in another country

G. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.

H. A person's future intentions, employment prospects and centre of interest

I. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

Not eligible to join the scheme:

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

A. Persons not habitually resident in the Common Travel Area

B. EEA nationals whose only right to reside in the UK is:

i. Derived from their status as a jobseeker (or their status as a family member of a jobseeker).

ii. An initial right of residence for 3 months.

iii. Derivative right of residence because the person is the primary carer of a British citizen.

- iv. Right to reside as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).

C. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.

D. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

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

[ENDS]