



Ribble Valley  
Borough Council

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# ALLOCATIONS POLICY

Overall review Nov 2023

# Contents

1.	Introduction .....	2
2.	Aims and Objectives of the Allocations Policy .....	2
3.	Legislative Context.....	2
4.	The Legal Framework: Allocation Priorities.....	3
5.	Strategic Context.....	3
6.	General Approach .....	3
7.	Onward Homes Common Allocations Policy.....	3
8.	Equal Opportunities.....	3
9.	Definition of an ‘Allocation’ .....	3
10.	Statement on Choice.....	4
11.	Registering .....	4
12.	Eligibility .....	5
13.	Verification of Eligibility .....	6
14.	Local Connection and exemptions .....	7
15.	Housing Need .....	7
16.	Ability to meet own Needs.....	7
17.	Decisions on Reasonable Preference and Additional Preference ..	8
18.	Points System .....	8
19.	Relevant Date of Registration .....	11
20.	Exclusions from the Register .....	11
21.	Serious Offenders .....	11
22.	Application Renewals.....	11
23.	Reviews.....	12
24.	Sharing Information.....	12
25.	Transfers and Mutual Exchanges .....	13
26.	Length of Tenancy Term Offered .....	14
27.	Exceptions.....	14
28.	Allocating Affordable Rented Properties .....	15
29.	Local Lettings Policies/Schemes.....	15
30.	Pilot Schemes .....	16
31.	Reciprocals .....	16
32.	Withdrawal of Offers.....	16
33.	Additional Notes .....	17

## **1. Introduction**

The Council and all partner Registered Housing Providers within the borough operate a common housing register.

Ribble Valley housing service allocates all of its available affordable accommodation to the criteria set out within this housing allocations policy.

In developing this policy, the Council and its partners have taken due regard for local housing need, legislation, government guidance and responses from extensive consultation. All current households registered were given the opportunity to comment on a draft version of this policy. Ribble Valley Borough Council will review this policy at least every five years, however amendments will be made as required to reflect any significant change in legislation. Any major change will be subject to further consultation and will require approval by Health and Housing Committee.

This policy considers the local housing market in Ribble Valley whereby social housing remains a scarce resource in high demand. This is in the context of the cost of living crisis, economic climate, welfare reforms and the increasing competition for new tenants from a reducing private sector housing market.

The Council is required to allocate Social Housing according to a published Allocations Scheme which has been drawn up according to the Housing Act 1996, Part 6, and as amended by the Homelessness Act 2002 and the Localism Act 2011.

We have considered, the current local housing conditions – they are, the acute shortage of suitable available affordable properties and the increasing demand for those properties, irrespective of the size or type of household.

## **2. Aims and Objectives of the Allocations Policy**

The key aims and objectives of this policy are to continue to allocate housing in demand to applicants in housing need, within a fair and transparent housing allocations policy.

In particular, the policy is committed to meeting the following comprehensive aims and objectives:

- Assist the Council and its partners in meeting statutory duties and corporate aims
- Prevent people becoming statutory homeless
- Maximise the use of housing stock within the borough
- Contribute to the development of sustainable communities
- Meet national, regional, sub regional and local priorities
- Maximise choice for applicants
- Make the housing process and its policies more accessible to customers
- Let accommodation fairly and in an open and transparent way
- Promote and achieve equality of opportunity

## **3. Legislative Context**

- Housing Act 1996, Part 6 – as amended by the Homelessness Act 2002
- The Allocation of Housing (Procedure) Regulations 1997 (SI 1997 No.483)
- Localism Act 2011
- Homeless Reduction Act 2017
- Asylum and Immigration Act 1999
- Data Protection Act 2018

- Equality Act 2010

## **4. The Legal Framework: Allocation Priorities**

This section explains how the Council meets the principal legal requirements for allocation schemes, as set out in the Housing Act 1996, as amended.

## **5. Strategic Context**

In writing this Policy the Council has had regard to the following Council Strategies:

- Housing Strategy
- Homelessness Strategy 2021-24
- Onward Homes Common Allocations Policy
- Addressing Housing Needs Documents 2012
- Strategic Housing and Economic Needs Assessment (SHENA)

## **6. General Approach**

Throughout this Policy the Council has had regard to fairness, equality and diversity and the need to demonstrate that due consideration has been given to all sectors of the community, and to those in greatest need, consistent with prevailing local conditions and relevant legislation.

## **7. Onward Homes Common Allocations Policy**

Onward Homes, the largest housing provider in the Ribble Valley, administer the Housing Register on behalf of RVBC. They allocate their properties in accordance with a common allocations policy agreed with RVBC and they manage all nominations to other Registered Providers (Housing Associations) on behalf of RVBC. This policy is applied by Onward on behalf of RVBC.

## **8. Equal Opportunities**

The Allocation Policy has been designed to ensure that those in most housing need are given priority for housing by strictly adhering to the points system. Only in respect of designated properties and local lettings schemes will the normal system of making offers not apply. (with these schemes local connection takes greater priority)

There will be special assessment and allocations arrangements for people with physical disabilities to ensure that designated properties are allocated to the applicant in the most need.

Detailed monitoring of allocations outcomes will be undertaken and reported. Regular equality impact assessments of the service will be carried out and one will be completed before a local lettings scheme is implemented. Other measures will be taken to ensure that vulnerable or disadvantaged groups are aware of the opportunity for getting a housing association home and are able to effectively engage with the Allocations Service.

## **9. Definition of an 'Allocation'**

An allocation is the selection of a person for an offer of accommodation. It includes moves by existing RP tenants, which are known as 'transfers.

### **Reasonable Preference**

The Council must provide ‘**reasonable preference**’ to certain applicants in housing need.

### **What is ‘reasonable preference’?**

Reasonable preference means providing certain applicants with an **advantage** or **head start** compared to other applicants who do not have reasonable preference according to the law.

Reasonable preference must be given to:

- People who are homeless or threatened with homelessness within the meaning of Part 7 of the Housing Act 1996.
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) or who are occupying accommodation secured by any such authority under section 192(3).
- People occupying unsanitary or overcrowded housing or otherwise unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including disability
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

The Council does not have to provide the same advantage to all categories of reasonable preference. The allocations policy is there to meet local needs and housing demand, as well as the requirements of the law.

### **How does the Council provide ‘reasonable preference’?**

The scheme provides reasonable preference to the above applicants through the point’s system.

## **10. Statement on Choice**

RVBC’s allocations policy permits all applicants to make choices about the areas in which they would like to be housed. Every effort is then made to offer suitable accommodation within the applicant’s areas of choice. RVBC delivers this via Onward Homes and other associated Registered Providers. A copy of the Ribble Valley Affordable Rental Property booklet is available on request. This provides details of affordable rental property type and locations across the Ribble Valley.

## **11. Registering**

An application to join the Housing Register must be made using the required form. A verbal request to be housed will be acknowledged but registration will only follow after receipt of a completed application. The applications forms are available at the Council Offices, Church Walk, Clitheroe or Council website [www.ribbonvalley.gov.uk](http://www.ribbonvalley.gov.uk). Applications can also be requested by phone by contacting Onward on Freephone number 0300 555 0600 or via our website [www.onward.co.uk](http://www.onward.co.uk)

Once an application is registered the applicant will receive a unique reference number which should be used in all contact with Onward Homes.

The applicant will also be advised of the number of points their application has received, their positions on the waiting list and the “relevant date” of registration. “Relevant Date” is important as applicants will normally be housed in strict date order in a situation of equal points.

Applicants must keep Onward Homes fully informed of any changes in circumstances. Failure to do this may either lead to the applicant being allocated the wrong points, an offer of accommodation being withdrawn because application details were incorrect, or the application being suspended from the list.

It is the responsibility of every applicant to ensure that their application details are correct at the time of registration and are subsequently updated when necessary. (Onward Homes undertakes a 6-monthly review of all applications to ensure information is current. Failure to return these reviews will result in the cancellation of your application.) Where an applicant is flagged as vulnerable due to age, disability or low literacy contact with family members will be made before an application is cancelled due to failure to renew.

**It is an offence for an applicant or member of their household to knowingly or recklessly give false information, or withhold information which the Authority has reasonably required to be given in connection with its functions under Part 6 of the Housing Act 1996.**

**A person guilty of a summary offence will be liable to a fine not exceeding £5000. They will also be removed from the Housing Register. The Authority is also entitled to seek possession of a tenancy granted as a result of a false statement by an applicant or someone acting at an applicant's instigation.**

Some applicants will not be eligible to join the Housing Register. More information on this is given under Eligibility.

Members of RVBC and Onward Homes staff, their close family and elected members who require housing with Onward Homes may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

If an applicant who is a member of staff, board member or a member of their direct family, is made an offer, it must be approved by the Neighbourhood Delivery Manager at Onward Homes before a formal offer is made

Applicants who deliberately worsen their situation to gain advantage will be assessed on the basis of their situation *immediately prior to* this taking place and may be excluded from the Register as above.

## **12. Eligibility**

Not everyone who applies for accommodation will be eligible. Those people may be excluded from the Waiting List and not be entitled to social housing in the borough.. The legislation in this area is detailed and complicated. Summarised below is a list of persons' who are not eligible but in making a decision the Council and Onward Homes will refer to the detailed legal guidance which is appended to this policy.

**The following applicants are eligible to register;**

- British citizens (England, Scotland, Wales, Northern Island, Isle of Man and Channel Islands)
- Commonwealth citizens with a right of abode in the UK immediately before 1<sup>st</sup> January 1983 (excluding citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe)
- Irish Citizens
- EEA nationals who under the EU Settlement Scheme have been granted limited leave to enter or remain (also referred to as "pre-settled status"), will be eligible for the time indicated on their EU Settlement Scheme card

- EEA nationals who under the EU Settlement Scheme have been granted indefinite leave to enter or remain (also referred to as “settled status”)
- Persons exempt from immigration control (e.g. diplomats and their family members based in the UK, some military personnel, etc)
- Persons granted refugee status by the UK Government
- Persons granted exceptional leave to enter or remain in the UK with condition that they and any dependents may have recourse to public funds (e.g. humanitarian or compassionate circumstances)
- Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in 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)
- Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed but they face real risks of harm if they returned to their state of origin)
- Persons who are relevant Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area

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**The following applicants will not be eligible to join the housing register:**

- Persons not habitually resident in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, Channel Islands
- Persons from abroad where they have the right to reside in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Mann, Channel Islands as follows:
  - As a job seeker or a family member of a job seeker; or
  - An initial right to reside in the first three months of residence; or
  - A derivative right to reside on the basis of being a non-EEA national who is the primary carer of a British citizen child or dependent adult, where such child or dependent adult would be unable to live in the UK or another EEA state if their carer left the UK (a “Zambrano carer”)

- EEA nationals who have no leave to remain, either limited or indefinite, under the EU Settlement Scheme
- Persons whose only right to reside in the UK is an initial right for no more than three months, including those who would become an unreasonable burden on the social assistance system of the UK

A joint tenancy cannot be granted to two people if any one of them is not eligible. If one person is eligible, a tenancy may be granted to the eligible person.

Only applicants who are habitually resident will be eligible for an allocation of housing accommodation. The following tests will be carried out to confirm if an applicant is habitually resident:

- The degree of permanence in the persons residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, Channel Islands
- The association between a person and the place of residence
- Whether a person has accumulated an appreciable period of continuous residence prior to making an application
- Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded
- Exemptions from the habitual residence test include EEA national 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

Confirmation of immigration status of an applicant from abroad will be obtained from the Home Office by emailing [evidenceandenquiry@homeoffice.gsi.gov.uk](mailto:evidenceandenquiry@homeoffice.gsi.gov.uk).

The eligibility of an applicant will be considered at the time their application is initially processed and again at the point of offer of an allocation. If an applicant is eligible initially but becomes ineligible, they will be removed from the housing register and notified.

**NOTE: An applicant who is already in a Secure or Introductory Tenancy, or an Assured Tenancy allocated by the Local Housing Authority, is not subject to these eligibility requirements.**

RVBC and Onward Homes have further agreed that the following applicants will have restrictions placed on their applications for housing.

- Applicants or members of their household who engage in, or have been found responsible for, unacceptable behaviour. This is defined as behaviour which, had they been an assured tenant of Onward Homes at the time they engaged in it, would have resulted in outright possession proceedings successfully being taken.
- Applicants or member of their household who have a history of behaviour which has caused nuisance and annoyance.
- Applicants or members of their household who have been convicted for using a dwelling for immoral or illegal purposes, or committing an arrestable offence in the locality.
- Applicants or members of their household who have committed domestic violence causing a partner or other family member to become homeless.
- Applicants or members of their household who have caused a property to deteriorate due to waste, neglect or default.
- Applicants or members of their household who have gained a tenancy through false statement or information given on application.
- Applicants who have paid or received premium (received a financial or other benefit) in connection with a mutual exchange.
- Applicants or members of their household who have been evicted from a dwelling within the curtilage of a building held for non-housing purposes due to conduct such that given the nature of the building it would not be right for occupation to continue.



In all of the above cases the application will be suspended from the waiting list for a minimum period of 12 months further consideration will be given after a year, if acceptable behaviour has been demonstrated during this period the application will be placed on the active waiting list. Each case will be treated on its merits and suspensions may be permanent or for longer periods than 12 months. An applicant may appeal if not satisfied with the decision.

### **Rent Arrears**

- Applicants who currently have rent arrears of over 1 months rent will not be made an offer of accommodation until outstanding debts have been cleared. Applicants with arrears are able to register providing they are able showing an intent to clear and can evidence regular payments to clear arrears.

## **13. Verification of Eligibility**

The following documentation will be required to verify an applicant's eligibility prior to receiving an offer of accommodation:

- Proof of identity.
- Proof of residency of children (Child benefit, court order).
- Proof of pregnancy (maternity notes, letter from GP).
- Proof of income/benefits (bank statement, wage slips, DWP documentation).
- Proof of savings/stocks and shares (bank statement, relevant paperwork).
- If owner/occupier of property, most recent mortgage statement.
- Confirmation of immigration status and workers registration certificate (if relevant) for persons from abroad.
- Medical evidence (completion of Onward Homes medical assessment form).
- Notice of eviction (notice to quit from the housing provider) if not previously provided.
- Any updated information from the original application.
- Local connection evidence.
- Reference from Landlord or Employer.

## **14. Local Connection**

### **Local Connection**

Local connection is defined as:

- a) currently living in the Borough for more than 10 years;
- b) currently living in the Borough and have done so continually for between 5 to 10 years;
- c) currently living in the Borough and have done so continually for a minimum of 12 months or 3 out of the last 5 years
- d) currently permanently employed in the Borough for a minimum of 12 months and are employed for a minimum of 18 hours per week paid or unpaid; or
- e) persons who at least one of the adult applicants have next of kin who have lived in the Borough continually for a minimum of five years. Next of kin for the purposes of this clause shall be defined as mother, father, brother, sister or adult dependent children;
- f) persons who are former residents of the Borough who have moved from the borough because of a lack of affordable housing in the borough

## 15.Exemptions to Local Connections

The following applicants will be exempt from requiring a local connection (evidence will be required):

- Statutory homeless applicants
- Applicants who are victims of domestic abuse, threats of domestic abuse or those escaping domestic abuse
- Applicants who are in a reasonable preference category under section 166A of the Housing Act 1996, and a prevention or relief duty is owed by one of the local authority partners
- Applicants who are looked after, accommodated, or fostered by Lancashire
- Applicants who were looked after, accommodated, or fostered by any other children service authority in any of the five local authority areas,
- Applicants who were accommodated under Section 95 of the Immigration and Asylum Act 1999 and granted leave to remain in RVBC
- Applicants who are serving members of the UK Armed Forces or the Reserve UK Armed Forces
- Applicants who are former members of the UK Armed Forces or the Reserve UK Armed Forces who have served
- Applicants who are a bereaved spouse or civil partner of a serving member of the UK Armed Forces who is leaving military accommodation, where the death of their spouse can be partially or wholly attributed to the Armed Forces
- Applicants who are divorced or separated spouses of members of the UK Armed Forces or the Reserve Armed Forces, where their lack of local connection can be attributed to the Armed Forces

His Majesty's Armed Forces can be defined as any of the military services which are tasked with the defence of the United Kingdom and its overseas territories and the Crown dependencies. His Majesty's Armed Forces consist of the Royal Navy, the Royal Marines, the British Army, and the Royal Air Force.

## **16. Housing Need**

Applicants registering for housing who are assessed as having no housing need will NOT be accepted onto the housing register

## **17. Ability to meet own Needs**

Social Housing is for people who are considered to have insufficient resources and capacity to meet their housing need. If you have both the financial capacity and your housing need can be met on the open housing market then you will not be entitled to register.

## **17. Decisions on Reasonable Preference and Additional Preference**

The points of an applicant will be assessed to reflect the relative needs of his/her circumstances and taking into account the due consideration shown to all applicants on the register, and within the context of local Housing Provision.

If an applicant disagrees with the points they have been awarded they can appeal for a review, in writing within 21 days of the date of the decision. See Section 23 for further information on how to request a review.

Reasonable and Additional Preference is reflected in the Points structure described at section appendix 1 in this report.

### **How we Assess Reasonable and Additional Preference**

Assessment of Reasonable, and Additional preference will be carried out by the Allocation's Administration Officers at Onward Homes.

This will only be carried out after all the information which the applicant has been reasonably required to provide has been received.

An applicant may not be registered until this information has been received and assessed.

## **18. Points System**

Applications will be recorded in date order and allocated points in accordance with the points system. Available properties will be offered to the highest pointed applicant requesting that type of property in the area that is available. In the case of equal points it will be offered to the applicant who registered first. Households with no local connection can register on the waiting list however they will not receive any additional priority points (other than if they require support from a next of kin with local connection).

If a household has left the borough due to lack of affordable housing then they can retain points and potentially secure additional for a maximum of 12 months and then to be reviewed.

**Emergency Allocations Priority (These will only be awarded in consultation with RVBC)**

Applicants will be given points for emergency housing need if their need for housing is assessed as so exceptional that they take priority over all other applicants or if there is an urgent need to allocate a property for financial or operational reasons.

Substantial evidence must exist and be provided by any relevant statutory or voluntary agencies before such priority is awarded.

The following are **examples** of the type of situations that may qualify:

- Urgent health/ wellbeing need.
- Emergency disrepair.
- To escape violence or threat of violence, serious harassment or a traumatic event where there is immediate and serious risk to the household. The Police or another appropriate agency will usually provide supporting evidence that the risk exists. The person at risk may be the applicant, or another person who might be reasonably expected to reside with them.

Where we accept a household being referred under the Witness Protection Scheme.

Applicants will be given this priority for 3 months. The decision to extend or remove the Emergency housing need status will be made in conjunction with RVBC and will be based upon: -

- Whether a vacancy occurred during the 3-month period that met the declared needs of the applicant.
- If a suitable property became available and was refused was the refusal reasonable

Emergency status may also be awarded where the tenant of a 'sheltered' or 'adapted' property for the disabled has died leaving another family member in the property and the landlord wishes that family member to be moved quickly to enable the property to be let to an applicant who requires it.

In all emergency cases there is an expectation on the applicant, or their representative, to provide the information required to reach a decision.

### **Housing Need Points**

Applicants will receive housing need points if they fall within the categories set out below the weighting of all points differs and it reflects the seriousness of the housing need:

#### **Lack of Bedrooms / Overcrowding**

Applicants who lack 1 or more bedrooms in line with rules for Universal Credit

#### **Under-occupation**

The applicant is a tenant of Onward Homes or an associated Registered Provider who resides within the Ribble Valley area and under-occupies their existing property and is looking to move to a smaller, more suitable property.

#### **Harassment**

The applicant is a victim of severe and/or persistent harassment or violence (including racial harassment) at their current property - providing evidence exists to substantiate the claim (e.g. from Police/Housing Officer), and re- housing is the most appropriate course of action. This decision will be made in conjunction with RVBC.

## **Medical/Welfare**

The applicant is awarded a 'high' medical priority.

This is based on information provided by the applicant by completion of Onward Homes assessment form. Please be aware that the existence of a medical condition in itself does not automatically translate to points. The assessment is to consider how a change of accommodation would help in relation to the medical condition.

## **Disrepair**

Based on the conditions identified, the local authority has deemed your home to have the presence of hazards (Housing Health & Safety Rating System) Points in this category will be awarded following an inspection of the home by Onward Homes property services and housing services staff. If the property is privately rented Onward Homes will inform RVBC Environmental Health for them to take action. Points may not be awarded if an applicant refuses permission for their landlord to be contacted

## **Supported Housing Move on/Care Leavers**

The applicant resides within a short-term Supported Housing project (usually up to a maximum of two years) and is seeking to 'move-on' into independent accommodation. NB: The Project Manager of the scheme must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy. Points will be similarly awarded to applications from Care leavers **(Points in this category will be awarded by RVBC following an interview with the applicant)**

## **Effective management of social housing within Ribble Valley**

This priority will be awarded in a number of situations set out below to aid the efficient management of social housing stock:

- Under occupation of social housing.
- Those moving from one bed general needs property to one bed sheltered accommodation.

## **Homeless/Threatened with Homelessness**

People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need;

People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether one of these sections applies;

Applicants accepted as homeless or threatened with homelessness under Part 7 of the Housing Act 1996, (as amended by the Homelessness Act 2002 including Rent (Agricultural) Act Cases

Homeless applicants who refuse one suitable offer of accommodation will have their homeless points removed, and where it is determined that the offer of accommodation was suitable under the provisions of the Council's statutory homelessness obligations, the duty to them will be discharged. (This decision will be taken by RVBC)

## **Shared Facilities**

Applicants in Hostel Type accommodation who are sharing facilities such as bathrooms and kitchens.

## **Split Families**

Applicants who, not by choice are living in separate households due to the lack of suitable accommodation available, and cannot live together and wish to be re-housed and have not been accepted under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002). This includes those who may not have been living as part of the household at the time of the application, but whom it would be reasonable to expect to live with the applicant, as part of his/her household.

An application form should be completed by the household living in the worst property out of the households applying, to ensure the application is pointed correctly.

## **Work/Support**

Applicants who are able to demonstrate the need to move nearer their place of work within Ribbles Valley because they have secured or has permanent employment (over 16 hours) in the area (evidence of the employment must be provided). Also applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to receive, or give, support or care within the Borough.

## **Relationship Breakdown**

Applicants who wish to live independently but who still reside with their ex partner/spouse following a relationship breakdown.

## **19. Relevant Date of Registration**

When an applicant joins the Housing Register, the date their completed application is received will be their Relevant Date. A completed application is when the completed application form, proof of ID, proof of residency and reference have been received. If all information is not received within 3 months the application will be destroyed.

## **20. Exclusions from the Register**

An applicant will be removed from the Housing Register in the following circumstances:

- They were found never to have been or have ceased to have been an eligible person.
- They have failed to respond to an application review within the specified time limit.

The applicant will be notified in writing if the Allocations Service is intending to remove them from the Housing Register and will be given the reasons for removal. If the applicant subsequently gives reasons why they should not be removed from the Register a formal review of their case will be undertaken.

## **21. Serious Offenders**

Serious offenders will not be eligible to join the Housing Register without an appropriate assessment in the first instance, which will take MAPPA (Multi-Agency Public Protection Arrangements) guidance into account, and will only be re-housed once a multi-agency risk

assessment is carried out and there is suitable and safe accommodation available. Offenders currently serving a sentence will not be eligible to register or allocated a property

## **22. Application Renewals**

In order to maintain the Housing Register as accurately as possible every applicant will be sent an invite to renew their application on a 6-month basis. Included in this will be a request to provide information on any changes in circumstances.

After a renewal request has been issued one reminder will be sent. If an application is not renewed within 28 days of the issue of the renewal letter and reminder the application will be cancelled and notification sent to the applicant.

If an application is cancelled any new application will have a new "Relevant Date" and will not normally be backdated.

Applicants will have the right to seek a review of a decision not to include on, or to remove from, the Housing Register.

## **23. Reviews**

Applicants have the right to ask for a review of any decision made under the terms of this Policy with which they do not agree.

Requests for a review should normally be made:

1. In writing (a request over the phone or made verbally will need to be confirmed in writing). Please ask if you need assistance.
2. Within 21 days of the date of the decision being appealed
3. To the Housing Services Manager at Onward Homes please see contact details at 34.

## **24. Sharing Information**

The Council has agreed an information sharing protocol with RP's working across Ribble Valley. The protocol establishes procedural arrangements for the exchange of information between the Council and RP's for the purpose of allocations and nominations by the Council to the associations in respect of properties formerly owned by the Council. The protocol takes necessary account of the data protection legislation, health and safety legislation, human rights legislation, the law relating to defamation and the duty as to confidentiality of information. In particular, close regard is paid to the Data Protection Act 2018, which sets out 6 key principles that require personal data held to be:

- processed fairly and lawfully;
- obtained only for specified legal;
- relevant to the purposes for which they are processed;
- accurate and up to date;
- kept no longer than necessary;
- processed in accordance with the rights of data subjects as detailed in the Act;
- subject to appropriate measures against unauthorised processing;
- not transferred outside the European Economic Area unless adequate; controls are in place in the recipient country.

These principles are strictly applied with very little statutory exception. Unless the consent of the person providing personal details is obtained, the Council can only lawfully share such information with the associations if there is a legal right to do so or it is justified as being in the public interest. All information held by the Council, which has been obtained for the

purpose of, placing applicants on both the Housing Register and the Transfer Register are made available to the associations upon request. Applicants are made aware when they complete an application form that this information is held jointly between the partners. Nominations are made in accordance with Nomination Agreements.

All homeless applicants being considered for a housing association home are asked in writing to give their consent to the sharing of information. Any particularly sensitive information will be passed to an officer nominated by the associations who will be responsible for ensuring confidentiality and Onward Homes communication of the information. Specific agreement to share third party information will have to be obtained first and can only be done with the consent of the third part except for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders.

## **25. Transfers and Mutual Exchanges**

Applicants who already live in Onward Homes or partner association's property in Ribble Valley will normally be regarded as "Transfer" applicants i.e. they are transferring from one Social Housing property to another.

These applications are known as "Transfer" applications and are treated as any other applications with a few exceptions:

1. Onward Homes will occasionally, in the best interests of managing the Housing Stock, and by careful use of Transfers, maximize the number of lettings from an initial vacancy by giving Transfers priority over other Housing Register applicants.
2. The Council will allocate resources in accordance with the Ministry of Housing, Communities and Local Government (MHCLG) Code of Guidance on Allocations and the and try to achieve a balance between existing tenants and new applicants.
3. Applicants may not apply for a transfer until they have been a tenant of their existing accommodation for 12 months.

Management Transfers are defined as:

Cases considered to be urgent and serious enough to require an allocation to be made outside of the Council's normal policy and procedure are defined as follows:

- a) Threats to life.
- b) Racial or homophobic harassment.
- c) Extreme anti-social behaviour.
- d) Vulnerable witnesses.
- e) Any other significant and/or immediate need for a move to more suitable, alternative accommodation this will include decant of tenants to allow work to be undertaken to their homes and to deal with person's left in situ following the death of the previous tenant (succession).

### **Mutual Exchanges**

A mutual exchange is where one tenant agrees with another tenant to swap homes. This means that the tenant 'assigns' their interest in a tenancy to another person. The tenancy agreement does not change and by exchanging you accept the responsibilities of the former tenant for the condition of the property. Following a Mutual Exchange Onward Homes or other appropriate landlord will only carry out repairs that are its legal responsibility they will not undertake repairs that are the responsibility of the tenant.

As a tenant of Onward Homes, you may exchange with:

- other Onward Homes Tenants;



- tenants of Local Authorities;
- tenants of other Registered Social Landlords;
- tenants of Charitable Housing Trusts.

But not with tenants of private landlords.

**You need to ask for our written permission to exchange and there are certain circumstances where we may withhold that permission.**

## **26. Length of Tenancy Term Offered**

If you are offered a tenancy with Onward Homes it will initially be a Starter Tenancy for a period of 12 months this will convert to an Assured Tenancy (Lifetime Tenancy) on the anniversary of tenancy commencement providing the tenancy has been conducted in an appropriate manner. In certain circumstances the starter tenancy may be extended. The tenancies offered by other providers may vary and may include Fixed Term Tenancies. The type of tenancy you are offered will be made clear by the Provider concerned but refusal of a tenancy on the grounds that it is a fixed term tenancy would not be considered a reasonable refusal.

## **27. Exceptions**

There are some exceptions to this Policy based upon Primary and Secondary Legislation, or upon locally agreed arrangements

- Part 6 of the 1996 Act does not apply to Mutual Exchanges within a Council's own stock, or via national schemes such as Homeswapper.
- The following cases are also exempted:
  1. Where a tenant dies (either secure or fixed term) and a succession takes place under The Housing Act 1985.
  2. Where assignment takes place by way of mutual exchange under the Housing Act 1985.
  3. Where a secure tenancy is granted by order of a Court under Matrimonial Causes Act 1973, or Matrimonial and Family Proceedings Act 1984, or Children Act 1989.
  4. Where an Introductory Tenancy becomes a secure tenancy.

There are also some circumstances in which allocations may be made other than in accordance with the scheme detailed in this policy.

These include:

- Supported accommodation (ie accommodation in which support is provided as a condition of occupancy).
- Accommodation for keyworkers, as defined locally.
- Lettings to joint tenants, where a tenancy is currently held by one of the joint tenants as a sole tenancy.
- Letting to a former tenant, where a joint tenancy has been terminated by one joint tenant and the other tenant wants to remain in the property (when this is in accordance with eligibility for the specific property type in question).
- Letting to someone who has lived in that property as the relative or carer of a tenant who has died, but there is no statutory right for that person to succeed to the tenancy
- Letting of a property for the purpose of decanting an existing Registered Provider tenant (e.g. where their current property requires work which cannot be carried out with the tenant in residence, or if the current property is scheduled for demolition).

- Letting of a property to an existing Registered Provider tenant, for management reasons. Such allocations can only be carried out with the prior approval of the Housing Services Manager.
- Letting of a property which is particularly suitable for an applicant by virtue of its design, construction or adaptation.
- Letting of a property to a person referred to the Council by the Multi Agency Risk Assessment Conference (MARAC) as a result of Domestic Violence.
- Lettings which are required in order to secure a 'chain letting' whereby Onward Homes maximises use of the stock available to meet the most housing need.

Any decision to allocate accommodation outside of the policy will be signed off by the Neighbourhood Delivery Manager.

## **28. Allocating Affordable Rented Properties**

The policy does not differentiate between working and non-working households in the allocation of Affordable Rent housing.

Affordable Rent will be accessed in terms of the priorities and requirements set out in the Allocations Policy this will allow Onward Homes to maximise use of housing supply to meet need.

RVBC's Strategic Housing team will agree local letting plans for new developments where appropriate. Consideration will be given to establishing local lettings plans where there is a high level of affordable housing in a particular area. There may also be certain circumstances where a local letting plan might be used or agreed where Affordable Rent lettings will be prioritised for certain groups of applicants.

## **29. Local Lettings Policies/Schemes**

Local lettings schemes will be designated by RP's following detailed consultation with the Council and an assessment of the impact. Once agreed these schemes will have their own allocations criteria. Local lettings schemes will be put in place for a specific area or estate and will be set up in response to particular local circumstances. They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism.

The aim of local lettings schemes is to work towards more balance within local communities to result in outcomes that reflect the wider community and address issues such as child density and the proportion of households in employment in any one area or estate.

Working towards more balanced communities may mean housing a mix of:

- a) different household types;
- b) households of different ages and/or with children of different ages;
- c) people who are in paid employment and those who are not in paid employment;
- d) families which have one parent and those which have two parents;
- e) households that have previously had a tenancy and those that have not;
- f) local connection to rurally isolated villages.

The precise approach to be adopted will reflect the particular problems/issues of each area

### **Developing Local Lettings**

Proposals for any local lettings scheme will need to set out the following:

- a) A clear definition of the issues backed up relevant evidence.

- b) A method which is likely to address the issues.
- c) Some assessment of possible adverse impacts.
- d) A way in which the scheme can be monitored.
- e) Proposals for reporting and reviewing the scheme.

The mechanics of local lettings schemes can work in a variety of ways. For example:

- by-pass the mainstream rehousing policy and procedures altogether;
- select some, or all, allocations from within the mainstream system, but change the weighting given to various aspects of housing need;
- select some, or all, allocations from within the mainstream system, but introduce additional criteria for the scheme;
- select from the mainstream system but according to locally set targets.

Once a local lettings scheme has been designated and the rules that will apply agreed, the Allocations Service will allocate all vacancies in the area or estate according to the agreed rules. The policies that apply to all other general needs properties will be suspended. A system for monitoring the impact of the scheme will be agreed and the results reviewed at meetings between RVBC and Onward Homes.

### **30. Pilot Schemes**

From time to time the Council in conjunction with housing association partners will wish to pilot certain schemes to make best use of the social housing stock. Full details of any current scheme will be published on the Council's website.

### **31. Reciprocals**

Other local authorities sometimes request rehousing on a reciprocal basis. The following criteria will be applied:

- The nominated person would be at risk in their present property.
- The referring organisation is unable to intervene to mitigate the risk or to house the nominated people themselves.

Once accepted for housing assistance will be on the following basis:

- The applicant will be offered time limited priority on the waiting list.
- The Allocations Service will have nomination rights to the resulting vacancy or another property of similar type or size.
- The accommodation will be of a similar size and type to that occupied at present.
- The offer of accommodation will be at a safe distance to the present accommodation.

### **32. Withdrawal of Offers**

In the following very exceptional circumstances, offers may be withdrawn:

- Where there has been a change in the applicants' circumstance.
- Following verification the applicant is not eligible for the property.
- Where an offer of accommodation could put a vulnerable person at risk of any harm.
- Where an applicant has knowingly or otherwise provided information that is false and/or misleading.

Where the termination of tenancy has been withdrawn.

### **Match of Household Type to Property Size**

The following table indicates the type/size of accommodation for which applicants can expect to qualify. On occasions applicants may be offered a property that is larger than their housing needs require this will usually be where there is insufficient demand from people who need that size of accommodation. Any offer will be subject to a financial assessment to ensure the applicant can afford the higher rent associated with the larger property.

<b>Single person</b>	Bedsit, studio or one bedroom accommodation
<b>Couple</b>	One bedroom
<b>Two adults, not living together as a couple e.g. if an adult has a medical need for a carer to live with them, on a full time basis, and this carer is not their partner. Proof will be required.</b>	Two bedrooms
<b>Adult(s) with one dependent child</b>	Two bedrooms
<b>Adult(s) with two dependent children of the same sex (up to 16 years) or opposite sex but aged under 10 years</b>	Two bedrooms
<b>Adult(s) with 2 dependent children of opposite sex aged over 10 years</b>	Three bedrooms
<b>Adult(s) with three dependent children</b>	Three bedrooms
<b>Adult(s) with four or more dependent children</b>	Three or four bedrooms

### **Additional Criteria**

Priority for Ground floor accommodation will normally be given to someone who requires level access on the grounds of age, disability, medical need or children under the age of 8.

Applicants who need adaptations will only be offered a property where the adaptation is in situ. Exceptional cases will be considered at the discretion of the Housing Services Manager where there is a very urgent need to move and the risk to the applicant to remain in their current accommodation is significant, and where a move into a standard ground floor property will significantly reduce the risk

In order to be eligible for bedroom spaces for children, the adult(s) must demonstrate that the child(ren) live(s) with them on a full time, permanent basis. Proof of Child Benefit will be the determining factor. On occasions when there is an excess supply of larger properties an offer may be made to someone who has part time access to children subject to a financial assessment.

When we have registered your application, we will advise you what size of properties you will be considered for.

### **33. Additional Notes**

A copy of this Policy, or a summary, is available from Ribble Valley Borough Council offices or via the website at [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Advice and assistance on the Housing Register and how to secure accommodation is available free of charge from Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA or by telephoning 01200 425111

The Council will provide a draft and consult on the details of any significant changes to this policy. All stakeholders will be consulted, including (but not exclusively) Registered Provider (RP) partners, applicants, and representatives of statutory and voluntary agencies.

The policy will be reviewed on an annual basis and will be reported to Ribble Valley Borough Council's Health and Housing Committee.

## RIBBLE VALLEY POINTS SYSTEM

A points system is used in order to make the allocation of housing as objective and fair as possible. The system makes it possible to evaluate an applicants' housing need and therefore to identify applicants with the **most need** of a property. Evidence for additional points will be requested.

Where a development is affected by a Section 106 agreement an application for housing will only be accepted once a **local connection** has been approved.

The agreement has to give priority to **local people in housing need**.

<b>If you are homeless or under immediate threat of being homeless.</b>	
Accepted as homeless by Local Authority and a full statutory duty exists under section 193(2) of the Housing Act 1996. Where confident applicants are owed the main duty then the points can be awarded at the relief stage	30
Additional 5 points to be awarded for every 3 months up to a maximum of 12 months. Any unauthorised break of occupancy and these points will be removed.	20max points
Threatened with homelessness and the applicant has been assessed as being owed a duty to prevent or relieve their homelessness. Evidence will be required	10
Living in violent / dangerous situation (documentary evidence from the police or medical professional will be required). This would include out of area.	15
Leaving the Armed Forces.	10
Statutory overcrowding, awarded for each bedroom short.	10
<b>If you have difficulties with your present accommodation</b>	
Living with harassment supporting evidence required.	10
If you need to leave because your long-term relationship is breaking down.	5
by housing benefit.	
Property is unaffordable If you are a private tenant/homeowner struggling to maintain rent/mortgage repayments (proof required).	5
<b>Your family circumstances</b>	
Local connection in bands of 5 points after 12 months of living in the borough & 10 points after 5 years of being on the list.	5
Employed in the borough <18 hours per week, or to provide/receive support.	5
If your family is forced to live apart that is if parents and children are split up.	5
If you are living in Registered Provider general needs and want to move to sheltered.	10
Children living above ground floor	5
Move on from supported accommodation/care leavers	10
Victim of DV with supporting evidence. If awarded in conjunction with homeless points then to be awarded on a case by case basis.	15
<b>Living in overcrowded accommodation</b>	

If you and your partner are living together as a couple and do not have your own room.	10
For each single person over 16 without their own room.	10
If children of different sex over eight share a room.	10
<b>The condition of your present home</b>	
If you do not have or share the following facilities:	shared
No hot water supply.	10
Inadequate means of heating.	10
Property is in serious disrepair (EHO report required 0-15)	15
<b>Your health is at risk by living in your present accommodation – we will need to see evidence in support of this such as a letter from your GP.</b>	
Low risk	10
Medium risk	20
High/Chronic risk.a health condition that is seriously affected by their current	25
<b>If you are transferring from another housing association or within our own stock.</b>	
If you have a spare bedroom and are requesting a smaller property.	10
Extra points for each additional empty bedroom in your present home.	20
If you have been left in property on death of original tenant.	10
If your move would lead to an improved use of affordable housing stock.	50
<b>Maximum points accrued for time on waiting list is 10 points .5 per year for 2 years.</b>	
<b>Penalty for refusal of offer – to remove all points if an offer of a property is made and refused. The application is also frozen so no further offers will be made for 12 months.</b>	

#### 34. Contacts

RVBC – 01200 425111

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