

*Luton Borough Council
Housing and Social Services*

APPENDIX A

Draft Allocation Scheme

April 2003

Contents

Introduction	4
Aims	5
Scope of the Allocations Scheme	6
Equality and community cohesion	7
Choice	8
Applying for housing	11
• Housing register and transfer list	11
• Who can join the list	12
• Unacceptable behaviour	13
• People who are refused admission to the list.. .. .	14
• HOMES	15
• Fraud and false information	16
How needs are assessed	17
• Reasonable preference categories	17
Allocation Groups	19
• Group A: emergencies	19
• Group B: statutory homeless	22
• Group C: housing register	23
• Group D: transfers	23
• Group E: transfers to increase the supply of housing	24
• Group F: Referrals, nominations and key workers	25
• Group G: HOMES and other incoming nominations	26
• Group H: sheltered housing	27
Joint tenancies	28
Relationship breakdown and council tenants	29
When a tenant dies	30

Size and type of property to be allocated	..	..	..	..	..	31
• Size	..	..	..	..	..	31
• Type	..	..	..	..	..	33
• Sheltered housing	..	..	..	..	..	34
• Extra care sheltered housing	..	..	..	..	..	34
• Mobility and adapted housing	..	..	..	..	..	35
• Pets	..	..	..	..	..	35
Authorisation for offer to be made	..	..	..	..	..	37
• Employees and Members of the Council and their relatives	..	..	..	..	..	37
• Applicants who will not be authorised	..	..	..	..	..	38
• Income/capital/savings limits	..	..	..	..	..	38
• De-authorising applicants	..	..	..	..	..	39
How choice works	..	..	..	..	..	40
• Applicants with restricted choice	..	..	..	..	..	40
• Number of offers	..	..	..	..	..	41
Allocating properties	..	..	..	..	..	42
• Lettings plan	..	..	..	..	..	42
• Priorities within an Allocation Group	..	..	..	..	..	42
Nominations	..	..	..	..	..	43
Persons by whom decisions are taken	..	..	..	..	..	44
Choice based lettings	..	..	..	..	..	46
Reviews and appeals	..	..	..	..	..	47
Points system	..	..	..	..	..	48

1. Introduction

Luton Borough Council is revising its allocations scheme to take account of local priorities and the changes to the statutory provisions on allocations made by the Homelessness Act 2002.

The Council is publishing its Draft Allocations Scheme for the purpose of formally consulting its secure tenants, applicants on the housing register, registered social landlords operating in the Borough, and other stakeholders involved in the allocations process. The Draft Scheme has been formulated following consultation with tenants and applicants on the housing register.

The provisional implementation date for the new Allocation Scheme is _____.

The closing date for making representations to the Council on the Draft Allocation Scheme is

_____ .

Representations should be made to:

References in the Draft Allocation Scheme to statute and case law, regulations and ministerial guidance are necessarily limited. They are not intended as a substitute for original sources, which should be directly consulted where necessary.

2. Aims

The aims of the Allocation scheme are given below.

- To meet the Council's statutory duties in allocating Council housing and making nominations to housing associations and other councils (contained in part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002).
- To make effective use of the Council's housing stock.
- To maximise opportunities for mobility among tenants of social housing (i.e. Council and housing association tenants).
- To help build and sustain diverse and balanced communities, and strengthen networks of family support.
- To contribute to the speedy allocation of properties.
- To minimise the cost of homelessness to the Council and to council tax payers.
- To work with other providers and other agencies to make the best use of affordable housing from all sources to meet housing need.
- To provide greater transparency in the allocation of housing accommodation.

3. Scope

3.1 Lettings covered by the Allocations Scheme

this Allocation Scheme sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002, which are:

- the selection of applicants to be offered secure or introductory tenancies by the Council;
- nominations for offers of secure or introductory tenancies from other councils (or other bodies able to grant secure tenancies);
- nominations for offers of assured tenancies from registered social landlords (i.e. housing associations).

3.2 Lettings not covered by the Scheme

The following are examples of lettings not covered by, or specifically excluded from Part 6.

- Conversion of introductory council tenancies to secure council tenancies
- Offers of non-secure Council tenancies to homeless households in pursuance of any of the Council's duties under Part 7 of the Housing Act 1996.
- Offers made to Council secure or introductory tenants at the Council's own instigation, rather than in response to a request from them. Examples will include cases where repair or structural work is required; the property is no longer suitable for the tenant's needs, or cases of nuisance where a move is seen as the most appropriate solution in the circumstances.
- Offers of tied accommodation made to Council employees (whether of service licences or service tenancies).
- Assignments (whether by mutual exchange, or otherwise) of and successions to Council tenancies.
- Mutual exchanges of Council tenancies.
- Nominations for offers of assured tenancies, assured shorthold tenancies, or other tenancies or licences from private landlords.

4. Equality and Community Cohesion

Luton has a diverse and multi-cultural community and is committed to ensuring that services provided by the Council are transparent and delivered equitably to the community.

A key core value of the Council to support this to:

- Promote equality of opportunity, tackle disadvantage,

This is supported by the Council's Corporate Objective of::

- Community Leadership and Cohesion.

The Allocations Scheme has been developed with regard to these underlining principles to ensure that it operates in such a way as to ensure that the different needs of the local community are addressed and reflected upon in assessment of housing need and the priorities given.

The Allocations Scheme has been subject to an Equalities Impact Assessment in accordance with the requirements of the Race Relations Amendment Act and the recommendations from that assessment are included in the new policy.

The provision of social housing is also seen as a key component of achieving Community Cohesion and regard has also been paid to the guidance issued by the Home Office and the Local Government Association, the Commission for Racial Equality and the Inter Faith Network.

A cohesive community is one where:

- there is a common vision and sense of belonging for all communities;
- the diversity of the people's different backgrounds and circumstances are appreciated and positively valued; and

Strong and positive relationships are being developed between people from different backgrounds in the workplace, in schools and within neighbourhoods.

In addition, the Council in response to the draft guidance suggests that 'community cohesion' is:

- The 'glue' that holds society together;
- what prevents dissent and disagreement descending into conflict and violence;
- what makes us work together for the common good.

5. Choice

5.1 Demand for council accommodation

The Council wishes to maximise choice to applicants for housing.

At present demand for social housing in Luton greatly exceeds supply – by a significant amount. In particular, the Council is faced with the need to rehouse quickly certain households who have urgent needs, or a statutory right to be provided with housing, with very limited resources at its disposal.

It is not realistic in these circumstances to attempt to extend a free choice of accommodation to all applicants. The extreme pressure to rehouse high priority households means that it is simply not possible to meet these households' preferences for particular types or areas of the town or property type. Therefore, some groups of applicants, including statutorily homeless households, will continue to receive offers of accommodation which may not meet their preferences. It has become necessary to accommodate families with dependent children in high rise flats.

5.2 Applicants with restricted choice

For the reasons above, it is necessary to restrict choice for the applicants listed below.:

- **Group A; emergencies**

These applicants need to move quickly due to severe housing need and will be allocated the next available property for their allocation group once they meet the top of the list.

- **Group B: statutory homeless households in priority need**

The council is under a duty to secure accommodation for such persons. Whilst waiting for accommodation such applicants will be in temporary accommodation and need to be rehoused as quickly as is reasonably possible. These applicants will be allocated the next available property for their allocation group once they meet the top of the list.

- **Group F: referrals, quotas and key worker housing, including the key ring scheme**

These are applicants referred for housing under special arrangements agreed with other departments or referral agencies. Such arrangements will often be supported by assistance from social workers.

- **Group G: incoming people to Luton under the HOMES scheme.**

5.3 Detail of the restrictions

The restrictions placed on such households are detailed on **page 40**. If an applicant with restricted choice refuses an offer which is considered to meet their needs, a sanction is applied, as set out on **page 41**.

5.4 Applicants with free choice

- Housing Register applicants (**Allocations Group D**)
- Tenants on the transfer list (**Allocations Group C**)
- Applicants for sheltered housing (**Allocations Group H**)
- Transfers to increase the supply of council housing becoming empty (**Group E**) (for example, council tenants underoccupying their properties wanting to move to smaller homes.)

The above applicants are able to exercise choice and choose the type of property subject to the rules on pages 31-35, and the area to which they wish to move. The Council will publish information on supply and demand to assist applicants in exercising choice. These preferences will normally be respected by the Council in terms of any offers of housing that are made.

Occasionally, the Council may offer to such a household a property which does not meet their expressed preferences. Experience shows that such offers are often acceptable. Applicants with free choice can however refuse such an offer without any sanction being applied.

Applicants with free choice who restrict their choices to particular areas, or to particular types of housing, need to understand that they are reducing their chances of an offer, because they will not normally be considered for properties which do not meet their preferences.

5.5 Special circumstances

Where special circumstances justify, applicants who would normally have restricted choice will be able to express choice of area and property type (although not necessarily size) and such choice will normally be respected.

In assessing such special circumstances, account will be taken of people's need to move to a particular locality where failure to meet that need would cause hardship to themselves or to others. This will include the circumstances listed below.

- Cases where an applicant needs to move in order to escape violence or the threat of violence but where the violence is not sufficiently serious as to make them homeless.
- The need to be close to particular medical facilities.
- The need to be close to particular educational or social services facilities.
- The need to move to a cheaper part of the town because housing benefit is not covering all of the rent.
- Cases where a carer needs to move near to a disabled person or vice versa.

If an applicant with free choice refuses an offer which meets their area and type of housing preferences, as they have previously expressed them to the Council, then a sanction is applied as set out on **page 41**.

5.5 Choice based lettings

The Council will consider the progress and outcome of the Choice-based lettings pilot schemes which are being funded by the Government. This Allocation Scheme contains provision for the Council to introduce certain types of choice based-lettings at a future date. See **page 45** for more information.

6. Applying for housing

6.1 The housing register and the transfer list

The waiting list for accommodation is split into two parts:

- the **housing register**, and
- the **transfer list**.

6.2 The housing register

The applicants listed below will be placed on the housing register provided they meet the eligibility criteria.

- People who are not already secure or introductory tenants of Luton Borough Council.

This will include people who are tenants of other councils and registered social landlords outside Luton, and applicants to Luton under the Homes scheme.

However, the Council has chosen to give reasonable preference to applicants with a local connection and this will be reflected in the priority awarded.

- In the case of Luton council secure or introductory tenants, or registered social landlord tenants in Luton, where there has been a relationship breakdown and an additional property is required for the applicant leaving the household, such applicants will be placed on the housing register.

6.3 The transfer list

The applicants listed below will be placed on the transfer list provided they meet the eligibility criteria.

- Luton Borough Council secure or introductory tenants
- Tenants of registered social landlords in Luton

In such cases, an applicant will not be made an offer until they have reached the top of the list, and their landlord has agreed to provide the council with a nomination in return within 6 months.

6.4 How an application is made

There are three ways in which applicants can joint the list.

- Any applicant may themselves approach the Council and ask to join the housing list.
- Tenants of housing associations or other councils may approach their landlord and, anyone who lives outside the borough may approach their local council, and ask to be nominated to the Council through the HOMES Mobility Scheme (see **page 26**)
- The Council may also take the initiative to place a household on the housing list. Where such households are secure or introductory tenants, such cases are outside the scope of the Allocations Scheme and will not be covered by its rules.

6.5 Who can join the housing register and the transfer list?

- Anyone aged 16 or over (including those with no fixed abode) may be placed on the relevant list **except**:
 - people from abroad subject to immigration control;
 - people prescribed as ineligible by regulations made by the Secretary of State;
 - people the Council considers as unsuitable to be tenants of the Council due to unacceptable behaviour;

More information on how this will apply is given below.

6.6 People from abroad subject to immigration control

Such applicants are excluded from the list if they are people from abroad who are subject to immigration control under the Asylum and Immigration Act **unless** they are either

- ✓ already a secure or introductory tenant of the Council, or
- ✓ an assured tenant of housing allocated to them by the Council, or
- ✓ in a class prescribed by the Secretary of State.

6.7 Regulations made by the Secretary of State

From time to time the Secretary may make regulations which prescribe applicants as ineligible unless they are either

- ✓ already a secure or introductory tenant of the Council, or
- ✓ an assured tenant of housing allocated to them by the Council.

6.8 Unacceptable behaviour

In accordance with section 160A(7) of the Homelessness Act 2002, the Council will not accept applications from an applicant where it is satisfied that:

- a) s/he, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of tenant of any Council, and
- b) in the circumstances at the time his/her application is considered, s/he is **still** unsuitable to be tenant of the council by reason of that behaviour.

To assist in assessing whether an applicant is still unsuitable a risk assessment will be carried out.

Unacceptable behaviour is defined as:

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

6.9 Examples of unacceptable behaviour

- failure to pay the rent;
- breaching a condition of the tenancy agreement;
- causing nuisance to neighbours;
- threatening neighbours;

- being convicted of using their home for immoral or illegal purposes;
- being convicted of an arrestable offence committed in, or in the vicinity of their home;
- racial harassment;
- causing the condition of the property to deteriorate by a deliberate act or by neglect; and
- making a false statement to obtain a tenancy.

6.10 Sex offenders

The council is required to follow the code of guidance issued by the Office of the Deputy Prime Minister which states :

“where sex offenders are allocated accommodation, this should be in the light of a considered decision about managing any risks”

6.11 People who are refused admission to the housing register or the transfer list

6.11.1 Re-application

Any person refused admission may re-apply when he or she considers that the council should no longer treat him/her or her as ineligible. The Council will consider the application on its merits and will consider whether there has been a change in relevant circumstances. However, unless the applicant can demonstrate that the behaviour has changed substantially, admission is likely to be refused. It will be for the applicant to show that his/her circumstances or behaviour have changed substantially.

6.11.2 Notification

Any person who is refused admission to the list will be notified of this by means of a letter sent to their home or mailing address, giving grounds for the decision. The letter will also be made available for collection from the Town Hall for a period of 21 days.

6.11.3 Right to request a review of the decision of ineligibility

Applicants excluded from the list on grounds of ineligibility may request a review of the decision (see **page 46**).

6.11.4 Applicants already on the list

If at any time the Council obtains information that leads it to believe that an applicant already on the housing list is ineligible, it will inform the applicant in writing. The applicant will be given 21 days to provide information to show that they are eligible. If they do not reply within this period, or they reply but the Council remains of the view that they are ineligible, they will be removed from the list. Extensions to the 21 days will be allowed where justified by special circumstances. Such applicants will have a right to request a review of the decision. See page 46 for the review procedure.

6.12 Young People under 18

The council will assess whether there are any vulnerability needs to be addressed and where necessary will carry out a joint assessment with social services.

6.13 HOMES nominees to Luton

In return for the opportunity to nominate people from Luton to other Councils through the HOMES Mobility Scheme (Housing Mobility and Exchange Service), the Council accepts a quota of people nominated through HOMES for housing in the borough. Anyone who wishes to apply for housing in Luton via the HOMES Mobility Scheme should contact their landlord (if they are a housing association tenant) or their local council (if they live in another borough or district) and ask about a HOMES nomination to Luton.

The arrangements for Luton residents to be nominated through HOMES to council or housing association properties in other parts of the country are explained on **page 26**.

6.14 Reciprocal arrangements

Other councils, housing associations and other organisations such as the police occasionally approach the Council asking it to house a person outside the established channels due to special circumstances, or by offering a reciprocal vacancy for a Luton nominee. The Council may also occasionally initiate such arrangements. The recently issued Communities Plan refers to schemes along these lines operating successfully in London Boroughs (LAWN scheme)

The Head of Housing has the right to initiate, accept or refuse such arrangements, according to the circumstances.

6.15 Keeping applications up to date

Applicants must notify the Council as soon as their circumstances change. The council will then make any necessary amendments to their application.

Approximately, every twelve months, the Council will write to applicants asking them if they still wish to apply for housing. The Council will also ask them whether there have been any changes in their circumstances, or in the case of applicants with free choice, in their choices of accommodation.

The Council's letter will give the applicant 28 days from the date of receipt to supply the information required. Applicants will be removed from the housing list if they fail to respond in the specified period, or if they no longer want to apply for housing. In special circumstances, the Head of Housing may allow extra time for an applicant to respond.

Once an applicant is removed from the list in this way, it will be necessary for them to make a fresh application if they wish to be considered for council housing.

The Head of housing may alter the review frequency and may also introduce rolling reviews to keep applications up to date.

6.16 Giving false information and fraud

6.16.1 Housing Act 1996

Section 171 of the Housing Act 1996 makes it an offence for someone to:

- (a) knowingly or recklessly make a false statement which is false in a material particular, or,
- (b) knowingly withhold information which the council have reasonably required to give.

A person guilty of an offence under this section is liable to prosecution and a fine.

6.16.2 Housing Act 1985

If an applicant makes a false statement and as a result is given council accommodation, the council can use Ground 5 of the Housing Act 1985 to ask the county court for an eviction.

Ground 5 states: "the tenant is the person, or one of the persons to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly"

7. How needs are assessed

7.1 How the scheme works

The Council will assess an applicant's needs by

- ✓ placing them in one of 8 Allocation groups as appropriate and determined by their circumstances;
- ✓ allocating points in accordance with the points scheme where applicable (see **page 47**)
- ✓ assessing the size of the home they require (see **pages 31-35**)
- ✓ taking into account the applicant's choice unless they are in a restricted choice category (see **page 40**)
- ✓ considering high priority applicants for authorisation for an offer (see **page 37**)

7.2 Giving "reasonable preference"

Section 167 (2) of the Housing Act 1996 as amended states that in making allocations, the Council must give reasonable preference to certain categories of people.

These categories are shown below.

- 1) People who are homeless (**within the meaning of Part 7 of the Act**).
- 2) People who are owed a duty by any local authority under s190(2), (homeless persons in priority need who are intentionally homeless), s193(2) (homeless persons in priority need who are not intentionally homeless), or s195(2) (people in priority need and who are unintentionally threatened with homelessness) or those occupying property secured by the local authority under new s192(3) (persons not in priority need who are not intentionally homeless).
- 3) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- 4) People who need to move on medical or welfare grounds.
- 5) People who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or to others.

The Allocation Scheme is framed so as to give some of these households with urgent housing needs additional preference. The Scheme also makes provision for determining the priority of different applicants in these categories, taking into account their individual housing need.

When determining these priorities, the factors listed below will be taken into account.

- a) The **financial resources** available to a person to meet his/her housing costs.
- b) Any **behaviour** of a person (or a member of his/her household) which affects his/her suitability to be a tenant.

If the applicant, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of Luton Borough Council, **and at the time his/her case is considered**, he deserves by reason of that behaviour, not to be treated as a member of a group of people who are to be given preference in accordance with Section 167 (2), **s/he will be given no preference.**

- c) any **local connection** (within the meaning of section 199) which exists between a person and the Borough of Luton.
- d) The council has chosen to give reasonable preference to children living in flats and this is reflected in the points scheme.

8. The Allocation Groups

Applicants eligible for the housing list (register or transfer list) are placed in one of the following Allocation Groups.

8.1 The Allocation Groups

Priority Group	Details	Allocation basis	How choice works
Group A	Emergencies	Date order	Restricted choice
Group B	Statutory homeless households	Date order	Restricted choice
Group C	Housing register applicants	Points	Free choice
Group D	Transfer applicants	Points	Free choice
Group E	Transfers to increase the supply of empty properties	Points	Free choice
Group F	Referrals, quotas and key workers	Date order	Restricted choice
Group G	Homes and other incoming nominations	Date order	Restricted choice
Group H	Sheltered housing	Points	Free choice
	75% purchase scheme	As soon as finance available	Restricted choice

8.2 Allocation Group A: Emergencies

8.2.1 Applicants in Group A

Households are placed in this group where the Council is satisfied that one of the following criteria applies:

- a) households requiring **very urgent** rehousing on medical grounds where there is a **high** risk of **serious** harm if the applicant does not move as soon as possible;

- b) households requiring **very urgent** rehousing on community care grounds where there is a **high** risk of **serious** harm if the applicant does not move as soon as possible;
- b) to avoid a **serious** threat of imminent violence or harassment to a tenant of Luton Borough Council, where action against the perpetrator cannot reasonably resolve the situation;
- c) to avoid statutory overcrowding of a Luton Borough Council tenant (part 10 of the Housing Act 1985), or where there is insufficient room for the number of beds required (it should be noted that the tenant will not be required to use a lounge or dining room as a bedroom, although 'bunk' beds will be deemed acceptable);
- d) to comply with a court order or Ombudsman recommendation;
- f) to achieve urgent decanting of a Luton Council tenant;
- g) urgent supply transfers of a Luton Council tenant;
(see paragraph on page 24)
- h) to rehouse an applicant of a Luton Borough Council owned property who has no right of succession; see page 30 for the criteria to be used;
- i) to rehouse an applicant who has succeeded to a tenancy but who is required to move to alternative accommodation under Ground 16 of the Housing Act 1985; (where there has been a succession but the accommodation is larger than reasonably required – with the exception of spouse);
- j) urgent witness and victim protection applications authorised by the Head of Housing;
- k) other cases recognised as emergencies and high priority by the Head of Housing, not reasonably fitting into the above categories or other Allocation Groups

8.2.2 Group A Emergency Medical Priority

The Council's medical adviser will advise and recommend a priority level in each case based on the effect that an applicant's existing accommodation has on their medical condition, or that of another household member. The Head of Housing will decide whether to accept the recommendation.

Cases will only be placed in the Group A emergency category only if the criteria for an emergency move are met as stated above.

Other households with medical needs, including urgent but not emergency grounds for rehousing will be placed in Group C or D and awarded an appropriate level of points

8.2.3 Group A Emergency Community Care Priority

The Head of Housing may authorise applicants to be placed in the band A emergency category where:

- 1) the applicant or a member of his/her household is about to be discharged from hospital, and the Council would have a permanent housing duty towards them under Part 7 of the Housing Act 1996, unless they are housed on discharge.
- 2) the criteria for an emergency move as specified on pages 19-20 are met.

Other households with community care grounds, including urgent but not emergency grounds, will be placed in Group C or D and awarded an appropriate level of points.

8.2.4 Group A Serious threat of violence/harassment to a Council tenant

To be placed in the Group A emergency category, the household must, in the opinion of the Head of Housing, have received a serious threat which is likely to be carried out, in circumstances where action by the Council and/or the police against the perpetrator cannot resolve the situation.

Other households threatened with violence/harassment will be placed in Group D, and awarded an appropriate level of points.

8.2.5 Group A Urgent decants and supply transfers

Usually these cases will be placed in the Housing Register band C or the Transfer band D. However, if urgent rehousing is required by a specific date or where there is an urgent need for the property which will become empty, the Head of Housing may authorise applicants to be placed in this band. Examples include cases where applicants have succeeded to the tenancy of house which is larger than required and have agreed to move to smaller accommodation; cases where the property is required to be empty for remedial or demolition works; and cases where the accommodation is required urgently to house someone in the emergency need category.

In some circumstances, Luton Borough Council employees required to leave tied accommodation will be placed in this category. This will be in cases where the tied accommodation is required to enable a new employee to perform the essential duties of their job. An example would be to house a warden of a sheltered scheme. These cases are expected to be the exception rather than the rule and this is not intended to deal with the normal retirement of those in tied accommodation.

8.2.6 Group A No right of succession

Where a Luton Borough Council tenant has died, and there is no right of succession, the Head of Housing may use discretion to allow the applicant to be granted the tenancy of the property where the tenant has died, or to be granted the tenancy of alternative accommodation suitable for the their needs. See **page 30** for details.

8.2.7 Group A Basis of allocation

Allocation to Group A applicants will be on the basis of the date the application was registered by the Council.

8.2.8 Group A Emergency cases and the Council's homelessness duties

In emergency cases, it will be necessary to assess whether the Council's homelessness duties have been triggered as a result of the applicant's individual circumstances, and if so, those duties will take precedent.

8.3 Allocation Group B: Statutory homeless households

8.3.1 Applicants in Group B

The Council will place in this group any applicants to whom it owes a housing duty under:

- ☒ s193(2) of the Housing Act 1996 (unintentionally homeless priority need homeless), as amended,
- or
- ☒ whom it decides to offer housing under s 192(3) of the Act.
(homeless persons not in priority need and unintentionally homeless).

8.3.2 Group B Basis of allocation

Allocation to Group B applicants will be by order of the date that the decision under S 193 (2) has been made. In circumstances where it has taken some time to reach that decision through no fault of the applicant, then the date may where justified be the date of application. For example, some domestic violence cases may take longer than average to investigate due the complicated nature of the circumstances.

8.4 Allocation Group C: Housing Register

8.4.1 Applicants in Group C

All applicants from persons who are not tenants of Luton Borough Council or housing associations in Luton who are not assessed as qualifying for any other Allocation Group will be placed in the Group C Housing Register band.

8.4.2 Group C Basis of allocation

Allocation will be on the basis of points. See **page 47** for details.

8.5 Allocation Group D: Transfers

8.5.1 Applicants in Group D

All applicants from persons who are tenants of Luton Borough Council or housing associations in Luton who are not assessed as qualifying for any other Allocation Group will be placed in the Group D Transfer band.

8.5.2 Group D Basis of allocation

Allocation will be on the basis of points. See **page 47** for details.

8.6 Allocation Group E: Transfers to increase supply of empty properties

8.6.1 Applicants in Group E

The following applicants will be placed in Group E:

a) underoccupying tenants of Luton Borough Council

Underoccupying council tenants are those occupying a property larger than their maximum size entitlement, (see **pages 31-33**) who are willing to move to smaller property.

Some underoccupying tenants will be entitled to a financial payment or support under the council's assisted transfer scheme.

Underoccupying tenants with an emergency need to move will be placed in the Group A emergency category.

b) Retiring/redundant council service tenancies

A service tenant is someone occupying tied accommodation as a condition of their employment with Luton Borough Council.

When such a person retires or is made redundant they will be assessed to ascertain they are entitled to council accommodation. Then, if the criteria below are met they will be placed in Group E. If the criteria are not met, provided they qualify for council accommodation, they will be placed in Allocations Group C for the Housing Register.

- ☒ Service tenants who had originally given up a council tenancy to take up the service tenancy, who are below the savings and income limit;
- ☒ Service tenants who did not give up a council tenancy, but who are below the savings and income limits, and who have been in the tied accommodation for at least two consecutive years.
- ☒ Service tenants leaving in other circumstances may be included in the Group E Allocation band where the Head of Housing deems this to be reasonable.

Employees who are dismissed or who resign in advance of impending disciplinary proceedings will not be placed in this band. Provided they qualify for council accommodation, they will be placed in the Housing Register Group C.

8.6.2 Group E Basis of allocation

Allocation will be based on points.

8.7 Allocations Group F: Referrals, quotas and key workers

8.7.1 Applicants in Group F

In this group will be placed applicants referred to Luton Housing under guidelines it has agreed with other departments or referral agencies. Examples of such agencies could include, Women's Aid, Luton Borough Council's private sector housing unit, Social Services, Lifelong Learning and other specialist agencies.

Each arrangement will need to be approved by the Executive of Luton Borough Council.

In all cases, applicants must be eligible for council accommodation.

8.7.2 Social Services quotas

Social Services nomination arrangements in place at the commencement of this Allocations Scheme are listed below.

- 1) Up to 12 properties per annum to be allocated to applicants aged 16+ who are leaving care or similar supported housing.
- 2) Up to three transfer nominations a year to applicants who need to move to facilitate fostering arrangements.

In both cases, the Head of Housing may increase the quotas where it is reasonable to do so.

8.7.3 Key ring scheme

Up to ten council tenancies or registered social landlord nominations per year may be allocated under the Key Ring Scheme to support learning disability following from a nomination by social services.

8.7.4 Key worker schemes

The Council may from time to time develop allocation schemes for employees engaged in public sector and or essential services which meet the Council's Key Worker policies. Schemes will be approved by the Executive of the Council and will provide housing to employees who meet the criteria laid down.

8.7.5 Group F Basis of allocation

Allocation to Group F applicants will be based on the date the application was registered by the Council.

8.8 Allocations Group G: HOMES and other incoming nominations

8.8.1 Applicants in Group G

The Council considers incoming nominations from other social landlords under the HOMES Mobility (or its replacement scheme) and Seaside and Country Homes Schemes. Nominations are assessed for acceptance or rejection according to whether the applicant or a member of his/her household:

- a) is taking up a job which is too far away to travel to every day, or
- b) needs to be closer to relatives or friends to give or receive support, or
- c) has other pressing reasons for a move such as domestic violence, harassment or health reasons.

8.8.2 Tenants wanting to move away from Luton

The Council will ascertain from the nominating council or housing association/RSL whether there is any likelihood of a nomination being accepted. If there is, the Council will nominate the applicant. Consideration of the application and a decision on if and when to offer accommodation will be for the other council or RSL/housing association. If there is no likelihood of a nomination being accepted, the Council will not nominate and will inform the applicant. The applicant may still apply to the other council directly.

8.8.3 Tenants wanting to move to Luton under the HOMES Mobility Scheme

Applications from people aged 60 or over or who are applying for sheltered housing may be placed on the housing register in Allocations Group C in accordance with the rules of the Homes Scheme.

8.8.4 Other incoming nominations

From time to time, the council receives requests from the police or other similar agencies to assist by housing applicants. The Head of Housing may authorise such applications where he/she feels it is reasonable to do so.

Emergency cases will be placed in the emergency Group A band. Other cases will be placed in Allocations Group G.

8.8.5 Basis of allocation

Allocation to applicants in Group G will be based on the date the application was registered by the Council.

8.9 Allocations Group H: Sheltered housing

8.9.1 Types of sheltered housing

The council has two types of accommodation:

- 1) **non extra care sheltered housing**, sometimes referred to as part one or part two accommodation, and
- 2) **extra care sheltered housing** for tenants who are more frail, sometimes called very sheltered, extra care or part 2 and a half schemes.

Applications for all sheltered housing will be assessed in accordance with the points scheme.

8.9.2 Extra care sheltered housing

Applications for extra care sheltered housing will be considered by the Sheltered Housing Extra Care Assessment Panel. The Head of Housing will appoint officers to the panel who will consist of professionals from housing, social services and other organisations dealing with the case. In all cases, the allocation decision will be made by the council, and external professionals will give advice.

The panel will assess applications in accordance with the Council's points scheme, taking advice from medical, health and other professionals working with the applicant to assess the medical or community care points.

9. Joint tenancies

The Council encourages joint tenancies and will allocate tenancies on this basis when ever possible. Both tenants will be jointly and individually responsible for ensuring the tenancy agreement is kept to.

Both the parties to a joint tenancy must individually qualify to join the housing list and be authorised for an offer. Joint tenancies may be given to same sex couples living together in a relationship.

If the Council refuses to grant a joint tenancy, it will provide the applicants with clear reasons for its refusal in writing.

Existing tenancies may be 'converted' to joint tenancies in accordance with the rules in the Council's joint tenancy policy.

Circumstances where joint tenancies will not be granted

Joint tenancies will not be granted where there is likely to be underoccupation or where they are sought to avoid the rules of succession when a tenant dies.

Joint tenancies will not normally be granted to, to children or other members of the tenant's family or to a tenant's friend. This is to avoid conflict with the rules of succession.

Joint tenancies will not normally be allocated to brothers and sisters.

10. Relationship breakdown: Council tenants

In circumstances where a relationship has broken down and one of the parties requires rehousing, the following will apply:

- If the property is family sized accommodation, the Council will normally expect the parties to agree that the person with whom the children are living should have the tenancy. Where this has not happened by agreement or by an order of a the court, the council make take action to facilitate this.
- If additional housing is required, (i.e. one party remaining in the property and the Council being requested to rehouse the other party), the application will normally be placed in Allocation Group C for the Housing Register and priority will be assessed in accordance with the Allocations Scheme.

None of these provisions alter the Council's statutory duties under the homeless legislation which may in some circumstances warrant a different course of action.

11. When a tenant dies

Where a tenant dies leaving someone in occupation, the rules in the Housing Act 1985 as amended and the Council's tenancy agreement will be applied to ascertain whether there is to be a succession (i.e. whether the person left in occupation can inherit the tenancy)

In cases where there can be no succession, the Head of Housing may grant a tenancy to the remaining person where circumstances justify, either of the same home or in suitable alternative accommodation. Such cases will fall into Allocation Group A.

In all cases, applicants must be eligible to be a council tenant as detailed on **pages 12-15**. Applicants must also be eligible to be authorised for an offer as on **page 37**.

When making this decision, the Head of Housing will take account of:

- how long the person has been living with the tenant prior to the tenant's demise and whether this has been for at least 12 months; if less than 12 months, reasons for moving in will be considered;
- whether the property is the sole or principal home of the person;
- whether the person has been looking after the tenant or acting as their main carer;
- whether the person has accepted responsibility for the tenant's dependants;
- whether underoccupation will occur;
- whether the dwelling has any special features that make it unsuitable for the person being considered;
- level of housing need if the person were not allocated council housing;
- whether the applicant needs to receive support from persons or needs to be near to facilities in the locality;
- ability of applicant to secure accommodation for themselves.

12. Size and type of property to be allocated

12.1 Size of property to be allocated

The Council will assess the size of the home that each applicant requires, according to their household size, composition and any other special considerations. An offer will be made on this basis.

12.2 Rules to be applied when assessing size of property to be allocated

- a) A single parent household is entitled to the same size of accommodation as a two parent household with the same number of children.
- b) Households that include a pregnant woman are assessed as if the baby has already been born . However at the point of allocation this will be reviewed in order to determine that the property size is still appropriate.
- c) Children of the same sex are expected to share a bedroom.
- d) Children of different sexes are expected to share a bedroom if one is under 9 years old.
- e) In the case of tenants of Registered Social Landlords or housing association tenants, an offer will only be made if the landlord agrees in writing to offer Luton Borough Council a nomination of the property that becomes void. Where this is not possible or suitable, the RSL must agree to provide a nomination within the next six months to a similar type and size property in return. (HOMES scheme excepted).
- f) Generally, single person households will not be allocated a house.
- g) Other persons or family normally residing with the applicant will be taken into account when assessing the property size required. However, larger properties with 4 or 5 bedrooms are in very short supply and high demand. It is likely, therefore, that such persons will often be required to share bedrooms with other members of the household.
- h) In cases where an applicant is applying for accommodation for self plus children, the Council will allocate a property large enough for the children only in the following cases where:

- the children normally reside with the applicant,
- and, in the case of relationship breakdown, this must be evidenced by
- a residence order or a formal agreement signed by both parents.
(usually made by solicitors)

12.3 Number of bedrooms

The table overleaf, whilst not exhaustive, illustrates the size of dwelling that may be offered to various households. The room standards upon which the table is based will apply to all cases, unless there are special circumstances.

Household size	No of bedrooms to be allocated	Number of persons	Number of bedspaces
Single person	Bedsit or one bedroom	1	1
Couple	1 bedroom	2	2
Parent(s) and 1 child	2 bedrooms	2 or 3	2 or 3
Parent(s) and 2 children			
Same sex	2 bedrooms	3 or 4	3 or 4
Different sexes one under 9	2 bedrooms	3 or 4	3 or 4
Different sexes, both under 9	2 bedrooms	3 or 4	3 or 4
Different sexes, both over 9	3 bedrooms	3 or 4	3 or 4
Parent(s) and 3 children			
Same sex	3 bedrooms	4 or 5	4 or 5
2 boys under nine, 1 girl over 9	3 bedrooms	4 or 5	4 or 5
2 girls under 9, 1 boy under 9	3 bedrooms	4 or 5	4 or 5
Parent(s) and 4 + children	3 or 4 bedrooms	5 to 8	5 to 8

Where a five bedroom property becomes available, then the applicant will normally be required to need at least 10 bedspaces.

The council has a shortage of larger properties and in cases where larger properties are not available, the above space standards will need to be exceeded. However, the property will not be statutorily overcrowded. It will not be considered reasonable for an applicant to refuse such an offer and any refusal will lead to the application of the relevant sanction.

There will be situations where adults, in addition to the parents in a relationship such as that above, normally reside together, in which case the bedspace column will be used to determine the size of property required.

12.4 Exceptions to the size rules

The following exceptions will be made to the rules to determine the size of the property to be allocated:

- 1) the Medical adviser may recommend increasing the property size on medical grounds;
- 2) Council tenants placed in the Group A emergency category may be offered a property with the same number of bedrooms as their current home;
- 3) Underoccupying council tenants who are eligible for the Assisted transfer scheme may be offered a property one bedroom larger than their assessed size if they so request.
- 4) Single persons or couples may be allocated two bedroom properties where it is demonstrated that
 - a bedroom is regularly required for a carer **or**
 - couples are assessed as needing separate bedrooms on medical grounds.

12.5 Type of Property to be allocated

12.5.1 Houses

Single and two person households may in certain circumstances as previously specified be granted a two bedroom property. However, unless there are exceptional circumstances, such applicants will be offered a flat.

Houses are normally offered only to applicants who have dependent children under 14.

12.5.2 Households with children

The Council wishes where possible to avoid placing families with dependent children (particularly where there is more than one child in the household) in flats, particularly high rise flats. However, as the supply of houses is limited and reducing, it is inevitable that this will not be achievable. The Council holds the view that low and high rise flats are suitable for families with children. Applicants must note that it will not be reasonable for them to refuse offers of flats in order to wait for the allocation of a house. The offer of a flat is a reasonable offer and if refused, the sanctions applicable for refusal of an offer will be applied.

12.5.3 Ground Floor Flats

Ground floor flats where suitable due to design or location are usually allocated to families with young dependent children, or, to applicants with health or mobility problems who have been awarded priority on medical or community care grounds, and who need ground floor accommodation. These applicants may be from any Allocation Group. Some blocks are allocated in the main to elderly applicants.

12.5.4 Properties designated for older persons

The council has certain properties which are designated for occupation by older persons. Such properties will not normally be offered to other applicants. The Head of Housing may change the designation of any property to include or exclude it from this category.

12.5.5 Sheltered housing

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

- aged 60 or over, and retired from their lifetime employment; **or**
- be aged 55 or over and have a disability or a community care need for sheltered housing.

Priority will be given to sheltered housing applicants who would:

- benefit from the security of an alarm system and the assistance of the warden, and
- be able to care for themselves with the help of community care services (such as home carers and meals on wheels), and
- not require a high level of nursing care or domicilliary services.

The Head of Housing may authorise offers of sheltered housing where these criteria are not met were justified by individual housing need. For example, people with appropriate community care needs who do not meet the age criteria.

12.5.6 Extra care sheltered housing

In the case of extra care sheltered housing, (for frailer applicants needing a higher level of support), offers will be made only to applicants who are in **need** of the extra support provided in order to cope with the essentials of daily living.

This cannot be dependent on age. Cases will be assessed by the Sheltered Housing Extra Care Assessment Panel.

12.5.7 Wheelchair, mobility and adapted housing

Wheelchair housing is housing specially designed for people confined to wheelchairs, and includes space for a wheelchair to manoeuvre.

Mobility housing is general needs housing with no extra space, but built to be more convenient for people with mobility problems.

Adapted housing is general needs housing which has had aids fitted or adaptations made to it to help a person with a disability or with mobility needs live there.

Applicants for all these forms of housing must display a recognisable need for them as assessed by the Medical Officer or by social services. This assessment will include looking at:

- of property and facilities needed in future accommodation. the extent of the applicant's disability or mobility needs, and the likely prognosis;
- the applicant's level of mobility and functioning in daily living activities (indoors, outdoors, stairs, transferring from place to place);
- the applicant's use and potential use of the relevant aids and adaptations;
- the limitation of the existing housing to the disabled person and their family;
- the type

12.6 Pets

Pets are not allowed in some types of council accommodation. For example dogs are not permitted in high rise flats. Full details can be found the tenancy agreement.

It will not be reasonable for an applicant to refuse an offer of accommodation if he/she has a pet and that accommodation does not allow or is unsuitable for pets.

13. 75% Purchase Scheme for elderly owner occupiers

The Council is seeking views on whether it should retain its 75% purchase scheme. If the scheme is to be retained, the threshold will need to be increased to £150,000 as explained below due to the price of properties in Luton.

Options include

- offering the scheme only to elderly owner occupiers in need of sheltered housing who are occupying family accommodation which could then be used to house a family with a high level of housing need;
- selling the property on the open market at a profit, the proceeds of which could provide some of the budget needed to make the scheme work, or
- working with a housing association/RSL to acquire the property

13.1 Who qualifies?

Elderly owner occupiers who:

- a) are assessed as needing sheltered housing (but not extra care sheltered housing), and who
- b) do not exceed the capital and income limits on page 38
- c) and who are eligible to become tenants of the Council.

13.2 What is the scheme?

Applicants meeting the criteria above, will be allocated a secure tenancy on the sale to the Council of the freehold of their property at 75% of its market value, provided that the amount being realised from the sale together with any other savings etc is lower than the £150,000 threshold on page 38.

The above is on the basis that the property is in good condition. Any repairs or other work necessary will be estimated and deducted from amount the council pays for the property.

Such applicants will be housed as soon as the Council has identified resources to purchase their property and the points system will not apply.

This scheme is cash limited and can only apply if the council is able to identify a budget to fund the purchase.

The financial limits that apply to the scheme will be varied from time to time.

14. Authorisation for an offer

14.1 Offers only to authorised applicants

Only authorised applicants may receive an offer. However, authorisation is not a guarantee that an offer will be made. Authorisation will be reviewed at the point of allocation and may be withdrawn if any of the criteria cease to be met.

14.2 Home Visits

The Council will determine whether it is necessary to visit applicants to obtain information and may visit any applicant in their home prior or subsequent to authorising them for an offer, to check that their housing circumstances are as set out in their application for housing. Verification visits may be carried out to check that the information given is accurate and up to date.

Reasonable notice is given of home visits. Applicants are expected to allow visiting officers access to all parts of their home. Failure to do so will normally mean that the applicant will not be authorised for an offer. If authorisation has already been given, it will be withdrawn.

14.3 Employees and Members of the Council and their relatives

All housing applicants are asked whether they or any of the relatives work for the Council, or are an elected Member/Councillor.

The term relative includes:

- anyone living with the applicant as a partner, or as a member of their household
- natural/adoptive/step parents
- children
- brothers and sisters
- daughters or sons in law
- grandparents
- aunts and uncles
- cousins
- estranged spouses or partners, regardless of whether they live as part of the applicant's household.

Applications to whom any of these descriptions apply will be required to have their offer authorised by the Housing Needs Review Panel (see page XX)

14.4 Applicants who will not be authorised

1. Council or housing association tenants with rent arrears (where the arrears are less than two weeks net rent, and an agreement is in place and being kept to, the Head of Housing may authorise).
2. Applicants who are guilty of unacceptable behaviour or members of whose household are guilty of such behaviour, serious enough to make them unsuitable to be a tenant of the authority.
3. Applicants who are freehold, leasehold, or shared owners of housing properties who are considered to have sufficient financial resources to buy a property within the borough. The table below shows how this judgement will be made. The Head of Housing may alter the limits to reflect local house prices.

The mortgage calculation assumes that an applicant will be able to borrow up to 3 times their gross joint income

Size and type of property required	Income/capital/savings/ limit
One bedroom non sheltered	More than £59,000 in savings, capital, other equity or mortgage or any combination thereof. Applicants with a gross joint income of more than £20,000 are unlikely to be authorised.
Two bedrooms non sheltered	More than £81,000 in savings, capital, other equity or mortgage or any combination thereof. Applicants with a gross joint income of more than £27,000 are unlikely to be authorised.
Three bedrooms non sheltered	More than £123,000 in savings, capital or other equity or mortgage or any combination thereof. Applicants with a gross joint income of more than £41,000 are unlikely to be authorised.
Four bedrooms non sheltered	More than £220,000 in savings, capital or other equity or mortgage or any combination thereof. Applicants with a gross joint income of more than £74,000 are unlikely to be authorised.
Sheltered and very sheltered (extra care)	More than £150,000 in savings, capital or other equity or mortgage, or any combination thereof, with no community care or medical needs which the Council has assessed could best be met through sheltered or very sheltered housing.

4. Applicants who have deliberately disposed of property to avoid the rules in paragraph 3 above.
5. Applicants who are considered to have voluntarily worsened their circumstances within the previous 12 months, with the effect of increasing their priority under the Allocation Scheme.

6. Former Council employees with service tenancies or licenses who lost their accommodation because they were dismissed from their post for misconduct within the previous 12 months.
7. Applicants who have refused an offer of suitable housing from the Council within the last twelve months.
8. Housing Association/RSL tenants whose landlord has not agreed in writing to offer the Council in return within the next six months, a property similar in size and type.
9. Council tenants whose property is in poor state of decoration or in need of repair that is the tenant's responsibility – for example caused by neglect or damage. In such cases, tenants will be required to bring their properties up to a reasonable standard before an offer will be authorised.
10. In the case of a transfer of a Luton Borough Council tenant, vacant possession will be required.
11. Cases where the applicant has given false information in order to receive priority. In such cases, authorisation will be withdrawn, pending reassessment.

14.5 De-authorising applicants

If at any point it comes to the Council's attention that an applicant who has been authorised for an offer falls into any of the above categories, the authorisation will be cancelled.

15. How choice works

16.1 Applicants with free choice

The majority of applicants who fall into Allocation Group E (transfers to increase the supply of housing) are free to express their preferences for the accommodation in terms of area and type of accommodation. The Council wishes to encourage such tenants to move.

As explained in the statement on Choice (**page 8**), the Council will normally take into account such preferences. In cases where it does not, (i.e. speculative offers), no sanction will be applied to an applicant refusing the offer.

16.2 Applicants with restricted choice

For the reasons explained on **page 8**, it is necessary to restrict choice for some applicants in the interests of meeting pressing needs, and discharging the Council's statutory duties within a reasonable time. Applicants in the following Allocation Groups have restricted choice.

- Group A: emergencies
- Group B: statutory homeless households
- Group F: referrals
- Group G: incoming HOMES nominees.

For applicants with restricted choice, their preferences as regards area and type of accommodation will generally not be taken into account. However, offers of housing will be suitable for the applicant and their household, taking into account all relevant factors, and any statutory or case law requirements. Preferences will be noted but in the majority of these cases are unlikely to be the determining factor.

Applicants with restricted choice may bring to the Council's notice any factors which they consider affect the suitability, or unsuitability, of any area or type of accommodation. Where the Council accepts such factors as relevant, appropriate parameters will be set for offers made to that applicant. In the case of medical factors, the opinion of the Medical Advisor will be sought.

16.3 Number of offers and refusing an offer

1) Allocation Group E: transfers to increase the supply of housing

The Council wishes to encourage tenants to move to increase the supply of housing. Applicants in Allocation Group E will, therefore, be allowed two suitable offers. If they refuse two offers, no further offers will be made for 12 months. If the case becomes urgent and the application is moved to Allocations Group A (the emergency category) they will be allowed only one offer.

2) Allocation Group A: Emergencies

One suitable offer will be made. If this is refused, the application will be moved out of Group A to the next relevant group – likely to be Group C for the housing register or Group D for transfers. No further offers will be made for 12 months.

3) Allocation Group B: statutory homeless

In the case of Group B statutory homeless applicants, one suitable offer will be made. If this is refused no further offers will be made the council will consider its duty discharged.

4) Other Allocation Groups

i.e. Group C: housing register
 Group D: transfers
 Group F: referrals, nominations and key workers
 Group G: HOMES and other incoming nominations
 Group H: sheltered housing

In these cases, one suitable offer will be made. If this is refused, no further offers will be made for 12 months.

17. Allocating properties

17.1 The Lettings Plan

The Council will agree an annual Letting Plan which will set out the expected supply of properties for letting over the course of the coming 12 months, and the proposed distribution between the eight Allocation Groups via a series of targets or quotas. Separate targets or quotas may be set for allocations to different sizes or types of dwellings.

In deciding this distribution, the Council will take into account the totality of the demand for housing in Luton, paying particular regard to the need fulfil its statutory duties and meet priority objectives.

During the year, the Lettings Plan will be kept under review, and the targets or quotas may be changed at the discretion of the Head of Housing to take account of changing demand and/or supply factors, and/or performance to date on achieving the targets.

When a property becomes vacant, it will be allocated to a particular Allocation Group. The aim will be to meet the targets or quotas set equally throughout the year, rather than for example, concentrating all transfer offers in the last few months of the year. However, demand peaks will mean a departure from allocating equally throughout the year to each Allocation Group and the overall aim will be to reach the targets set in the Lettings Plan by the end of the 12 month period.

Certain properties will be more suitable for particular Allocation Groups and this will be taken into account when allocating.

17.2 Priority within an Allocation Group

Within an Allocation Group, empty properties will be allocated to the highest priority applicant for whom it is suitable, taking applicants' choices into account unless they are restricted. Priority within the group will be by date order or by points as previously stated in this document (see **page 19**). Where applicants have the same points level, priority between them will be decided according to the date from the additional priority was awarded i.e. the longer since that date, the higher their priority.

If a household's particular need or composite needs are considered exceptionally urgent, such that the high priority which is accorded to the Group as a whole is judged insufficient, then additional priority may be given to that household by the Head of Housing, over other households in the Group.

18. Nominations

18.1 Nominations to RSLs are governed by the scheme

As well as governing the selection of applicants for Council tenancies, the Allocation Scheme covers nominations to assured tenancies offered by registered social landlords (RSLs) and to secure tenancies offered by other landlords (usually councils).

RSLs are housing associations and housing co-operatives registered with the Housing Corporation.

Other councils and registered social landlords operating outside Luton may offer housing to Luton applicants through HOMES.

18.2 Selection of nominees for RSLs

When a vacancy is offered to the Council for nomination, the Council will allocate the property to an Allocation Group. This will normally be on the same basis as the quotas agreed in the Lettings plan for Luton owed stock. The Head of Housing may use discretion as in the case of offers of Luton owned properties. The Council will then nominate the highest priority applicant under the Allocation Scheme for whom the property is available.

18.3 If nominees refuse an offer from an RSL

Associations have the right to interview all nominees. They must provide the Council with clear reasons for refusing any nomination.

If the nominee refuses the offer of a tenancy offered by an RSL. The RSL will inform the Council which will supply a further nomination. The relevant sanction for refusing an offer under this policy will be applied.

19. Persons by whom decisions are taken

Decisions under the Allocations Scheme may be exercised by officers of Luton Borough Council who have been given appropriate delegated authority by the Head of Housing.

It is unlawful for the Council to fetter its discretion and the Head of Housing is authorised to take into account individual circumstances and to depart from the criteria laid down where justified by special circumstances. In the rare case of extreme emergencies, the Head of Housing may authorise an immediate offer. However, if the emergency has rendered the applicant homeless, the homelessness procedures of assessment followed by temporary accommodation if appropriate, will be followed.

The authority delegated to the Head of Housing is as described in the Council's formal delegation to officers and may be revised by the Council from time to time.

19.1 Housing Needs Review Panel

To ensure consistency when dealing with applications the Head of Housing will make decisions on the following, taking evidence and supporting information from officers at the Housing Needs Review Panel:

- Agreeing that due special circumstances a tenant may transfer with rent arrears in excess of the two weeks net rent limit or where their property is in poor condition;
- Approving the grant payment for assisted transfers (where tenants are moving to smaller accommodation);
- Approving 3 way mutual exchanges where it is not appropriate for tenants to 'swap' properties, but the exchange can be made to work if one of them moves to a void property;
- Deciding on cases where there is no right of succession and the applicant is applying for the tenancy of the or another property; (**see page 30**)
- Awarding community care points for non sheltered housing;
- In cases where the medical advisor's recommendation is considered to be inappropriate, approving a different level of points (this will be rare);
- Awarding social points;
- Awarding points where applicants need to move to avoid actual or a threat of violence or harassment, or where applicants need to move to a particular locality;

- Awarding points where applicants with tenancies in the private sector who have insufficient financial resources to meet accommodation costs and housing benefit does not cover all of the rent;
- Advising on complex cases, and dealing with other relevant queries in relation to applications, and deciding whether special circumstances justify a particular course of action.

The panel will also consist of the Housing Needs Manager, or their representative and officers relevant to advise on the case.

19.2 *The sheltered housing extra care assessment panel (pg 27)*

The Panel will award community care points and other points relevant to sheltered housing applications including those where people need to move to a particular locality.

20. Choice based lettings

The following provisions of the Allocation Scheme may be introduced in the future by a resolution of the Council, or of any Committee of the Council will appropriate delegated powers.

20.1 Multiple and / or simultaneous offers

Under the this provision, the Council may increase the number of offers made to some or all applicants beyond the limits currently imposed and set out on **page 41**.

More than one property may be offered simultaneously to an applicant. One property may also be offered simultaneously to more than one applicant.

20.2 Advertising properties

Under this provision, the Council may introduce an “advertising” or “estate agent type” scheme, whereby some or all of the properties available for allocation or nominations are advertised to some or all of the applicants on the housing list, via a local newspaper, newsletters, the Council’s website, or other means.

Applicants to whom the properties are advertised will be invited to make a specific application for one or more of the advertised properties.

The property will then be allocated to the person making a specific application for it who has the highest priority under the Allocation Scheme.

20.3 Vulnerable applicants

If either of the above provisions are introduced, the Council will make whatever arrangements appear to it to be necessary to ensure that reasonable preference is given to households entitled to it under s 167(2) of the Housing Act 1996, and that the new allocation arrangements do not adversely affect the chances of vulnerable households receiving offers.

20.4 Detailed arrangements

In deciding whether to implement such a scheme and in deciding the detailed arrangements, the Council will have regard to the outcome of the pilot choice-based lettings schemes in other boroughs currently being funded by the Government

If provisions for choice-based lettings are introduced, the Council will publish details of the new arrangements for the information of applicants.

21. Reviews and appeals

21.1 Right to request information

Applicants have the right to request information from the Council about any decisions on the facts of their cases which are likely to be, or have been taken into account, in considering whether to allocate them accommodation.

21.2 Right to a review (Homelessness Act 2002 section 167 S4A) for applicants applying for accommodation

An applicant is entitled to request a review of a decision in situations where they have been found ineligible and where they consider facts have been taken into account when making a decision and they feel the wrong decision has been made as a consequence. These procedures do not apply to the reviews of Homeless Applications which have a separate scheme.

The review will be carried out by officers not involved in the original decision and senior to those who made the original decision.

The applicant has 21 days from the date of notification of the decision to appeal in writing. Applicants will be given the opportunity to make a written appeal and also the opportunity to appear and be represented at the hearing. In the absence of regulations from the Secretary of State, the Council will follow the same time limits for homeless appeals and inform the applicant of the outcome within 8 weeks of the appeal being submitted. Reasons for the decision will be given. Full details of the procedure will be detailed in the Council's Allocations Appeal Procedure Scheme. *(in preparation)*

21.3 Appeals to Members of the Council

Applicants have a further right to appeal to Members of the Council where they feel that their priority has been inappropriately assessed. The appeal will be heard in accordance with the Council's appeals procedure.

In accordance with the spirit of regulations issued by the Secretary of State under the Allocation of Housing (Procedures) Regulations 1997, Members may not hear cases where they are related to the applicant, are close friends with the applicant, or where the applicant lives in their ward or the proposed allocation is in their ward.

The Points Scheme

Applicants in Groups C, D, and E are prioritised by means of a points scheme.

1. Allocations Group A: Emergency Cases

Points category	New Points level	Comments
Emergency cases in Allocation Group A	By date order	Points are used to identify the application as being in Group A and to assist in assessing date of application. Points do not determine priority. Date order is the actual basis of allocation.

2. Allocations Group B: Statutory homeless – unintentionally priority need homeless applicants

Points category	New Points level	Comments
Statutory homeless applicants in Allocations Group B Persons owed a duty under s193(2) of the Housing Act 1996 \as amended, (unintentionally homeless priority need.	By date order	Points are used to identify the application as being in Group B and to assist in assessing date of application. Points do not determine priority. Date order is the actual basis of allocation.

3. Allocations Groups C (Housing Register), D (transfers), E (transfers to increase supply of empty properties) Group H (sheltered housing)

Homelessness		
Homeless applicants under Part 7 of the Housing Act 1996 as amended Applicants owed a duty by the Council under s 190(2) intentionally homeless applicants in priority need) or Section 195(2) (in priority need and unintentionally threatened with homelessness) Provided they are not in an excluded category (e.g. for past behaviour) and are not occupying accommodation under S 192(3) secured by another housing authority (NB This does not apply to priority need unintentional homeless who will be in Group A)	30	The Homelessness Act 2002 requires the council to give reasonable preference to: people who are homeless (within the meaning of Part 7 of the Act); people who are owed a duty by any local authority under s190(2), (homeless persons in priority need who are intentionally homeless), s193(2) (homeless persons in priority need who are not intentionally homeless), or s195(2) (people in priority need and who are unintentionally threatened with homelessness) or those occupying property secured by the local authority under new s192(3) (persons not in priority need who are not intentionally homeless).
Rough sleepers or those of no fixed abode	30	

Occupying accommodation which is insanitary, overcrowded or living in unsatisfactory housing conditions		
No cooking facilities or no kitchen whatsoever	20	i.e. has to go outside the home for meals
Sharing kitchen/cooking facilities with another household	10	
Having a kitchen but no hot water supply to kitchen	10	
No bath or shower	20	
Sharing bathroom and or WC with another household	10	
No inside WC	20	
Sharing living room with another household	10	
No central heating	20	
Overcrowding – in accordance with space standards on page 32	30 per bed space	For every bed space short (not bedroom), regardless of size of property moving to
Bedroom leading off another bedroom	10	
Split households unable to live together	30	(unable to live together due to property size or facilities)
Underoccupation by Luton Borough Council tenants or Luton RSL/Housing Association tenants (awarded where tenants are seeking to move to smaller accommodation)	30 per spare bedroom	Awarded only for underoccupation of family accommodation
Council tenant living in sheltered, adapted or supported housing but no one needs adaptations or the support	50	

Groups C, D, E and H continued

Medical and welfare grounds		
Urgent, high priority need to move due to medical or community care grounds, but not justifying inclusion in the emergency Group A category. Community care points will be awarded where there is a high priority need to move to avoid harm or hardship.	30	The Medical Advisor will advise on medical priority. Community care priority will be assessed by officers at the Housing Needs Review Panel or the Extra Care Sheltered Housing Panel. An applicant cannot be awarded both medical and community care points. Advice will be sought from health and social work professionals dealing with the case.
Medium priority need to move on medical or community care grounds	20	As above
Less urgent need to move on medical or community care grounds where this affected by some, but not to a significant level by the housing circumstances.	10	As above.
Need to move on social grounds to avoid harm or hardship	30	Where not already reflected in points given
Applicant is assessed as needing sheltered housing	100	
Applicant is assessed as needing extra care sheltered housing	300	

Need to move to a particular locality where failure to meet that need would cause hardship		
Urgent need to move to avoid actual or a threat of violence or harassment to a Luton Borough council tenant, where action against the perpetrator cannot reasonably resolve the situation, but not justifying inclusion in the emergency Allocations Group A or the Allocations Group B for statutory priority need homeless.	30	Examples could include victims of domestic violence and racial harassment
Applicants who need to move to a particular locality where failure to meet that need would cause hardship or harm	30	To sustain and strengthen local communities, or need to be near a particular school or medical facility

Community care points will also give priority to this reasonable preference category

Groups C, D, E and H continued

Financial resources available to a person to meet his/her or her housing costs		
Insufficient resources to pay for private rented accommodation as evidenced by applicant being entitled to full housing benefit, but not being able to afford the shortfall between the amount of benefit and the contractual rent.	30	The Homelessness Act 2002 requires additional priority to be given to applicants who cannot afford to meet his/her or her housing costs.

Children in flats		
Children in high rise flats – per child under 14	30	Points will be removed when a child reaches 15
Children in low rise flats – per child under 14	20	Points will be removed when a child reaches 15

Local Connection		
Living in the Borough for 6 months out of the last 12 months, or 3 years out of the last 5 years. Points will not be awarded in this category to applicants who move to Luton to attend the university or other educational establishment.	150 points	Applicants do not need to have a local connection with Luton to join the housing list. However, given the high housing pressures in the borough, Luton residents and applicants with other local connections are awarded extra points
Working in the borough full or part time, but not casual employment	50 points	
Having close family (parents, children, brothers, sisters and other family members if there is a particularly close relationship) who have lived in the borough for at least the past 5 years	50 points	
Other special reasons for living in the borough (e.g. a need to receive specialist care from a medical establishment)	50 points	

Time on list		
2 points for each full year they have spent on the list.	2	Points will be awarded when applications are renewed and will not be updated until the next renewal.