

Draft Allocations Scheme

Summary of main changes introduced by the Homelessness Act 2002

Current position (Housing Act 1996)	New position (Homelessness Act 2002)
Councils had to keep a housing register	No requirement to have a register. However, the council must assess all those who apply for housing.
Councils implemented blanket exclusions - for example many councils housed only local people	<p>Power to use blanket exclusions abolished. Cannot exclude people because they do not live in the borough but can give <i>additional preference</i> to local people, using the local connection definition from the homeless legislation. Immigration rules remain.</p> <p>In place of blanket exclusions, authorities have a power to decide that individual applicants are unsuitable by reason of behaviour by themselves or their household serious enough to make them unsuitable to be a tenant. This means behaviour that – if the applicant had been a tenant – would have entitled the council to a possession order</p>
Scheme applied to housing register cases and to nominations made to Registered Social Landlords (RSLs)	Transfers are also included. The new rules apply to all. (Mutual exchanges not included)
	The allocations scheme must contain details of the councils policy on the choice afforded to applicants
	The allocations scheme must contain a statement on the council's approach to choice based lettings.

<p>Reasonable preference categories were</p> <ul style="list-style-type: none"> • insanitary or overcrowded or otherwise unsatisfactory housing conditions; • People in temporary or insecure tenancies; • Families with dependent children • Households consisting of pregnant women • Households consisting of someone with a particular need for settled accommodation on medical or welfare grounds • Households whose social economic circumstances are such that they have difficulty in securing settled accommodation 	<p>Revised reasonable preference categories</p> <ul style="list-style-type: none"> • People who are homeless within the meaning of Part 7 of the Act • Intentionally homeless, non priority homeless, those threatened with homelessness • Insanitary or overcrowded housing or otherwise unsatisfactory housing • People who need to move on medical or welfare grounds • People who need to a particular locality where failure to meet that need would cause hardship to themselves or others
	<p>Council has power to give additional preference to particular descriptions within these categories.</p> <p>The scheme recommends additional preference for local people; for applicants with children living in flats and to those unable to meet their housing costs.</p> <p>The council is also allowed under the new regulations to take into account the financial resources available to a person to meet their housing costs.</p>
	<p>Applicants have a right to a review:</p> <ul style="list-style-type: none"> • Where they are classed ineligible for accommodation due to immigration status or unacceptable behaviour • On the facts of their case.

Summary of key differences between existing and proposed policy

Existing policy	Proposed changes
<p>Policy in relation to choice is inconsistent</p> <p>Homeless applicants receive one offer</p> <p>For other applicants there is no limit to the number of offers</p>	<p>Two suitable offers will be made to tenants in Allocations Group E (those moving out of family accommodation to properties) in recognition of the need to tackle underoccupation</p> <p>All other groups will receive one suitable offer</p> <p>Some people will have restricted choice and not be able to choose the type of property they are allocated (emergency cases, statutory homeless priority need households in group B, Homes applicants from other councils, key workers, and referrals from other agencies/social services). When they reach the top of the list they will be offered the next suitable property.</p>
<p>Allocation is by points, apart from Homeless.</p>	<p>Emergency cases in Group A, statutory priority need Group B homeless cases, Group f (referrals and key workers) and Group G (Homes nominations from other councils) will be allocated in date order.</p> <p>Points will be used for the housing register and transfer list.</p>
<p>Sanctions for refusing a suitable offer</p> <p>Other than for homeless applicants, there is no sanction for turning down an offer. Currently those awarded 400 points for emergency status can and do turn offers down and wait for the property of their choice to become available.</p>	<p>If applicants in the emergency category turn down a suitable offer, they will move out of the emergency banding and take their turn with everyone else on the housing register and no further offers will be made for 12 months.</p> <p>Homeless applicants in Group B will receive no more offers (as at present) and the Council will consider its duty discharged.</p> <p>For all other client groups, no further offers will be made for 12 months.</p>

Generally people who do not live or work in Luton cannot register on the list.	This blanket ban is not possible under the new legislation. Instead, such applicants will be allowed to register, but the Council is choosing to give additional preference to local people.
Income is not taken into account	As well as capital and savings, the income of a household will be taken into account when deciding whether accommodation can be offered.
Apart from owner occupiers, those outside Luton, and the statutory immigration rules, no other applicants are barred from the list	The Council is proposing to exclude applicants who have committed serious anti social behaviour which would make them unsuitable to be a tenant.
The housing register and transfer list are kept separately, but apart from this and the homeless category, there are no other separate groups or bands and all applicants are competing to get to the top of the list.	To make it more transparent as to how the council is meeting its duty under the reasonable preference categories, and to target more effectively, it is proposed to have a groups A to H and to allocate a percentage of voids to each group.
Current scheme recognises medical needs but not community care needs	Points can be given for medical or community care needs (but not both).
Current transfer scheme gives some additional priority for children in flats, overcrowding and underoccupation but not enough to make any significant difference	Priority for children in flats, overcrowding and underoccupation increased in the points system
Points	Changed to reflect the new reasonable preference categories
Property condition is not taken into account when a tenant is given a transfer. There have been cases where the council is left with high repair costs.	Tenants will not be allowed to transfer unless their property is in a good state of repair and decoration – fair wear and tear allowed. Exceptions may be made for emergency moves, but in most cases tenants will be required to comply with this new rule.