

# **SOUTH HAMS DISTRICT COUNCIL**

## **LOCAL ALLOCATION POLICY**

**South Hams District Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone.**

**This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request.**

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# **SOUTH HAMS DISTRICT COUNCIL**

## **LOCAL ALLOCATION POLICY**

### **1 Scope of the policy**

- 1.1 This Local Allocation Policy sets out how the Council will deal with specific local issues outside of the Devon wide Choice based lettings system called Devon Home Choice. The document also sets out 'exceptions' to the Devon Home Choice Scheme i.e. where the Council will allocate outside of the scheme.
- 1.2 In exceptional circumstances South Hams District Council reserve the right to depart from any aspect of this policy. Any decision to depart from the policy will be taken by the Community of Practice Lead for Housing, Revenues & Benefits in conjunction with the lead Executive Member for Customer First.
- 1.3 Homes delivered in the Dartmoor National Park, on exception sites or on Community Led schemes are controlled by very specific needs in a particular parish. The criteria for these schemes will be set out within the Section 106 Agreement relating to the specific site.
- 1.4 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy.

### **2 Introduction**

- 2.1 South Hams District Council (SHDC) no longer holds any housing stock, having transferred the entire stock to various Registered Providers (RPs) in 1999.
- 2.1 Devon Home Choice is the model adopted by the Council, and RPs operating within the District, to allocate housing through this jointly operated Choice Based Lettings Scheme.
- 2.2 Devon Home Choice covers all 10 Devon Authorities including Plymouth and Torbay, enabling applicants to apply across Devon for vacant properties.
- 2.3 SHDC coordinates Devon Home Choice within South Hams and maintains the common housing register for all partners operating within the area.

- 2.4 Registered Providers label, advertise and let their properties. They have their own allocation policies and will verify applicants details to ensure they meet their criteria.
- 2.5 This policy document sets out:
  - a. the common policies adopted by all partners within Devon Home Choice
  - b. Council specific policies, and
  - c. exceptions to the Devon Home Choice Scheme

### **3 Statement of Choice**

- 3.1 South Hams District Council is committed to offering the greatest choice possible in the allocation of housing within the District, whilst ensuring that such choice is compatible with ensuring that housing goes to those with the greatest need.
- 3.1 Within this it must be recognised that there is very high demand for affordable housing in the South Hams and that this demand cannot currently be fully met from available resources. Consequently, more often than not, only those in the greatest housing need are likely to obtain suitable accommodation, which means that the degree of choice will always be limited.
- 3.2 South Hams District Council is also committed to extending choice to homeless households as far as is compatible with the effective use of council resources and the need to reduce the use of temporary accommodation. (paragraphs 5.1 – 5.5 of this policy which set out our policy relating to homeless households).

### **4 COMMON POLICIES**

#### **Devon Home Choice**

- 4.1 By joining the Devon Home Choice partnership all partners have agreed to the Devon Home Choice Policy.
- 4.1 The Devon Home Choice Policy document sets out in detail how the scheme will operate, how applicants will be prioritised and how properties will be let.
- 4.2 The Devon Home Choice Policy forms the best part of the Council's allocation policy, being the document which sets out the fundamental principles upon which the scheme is based.

- 4.3 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy.
- 4.4 South Hams District Council reserves the right to deviate from this policy in exceptional circumstances. Any decision to depart from this policy will be taken by the Community of Practice Lead for Housing, Revenues and Benefits along with the Executive member for Customer First.
- 4.5 Homes which are delivered through Dartmoor National Park, through the Village Housing Initiative (VHI) or on exception sites within South Hams are controlled by specific legal criteria relating to housing needs in a particular Parish. These criteria will be detailed in the Section 106 agreement.
- 4.6 Housing developments for the Over 60s are excluded from the Local Allocation Policy.

#### **HOUSING ACT 1996**

- 4.7 The Housing Act 1996 as amended requires all Councils to give 'reasonable preference' in their allocations schemes to groups in high housing need such as the homeless, those who need to move on welfare and medical grounds, people living in unsatisfactory housing and those who would face hardship unless they can move to a particular locality within the district. However guidance states that Local Authorities can take into account local pressures with regard to this.
- 4.8 Further guidance was issued in August 2012 in relation to the armed forces stating that local allocation policies should not be utilised for this group in certain circumstances, this is explained in detail in paragraph 5.15.

### **5 COUNCIL SPECIFIC POLICIES**

- 5.1 The Council has specific duties to meet local housing needs and to meet the needs of the homeless. This section sets out the Council's policies in this respect and how they operate alongside the Devon Home Choice Policy.

#### **Homeless Households**

- 5.1 If the Council accepts a statutory duty to re-house a homeless household they will be placed in the High Housing Needs Band (Band B) in accordance with the Devon Home Choice Policy.

- 5.2 Homeless households will be offered the same degree of choice as other applicants for a period of 6 weeks after being accepted as homeless.
- 5.3 If bids have not been made for suitable accommodation within the 6 week period (and suitable vacancies have been advertised) then the Council will bid on behalf of the homeless household, for all suitable vacancies that arise, until the household is offered a property.
- 5.4 If no suitable vacancies occur within the first 6 weeks, the period of choice will be extended by a further period of up to 6 weeks.
- 5.5 Refusals of accommodation by homeless households will be considered in accordance with the Homelessness Code of Guidance.

### **Assisting Vulnerable Households**

- 5.7 To ensure vulnerable households, who do not have any support network, are able to access Devon Home Choice and bid for properties the Council will activate the automatic bidding process, this will be done with the applicants consent.
- 5.8 Regular checks will be made on “non-bidding” households to identify households who may need our support. When a household has been identified, and with their approval, bids will be made by Council staff on their behalf.
- 5.9 A copy of the Automatic Bidding Procedure is detailed in the Devon Home Choice Policy.

### **Local Housing Needs**

- 5.10 Whilst choice will be extended as widely as possible, certain housing schemes may only be let to applicants with a local housing need
- 5.11 In very rural villages with general needs rented housing stock owned by a Registered Provider of less than 100 properties, preference will be given to local households, provided they have an existing housing need i.e. bands A - D. For the purposes of clarity this is everywhere in South Hams apart from:
  - Dartmouth
  - Ivybridge
  - Kingsbridge
  - Totnes
  - South Brent
  - Areas where specific lettings plans apply – Salcombe, Kingston, Stoke Fleming

- 5.12 Schemes delivered in the Dartmoor National Park and exception sites within South Hams will be controlled by very specific criteria relating to needs in a particular parish. These criteria will be set out within the S106 Agreement relating to the specific site.
- 5.13 Other larger sites enabled through the planning process within South Hams will allow 50% of all new rented affordable housing to be allocated to those in bands A – D. For the avoidance of doubt this will be schemes in Dartmouth, Ivybridge, Kingsbridge and Totnes.
- 5.14 For the purposes of clarity a household has a connection with the Parish/Town in any of the following circumstances:-
- (i) The person has lived in the parish/town for 3 out of the 5 years preceding the allocation.
  - (ii) The person has immediately prior to the allocation lived in the parish/town for 6 out of 12 months preceding the allocation
  - (iii) Immediate family have lived in the parish/town themselves for 5 years preceding the allocation. For avoidance of doubt The Local Government Association guidelines define immediate family as parents, siblings and non-dependent children.
  - (iv) The person has permanent employment in the parish/town with a minimum contract of 16 hours per week which has continued for the 6 months preceding the allocation without a break in employment of more than 3 months such employment to include self-employment. This should not include employment of a casual nature
  - (v) Any periods of (ordinary) residence of the person in the Parish/Town \* (definition see appendix 1)

## **ARMED FORCES PERSONNEL**

- 5.15 Further guidance issued in August 2012 in relation to the armed forces stated that where housing authorities utilise local connection policies they must not apply them to the following persons:
- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
  - b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

- c) current or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

## **TENANTS INCENTIVE SCHEME**

- 5.15 One of the priorities in the Homes Strategy is to maximise the use of existing social housing stock including maximising family sized accommodation by offering a financial incentive where appropriate. The Council can offer payments to households to move to a more appropriate property in terms of size. This policy is a separate document and can be read in conjunction with the allocations policy.

## **6 EXCEPTIONS TO DEVON HOME CHOICE**

### **Supported Housing Schemes**

- 6.1 It is inappropriate to advertise vacancies in certain supported housing schemes as they have been developed to meet very specific needs.
- 6.2 The allocation process for such schemes will be agreed outside this allocation policy between Housing, Social Services and the RP and will be developed to meet the very specific needs of the client and sensitively manage the lettings of the scheme.
- 6.3 List of supported housing and Extra Care schemes exempt from Devon Home Choice within South Hams:-

Westville, Kingsbridge

St Barnabas Project, Dartmouth

Highland Villa, Ivybridge

Belmont Villa, Ivybridge

Redworth Terrace, Totnes

Douro Court, Ivybridge

Bishops Court, Newton Ferrers

Quayside, Totnes

See Separate Lettings Policies for the above.

## **Meeting the needs of the physically disabled**

- 6.4 Properties that have been adapted for the disabled will be labelled to ensure the property is let to an applicant with the need for this type of accommodation *e.g. preference will be given to an applicant with the need for a level access shower.*
- 6.5 However, there are occasions when the needs of a disabled household cannot be met within the general housing stock and a specific property needs to be built.
- 6.6 In such circumstances close liaison will take place between the Council, Social Services and the Registered Provider to ensure the property is built to meet the specific needs identified. In this case the property will not be advertised through the Devon Home Choice Scheme but will be allocated through Devon Home Choice as a direct match.

## **7 GENERAL**

### **Publicity**

- 7.1 This policy is a formal Council document and is not intended to be used as a publicity document.
- 7.2 Full details of the Devon Home Choice Scheme and the Council's policies will be produced in leaflet format and on the Council's website in a user-friendly format.

### **Diversity and Equal Opportunities**

- 7.3 South Hams District Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone.
- 7.4 This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request.

## **Policy Review**

- 7.5 The Devon Home Choice scheme and Policy are regularly reviewed and any changes are implemented only after majority agreement amongst all Devon Home Choice partners
- 7.6 The Council's allocation policy will be monitored regularly and reviewed and updated annually and in conjunction with new developments.

## Appendix 1

### \*Definition of Ordinary Residence

The overriding principle in determining a person's ordinary residence status is that people who have an appearance of need for community care services should not be denied assessment or subsequent service provision while that ordinary residence status is being disputed with another authority.

If the Department decides to supply or fund a service while awaiting the outcome of disputed ordinary residence, this decision should be clearly taken without prejudice. Any contractual arrangements entered into should reflect the temporary nature of the decision. This decision must be clear to the other authority, and staff with support of their managers should ensure that at no stage does the Department appear to have assumed responsibility when the situation is just being held until the matter is resolved.

There is no statutory definition of ordinary residence nor any statements about minimum residency periods, owning a house or holding a tenancy in a particular place. Making a judgement about ordinary residence involves questions of fact and degree, takes account of time, intent and continuity and has to be balanced with each individual's circumstances.

Where referral information indicates some doubt about where a person is ordinarily resident, further information will clearly be needed. For example if a person was receiving services or was living in a residential home before arriving in the county or still has a house in another county, this should alert the referral taker to a potential ordinary residence issue.

If someone has been funded in residential care by another LA, that LA retains responsibility unless or until there is a break in funding. This would usually be because the service user has moved into independent accommodation or has become self-funding.

If someone has been funded in residential care by another LA and there is a change in the care provided or the facility closes, the funding authority is responsible for a review of the service user's needs and also for continued funding, except where as in 5 above, the service user has moved into independent accommodation or has become self-funding.

At this stage staff must offer no commitment and assume no responsibility on behalf of the Department; decisions about a person's ordinary residence status should be made by the team manager following investigation.