

A Home in Swindon

The Council's Housing Allocations Policy



Contents

Housing



Section Number	Section Heading and Contents	Page
1	Introduction	3
2	Who can apply to be on the Housing Register	4
3	Who cannot be accepted onto the Housing Register	4/5
4	Reasonable Preference/Additional Preference groups	5/6
5	Housing Need Banding categories	7/8/9
6	Household & accommodation size information & bedroom entitlement & Pets	10
7	Housing for Older Persons	11
8	Affordability criteria	11
9	Discretion to accommodate outside the banding criteria	12
10	Arrangements for particular properties to applicants	12
11	Operation of the Waiting List	13/14
12	The Lettings Process	15/16
13	Right to Review	16/17

1. Introduction: Your Home, Your Area, Your Choice

As a result of the Localism Act 2011 and the Government's Housing Strategy 'Laying the Foundations: a housing strategy for England' Councils have more control over the way that we allocate social housing. The intention is for Councils to get the most from this increasingly valuable resource, to ensure that social housing goes to those that 'need and deserve it the most'. This allocation policy sets out how we intend to achieve that.

1.1 Equalities Statement

Swindon Borough will be a place which protects and promotes equality and diversity through Opportunity, Access and Fair treatment whilst understanding and reducing the costs of inequality for Swindon's diverse population. So that everyone can flourish, Swindon will be an equal society which recognises and respects people's different needs, situations and goals, establishing real freedom by removing the barriers that limit what people can do and can be.

1.2 Review of Decisions

Applicants can at any time request a review regarding their housing application of any decision made, in writing or through an advocate. Applicants who believe they are no longer ineligible can re-apply. A senior housing officer, will review the case within 28 days of the request to review and a written response will be given to the applicant

1.3 Fraudulent applications

Applicants may be breaking the law as set out in section 171(i) of the Housing Act 1996. Anyone doing so may be prosecuted by the Council and if found guilty, may be ordered to pay a fine. The applicant could also lose any property that may have been allocated to them. The Council has a duty to protect public funds it administers and to this end may use information provided to obtain a council tenancy/tax benefit within this authority for the prevention and detection of fraud. Fraudulent applications will be cancelled from the housing register but will have the right of appeal.

2. Who can apply to be on the Housing Register?

To join the Housing Register you must meet **all** of the criteria below:

1. Be 18 years of age or over.
2. Have resided in the Borough of Swindon for the last 2 years,

or, have close relatives who have lived in the Borough for two years or more (parents, adult children, grandparents or siblings)

or, be employed in the Borough for more than 24 hours a week

or be a member of the Armed Forces or previously served in the Forces in the last 5 years.
3. Be a British Citizen or be granted leave to remain in the UK.
4. Be habitually resident in the UK.
5. Be in a reasonable preference group (Section 4) or meet our Housing Needs Banding Criteria (Section 5).
6. Home owners over 60yrs of age who require accommodation in sheltered housing

3. Who cannot be accepted onto the Housing Register?

- Homeowners under the age of 60.
- Homeowners who are 60 years old or older and who require accommodation **other** than sheltered housing.
- Those households that have sufficient income to afford a suitable property on the open market.
- Those who are not a UK citizen or do not have leave to remain.
- Those who have moved to a property unsuitable for their needs with the intention of increasing their priority for housing.

- Those who are currently serving a custodial sentence in prison. However on release if an application is submitted showing a previous local connection then can be registered.
- Those who are unable to live independently, and have no support package in place
- Those who have a housing related debt owed to a Council, Housing Association or Private Landlord.
- Those who do not give the full facts give false information or do not tell the Housing Needs Team of any important changes to their situation.
- Those who are applying or members of the household to be housed with them have been involved in anti-social behaviour.

4. Reasonable Preferences

Under Section 167 of the Housing Act 1996 the Council is required to operate a Letting Scheme for determining priorities and the procedure to be followed in allocating housing accommodation. Section 167 (2) of the Housing Act 1996 also requires that the scheme be framed to give reasonable preference to the following groups:

- People who are homeless within the meaning of Part 7 Housing Act 1996;
- Homeless people who are owed a duty by any local authority under section 190(2); 193(2) or 195(2) of the Housing Act 1996 (or the equivalent provisions in the Housing Act 1985) who are occupying accommodation secured by any such authority under section 192(3) (This group are excluded from the local connection criteria)
- People occupying insanitary or overcrowded accommodation or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability.
- People with an exceptional housing need such as victims of domestic violence, racial harassment, witnesses of crime and victims of crime at risk of intimidation amounting to violence. (This group are excluded from the local connection criteria)
- People needing to move to a particular locality within the Borough to avoid hardship to themselves or others.

4.1 Additional Reasonable Preference Groups

The Lettings Scheme will give reasonable preference to those who fall in the categories below. We will offer reasonable preference to tenants in particular types of accommodation who are working but are on a low income and will therefore find difficulty in accessing outright home ownership or low cost home ownership. This applies to Swindon Borough Council tenants who apply.

- Work

The Work to Move Scheme aims to provide an option for working families living in a flat or maisonette and who wish to move to a house.

To be eligible for the scheme, tenants must meet the following criteria:

- Be a Swindon Borough Council tenant or joint tenant living in a two or three bedroom flat or maisonette
- The tenant or joint tenant should be working for 16 hours or more weekly and have done so continuously for at least one year (the person in work must have been a tenant or joint tenant for at least one year).
- Have lived in the flat for a minimum of two years & have a secure or flexible tenancy
- Have dependent children under 18 years living full time in the property
- Have no history of anti-social behaviour whilst in their current tenancy
- At the point of application, must have a clear rent account for the last 3 months. The rent account must be continuously clear throughout the application to the point of offer of new accommodation.

- Education & training

Including attending higher or further education or by accessing a vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

- Volunteers

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a not-for profit organisation that is recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority. Consideration will also be given to unpaid voluntary work associated with social enterprises; community interest companies, and private registered providers or other unpaid activity designed to improve skills.

4.2 Additional Reasonable Preference Groups

- Armed Forces

Applicants who have served in the British Armed Forces will qualify for priority to join the Housing Register with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army. A local connection to the Borough is not necessary and applicants do not have to demonstrate a housing need. Homeowners will not be considered.

5. Housing Need Banding Categories: (Applicants are placed into bands and housed according to their time on the list within their band).

Band A – Exceptional reasons for a move

<p>Making best use of Council or Housing Association property in the Swindon area.</p>	<p>Releasing family accommodation: where a tenant is releasing family accommodation and requesting a transfer to either a bungalow, flat with homeline, sheltered flat or one-bedroom general-purpose flat.</p> <p>Releasing a one-bedroom general need property: where a tenant is releasing a one-bedroom general need property for a bungalow, sheltered flat or flat with homeline.</p> <p>Releasing a one or two bedroom bungalow or flat with homeline for sheltered housing: where a tenant is releasing a bungalow or flat with homeline for a sheltered housing flat or bungalow attached to a sheltered scheme</p> <p>Releasing a two bedroom bungalow for a 1 bedroom bungalow: where a tenant is releasing a two bedroom bungalow for a one bedroom bungalow</p> <p>Releasing a four-bedroom or larger property: where a tenant is releasing a four-bedroom or larger home and requires a smaller property.</p> <p>Releasing an adapted property: where a tenant is releasing a property that has had major welfare adaptations and they no longer require the use of these adaptations.</p>
<p>Serious Hazardous properties</p>	<p>Where the accommodation in Swindon has been deemed as a serious hazard by the Council’s Residential Services Team and is deemed as unfit for human habitation and where other housing options are not available. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.</p>

Statutory Overcrowding	Where the accommodation in Swindon has been deemed as statutorily overcrowded by the Council's Residential Services Team or a member of the Housing Needs Team and where other housing options are not available. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.
Urgent Approvals	All cases requiring an urgent move on exceptional grounds will be at the approval of a Housing Services Senior Officer. These applicants will be restricted from bidding as either a direct offer will be made or bids placed by a Housing Officer.
Emergency Medical need to move	Medical Category A is only awarded where the accommodation is totally unsuitable for their needs. Bids will be monitored by a Housing Officer. A direct offer of accommodation will be made if bidding is not successful in a reasonable period of time.
Agreed move-on arrangements	Swindon Borough Council has agreed move-on arrangements with supported housing providers in the Swindon area when they are ready to live independently. Bids will be monitored by a Housing Officer. A direct offer of accommodation will be made if bidding is not successful in a reasonable period of time.
Employees of Swindon Borough Council - Tied Accommodation	If an employee of Swindon Borough Council were previously a Council or Housing Association tenant immediately before they moved into tied accommodation and have been served notice to leave. The type of property allocated will depend on their current bedroom requirements.
Undertaking to rehouse	Where a tenant has to relinquish their tenancy for exceptional reasons or the council allows a member of the late tenant's family/household to succeed to a tenancy but it is larger than their requirements. Bids will be monitored by a Housing Officer. A direct offer of accommodation will be made if bidding is not successful in a reasonable period of time.
Reciprocal Requests	Where there is an exceptional need for applicants or tenants to move either out of the Borough, or into the Swindon area and there is no other means for them to move (such as a mutual exchange) then a reciprocal move could be arranged. Reciprocal arrangements can also be agreed with the National Witness Mobility Scheme subject to the recommendation of a Senior Housing Needs Officer and under section 85 of the Serious Organised Crime and Police Act 2005. This group will be restricted from bidding and a property identified.

5.1 Band B – In need of accommodation

Sharing Facilities	Sharing with others NOT included in the housing application
Lacking bedroom(s)	Lacking one or more bedrooms (see table in Section 6) for bedroom entitlements.
Downsizing	Swindon Council or Swindon Housing Association tenants downsizing from a three-bedroom to a two-bedroom home. Only households with dependants will be considered for a two bedroom house.
Applicants/Tenants requesting sheltered housing	Requesting sheltered housing (this does not include bungalows) Must be 60 years or older (or over 50 years of age and in receipt of Disability Living Allowance or Personal Independence Payment for non-homeowners) Council or Housing Association Tenants must have a housing need to move within their current housing scheme
Applicants accepted as homeless & Preventions	<p>Those owed a homeless duty by the Council under s193(2) & s195(2) of the Housing Act 1996 and Homelessness Act 2002 and placed in temporary accommodation. If these applicants are not actively bidding for suitable properties then bids will be placed on your behalf.</p> <p>The banding date will be the accepted as homeless date or the date of the new tenancy.</p> <p>Applicants will be able to exercise their choice by bidding, however, if they are unable to secure a reasonable offer of accommodation through their time on the list, applicants will be direct matched to a property suitable for their needs.</p>
Medical priority	A medical priority can be awarded by the Housing Needs Team where it is evidenced that the current accommodation is having a serious effect on an applicant's medical condition. Medical priority is not awarded for neighbour issues.
Gypsies and Travellers	Gypsies & Travellers - who reside on Local Authority sites within the Borough of Swindon
Hazardous properties	Where a property in Swindon has been declared hazardous by the Council's Residential Services Team.

Discretionary band approval.

Applicants who have compounded difficulties, which cannot be addressed within the current Allocations Policy, can have their application band reviewed by a Senior Housing Officer. These cases could be direct matched to properties and restricted from bidding.

6 . Household and accommodation size information

Bedroom entitlement

Household circumstances	Studio	1 Bed	2 Bed	3 Bed	4 Bed	5 or more Bed
Single Person	•	•				
Couple		•				
Single/couple with live in carer			•			
Couple in full time employment over 55yrs or over state pension credit age.		•	•			
Parent/Couple and pregnant with first child		•				
Parent / couple with 1 child			•			
Parent / couple with 1 child under 10 and pregnant			•			
Parent / couple with 2 children different sex (eldest under 10 years)			•			
Parent / couple with 2 children same sex (under the age of 16 years)			•			
Parent / couple with 2 children of different sex (eldest 10 years or over)				•		
Parent/couple with 2 children of same sex (eldest over 16 years)				•		
Parent / couple with 2 children and pregnant with 3 rd child				•		
Parent / couple with 3/4 children				•		
Parent / couple with 4 children and pregnant or with 5 or more children					•	•

Pets: Pets are only permitted where the flat, bedsit or bungalow has been chosen to allow pets. This information is noted on any property advertised on Swindon Homebid. You will also be informed again if you are shortlisted whether the selected property allows pets.

7. Housing for Older Persons

Sheltered Housing:

Applicants must be either over 60yrs or over 50yrs and on Disability Living Allowance (DLA) or Personal Independent Payment (PIP) to qualify for sheltered housing.

Applicants under 50yrs may be considered in exceptional circumstances if it is agreed by a Senior Housing Officer that they have a need for sheltered housing or there is low demand for the accommodation; applicants are subject to an interview to ensure suitability for living in sheltered housing.

Applicants close to 60yrs and not on DLA may also be considered where there is a **low** demand for this type of accommodation (also subject to an interview to ensure suitability for sheltered housing).

Bungalows:

Applicants must be over 60yrs or receiving high rate or enhanced rate for DLA or PIP mobility with entitlement under the 'moving around' activity to qualify for a bungalow. Those not meeting the reasonable preference groups will not be considered for bungalows.

Flat/Cottage with Homeline:

Applicants must be over 50yrs or on DLA or PIP.

8. Affordability assessment criteria

8.1 At point of offer of accommodation applications will be subject to an affordability assessment. See Section 12.4 for further information.

8.2 Those applying for social housing will be referred to the Council's Greenlight to Housing programme which aims to help applicants secure social housing in the future. At the point of application applicants will be referred to the Greenlight to Housing programme to carry out an affordability assessment and provide support and advice where necessary to help tenants secure social housing provision.

9. Discretion to accommodate outside of the banding criteria

The following applicants/properties may be dealt with outside the banding system in order that the Council can manage its stock effectively and meet its statutory and other obligations as a landlord.

Adapted properties

The Council and or a Housing Association may have a number of adapted properties that have **major** welfare adaptations. Because of the specialist nature of these properties they maybe offered directly to applicants and not available for bidding. These properties may also require an Occupational Therapist assessment to ensure suitability for the applicant.

Households with learning difficulties or applicants requiring extra-care properties

Properties for clients with learning difficulties or sheltered housing that provides extra-care will be offered directly to applicants through a referral process operated by Social Services

10. Arrangements for particular properties to Applicants

10.1 Keyworkers

Where a development has been identified for **keyworkers** they must be working within the Swindon Borough area in permanent employment. Those considered as keyworkers are: Education, Health, Emergency Services, Swindon Borough Council employees who are engaged with the community, Community Service workers, Armed Forces and Probation Officers.

Priority 1: Those in the groups above who are in permanent employment and are in housing need in line with Swindon's Allocations policy.

Priority 2: Those in the groups above who hold a fixed term contract and are in housing need in line with Swindon's Allocations policy.

Priority 3: Those in the groups above who are in permanent employment and although do not fall within the reasonable preference group (Section 4) may be eligible based on their low household income and would benefit from affordable housing. This does not include homeowners.

Priority 4: Those in the groups above who hold a fixed term contract and although do not fall within the reasonable preference group (Section 4) may be eligible based on their low household income and would benefit from affordable housing. This does not include homeowners.

Priority 3 & 4 groups will be approved by a Housing Panel and assessed on affordability and will only be considered where there is a low demand for keyworker accommodation.

Any offer of accommodation is subject to Landlord approval.

10.2 New build schemes over 10 Units (1/3 policy)

On new housing developments of a significant size (usually 10 plus) allocations will be made on the basis of a 1/3 from applicants, 1/3 from accepted-as-homeless applicants and a 1/3 from existing Council or Housing Association tenants.

10.3 Local lettings plans

The Housing Needs Section will work closely with Housing Associations and other sections of the Council Housing Services to develop local lettings plans that seek to ensure that a sensible balance is achieved between housing priority and the longer-term sustainability of the local area.

Local lettings plans could include measures to ensure that existing tenants living in the locality of a new or re-development are given reasonable, additional priority for properties. This would be achieved by ensuring that a proportion of these properties are let to local people. The exact proportion will be decided on each individual development when local lettings plan are drawn up. Any local lettings plan will have regard to housing management considerations such as the social mix of tenants within the block, estate or area. Such considerations will be set out in the local lettings plan and may include child density, age range, working applicants, vulnerability and ethnicity.

10.4 Vacancies in rural areas

Where a development has either a section 106 agreement or it is a council property in one of the following rural areas then bidding will be restricted as per the advert criteria

North area: Inglesham, Hannington, Castle Eaton, Blunsdon, Stanton Fitzwarren and South Marston.

South area: Chiseldon, Wanborough, Liddington and Bishopstone. Housing Association properties in Wroughton (only) require the local connection

NB: The applicant with the strongest rural local connection and within the highest band & banding date will be shortlisted first.

11. Operation of the waiting list

11.1 Ineligible members of the household

Although an applicant may be eligible to go on the Housing Register, it maybe that one or more members of the household are ineligible persons and the Housing Act 1996 specifies that they cannot be taken into account when calculating housing need. This may particularly affect the size of accommodation required, the level of overcrowding and whether the specific medical needs of that individual are met.

11.2 Change of circumstances

Applicants must notify the Housing Needs Team of change of circumstances that occur so their housing application can be reassessed. Failure to provide relevant details could result in the application being cancelled. An application will be suspended if a change of address

has occurred. This could affect your application date or band. If a new form is not submitted within 28 days the application will be cancelled.

11.3 Re-instatement of applications cancelled due to failure to re-register their form

Applications will be reviewed once a year on the date of the anniversary of the initial application. If the applicant fails to re-register then their application will be cancelled. These can be re-instated in exceptional circumstances if contact is made within 3 months of the date of cancellation. Any new application submitted after this date will not be backdated to the date of any previous cancelled ones.

11.4 Staff housing to Swindon Borough Council employees or relatives

When a Council housing allocation or a Housing Association nomination is being considered for a Swindon Borough Council Housing employee or their relative then the Head of Housing will need to give approval for a formal offer to be made.

11.5 Staying contact with children

A child or children living between parents at separate addresses will only be considered as having one main home unless there are exceptional reasons that mean both parents should provide a home. A court order allowing shared residency between separated parents does not mean that the council must consider that the child is part of the applicant's household for the purpose of a housing application.

A child with whom an applicant has contact arrangements can only be included in an application if their **main residence** is with the applicant. Where a relationship breakdown occurs and the children are already accommodated with one parent, they will be considered to have a permanent residence and cannot therefore be included in any application for housing made by the other parent.

11.6 Foster carers

Where a housing application is received which includes foster children then the Council's Social Services Department will advise the Housing Needs Team if the children can be included as part of the application. This excludes those who foster children through a private arrangement.

11.7 Housing-related debt to a Council/Housing Association or Private Landlord

Where applicants are accepted onto the housing register and are found to have an outstanding **housing-related debt** owing to Swindon Borough Council, a Housing Association or a Private Landlord they will not be successful for any bid placed and their housing application removed from the register unless an applicant is in **exceptional** housing need. Permission to be housed with a debt must be given by a Senior Housing Officer. **Debt Relief Order & Bankruptcy:** If a debt has been written off by a Debt Relief Order or bankruptcy and all the debts have been covered in the order then an applicant will be able to bid for a property.

12. The Lettings Process

12.1 Selective Lettings/Sensitive Lettings Criteria & Local Lettings Plan

Some areas or properties may have restrictions attached that allow these to be advertised in accordance with a criteria or plan that has been agreed by the Council and or a Housing Association. Sometimes properties may have to be withdrawn from the bidding process. These will be agreed by either the Council's Lettings Manager and or a Housing Association.

12.2 Tied bid cases

Where two applicants have equal priority, for example, have the same length of time in their band and have the same requirements for size, type and area of property; taking account the requirements and housing needs of both applicants the Lettings Manager, will shortlist the applicant deemed most suitable, taking all factors into consideration.

12.3 Successful bidders

The successful bidder will be contacted by the Council or the Housing Association. If an applicant has not been contacted within 5 working days from the specified closing date, it can be assumed that their bid has been unsuccessful for this particular property. For Housing Association properties, the time taken to be contacted may vary. However, you will receive a letter from Swindon Borough Council to confirm if you were shortlisted. Only one applicant is shortlisted and any successful bidder will be unable to place any further bids. An applicant can check and see the outcome and their position for a property they bid on by logging into their account.

12.4 Shortlisting/Matching

Before any formal offer of a property is made all applicant details will be checked and verified. All applicants will be required to provide satisfactory evidence of identity and past and current residences for themselves and household members. The Council and the Housing Association will request documentary evidence from each applicant and will conduct further enquiries as are reasonable in the circumstances. This is to ensure the accuracy of the Council's records and compliance with the rules of the scheme as set out in this document. The applicant will then be invited to view the property accompanied by a Council housing officer or Housing Association officer.

Any formal offer of accommodation will be subject to an affordability assessment carried out by the Landlord. If the assessment indicates that a prospective tenant is not able to afford the tenancy, then the offer will not proceed. Applicants will be referred to the Council's Greenlight to Housing programme. Applications will be suspended whilst the applicant engages on the programme until they are reassessed as being able to afford a tenancy. If the applicants engages with the programme, once they are assessed as being able to afford a tenancy, their application will be reinstated with their original banding date as long as their housing circumstances and need remains the same.

12.5 Offers

If a Council property is accepted and the keys are available the tenancy will commence on a Monday. This can vary with Housing Associations. If the offer of accommodation is refused by the applicant then the next eligible bidder will be shortlisted.

12.6 Refusals

If an applicant refuses an offer of a property that has been deemed as reasonable by the Council or a Housing Association their housing application will be removed from the housing register. They can re-apply but the date of their application will be from when the new form is submitted. Should those owed a homeless duty by the Council under s193(2) & s195(2) of the Housing Act 1996 and Homelessness Act 2002 and placed in temporary refuse accommodation the council will discharge their homeless duty.

12.7 Type of Tenancies

All NEW Swindon Borough Council tenants will be given introductory tenancies that will last for 12 months followed by fixed term tenancies in the majority of cases.

Introductory tenancies give fewer rights than a fixed term tenancy. For example there is no entitlement to purchase the property under the Government's 'Right to Buy' scheme and you are not eligible to do a mutual exchange. Normally an introductory tenancy will lead to the granting of a fixed term tenancy on the anniversary of the tenancy start date; unless any of the tenancy conditions are broken. For example: failure to pay rent or instances of anti-social behavior. If this happens, possession proceedings may be taken to end the tenancy.

Households with dependent children will be offered an introductory tenancy of 12 months followed by a fixed tenancy of an initial period of 10 years.

Households without children will be offered an introductory tenancy of 12 months followed by a fixed term tenancy for an initial period of 5 years.

Households moving into sheltered housing or other older persons housing, over state pension age, will become secure tenants after 12 months subject to maintaining a satisfactory tenancy.

13 Rights to Review

13.1 An applicant has the right to request a review of the following decisions

People who apply for housing have the right to a review. The request for a review on the following must be received in writing from the applicant or advocate within 28 days of being notified of the decision.

- That they or any members of their household are ineligible to join the Housing Register
- Refusal to accept support packages
- About any decisions made on the facts of their housing application
- Refusal of an offer of Council accommodation or a nomination to a Housing Association

The review will be dealt with by a Senior Housing Services Officer, who has not previously dealt with the case and the result of the review will be given to the applicant within 28 working days of the request. If a review is undertaken and the original decision is overturned, the application will be re-assessed in line with this policy.

13.2 Procedure for reviews

On receipt of a request for a review, the Council will:

- explain the review procedure and that the applicant or someone acting on their behalf can make written representation
- give the timescale for a decision - The decision on the review will generally be made within 28 working days unless a longer period is required for a decision to be made. The applicant will be notified and reasons will be given.
- The Council will review its original decision taking into account any representations and any other relevant facts. The Officer carrying out the review will be someone who has not been involved in the original decision taken.
- An applicant does not have the right to request a further review, but if dissatisfied with the outcome, he/she should seek independent legal advice.

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