

LAMBETH HOUSING ALLOCATION SCHEME 2013

TABLE OF CONTENTS

Table of Contents	2
Aims of the scheme	5
Scope of the scheme	5
Lettings covered by the allocation scheme.....	5
Lettings not covered by the allocation scheme.....	6
Reasonable preference.....	6
Housing List and Transfer List	6
Authorisation for housing	7
Employees and Members of the Council and their relatives	7
Keeping applications up to date	7
Who can be offered housing?	8
Persons from Abroad	8
Persons who will not normally be authorised for housing	8
What is unacceptable behaviour?	9
16-17 Year Olds.....	9
Exercise of Discretion in Exceptional Circumstances	9
Allowed Property Size	9
Exceptions to the property size rules	10
Exceptional circumstances.....	11
Affordability and allowed property size	11
Summary of Bands	12
Band A: Emergencies and strategic priorities	13
Emergencies.....	13
Threat of serious violence or harassment to a Council tenant.....	13
Life-threatening medical emergency	13
Statutory Overcrowded Council Tenants.....	13

Environmental health referrals	14
Refuge accommodation.....	14
Referrals from Lambeth Council’s adult and children’s services	14
court or ombudsman recommendation	14
Supply transfers.....	15
Tenants being decanted by the council.....	15
Retiring or redundant Council service occupiers	15
Authorised occupiers of recalled Council shortlife properties	15
Other Strategic Priorities.....	15
Lambeth Council Care Leavers	15
Releasing wheelchair accommodation.....	15
Under-occupying social tenants.....	16
Flexible tenants moving to alternative accommodation	16
Right to return.....	16
Exceptional circumstances.....	17
Priority within Band A.....	17
Band B – High Priority	17
Armed forces personnel.....	18
Band C – Medium Priority.....	19
Need to move to a particular locality	19
Priority within Band C.....	19
Band D - Low Priority.....	20
Placement in Bands	20
Local Connection.....	20
Those assisted to find housing outside the borough	21
Armed forces personnel.....	21
Exercise of Discretion in Exceptional Circumstances	21
Choice.....	21

Direct Offers	22
Sanctions for refusal of direct offer.....	23
returning temporary decants	23
Out of Borough Moves	23
Referrals from recognised mobility schemes and other boroughs	23
Council homes outside Lambeth.....	24
Other homes outside Lambeth.....	24
Housing Associations	24
Housing Association nominations and household size criteria	24
Higher Level Participation	24
Properties managed by TMOs.....	25
Sheltered Housing	25
Medical Need.....	25
Wheelchair, mobility and adapted housing.....	26
Local Lettings Policies	26
Succession.....	26
Joint Tenancies.....	27
Decisions and Reviews	27
Decisions and right to information	27
Reviews.....	27
Persons by whom decisions are made.....	28
Amendments to the Scheme	28

AIMS OF THE SCHEME

The aims of the Allocation Scheme are as follows:

- To meet the Council's statutory duties in allocating Council housing and making nominations to housing associations and other Councils
- To meet the Council's aims in respect of equality and choice
- To help build and sustain diverse and balanced communities
- To enable properties to be relet quickly, and so make efficient use of housing resources
- To maximize opportunities for mobility among tenants of social housing
- To minimize the cost of homelessness to the Council and to council tax payers
- To work with other providers and agencies to make the best use of affordable housing from all sources to meet needs

SCOPE OF THE SCHEME

LETTINGS COVERED BY THE ALLOCATION SCHEME

The Housing Allocation Scheme sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996 including:

- The selection of applicants to be offered secure and introductory tenancies (including flexible tenancies) by the Council
- Nominations to secure or introductory tenancies (including flexible tenancies) from other councils (or other bodies able to grant secure tenancies)
- Nominations to assured tenancies and assured shortholds (including starter tenancies) from housing associations.

The term 'assured tenant' includes a person with an assured shorthold tenancy, including of an Affordable Rent property. 'Secure tenant' includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985.

The Scheme also sets out the arrangements for some allocations that fall outside of Part 6 of the Housing Act 1996. These include:

- Transfers of existing Council tenants where the move is at the instigation of the Council rather than the tenant (e.g. to enable repairs or redevelopment of the property)
- Transfers of existing Council tenants requested by the tenant but where the tenant does not have a "reasonable preference" under Part 6 of Housing Act 1996.

In framing this scheme, regard has been had to the Council's Homelessness Strategy 2012 and Tenancy Strategy 2012, and the London Housing Strategy.

LETTINGS NOT COVERED BY THE ALLOCATION SCHEME

The following fall outside of the scope of this Scheme and are not covered by Part 6 of the Act:

- Succession or assignment to someone entitled to succeed
- Mutual exchange
- Transfer of tenancy by court order in children and family proceedings (e.g. divorce proceedings)
- Grant of a secure tenancy to an existing introductory tenant
- Renewals of fixed-term flexible tenancies to existing tenants

REASONABLE PREFERENCE

In accordance with the Housing Act 1996, this allocation scheme is framed so as to give reasonable preference applicants who fall with the categories set out in section 166A(3), over those who do not. These categories include:

- (a) people who are homeless (within the meaning of Part 7);
- (b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds (including any grounds relating to a disability); and
- (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme is framed so as to give additional priority to households identified as having the most urgent needs.

HOUSING LIST AND TRANSFER LIST

The total housing list comprises both those seeking council and housing association housing (referred to as the "housing register") and existing Council tenants seeking a transfer (referred to as the "transfer list"). The transfer list also includes the tenants of certain housing associations (see section on Housing Associations).

The Council will agree an annual Lettings Plan that sets a target proportion of properties of different sizes to be offered to transferring tenants. In order to achieve the agreed target, a proportion of properties may be offered to transfers ahead of other applicants (or vice versa).

AUTHORISATION FOR HOUSING

All housing applications will be verified before housing is offered to ensure that the applicant is eligible for housing and that their level of priority is correct. Verification may involve a home visit. Verification may be carried out by the Council, or by other organisations such as housing associations or housing management providers authorised by the Council to carry out this function on its behalf.

Council tenants and applicants in Band A will normally be authorised prior to being able to bid for properties. All other applicants will be able to bid for properties on a provisional basis, but will not be able to receive offers until they have been authorised. Priority level and allowed property size are provisional until the applicant has been authorised and their circumstances verified.

EMPLOYEES AND MEMBERS OF THE COUNCIL AND THEIR RELATIVES

All housing applicants are asked whether they or any of their relatives work for the Council or are an elected Councillor. Such applications are subject to special authorisation procedures.

Relatives of the employee or councillor are:

- Anyone living with them as their partner or as a member of their household
- Natural/adoptive/step-parents
- Children
- Sisters and brothers
- Daughters- or sons-in-law
- Grandparents
- Aunts and uncles
- Estranged spouses or partners, regardless of whether they live as part of the applicant's household

KEEPING APPLICATIONS UP TO DATE

Applicants must notify the Council if there is a relevant change of circumstances affecting their application, including changes that may affect their level priority, eligibility or size of property they can be offered. An applicant's priority band or level may increase or decrease following a change of circumstances.

At intervals the Council will contact applicants asking them if they still wish to apply for housing. The Council may also ask whether there have been any changes in their circumstances.

The Council will normally give the applicant 28 days to respond. Applicants will be removed from the housing list if they fail to respond in the specified period, or if they indicate that they no longer want to apply for housing.

WHO CAN BE OFFERED HOUSING?

The Housing Act 1996 requires that someone may only be allocated housing if they are eligible and a qualifying person. Eligibility relates to the status of persons from abroad, while qualifying persons are those classes of person that the Council determines should qualify to be allocated housing.

PERSONS FROM ABROAD

People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996, or in a class prescribed as ineligible in any regulations made by the Secretary of State, are not eligible to join the housing list, unless they are:

- Already a secure or introductory council tenant, or
- An assured tenant of housing to which they were nominated by the council, or
- In a class prescribed by regulations made by the Secretary of State

PERSONS WHO WILL NOT NORMALLY BE AUTHORISED FOR HOUSING

The following shall not be qualifying persons and therefore shall not normally be authorised for housing:

- Applicants without a local connection with Lambeth (See Local Connection.)
- Council tenants on an introductory tenancy
- Council tenants who have been served with a Notice of Seeking Possession or Notice of Proceedings for Possession which remains valid, or with a valid Possession Order or money judgement obtained against them.
- Council tenants or former council tenant with rent arrears (whether in respect of their current or former tenancy) of more than one week's unrebated rent, unless those arrears have accrued for reasons beyond their control.
- Applicants living in temporary accommodation provided by the Council under section 193(2) of the Housing Act 1996 who are in rent arrears of £500 or more, unless those arrears have accrued for reasons beyond their control.
- Applicants who are freehold, leasehold or shared owners of housing properties that are or could be available and reasonable for them to occupy
- Applicants considered to have sufficient financial resources or assets to buy a property in the Borough suitable for their household (either freehold or leasehold) or to rent a property in the Borough on the private market suitable for their household without the assistance of housing benefit.
- Applicants who themselves or members of those households have been guilty of unacceptable behaviour (see below) and are unsuitable to be Council or housing association tenants.

WHAT IS UNACCEPTABLE BEHAVIOUR?

Unacceptable behaviour is behaviour which if the person were a secure council tenant would entitle the Council to obtain a possession order against them on one or more of Grounds 1-7 of Schedule 2 of the Housing Act 1985. Such behaviour includes:

- Failure to pay rent
- Breaching the conditions of the tenancy agreement
- Causing nuisance to neighbours
- Being convicted of an arrestable offence committed in or in the vicinity of their home
- Causing the condition of the property to deteriorate by a deliberate act or by neglect
- Making a false statement to obtain a tenancy

Having regard to their behaviour, the Council will consider whether the applicant is currently suitable to be a council or housing association tenant.

16-17 YEAR OLDS

Non-dependent applicants aged 16 and 17 years old may join the housing list if they require independent or semi-independent accommodation. Examples include lone teenage parents under 18 and young people leaving care.

Housing offers made to young people under 18 will normally be licences to occupy rather than tenancies.

EXERCISE OF DISCRETION IN EXCEPTIONAL CIRCUMSTANCES

The Strategic Director for Delivery has discretion to authorise an applicant in exceptional circumstances who would not normally be authorised, subject to any conditions that they may care to attach.

ALLOWED PROPERTY SIZE

The Council assesses the size of home each applicant requires, according to their household size and composition, and any other special considerations. This is the allowed property size.

Normally applicants can only bid for and/or be offered a property of the allowed property size. Sizes are expressed in terms of the number of bedrooms in the property. When assessing overcrowding, households whose allowed property size is two bedrooms or more are assessed as also requiring a separate living room.

The allowed property size takes into account these rules:

- a) A single-parent household is entitled to the same size property as a two-parent household.
- b) Where a household includes a pregnant woman, the baby will not be taken into account until it is born
- c) The following persons are disregarded:

- Anyone other than the applicant's immediate family (i.e. partner and dependent children) who has not lived with them for at least six months
 - Anyone who is not qualified to join the housing list other than the applicant's partner and dependent children
 - Children who live with the applicant less than 50% of the time.
- d) In the case of transferring tenants, their household for the purpose of this assessment may only include authorised occupants and must include all authorised occupants (unless some other rehousing option is open to an occupant and the tenant is able to guarantee vacant possession when they transfer).
- e) Adults in the household over the age of 21 and their dependents are disregarded, except for:
- The main applicant and their partner
 - Persons over the age of 65
 - Persons who are disabled and require care,
 - Persons who are providing care to someone in the household who is disabled and requires care.

The allowed property size is normally calculated as follows:

- Either a combined bedroom/living room (studio) or one bedroom for single person households
- One bedroom for an applicant and their partner, or a single parent
- One bedroom for any adult in the household aged over 21 who is not disregarded (see above)
- One bedroom for two children or adults of the same sex aged under 21
- One bedroom for two children of different sexes aged under 10
- One bedroom for any child or adult under 21 who cannot be paired in the above way
- Where children can be paired in different ways, the way that produces the smallest allowed property size will be used

EXCEPTIONS TO THE PROPERTY SIZE RULES

The following exceptions are made to the above:

- Tenants being decanted by the Council whose allowed property size has fewer bedrooms than the property they are leaving are allowed to bid for or be directly offered a property with one bedroom more than their allowed size
- Under-occupying council and housing association tenants moving somewhere smaller are allowed to bid for or be offered a property with one bedroom more than their allowed size
- Council tenants placed in Band A due to risk of violence or harassment are allowed to bid for or be offered a property with the same number of bedrooms as their current home, or the allowed property size if this is smaller.
- Applicants whose allowed size is four or more bedrooms may bid for or be directly offered properties with one bedroom less than their allowed property size, because of the shortage of larger properties.

- Applicants whose allowed size is seven or more bedrooms are allowed to bid for or being directly offered properties with six bedrooms or any larger size up to their allowed property size, due to the extreme shortage of very large properties.
- Where the Medical Adviser recommends increasing the allowed property size on medical grounds, which may specifically relate to the needs of a child in the household, or to allow a carer to live with the applicant. Only one extra room will be granted for a carer and provision will not be made for any members of a carer's household.
- Where two of the above exceptions to the rules conflict, the more generous will apply

EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances the Strategic Director for Delivery may at their discretion allocate to an applicant a property which is either smaller or larger than their allowed property size. This may include where smaller or larger housing is required in order to make a final offer of accommodation under section 193(7) of Part 7 of the Housing Act 1996.

AFFORDABILITY AND ALLOWED PROPERTY SIZE

The Council allocates council and housing association properties available at different rent levels. Rent levels and any additional service charges are included in property advertisements and applicants are responsible for satisfying themselves that they can afford to pay the rent.

Applicants of working age who are in receipt of welfare benefits should note that their benefit may be reduced if they occupy a home larger than they are assessed as requiring under the benefit rules. This assessment under the benefit rules may be different to the allowed property size under this Housing Allocation Scheme, especially if any of the exceptions to the normal property size rules apply. An offer of housing under this Housing Allocation Scheme does not imply that your rent will be covered in full by welfare benefits, nor that any shortfall will be covered by the council.

The Council reserves the right to allocate smaller accommodation if it considers that the applicant will be unable to afford the rent of larger accommodation due to these benefit restrictions.

SUMMARY OF BANDS

The following table summarises the Bands for the purpose of illustration only to provide a broad overview of the scheme, and is not intended to define the criteria for the different bands. The full detail of the Bands is contained in the pages that follow.

BAND A – EMERGENCIES AND STRATEGIC PRIORITIES

- Emergency transfers due to risk of violence
- Life threatening medical emergency
- Care leavers
- Decants of council tenants
- Where housing is required to prevent significant harm to a child
- To facilitate discharge of child from care
- To facilitate discharge from residential care or hospital
- Council and housing association tenants downsizing

Band A is divided into Level 1 and Level 2. Applicants will normally be placed in Level 2 but the Council may at its discretion place exceptionally urgent cases in Level 1.

BAND B – HIGH PRIORITY

- Severely overcrowded households (lacking two bedrooms)
- Those with an urgent medical need to move
- Those threatened with homelessness who are working with us to prevent homelessness

BAND C – MEDIUM PRIORITY

- Homeless households
- Those who are overcrowded (lacking one bedroom) and those sharing bathroom/kitchen facilities
- Those with a less urgent medical need

Band C has two Levels. Statutory homeless households owed a full housing duty are in Level 1 of Band C. All others are in Level 2 of Band C.

BAND D – LOW PRIORITY

Band D consists of those not in other bands, including those who are adequately housed.

BAND A: EMERGENCIES AND STRATEGIC PRIORITIES

The following applicants will be placed in Band A:

- Emergencies
- Supply transfers
- Other Strategic Priorities
- Exceptional circumstances

EMERGENCIES

Households may be placed in Band A for one of the following reasons:

THREAT OF SERIOUS VIOLENCE OR HARASSMENT TO A COUNCIL TENANT

Households requiring very urgent rehousing to avoid a high risk of violence or harassment to a Lambeth Council tenant or a member of their household, where management action against the perpetrator cannot resolve the situation, and where moving will reduce the risk of harm.

The tenant or member of their household must have received a serious threat of violence or harassment which is likely to be carried out, in circumstances where action by the council and/or the police cannot reasonably be expected to resolve the situation.

Corroboration of the threat by the police will normally be required.

The Council reserves the right to refuse an emergency transfer if they consider that the threat has arisen due to the tenant or a member of their family being involved in anti-social or criminal behaviour, or if they have failed to co-operate with the police.

LIFE-THREATENING MEDICAL EMERGENCY

Cases will be placed in Band A if, in the opinion of the Council's Medical Adviser, the household has one or more members with a currently life-threatening illness or disability which is adversely affected by their current housing circumstances.

Other households with urgent medical needs will be placed in Bands B or C as appropriate.

STATUTORY OVERCROWDED COUNCIL TENANTS

Applicants will be placed in Band A to alleviate the statutory overcrowding of a Lambeth Council tenant as defined in Part 10 of the Housing Act 1996, except where the tenant has caused the overcrowding by inviting additional persons to live with them. This may involve rehousing either the tenant or members of their household separately to reduce the level of overcrowding.

ENVIRONMENTAL HEALTH REFERRALS

Applicants will be placed in Band A if referred by the Council's private sector housing environmental health team following issue of an unfitness notice, overcrowding direction, closing order or demolition order.

REFUGE ACCOMMODATION

A woman at risk of domestic violence, regardless of her existing tenure or whether she has a local connection with the Borough, may be placed in Band A if she:

- If she is currently living in a refuge commissioned by Lambeth Council, and
- Is referred by the refuge organisation under a referral arrangement with the Council, and
- She has not applied or been accepted by the Council has statutory homelessness under Part 7 of the Housing Act 1996

REFERRALS FROM LAMBETH COUNCIL'S ADULT AND CHILDREN'S SERVICES

Lambeth Council's Adult and Community Services (ACS) or Children and Young People's Services (CYPS) may refer a household for emergency housing on welfare grounds in cases where housing will:

- Prevent likelihood of significant harm to a child in the family. The significant harm must relate to the safety of a child, and specific aspects of the current accommodation.
- Facilitate the discharge of children under 18 from care to their own or substitute families (including long-term foster parents), or where:
- The applicant is a single parent aged under 18 who is inadequately housed and who has not applied or been accepted as statutory homeless under Part 7 of the Housing Act 1996
- In the case of adults or children with disabilities, rehousing is required to facilitate the discharge from, or prevent admission into, hospital or residential care.
- The applicant is a person with learning disabilities who is ready for independent living

The referral must be supported by the appropriate Head of Service in Lambeth's Adult and Community Services (ACS) or Children and Young People's Services (CYPS).

COURT OR OMBUDSMAN RECOMMENDATION

Applicants will be placed in Band A to comply with a Court or Ombudsman recommendation for urgent rehousing.

SUPPLY TRANSFERS

TENANTS BEING DECANTED BY THE COUNCIL

A decant is a move by a Council tenant (or authorised occupant) whom the Council needs to rehouse in order to redevelop, rehabilitate, refurbish, demolish, or dispose of the property. This category includes major repairs transfers.

In exceptional cases, people other than tenants and authorised occupants living in Council property awaiting action of the above sort may be included in this category, at the discretion of the Strategic Director for Delivery.

RETIRING OR REDUNDANT COUNCIL SERVICE OCCUPIERS

A service occupier is someone occupying tied accommodation as a condition of their employment with Lambeth Council, whether as a service licensee or a service tenant, for the better performance of their duties.

When a service occupier retires, or is made redundant, they will be placed in Band A provided they do not own a property elsewhere which is, or could be, available and reasonable to occupy.

Council employees who are dismissed for misconduct, or who resign in advance of disciplinary proceedings, will not be eligible for inclusion in this Band.

Service occupiers leaving in other circumstances may also be included in Band A dependent on their employment contract and at the discretion of the Strategic Director for Delivery.

AUTHORISED OCCUPIERS OF RECALLED COUNCIL SHORTLIFE PROPERTIES

When Lambeth Council shortlife housing is recalled for return to the Council's permanent stock, for transfer to a housing association, or for any other purpose, authorised occupiers will be placed in Band A.

OTHER STRATEGIC PRIORITIES

LAMBETH COUNCIL CARE LEAVERS

The applicant is a young person aged 16 or over leaving care and is ready for independent living, as assessed by Lambeth's Leaving Care Team.

RELEASING WHEELCHAIR ACCOMMODATION

Council tenants occupying wheelchair property they no longer need and wishing to move to general needs housing will be placed in Band A.

Tenants may be entitled to a financial payment under the Council's Transfer Incentive Scheme. The conditions of the scheme, and the amount of any incentive payments, are as agreed by the Council from time to time (details available on request)

UNDER-OCCUPYING SOCIAL TENANTS

Under-occupying tenants are those occupying a property of a size larger than their allowed property size who are willing to move to a smaller property of the size their household now requires. Under-occupying Council tenants and the tenants of housing associations with whom the Council has a nomination agreement will be placed in Band A.

Some under-occupying tenants are entitled to a financial payment or other benefits under the Council's Transfer Incentive Scheme. The conditions of the scheme, and the amount of any incentive payments, are as agreed by the Council from time to time (details available on request).

Occupants with a right to succeed to a council tenancy on the death of the tenant but who are required to move somewhere smaller due to under-occupation (or where discretion has been exercised with respect to someone without a right to succeed – see Succession) will also be placed in Band A.

FLEXIBLE TENANTS MOVING TO ALTERNATIVE ACCOMMODATION

Some Council tenants may be granted flexible tenancies that may require them to move to suitable alternative accommodation in certain circumstances, such as if their household composition changes. Where a Council flexible tenant is required by the Council to move to suitable alternative accommodation they will be placed in Band A. This will not apply if the Council is not required to provide suitable alternative accommodation.

The Council may at its discretion place a time limit on how long someone may bid for properties, after which it may make a direct offer of suitable accommodation.

RIGHT TO RETURN

Council tenants who with the agreement of the Council give up a secure tenancy to move to private rented housing in order to meet an identified housing need will be placed in Band A if the need no longer applies and they are seeking re-housing by the Council.

Examples include:

- Tenants giving up council tenancy to move to larger private sector accommodation to foster children will be placed in this Band when the foster placement ends
- Overcrowded tenants moving to larger private sector accommodation will be placed in this Band if their children leave home and they no longer need larger housing

Returning tenants with priority under this heading will only be allowed to bid for or be offered a property of the same size that they have left, or their allowed property size if this is smaller.

To be eligible, the Council must have confirmed agreement in writing in advance before the tenancy had ended. The agreement may set out any additional criteria or restrictions that

apply. Priority under this heading will cease five years from the date the council tenancy ended.

Priority under this heading will not be agreed if:

- The tenant owes any rent arrears in respect of their former council tenancy
- The tenant was subject to a valid notice of seeking possession or court order for possession by the Council at the time the tenancy ended
- The tenant has caused anti-social behaviour or otherwise breached the terms of their tenancy agreement

The applicant must expressly notify the Council if they wish to claim higher priority under this provision when they re-apply for housing.

EXCEPTIONAL CIRCUMSTANCES

The Strategic Director for Delivery has discretion in exceptional circumstances to place an applicant in Band A in cases recognised as emergencies or strategic priorities but not fitting into the above categories.

Examples may include where the applicant's household has composite needs which considered together constitutes an emergency need for housing.

PRIORITY WITHIN BAND A

There are two Levels of priority within Band A: Level 1 and Level 2.

All applicants in Band A are in emergency situations or have very high priority, and generally have a similar, very high level of need. Applicants will therefore be placed on Level 2.

However, a case may be recognised as exceptionally urgent (bearing in mind that all Band A cases are emergencies or very high priority), in which case the Strategic Director for Delivery has discretion to place the applicant on Level 1.

BAND B – HIGH PRIORITY

Band B consists of applicants with high priority, including applicants having an “additional preference” under Section 166A(3) of the Housing Act 1996.

This includes:

- Households who are severely overcrowded (lacking two bedrooms or more compared to their allowed property size),
- Households with an urgent medical or welfare need to move as assessed by the Council's Medical Adviser (see section on Medical Need),

- Households threatened with homelessness who would if they became homeless be owed a full housing duty under Part 7 of the Housing Act 1996, but who are working with the Council to prevent themselves from becoming homeless.
- Households to whom the council previously owed a full housing duty under Part 7 of the Housing Act 1996 but who have voluntarily agreed to this duty being brought to an end by the provision of private rented accommodation.
- Other groups specified by the Secretary of State as being people who should be afforded “additional preference” under Section 166A(3) of the Housing Act 1996 (see Armed Forces Personnel).

ARMED FORCES PERSONNEL

Under the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need. In accordance with this regulation, the following shall be placed in Band B:

Where the applicant is:

- A former member of the regular armed forces, or
- A current or former member of the regular armed forces or reserves, who is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, as assessed by the Council’s Medical Adviser
- 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.

And at least one of the following applies:

- Households with a less urgent medical need as assessed by the Council’s Medical Adviser
- Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities)
- Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed)
- Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference

In summary, any applicant that would otherwise have “reasonable preference” and be included in Band C and falls within any of the above groups of current or former service personnel will be given additional preference by being placed in Band B instead. Those in

Band A and Band B already have additional preference, so applicants already in these bands will not receive additional priority by virtue of this section.

BAND C – MEDIUM PRIORITY

Band C consists of those with some degree of priority, including applicants having a “reasonable preference” under Section 166A(3). of the Housing Act 1996

This includes:

- Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities).
- Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed)
- Households with a less urgent medical need to move as assessed by the Council’s Medical Adviser (see section on Medical Need)
- Households who need to move to a particular locality within Lambeth and where failure to do so would cause hardship (see below)

NEED TO MOVE TO A PARTICULAR LOCALITY

Subject to documented supporting evidence, households who need to move to a particular locality within Lambeth and where failure to do so would cause hardship (to themselves or others) will be placed in Band C. This includes, for example, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity.

Given that Lambeth is geographically compact, with good transport links, we will only accept applications on hardship grounds where there are particularly severe difficulties facing the applicant.

A need to move to a particular locality on medical or disability grounds, including to give or receive care, or to receive specialist medical treatment, will be assessed by the Council’s Medical Adviser (see section on Medical Need below).

The Strategic Director for Delivery has discretion to award this level of priority in other circumstances where someone needs to move to a particular locality of the borough and failure to do so would cause hardship.

PRIORITY WITHIN BAND C

There are two Levels of priority within Band C: Level 1 and Level 2 (Level 1 is higher). Households who are homeless and have been accepted as statutory homeless and owed a

full housing duty by Lambeth Council under s193(2) or s192(3) of Part 7 of the Housing Act 1996 will be placed in Level 1 of this Band. All other applicants, including homeless households not owed a full housing duty, will be placed in the lower Level 2.

BAND D - LOW PRIORITY

Band D consists of all those not included in other Bands.

This comprises those with low priority who do not fall within the other Bands, including applicants who are adequately housed.

The following groups are also included in Band D:

Households who are homeless and who are owed a full housing duty under Part 7 of Housing Act 1996 by an authority other than Lambeth Council.

PLACEMENT IN BANDS

If an applicant meets the criteria for more than one band, or level within a band, then the highest will apply, except:

Households who are homeless and who are owed a full housing duty under Part 7 of Housing Act 1996 by an authority other than Lambeth Council will be placed in Band D (see above).

The Strategic Director for Delivery may at their discretion in exceptional circumstances place an applicant in a higher or lower priority band, or level within a band.

LOCAL CONNECTION

Applicants without a local connection with Lambeth will normally not be authorised for housing (and will not be “qualifying persons” under Section 160ZA(6) of the Housing Act 1996).

The following applicants will be considered to have a local connection:

- Residency in the borough for at least two years;
- A secure or introductory tenant of Lambeth Council
- An assured tenant of a housing association property in Lambeth whose landlord is participating at Higher Level (see Higher Level Participation below)
- Applicants to whom Lambeth Council owes a full housing duty under s193(2) or s192(3) of the Housing Act 1996
- Referrals through a recognised mobility scheme or reciprocal move agreed with another borough (see Out of Borough Moves)
- Those normally resident in Lambeth but who are being temporarily accommodated outside the borough by the Council, including residential care and foster placements
- Those assisted to move out of the borough by the Council to prevent homelessness within the last two years (see below)

- Classes of person prescribed by regulations by the Secretary of State (see Armed Forces Personnel)

THOSE ASSISTED TO FIND HOUSING OUTSIDE THE BOROUGH

Households threatened with homelessness who would if they became homeless be owed a full housing duty under Part 7 of the Housing Act 1996, but who are working with the Council to prevent themselves from becoming homeless and who secure private rented accommodation outside the borough found with the assistance of Lambeth Council's Housing Options and Advice Service will continue to have a local connection for a period of 2 years from the start of the tenancy.

ARMED FORCES PERSONNEL

Under the Allocation of Housing (Qualification Criteria for Armed Forces Personnel)(England) Regulations 2012, members of the regular armed forces or those who have served in the regular armed forces within the last five years are exempt from local connection residency requirements.

EXERCISE OF DISCRETION IN EXCEPTIONAL CIRCUMSTANCES

The Strategic Director for Delivery has discretion in exceptional circumstances to consider applicants to have a local connection for reasons other than those listed above.

CHOICE

To enable applicants to exercise greater choice over where they live, the Council operates a choice-based lettings system. Properties are advertised and applicants express an interest in the properties they would like to be considered for by bidding for them. Applicants will generally not be considered for properties they have not bid for, unless they are being made a direct offer (see Direct Offers).

The advertisement will show details such as:

- The location of the property
- The type of tenancy (e.g. fixed-term or not)
- Details of the property in terms of property type, number of bedrooms, size etc
- Rent and service charges
- Any restrictions on households to whom the property may be offered (e.g. size of household, sheltered housing for older people, properties suitable for those with disabilities etc)
- The housing list or priority band that will be given priority for the property if applicable
- Where available, a photograph will be displayed. Note that photographs may be representative of the street or block and may not necessarily be the particular property that is available.

Bids will only be considered for properties of the allowed property size (see Allowed Property Size).

By bidding for a property the applicant is communicating an interest in viewing the property. We may shortlist a number of people and invite them to view the property at the same time.

Unless otherwise stated in the advertisement, bidders in Band A have highest priority, followed by Band B, C and D in that order. The Council may determine that a property may be offered to transfer applicants ahead of other applicants, or vice versa, in which case this will be stated on the advertisement. Unless otherwise stated, transfer applicants and other applicants will be considered on equal terms.

Priority between applicants in the same Band will be based on their Level if applicable, and then registration date.

We will shortlist the highest priority bidders who meet any additional criteria as set out in the advertisement, such as age criteria or need for disability adaptations, and who is available to be shortlisted. Applicants can only be shortlisted for one property at a time, so if an applicant is already shortlisted for another property they are not available to be shortlisted for further properties.

The property will normally be offered to the highest priority shortlisted bidder who attends the viewing and wishes to take the property. If the highest priority bidder attending the viewing does not want the property, then it will be offered to the next highest priority, and so on.

If no one attending the viewing takes the property then the Council will re-shortlist the property and invite further bidders to view it. The Council may at its discretion chose instead to re-advertise the property, for instance if a long period of time has elapsed since it was originally advertised or if there is additional information that could be provided in the advertisement that would increase the likelihood of the property being accepted.

The Council advertises properties on behalf of a number of housing providers based on the information they provide to the Council. The Council and housing providers reserve the right to withdraw a property from letting at any point prior to the tenancy being signed. The Allocation Scheme deals only with allocations of housing, and decisions to withdraw a property from being offered fall outside of the Scheme.

DIRECT OFFERS

Not all properties becoming available for letting will be offered through choice-based lettings. The Council reserves the right to make a direct offer of a property at any time to an applicant in circumstances where it considers this would be advantageous.

Examples of such circumstances include:

- Discharge of the Council's housing duty to an applicant under Part 7 of the Housing Act 1996 or other legislation
- Where the property is a specialised type, such as disability adapted housing
- The property is required for an emergency or other high priority cases, for instance an under-occupying Council tenant
- The property may be offered to another Council, housing association or other agency to nominate a tenant under a reciprocal agreement or participation in a recognised mobility scheme (see section on Out of Borough Moves)

- Tenancy offers to Council tenants, including flexible tenants.

Applicants in Band A will normally be given a time limit within which to make bids, and may be made a direct offer if they have not received a suitable offer of housing at the end of that time.

SANCTIONS FOR REFUSAL OF DIRECT OFFER

When making a direct offer, the applicant's choice will normally be more restricted than through choice-based lettings. The Council may limit the number of direct offers, and there may be sanctions applied if a property that is suitable for the applicant's needs is unreasonably refused. Sanctions that may be applied include suspension from being able to bid for properties or receive further direct offers, or placement in a lower priority Band. If sanctions are to be applied then this will be confirmed in writing

RETURNING TEMPORARY DECANTS

Council tenants who have been transferred or been decanted from their home temporarily, usually to allow major repairs to be carried out to their home, will be made a direct offer of their former home when it becomes available for letting, on two conditions:

- They must have indicated at the time of moving out that they wished to exercise the right to return when the property again became available for letting; and,
- The property concerned must not be more than one bedroom larger than the households allowed property size

Where a Council tenant has been transferred or decanted from their home temporarily into a Council owned property with the intention of returning to their former tenancy, the Strategic Director for Delivery has discretion to offer them instead a tenancy of this Council property they currently occupy in exceptional circumstances.

OUT OF BOROUGH MOVES

REFERRALS FROM RECOGNISED MOBILITY SCHEMES AND OTHER BOROUGH

The Council participates in mobility schemes for the benefit of local residents who want to move to other areas. Most out-of-borough options involve reciprocity, meaning that the Council must agree to provide housing for some households who currently live outside the borough in return for local residents having opportunities to move.

A proportion of properties will therefore be allocated through mobility schemes, including for instance the National Witness Mobility Scheme and HousingMoves, the pan-London mobility scheme. The Council may at its discretion join mobility schemes for the benefit of local residents.

The Council may at its discretion agree reciprocal moves with other councils and housing providers.

The Council may at its discretion determine what priority Band to place incoming referrals.

COUNCIL HOMES OUTSIDE LAMBETH

The Council owns a small number of properties in Bromley and Sutton (Greater London), Frome (Somerset) and Banbury (Oxfordshire). Vacancies rarely arise, and when they do they will be allocated in the same way as properties in Lambeth.

OTHER HOMES OUTSIDE LAMBETH

The Council may occasionally have nomination rights to properties in other boroughs, for instance through sub-regional agreements and reciprocal moves. These will be allocated in the same way as properties in the Lambeth.

HOUSING ASSOCIATIONS

HOUSING ASSOCIATION NOMINATIONS AND HOUSEHOLD SIZE CRITERIA

Housing Associations offer a proportion of their properties to the Council to nominate applicants. Housing Association properties that the Council has nomination rights to are advertised and allocated in the same way as Council properties.

The Council will provide the Housing Association with a nominee or list of nominees and they will be responsible for contacting the applicants to view the property.

Housing Associations may apply their own property size rules that will affect the size of household that can apply for the property. This will be set out in the property advertisement. Applicants bidding for properties smaller than their normal allowed property size will normally not be able to be nominated for housing association properties, and will only be able to be offered Council properties.

HIGHER LEVEL PARTICIPATION

The Council encourages Housing Associations working in Lambeth to allocate all their properties through the Council, and participate in choice-based lettings (CBL) at a higher level. Housing Associations participating at this Higher Level put all their available properties into the CBL scheme, rather than simply the proportion to which the Council has nomination rights.

Housing Associations participating at the Higher Level have certain advantages, including:

- Their tenants are treated on par with Council tenant transfers, including emergency and supply transfers
- They can if they wish (and subject to technical requirements) operate a direct ICT link with our systems, speeding up the lettings process.
- They will be consulted on issues involving allocations

References to Council tenants throughout this Allocation Scheme includes as the context admits those tenants of housing associations participating at the Higher Level.

PROPERTIES MANAGED BY TMOS

Some estates owned by the Council are managed by tenants themselves through tenant management organisations (TMOs).

To encourage participation in TMOs, tenants may be required to sign Responsibilities of membership of the TMO, and Co-operative Principles and Values. Tenants may also be asked to join the TMO at a nominal cost of £1.

SHELTERED HOUSING

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

- Aged 60 or over; or
- Aged 55 or over and disabled (including people with a mental health problem)

Applicants for sheltered housing must be able to care for themselves with the help of community care services and not require a high level of nursing care or domiciliary services.

Two-bedroom sheltered housing may be offered to single people or couples if there is no suitable applicant who requires two-bedrooms.

MEDICAL NEED

When assessing a need to move on medical or welfare grounds, the Council's Medical Adviser will take into account all relevant circumstances, including:

- The effect of housing conditions on health
- A mental illness or disorder
- A physical or learning disability
- Chronic or progressive medical conditions
- Infirmary due to old age
- The need to receive or give care
- People with behavioural problems
- Need for adapted housing and/or extra facilities, bedroom or bathroom
- Need for ground floor or level access accommodation on medical grounds
- Need to be near friends/relatives or medical facility on medical grounds

WHEELCHAIR, MOBILITY AND ADAPTED HOUSING

Applicants' mobility needs are assessed by the Medical Adviser into three categories:

- CAT 1 – Wheelchair property required.
- CAT 2 – Mobility or adapted property required.
- CAT 3 – Level access Ground Floor accommodation required

Wheelchair housing is housing specially designed for people confined to wheelchairs and includes space for a wheelchair to manoeuvre. This corresponds to the London Accessible Housing Register (LASR) Category A.

Mobility or adapted housing is general purpose housing with no extra space, but built to be more convenient for people with mobility problems, or with aids and adaptations to help someone with a disability live there. This will include LASR Categories B-D.

Level access Ground Floor corresponds to LASR Category E.

Wheelchair, mobility or adapted properties will wherever possible be offered to those with a medical need for this type of property as assessed by the Council's Medical Adviser.

Level access ground floor properties will wherever possible be offered to those with a medical need as assessed by the Council's Medical Adviser for this type of property ahead of those without a medical need.

In exceptional cases the Strategic Director for Delivery may at their discretion allocate properties of the above types to applicants who would not normally qualify for them.

LOCAL LETTINGS POLICIES

The Council may from time to time agree to a proportion of properties being let through Local Lettings Policies approved by the Strategic Director for Delivery. For example, the Council may set aside properties to offer short-term housing linked to employment and training, etc.

Local Letting Policies may set out, but not be limited to:

- The properties or area covered by the Local Lettings Policy,
- The type of tenancies to be offered
- Eligibility criteria for applicants,
- How priority may be determined between applicants

SUCCESSION

When a secure Council tenant dies, a person living with them at the time of their death may have a right to succeed to the tenancy under Part 4 of the Housing Act 1985, or by virtue of the Council's Tenancy Policy. Such cases fall outside the scope of the Allocation Scheme.

When a tenant dies and there is no one entitled to statutory succession the Strategic Director for Delivery may at their discretion grant a tenancy to that person, either in the same home or in suitable alternative accommodation.

The tenancy may be a flexible tenancy.

This will normally only be agreed if the applicant has:

- Been living with the tenant for at least a year prior to their death, or
- Been caring for the tenant, or
- Has accepted responsibility for the tenant's children

Factors taken into account will include whether the applicant has an urgent housing need, or would have if a tenancy were not offered to them, and the need to be fair to other applicants on the housing or transfer lists.

JOINT TENANCIES

Both applicants for a joint tenancy must individually qualify to join the housing or transfer list and be authorised for an offer. Adding to or removing a joint applicant from your housing application will require closing the current application and submitting a new one, and may therefore result in loss of priority based on registration date.

When one or two joint tenants give notice to the Council to terminate the tenancy, the Strategic Director for Delivery may at their discretion offer the property (or an alternative property) as a sole tenancy to one or other of the joint tenants.

DECISIONS AND REVIEWS

DECISIONS AND RIGHT TO 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 housing. They will then be informed of any such decisions that have been made.

Applicants have a right to request such general information as will enable them to assess how their application is likely to be treated under the scheme, including the Band they may be in, and whether housing appropriate to their needs is likely to be made available, and if so how long is it likely to before such accommodation becomes available.

REVIEWS

Applicants dissatisfied with a decision that has been made, including a decision on suitability of an offer of accommodation, may request a review of that decision by an officer of the Council who was not involved in the original decision, and who is senior to the officer who made the original decision.

Requests for a review must be made within 21 days of the date the decision was notified to the applicant, and should include the applicant's reasons for believing the decision made was wrong.

The applicant will be informed in writing of the decision made at the review, and the grounds for it.

Reviews of decisions made under Part 7 of the Housing Act 1996 (homelessness) are outside the scope of this Scheme.

PERSONS BY WHOM DECISIONS ARE MADE

Decisions under the Allocation Scheme, and any discretion shown in the Allocation Scheme as belonging to the Strategic Director for Delivery, may be taken by officers of Lambeth Council or other organisations who have been given the appropriate delegated authority by the Strategic Director for Delivery.

A schedule setting out the delegated authority of officers under the Allocation Scheme will be provided on request.

Councillors will not make any decisions on individual applications under the Allocation Scheme, whether or not they are prevented by statutory regulation from doing so.

AMENDMENTS TO THE SCHEME

The Strategic Director for Delivery is authorised to amend the Housing Allocation Scheme in the interests of better meeting the aims of the Allocation Scheme or otherwise achieving a fairer balance of allocations.