

Place Directorate  
Housing and Regeneration



# Housing Allocation Policy 2018



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# 1. Introduction

## 1.1 Statement of Choice

1.1.1 We are committed to providing excellent services that ensure the widest possible access to housing and eliminating illegal discrimination on the grounds of age, race, disability, sex, pregnancy and maternity, sexual orientation, nationality, religion or belief and gender reassignment.

1.1.2 Our aim is to achieve this by

- Offering choice of accommodation, within the constraints of available supply.
- Giving applicants the opportunity to express preferences about their accommodation whenever possible, whilst at the same time allowing us to meet the needs of Milton Keynes in relation to housing, health and social care, sustainable communities and value for money.
- Meeting our legal and strategic obligations and requirements in a way that also takes into account the needs of local communities.
- Setting out clear standards for the services we provide, so that everyone knows what to expect.
- Writing our publications in plain English and offering where needed, interpretation and translation services, large print, a reading service or another reasonable aid to help customers make informed choices about their housing.
- Ensuring that decisions reflect policy and are consistent and transparent, and that all decisions made in relation to applications for housing are closely monitored and confirmed in writing.
- Responding to the needs of our customers and partners and ensuring that the views of our customers are heard.
- Providing comprehensive and accurate advice and information (using a range of media) about social housing and other housing options, including how to access them.
- Directing customers to the appropriate team, service or organisation where specialist advice is required.

1.1.3 If you are applying for housing, it is your responsibility to

- Provide full and accurate details on all forms or correspondence in relation to your application for housing.
- Tell us immediately if your circumstances change in any way, for example, your address, family details, medical condition.
- Respond to all of our requests for information and attend verification appointments.
- Make a decision on viewed properties within the specified timescale agreed with the landlord.

Throughout this document, we refer to people seeking access to housing for rent or low cost home ownership options as 'applicants'.

## 1.2 Milton Keynes Housing Register

1.2.1 Milton Keynes' housing register is a local register of housing need. All applicants seeking social housing in Milton Keynes must apply through the housing register.

1.2.2 Applicants are advised that, due to the high demand for social housing in Milton Keynes, only those who have a realistic chance of securing social housing will be able to join the Housing Register. With demand locally exceeding housing supply, the housing register enables the Housing Allocations Policy to give priority to those households in greatest need and who have the closest connection with Milton Keynes. The Council will outline other housing options where an applicant is unable to join the housing register.

1.2.3 The register is used to inform the Council, and its partners, about local housing need which is used to develop new affordable housing.

#### 1.2.4 The Housing Allocations Policy sets out

- The objectives of the Housing Allocations Scheme
- How the Housing Register operates
- Who is allowed to be placed on the Housing Register
- How applicants' housing needs are assessed
- How social rented homes are let
- How the choice based lettings allocations scheme operates.

1.2.5 The Housing Allocations Policy operates through a Choice Based Lettings (CBL) approach set out in Section 6 of this policy. Where there are variations to this approach in order to make best use of social housing eligibility for properties will be clearly labelled in the advertisement.

1.2.6 The system is designed to enable applicants to make the best choice from the housing options available to them. Easy to use, applicants should be able to better understand their housing situation.

### 1.3 Partner organisations

1.3.1 Registered Providers (often referred to as 'housing associations') may advertise their available homes through the choice based lettings scheme, where nomination arrangements exist. In this situation, Milton Keynes Council has the right to nominate prospective tenants to a property and the landlord will normally be required to advertise the vacancy through the scheme. The Council will nominate applicants in accordance with the Housing Allocations Policy; exceptions are outlined in this policy.

1.3.2 In the Housing Allocations Policy, 'Registered Providers' or 'housing associations' means those organisations that have entered into nomination arrangements with Milton Keynes Council, unless otherwise stated. These may also be referred to as 'partner organisations'.

1.3.3 The names and contact details of the organisations participating in Milton Keynes Council's Housing Allocations Scheme are constantly changing. (Ref website) An up-to-date list of the organisations that have agreed to participate can be obtained from the Council's website.

### 1.4 Objectives of the Housing Allocations Scheme

#### **To properly and fairly allocate social housing, by**

Allocating social housing in a manner compliant with all legislative requirements, related legislation, case law, local policies and strategies

#### **To provide a system of choice in housing, by**

Conducting all assessments of need and allocations in accordance with this agreed Policy and explaining where homes are most likely to become available, so that applicants can make informed choices about their housing options

#### **To produce a system that applicants can understand and which is both open and fair, by**

- Adopting a common housing needs banding structure
- Requiring that advertised properties are clearly labelled
- Following detailed procedures for needs assessment and allocations
- Publishing comprehensive feedback on the homes that have been let
- Maintaining a consistent review process

### **To increase the sustainability of local communities, by**

Advertising houses with specific criteria aimed at improving the long-term stability of a community. Where this occurs, properties will be clearly advertised to show that special criteria apply, such as awarding additional priority to applicants in employment.

### **To assist in minimising homelessness and assist applicants in the highest assessed need, by**

Placing all applicants in a housing needs band after assessment and in accordance with their circumstances. This will take into account the reasonable preference criteria outlined in the Housing Act 1996 and in accordance with the Homelessness Reduction Act 2017.

Homes will generally be let to the applicant in the highest housing needs band who has been waiting the longest, having expressed an interest in the home and meeting the criteria advertised.

### **To minimise the use of temporary accommodation, by**

Reducing the length of time that applicants have to stay in temporary accommodation, using a system of auto-bidding and the provision of comprehensive housing options advice.

Also, the Council will use the private rented sector to discharge the Council's duty to homeless households where appropriate.

### **To ensure that vulnerable applicants are supported, by**

Providing appropriate support to vulnerable people through such measures as

- Providing appropriate advice and assistance
- Translating documents on request
- Providing information in other formats on request
- Partnership working with support agencies via a Pathway model
- Undertaking monitoring and regular reviews of the allocations policy

The effectiveness of these measures will be monitored to ensure that vulnerable people are successfully using the scheme.

### **To ensure the best use of all homes, particularly adapted properties, by**

Advertising all properties adapted or developed for people with disabilities. Due to the shortage of these properties, preference will be given to those with appropriate needs and advertisements will clearly indicate which persons may express an interest.

## **1.5 How the Housing Allocations Scheme will operate**

1.5.1 Milton Keynes Council is part of the (add scheme) choice based lettings scheme

1.5.2 Applicants accepted to join Milton Keynes Housing Register are placed in one of three (TBC) Housing Needs Bands to reflect their housing need. Where applicants are unable to join the Housing Register they will be advised of alternative options.

1.5.3 Most vacant homes which are let through choice based lettings are advertised for a set period of time on a regular basis. This is called an advertising cycle.

1.5.4 Applicants can only express an interest in the homes for which they meet the criteria, for example, the number of bedrooms. They must, for example, meet the criteria for the number of bedrooms in the home.

- 1.5.5 They may express an interest by Smartphone app, text message, through the website or by calling in person to The Civic Offices in Milton Keynes or other locations in Milton Keynes (add places).
- 1.5.6 Once the deadline of the advertising cycle is reached, a shortlist of the applicants who have expressed an interest is provided.
- 1.5.7 The Housing Allocations Policy is then used to determine who is prioritised for housing from the shortlist.
- 1.5.8 Feedback on lettings is gathered when a property has been let.
- 1.5.9 The feedback will include information about the priority and effective date of the selected applicant, but not any personal information relating to them.
- 1.5.10 The choice based lettings scheme will not operate
- In accordance with section 6.9 below, applicants are made a direct offer of housing.
  - In accordance with section 6.12 below, applicants are subject to 'auto-bidding'.

## **1.6 Reviewing and monitoring the Housing Allocations Policy**

- 1.6.1 The Housing Allocations Policy will be reviewed regularly to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and does not operate in a manner that disadvantages, or illegally discriminates.

## 2. Legal Framework

### 2.1 Housing Act 1996

2.1.1 This policy complies with the requirements of Part 6 of the Housing Act 1996.

2.1.2 Part 6 covers:

- Allocations of local authority housing to new tenants;
- Transfers requested by local authority tenants;
- Allocations of local authority housing to current tenants of Registered Providers; and
- Nominations that the Council makes to Registered Providers

2.1.3 It sets out the circumstances of applicants to whom reasonable preference must be given when deciding who will be offered a property.

2.1.4 The policy has regard to the Allocation of Accommodation Guidance for Local Housing Authorities in England 2012 and Providing Social Housing for Local People 2013 and to the Council's Homelessness and Tenancy Strategies.

### 2.2 Homelessness Reduction Act 2017

2.2.1 This policy also complies with the Homelessness Reduction Act 2017 and in particular, the extension of duty owed to those threatened with homelessness, who are in turn entitled to Reasonable Preference (within the banding).

### 2.3 Allocations that are covered by the Housing Allocations Policy but where the rules under Part 6 do not apply

2.3.1 In the following situations (where the rules under Part 6), homes will be allocated in accordance with the Housing Allocations Policy:

- Where Milton Keynes Council needs to provide alternative accommodation for its tenant/ tenants in order to carry out repairs or improvements to their property or where the tenant/tenants need to be moved as part of a regeneration scheme.
- Where the Council has a duty to re-house persons following a compulsory purchase, or provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under Part IV of the Rent (Agriculture) Act 1976. If it is not possible to provide an introductory or secure tenancy immediately to such an applicant, s/he will be registered within Band A of the Housing Allocations Scheme.
- Where the Council grants an introductory or secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.

### 2.4 Lettings that are not covered by the Housing Allocations Policy

2.4.1 The following are not allocations of accommodation covered by the Housing Allocations Policy

- Temporary accommodation provided for homeless people under Part 7 of the Housing Act 1996. However, applicants in this situation will be included on the Housing Register and take part in the choice based lettings scheme.
- Mutual exchanges between Council tenants or between Council tenants and the tenants of Registered Providers under the Housing Act 1985, s92.

- Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, s89, then that person will succeed to the secure tenancy. If the home is bigger than they reasonably need they will be offered a suitable alternative home to meet their needs.
- 2.4.2 Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy if the secure tenant died immediately before the assignment, that person becomes the secure tenant.
- 2.4.3 Where a Court makes an Order about who is to be the secure tenant under
- a) the Matrimonial Causes Act 1973, s24 (property adjustment orders in connection with matrimonial proceedings);
  - b) the Matrimonial and Family Proceedings Act 1984, s17 (1) (property adjustment orders after overseas divorce); or
  - c) the Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents).

## **2.5 Reasonable preference**

- 2.5.1 All applicants will be placed in the appropriate Housing Needs Band based on an assessment of their needs. This will ensure that Milton Keynes Council let homes to those in the highest assessed need and ensure that they meet their legal obligations.
- 2.5.2 The law sets out five categories of applicants to whom the Housing Allocations Policy must give reasonable preference
- Applicants who are homeless (within the meaning of Part 7 of the Housing Act 1996) or threatened with homelessness and have been assessed by the council as being owed the duty arising under s195(2) of the Housing Act 1996 ('the prevention duty'), and the council has not brought that duty to an end.
  - Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 192(3).
  - Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - Applicants who need to move on medical or welfare grounds (including grounds relating to a disability).
  - Applicants 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).
- 2.5.3 The Housing Allocations Policy has been designed to ensure applicants who fall within these categories will be awarded the due reasonable preference.
- 2.5.4 Every application received by Milton Keynes Council will be considered according to its facts. Because every applicant's situation is different, applications will be considered on an individual basis and individual circumstances will be taken into account.

## **2.6 Equal Opportunities and Human Rights**

- 2.6.1 For all protected characteristics, this Housing Allocations Policy will have regard to:
- elimination of unlawful discrimination, harassment and victimisation;
  - advancing equality of opportunity between different groups; and
  - fostering good relations between different groups.

- 2.6.2 To advance equality of opportunity preference may be given to people with a disability or because of age where it is appropriate to take account of needs.
- 2.6.3 To foster good relations specific actions may be taken where there is a risk of harm or to safety.
- 2.6.4 This policy has regard to Article 8 (which includes the right to respect for a home) of the Human Rights Act. This:
- Does not give anyone a right to a home or to any particular form of accommodation; it contains a right to respect for a home that a person already has.
  - Does not contain an absolute right. Even accommodation that has been a person's home for all of their life can be taken away in the circumstances provided for by the Article itself. The Article stipulates that the right to 'respect' can be qualified by lawful action taken by a public authority which is in pursuit of a prescribed legitimate aim, is necessary, and is proportionately taken, and
  - Only applies to something properly called a 'home'. That term may not embrace very short term accommodation such as a hotel room or transient accommodation such as an unauthorised encampment onto which a Traveller has recently moved.
- 2.6.5 The protected characteristics are those set out in Equality Act 2010.

## 3. Housing register

### 3.1 Who can join the Housing Register?

- 3.1.1 To join the Housing Register, applicants must both be eligible for housing and qualify for inclusion in the Register.
- 3.1.2 Only applicants aged 16 or over who have been assessed as meeting the threshold conditions for inclusion on the Housing Register will be permitted to complete a full application. Some landlords may only offer tenancies to applicants under the age of 18 if they have a guarantor.

### 3.2 Joint applications

- 3.2.1 Where more than one eligible applicant wishes to have a shared application they will be joint applicants.
- 3.2.2 For a joint application, all applicants have to qualify and meet the conditions on eligibility. A joint tenancy will not be granted to two or more people if any one of them is a person from abroad who is ineligible.

### 3.3 People who can be included in the application

- 3.3.1 An applicant can only include, in their application, people who normally live with them (or might reasonably be expected to reside with them) as a member of their household. Usually this will mean members of the applicant's family but not limited to

- Husband, wife or civil partner
- Son and/or daughter
- Brother and/or sister
- Grandparents and/or grand children

- 3.3.2 The Council can decide whether a person is normally resident as a member of the household. A Housing Manager (or above) has the discretion to allow additional people to be included on the application when it is considered appropriate. When exercising this discretion, the Milton Keynes Council will also take into account the prevailing housing conditions in Milton Keynes.

### 3.4 Eligibility for housing

- 3.4.1 Section 160A of the Housing Act 1996 sets out who is ineligible to receive an allocation of housing. These are as follows

- Certain persons who are subject to immigration control, unless they are re-included by order of the Secretary of State or are exempt because they are already a secure tenant.
- Other persons from abroad whom the Secretary of State deems to be ineligible for an allocation of housing by a local housing authority or are exempt because they are already a secure tenant.

- 3.4.2 The Council cannot allocate housing to anyone who is not eligible to join the Housing Register, even jointly with someone else who is eligible to join the Housing Register.

### 3.5 Qualification for the Register

- 3.5.1 The Council has also decided the following people do not qualify to join the Housing Register:

- Persons whose unacceptable behavior would in the Council's view prevent them from being considered as a suitable tenant at the time of application (see below).

- People who have not lived in Milton Keynes for a continuous period of 3 years before their application (see below).
- People who do not meet the threshold of housing need as defined by Bands A to C.
- Applicants placed in temporary accommodation pursuant to the Housing Act 1996 by another Local Authority.
- Owner-occupiers (unless exemptions apply as set out in section 5.9).
- Applicants residing in tied accommodation will not qualify for inclusion on the Housing Register unless they are 6 months away from retirement or have received a legally binding notice asking them to leave their home (see section 5.10).
- Applicants who have a total gross household income in excess of thresholds set out below unless they meet one of the exceptions listed below.

Size	Income Threshold
1 bedroom	£33,000
2 bedroom	£42,250
3 bedroom	£52,000
4 + bedrooms	£64,200

- Households who have gross household incomes above these thresholds, and are prevented from joining the Housing Register, will be directed to alternative housing options..
- Exceptions to this threshold can be considered by Milton Keynes Council, such as where a member of the household has a physical or mental health problem which would prevent the household finding suitable accommodation in the private sector.
- A savings threshold of £100,000 will apply to where one or both of the applicants are of pensionable age and £50,000 for all other applicants. Households who have total household savings of more than these thresholds will not be eligible to join the Housing Register. However, discretion can be considered in exceptional circumstances such as fleeing violence, downsizing or where a member of the household has a physical or mental health problem which would prevent the household finding suitable accommodation in the private sector.

3.5.1 Behaviour that may be regarded by Milton Keynes Council as unacceptable includes the following:

- Behaviour of the applicant(s) which would (if they were a secure tenant of the Council) entitle the Council to a possession order of their property under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or
- Behaviour of a member of the applicant's household which would (if they were a person living with a secure tenant of the Council) entitle the Council to such a possession order of their property under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8).

3.5.2 An applicant whom Milton Keynes Council has decided does not qualify to join the register may request a review.

3.5.3 The Council may allocate housing to an applicant who does not qualify for inclusion on the register jointly with an applicant who does so qualify.

### 3.6 Local connection to Milton Keynes

3.6.1 To establish a local connection with Milton Keynes applicants must be able to demonstrate that they can meet at least one of the following conditions:

- Their principal home is situated in Milton Keynes and they have been living in Milton Keynes continuously for at least 3 years;
- They have been placed in specialized housing by Milton Keynes Council or the Health Authority and are continuing to receive services from the Council and/or the Health Authority;

- They are resident in a women's refuge outside Milton Keynes and had been living in Milton Keynes continuously for at least 3 years immediately prior to moving into the refuge;
- They are temporarily residing outside Milton Keynes in prison, hospital or residential care but have the intention of returning to Milton Keynes and had been living in Milton Keynes continuously for at least 3 years immediately prior to moving into prison, hospital or residential care.
- They are (whether or not they currently live in the borough):
- A serving member of the regular forces or have been such a member within the 5 years preceding their application to be placed on the register
- The spouse or civil partner of a deceased member of the regular forces (whose death is attributable wholly or partly to that service) and have recently ceased or will cease to be entitled to reside in Ministry of Defense accommodation.
- Serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- Where Milton Keynes Council has accepted a full housing duty under homelessness legislation and the applicant has not resided in Milton Keynes for 3 years prior to their homelessness application, the Housing register application will remain deferred until the residency criterion is met.
- Local connection to Milton Keynes will be accrued if you are placed outside Milton Keynes in to temporary accommodation provided by Milton Keynes Council following a homelessness application.

3.6.2 Applicants will no longer be able to remain on the Housing Register if their circumstances change in any of the following ways

- Since applying to join the Housing Register, they have moved out of Milton Keynes and no longer meet any other local connection conditions;
- They had a local connection because Milton Keynes Council had a rehousing duty to them under the homelessness legislation but that duty has since been discharged.

### **3.7 Right of review**

3.7.1 On making a decision whether to accept or refuse an application, the Council will notify the applicant in writing, and if refusing, giving full details of the reason for refusal.

3.7.2 Where an application is refused because Milton Keynes Council has decided either that applicant is ineligible or that s/he does not qualify to join the Register, the applicant has the right to request a review of that decision under section 166A(9) of the Housing Act 1996.

## 4. How the housing register works

### 4.1 How to apply to join the Register

- 4.1.1 To be considered for inclusion on the Housing Register, applicants are required to complete the Council's on-line Housing Options Assessment through Milton Keynes Council's website or by visiting one of the Council's designated offices. This assessment will determine the housing options suitable for the applicant and only where the minimum threshold for Band C has been identified will the applicant be prompted to complete a housing register application.
- 4.1.2 Multiple applications are not allowed. An applicant may have only one active application on the housing register.

### 4.2 Civil partnerships and cohabitants

- 4.2.1 Cohabiting couples will be treated in the same way as married applicants and those in a civil partnership, except that some evidence of an abiding relationship will be required before a joint tenancy is awarded.

### 4.3 Applicants' consent and declaration

- 4.3.1 When applicants apply to join the housing register, they must sign a declaration to confirm that
- The information they have provided is complete, true and accurate.
  - They will inform the Council immediately of any change in circumstances.
  - They understand that information will be shared with partner organisations and Registered Providers together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds.
  - They consent to the Council making enquiries of any relevant persons (including credit checking / referencing companies) to confirm that the information on the application form is correct or to add to the information given where this is necessary to complete an assessment of need or to consider suitability for housing.

### 4.4 Notification of changes in circumstances

- 4.4.1 Applicants must notify the Council if their circumstances change.
- 4.4.2 Examples of a change in circumstances requiring notification include but not limited to someone joining or leaving the household, the birth of a child, a change of address, the purchase or acquisition of an interest in a home, or a change in the health or welfare of the applicant and/or a member of their household. If an applicant is in any doubt as to whether a change should be notified to the Council, they should consult the Housing Access Team.

### 4.5 Renewal of housing applications

- 4.5.1 Applicants are required to update their housing application once a year, in order to confirm that they still want to be considered for housing. In addition, to keep the Housing Register up to date, applicants may be contacted to see if they still want help with housing.
- 4.5.2 Failure to respond to a written request for information a written request for information needed to assess their housing application will result in the applicant being removed from the Housing Register.

### 4.6 Cancellation of housing applications

- 4.6.1 A housing application will be cancelled (and removed from the housing register) in the following circumstances

- When the applicant requests it
- When the applicant either becomes ineligible for housing or ceases to qualify for inclusion on the Register
- When the applicant has been housed through the Allocations Scheme or the homelessness duty has been discharged into the private sector
- When the applicant accepts an Assured Shorthold Tenancy.
- When an applicant fails to maintain their housing application or they move home and fail to provide the Council with a contact address.
- When an applicant fails to respond to a request for further information within the specified time.

4.6.2 Should an applicant whose application has been cancelled subsequently succeed in an application to re-join the Housing Register they will receive a new effective date.

#### **4.7 Verification of housing applications**

4.7.1 Before offering an applicant the tenancy of housing, the Council may need to verify what the applicant has said in their housing application.

4.7.2 The verification interview may take place before or after an applicant is shortlisted for a particular property. The purpose of the interview is to check on the accuracy of the Council's initial assessment and to verify any changes in circumstances.

4.7.3 During the interview, a record will be made of the applicant's current circumstances, a check will be made to ensure that the applicant has been put into the correct Housing Needs Band and remain eligible. A photograph will be taken of all applicants in the household who will be tenants.

4.7.4 All applicants who are eligible for housing will be expected to produce original documents to verify their housing need at the verification appointment. If they are unable to produce the relevant documents, they may not be able to go ahead with an offer of housing.

4.7.5 For everyone included in the housing application, the Council will require proof of identity, together with proof of residence for all addresses used during the past five years. It will also require proof of income, proof of pregnancy, medical conditions and any disabilities, and a range of other documents, including for example birth certificates, marriage certificates, divorce papers, tenancy agreements, and bank statements, as appropriate.

#### **4.8 Data protection**

4.8.1 Milton Keynes Council and Registered Providers will keep information provided by applicants safe and confidential. They will comply with policies on Data Protection, which can be viewed on their websites.

4.8.2 Computer records are covered by the Data Protection Act 1998 which controls the way in which personal data is collected, processed, distributed and stored.

4.8.3 The Data Protection Act 1998 gives rights to individuals about whom the information is recorded. These rights include the rights of access to the information and the right to challenge the accuracy of that information.

4.8.4 Requests for access to data must be made in writing to Milton Keynes Council Service Delivery Unit or Data Protection officer. Although a fee will not normally be charged for data, a £10 charge will be made for a copy of the applicant's file.

#### **4.9 Misrepresentation and fraud**

4.9.1 Milton Keynes Council and its Partners are committed to prosecuting any applicant who deliberately misrepresents their circumstances or attempts to deceive or defraud Milton Keynes in order to secure the tenancy of a council or housing association home to which they are not entitled.

4.9.2 The law imposes severe penalties (including substantial fines or imprisonment) where an offence is proved. If the applicant has gained a tenancy through misrepresentation or fraud, legal action will be taken to recover possession of the property and evict them.

#### **4.10 Councillors involvement in decision making**

4.10.1 Elected Councillors cannot be involved in assessing housing applications or the allocation of housing.

4.10.2 This does not prevent them, however, from seeking or providing information on behalf of their constituents, or from being involved in developing and approving future policy.

#### **4.11 Members of the Council, staff and their relatives**

4.11.1 In order to ensure that the Council is treating all applicants fairly, any application for housing or re-housing from Councillors or employees of the Council or associated persons must be disclosed.

4.11.2 These applications will be assessed in the normal way but any allocation of housing must be approved by the Housing Access Manager (or above) Officer.

#### **4.12 Equal opportunities and monitoring**

4.12.1 Milton Keynes Council is committed to the principle of equal opportunities in the delivery of all of its services. Milton Keynes Council will seek to ensure that its Housing Allocations Policy is applied in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender or disability.

4.12.2 Milton Keynes Council and its partners will be responsive, accessible and sensitive to the needs of all applicants. They will not tolerate prejudice and discrimination and will actively promote equality

4.12.3 Applicants will be invited to indicate if they wish to make use of Milton Keynes Council's translation and interpretation services, and if they require other special services as a result of visual impairment, hearing difficulties or other disability.

4.12.4 All applicants for housing or re-housing will be asked to provide details of ethnic origin, age, gender, faith, sexuality and disability. This will not, however, be a requirement for acceptance of an application. Diversity records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly,.

4.12.5 The Housing Allocations Policy (including amendments) will be reviewed regularly in order to ensure that it does not operate in a manner that disadvantages, or discriminates against, any particular group.

#### **4.13 Confidentiality**

4.13.1 Information about a housing application must only be disclosed to a third party on a 'need to know' basis and in the following circumstances

- For the purpose of effective joint working with health, education, social services and other agencies, in appropriate cases, to ensure the safeguarding of children and vulnerable adults and positive outcomes for households
- For the purpose of detecting and preventing fraud
- For the promotion of community safety and the detection and prevention of crime
- For efficient administration of offers of re-housing, lettings, housing association nominations and rent and benefit accountancy
- Where disclosure of information is a legal requirement.

## 5. Assessment of housing need

### 5.1 Housing Needs Bands

- 5.1.1 To be considered for inclusion on the Housing Register, all applicants must complete the on-line housing assessment.
- 5.1.2 Following assessment, an application to the Housing Register will only be considered where the minimum threshold for Band C has been met. The application will be placed on the Housing Register (if the applicant is eligible for housing and qualifies for inclusion) in one of 3 Housing Needs Bands, based on the information provided.
- 5.1.3 Band A will contain those applicants in highest housing need and Band C those applicants in lowest need (see Section 14 for more information on banding).
- 5.1.4 Some allocations will be dealt with outside the choice based lettings scheme; these are explained in Section 6.8 and 6.9.

### 5.2 Assessment of housing applications

- 5.2.1 When Milton Keynes Council has assessed their housing application, the applicant will receive a letter setting out the outcome.
- 5.2.2 In that letter, the Council will
- Confirm what Housing Needs Band the applicant has been placed in on initial assessment. Some assessments (such as those relating to medical conditions) may take longer and may result in a change in banding
  - Confirm the size (and, if applicable, the type) of property the applicant is eligible for
  - Confirm the applicant's effective date
  - Include a reminder about informing Milton Keynes Council of any change in the household's circumstances
  - Provide details of the appeal and review procedures
  - Provide a registration number and unique pin number
  - Explain the reasons for any temporary restriction from bidding or reduced preference
  - Explain the requirement for annual update of application.

### 5.3 Deciding the effective date

- 5.3.1 Priority within Bands is determined by an applicant's effective date. The effective date is usually the date the application is received, except
- Where an applicant is moved from one Band to another Band the effective date will not change
  - Where an applicant has been accepted as being 'homeless' or threatened with homelessness, the effective date will be the date of the outcome of their homelessness application, unless they already qualify for Band B with an earlier date.
  - Where the applicant needs to move because their home is being demolished as part of an Estate Regeneration Scheme, their effective date of their application will be the date that their tenancy in their current property began. Those tenants who succeeded to a tenancy will be given the date the original tenancy in their current home began.

### 5.4 Applicants from outside of Milton Keynes

- 5.4.1 Milton Keynes has a high demand for housing where demand for social housing is in excess of supply. For this reason, applicants who have no local connection to Milton Keynes will not qualify for inclusion on the Housing Register.

## **5.5 Applicants given reduced priority**

5.5.1 Applicants in Band A may have their priority reduced (to Band B) if they have not made a bid under the choice based lettings scheme within 6 months of being placed in Band A.

## **5.6 Applicants given reduced preference**

5.6.1 Section 166A (5) of the Housing Act 1996 allows allocation schemes to give reduced preference to the following groups of applicants

- Where the individual has the financial resources to privately rent without any need for housing benefit or is able to purchase a property we will reduce their preference to band C if they have a local connection
- An applicant whose behaviour (or that of a member of his household) affects their suitability to be a tenant.

5.6.2 The decision to give reduced preference to an applicant because of their behaviour (or the behaviour of a member of their household) is a sanction. It should not be confused with the Council's power to decide that an applicant does not qualify to join the Housing Register.

5.6.3 In reaching a decision, the Council will take into account the applicant's income, capital and any equitable interest they hold in their existing home and any other property, together with their ability to get a mortgage and the size and type of property they require.

5.6.4 Applicants who cannot afford to buy a property on the open market but who could afford to buy through low-cost home ownership will be placed in Housing Needs Band C under reduced preference if they have an assessed need.

5.6.5 Where an applicant with reasonable preference has an assessed need, they may be given reduced preference if any of the following situations applies

- They are a tenant of Milton Keynes Council or a Registered Provider and have property-related debts (such as rent arrears, council tax arrears or a Housing Benefit overpayment) in relation to an existing or former home, due to property damage and/or non-payment.
- They are a tenant of a private landlord and have property-related debts (such as rent arrears, council tax arrears or a Housing Benefit overpayment) in relation to an existing or former home, due to property damage and/or non-payment, and a Possession Order has been made against them.
- They are a tenant who has breached the terms of a postponed possession order within the last five years.
- They (or someone they have included as part of their household) have committed acts of anti-social behaviour that have caused, or are likely to cause, a serious nuisance or annoyance to their neighbours or others in the locality of where they live or have previously lived.
- They have been convicted of assaulting or harassing an employee or agent of Milton Keynes Council or a Registered Provider (including those with whom the Council does not have nomination arrangements).
- They (or someone they have included as part of their household) have deliberately damaged a property that they are renting, or were previously renting, from Milton Keynes Council, a Registered Provider, a local authority or a private landlord.

5.6.6 In the above situations, an applicant who has an assessed need will generally be placed in Band C to reflect reduced preference.

5.6.7 Milton Keynes Council will notify applicants given reduced preference and inform them in writing of the reason for the reduced preference and if there is any action they can take to improve their assessment.

- 5.6.8 If the applicant owes money to the Council or their existing or former landlord and they are able to demonstrate that they have entered into and maintained effective arrangements for repaying this debt, it may not necessarily result in them being given reduced preference.
- 5.6.9 This is not a blanket policy and each case will be considered on its merits. In exceptional circumstances, applicants retain additional preference despite meeting the criteria outlined above. This may occur, for example, where an owner-occupier has a severe medical need and needs sheltered housing, or someone who is fleeing domestic violence has rent arrears.

## **5.7 Applicants who have deliberately made their housing situation worse**

- 5.7.1 Milton Keynes Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of rehousing through the Housing Register.
- 5.7.2 If Milton Keynes Council decides that whether before or after inclusion on the Register the applicant has deliberately made their housing situation worse, the applicant will be placed or remain in the Band that reflects their housing need before the action (or inaction) that made their situation worse.
- 5.7.3 The assessment will be reviewed on request but not normally within the first twelve months of the application being made. If the restriction is removed, the application will be placed in the Band that reflects the applicant's current circumstances and their 'effective date' will be the date that the application was moved to the new Band. If the applicant's circumstances do not meet the fail to meet the threshold for at least a Band C placement, they will be removed from the housing register.

## **5.8 Owner-occupiers**

- 5.8.1 Owner-occupiers and applicants who own other residential property (freehold or leasehold) will not normally qualify for inclusion on the Housing Register. Applicants who have previously owned a property and have sold it will be asked to provide proof of the sale, together with evidence of the proceeds received from the sale and what has become of them.
- 5.8.2 Unless they are unable to meet their housing needs from their own resources and require an adapted property or supported housing owner occupiers will not qualify for inclusion on the Housing Register.
- 5.8.3 Owner-occupiers may qualify for inclusion on the Housing Register if they fall within one of the following groups
- They are over 50 and have been assessed as being unable to meet their housing needs from their own resources; or
  - They have a disability, require an adapted property and have been assessed as being unable to meet their housing needs from their own resources.
  - They are required to leave their current accommodation because their home is being demolished as part of an Estate Regeneration Scheme, and their current assets and income do not allow them to find alternative accommodation which will meet their housing needs as set out in this section.
- 5.8.4 The Council will decide whether or not an applicant is able to meet their housing needs from their own resources. To make this assessment, it will require details of the applicant's income and savings.
- 5.8.5 After considering all of the information, Milton Keynes Council may decide that
- The applicant has sufficient resources to buy or lease a suitable home outright, without the need for shared ownership or a mortgage.

- The applicant has sufficient resources and the mortgage potential to buy or lease a suitable home with a mortgage.
- The applicant cannot afford to buy or lease a suitable home.

5.8.6 If the applicant meets the criteria in paragraph 5.8.5 above and Milton Keynes Council decides that they are unable to buy or lease suitable accommodation, their application will be moved to a higher Band if they are awarded priority on medical or welfare grounds.

## **5.9 Applicants in Milton Keynes 'tied' accommodation which is suitable for their needs**

5.9.1 Applicants are considered to be residing in Milton Keynes tied accommodation if the occupation of their home is essential for the performance of their duties as an employee of the Council and there is a contractual obligation for re-housing.

5.9.2 Applicants residing in tied accommodation will not qualify for inclusion on the Housing Register unless they are 6 months away from retirement or have received a legally binding notice asking them to leave their home. At this point they will be placed in Band A.

## 6. Finding a home

### 6.1 Choice based lettings

- 6.1.1 Applicants who are accepted onto the Housing Register can bid for properties that are appropriate to their housing need unless their choice based lettings has been restricted as described in 6.2 below.
- 6.1.2 Although applicants cannot bid for homes that are larger than they need, applicants who need 3 bedrooms or more may bid for homes that have one bedroom less than they need.
- 6.1.3 Where an applicant chooses to accept an offer of accommodation that has 1 bedroom less than they need they may be unable to reapply to join the Housing Register in the future.
- 6.1.4 Where an applicant has accepted an offer of a property with one bedroom less than they need we will allow them to mutually exchange their home in the first year of their tenancy starting.
- 6.1.5 Registered Providers have their own standards for occupancy and may not offer properties that are smaller than the applicant needs.

### 6.2 Circumstances when applicants on the Register will not be able to participate in choice based lettings

- 6.2.1 Some applicants will not be allowed to participate in the choice based lettings scheme if Milton Keynes Council considers that, due to their age or their need for specialist support, they are not yet ready to sustain a tenancy. The circumstances in which this may occur are described in section 6.6 below.
- 6.2.2 Applicants will also not be allowed to participate in the choice based lettings scheme if they have accepted an offer of housing but the property is not yet ready for occupation, or if it has been agreed that they will only receive a 'direct offer' of accommodation.
- 6.2.3 Applicants can be suspended from bidding for homes through the choice based lettings scheme if they refuse two written offers after making successful bids. Any suspension will be effective for up to twelve months.
- 6.2.4 Decisions on whether or not applicants should be temporarily prevented from participating in the choice based lettings scheme will be made by Milton Keynes Council. Where it decides that an applicant should not be allowed to participate, Milton Keynes Council will inform the applicant of the reasons why they are not able to take part, any conditions that will need to be met before they will again be entitled to take part, and the date that they may request a review of the decision to prevent them from taking part.

### 6.3 Advertising available homes

- 6.3.1 Homes that are offered through Milton Keynes Council's choice based lettings scheme will be advertised as widely as possible.
- 6.3.2 Some Registered Providers may decide not to advertise all of their homes through the choice based lettings scheme. This will depend on the level of tenancy nomination rights that Milton Keynes Council has agreed with them.
- 6.3.3 In many cases, a home may be excluded from the advertising scheme because the property will be used to provide temporary accommodation for homeless households, or is needed, for example, to deal with an emergency or for use as alternative accommodation for a tenant who has to move out of their home because it has become unsafe or requires extensive repairs. Other examples include homes that are needed for applicants who have specific housing needs or have been specially adapted and meet the particular needs of an applicant. (See Sections 6.8 and 6.9 for further details).

- 6.3.4 To ensure that applicants who are eligible for choice based lettings are aware of the homes that are available, the properties will be advertised on the choice based lettings website.
- 6.3.5 Advertisements will include a description of the home and any other relevant information, for example the rent, size and any special facilities or adaptations.
- 6.3.6 In the advertisement, the home will be labelled to show whether it is restricted to any particular group of applicants.

#### **6.4 Labelling of properties**

- 6.4.1 Milton Keynes Council will label the advertised homes in a way that provides as much information as possible about the property and which applicants are eligible to express an interest.
- 6.4.2 Where an applicant does not meet the criteria outlined, they will not be considered for the home.
- 6.4.3 Labelling criteria will include
- Property size: Applicants must be eligible for the size and type of the property they are bidding for – they will be advised of what they can bid for when they join the scheme.
  - Housing needs bands: Some homes may only be offered to applicants who are in particular Bands.
  - Adapted homes: Homes that are particularly suitable for people with disabilities will have special symbols to help applicants with those needs to identify them. Adverts for adapted or accessible homes (for example those with wheelchair access) will specify that they are only available for people assessed as needing them.
  - Age restrictions: Some homes may have a minimum age requirement.
  - Local lettings policies: In order to promote sustainable and settled communities, the Council, and Registered Provider may introduce specific lettings policies in some areas which will vary from this Housing Allocations Policy. They may do this, for example, where there are too many vulnerable residents in an area or there is a need to reduce child density, tackle serious anti social behaviour or increase the proportion of tenants who are in employment, education or training.
  - Pets: The advertisement will identify whether pets are allowed.
  - Home type and facilities: The advertisement will show the type of home, the floor level, the type of heating, the service charges and any other relevant details.

#### **6.5 Expressing an interest in available homes**

- 6.5.1 To be considered for an available home, applicants must apply for the home by the advertised deadline and meet the criteria.
- 6.5.2 Applicants will generally be able to make expressions of interest each advertising cycle. The bidding cycle will be weekly.
- 6.5.3 In each cycle, applicants will be able to express an interest in up to three (to be confirmed) properties for which they are eligible.
- 6.5.4 The number of homes in which an applicant may express an interest each bidding cycle, the length of the bidding cycle and the frequency with which details of newly available properties are added to the choice based lettings website may be changed after monitoring of the scheme.
- 6.5.5 Support will be offered to applicants who require assistance in using the scheme.
- 6.5.6 Applicants will be able to express an interest in a property by several methods
- By Smartphone app
  - Using the website
  - In person at the Milton Keynes Council office

- By text (using a mobile phone)
- By using an advocate for any of the above methods

6.5.7 In certain circumstances applicants may bid for properties by proxy. Council staff, support agencies and other providers may be used as proxies for this purpose, subject to the Council's agreement to any such request.

## **6.6 Applicants who may be suspended from bidding through the choice based lettings scheme**

6.6.1 An applicant may be suspended from bidding through the choice based letting scheme (or any bid that they make may be disregarded during shortlisting) in any of the following circumstances

- Where the applicant has been assessed as being incapable of independent living or sustaining a tenancy;
- Where the applicant is only capable of sustaining a tenancy if they are provided with support, but that support is not being provided;
- Where the applicant's eligibility or level of priority is being reviewed because of, for example, a change of circumstances or concerns about possible fraud or the accuracy of the information that has been supplied in relation to their application for housing;
- Where the applicant has already accepted an offer of another property or has been formally offered another property and has not yet confirmed whether or not they will accept that offer;
- Where the applicant repeatedly fails to attend viewings of properties for which they have bid and been shortlisted; for example where they have failed to attend x 2 viewings or refused 2 x suitable offers after bidding.
- Where the applicant refuses, without good reason, formal written offers of properties for which they have made a successful bid under the choice based lettings scheme.

6.6.2 In deciding whether or not an applicant is ready for independent living and capable of sustaining a tenancy, Milton Keynes Council will be guided by its specialist housing teams, by support providers and the relevant health and social care professionals.

6.6.3 Where it is decided that an applicant should be suspended from bidding through the choice based lettings scheme, Milton Keynes Council will inform the applicant of the reasons why they are not able to take part, any conditions that will need to be met before they will again be entitled to take part, and the date that they may request reconsideration of the decision to suspend them from bidding for properties.

## **6.7 Shortlisting of interested applicants**

6.7.1 Once the advert deadline has passed, a shortlist of applicants expressing an interest in the home will be produced from those who are eligible and meet the criteria

6.7.2 Following production of the shortlist, arrangements will be made by the Milton Keynes Council or the relevant landlord or a Registered Providers for the shortlisted applicants to see the property as soon as possible.

6.7.3 The landlord will decide whether the applicants view the property individually (with separate appointments) or all at the same time.

6.7.4 During the viewing and/or on the telephone, applicants will be given further information about the property, the repairs to be carried out, the date when the property is expected to be available, and any special conditions of tenancy.

6.7.5 After the viewing, the property will be offered to the eligible applicant who is highest in the bidding shortlist.

6.7.6 The selected applicant will have up to 24 hours to make up their mind as to whether or not to accept the offer. In exceptional circumstances, this period of time may be increased.

6.7.7 When an applicant says that they are no longer interested in a property after the viewing, the applicant who is next on the shortlist will normally be considered for the tenancy.

## **6.8 Properties not offered through choice based lettings**

6.8.1 The following types of property will not be advertised and so not let through the Home Connections choice based lettings scheme

- Milton Keynes Council homes used as temporary accommodation which are then let to the existing resident as an introductory or secure tenancy
- Supported housing, including housing for older people and Sheltered Housing
- Properties selected for 'direct lets'
- Properties which will be used to provide temporary accommodation for homeless households

## **6.9 Properties selected for 'direct lets'**

6.9.1 Although most vacancies (except those in supported housing, sheltered housing and extra care supported housing and those used for temporary accommodation) will be advertised through the choice based lettings scheme, Milton Keynes Council will make a direct offer of accommodation to applicants in following circumstances.

6.9.2 A 'direct let' may be made in supported housing, sheltered housing and extra care supported housing), and may be considered for any applicant whose assessment results in them being placed in Band A of the Housing Register and where, in the judgement of the Council, a 'direct let' offers a better prospect of securing a move than may be achieved by bidding for a suitable home. This reflects the urgency of the move, and Examples include the following:

- Where an existing council tenant or partner housing association tenant in Milton Keynes has been approved for an emergency management transfer because of harassment, domestic violence or hate crime
- Where an applicant needs to move urgently because of a critical medical or welfare need, including emergencies and situations where there are serious safeguarding implications
- Where it is in the overriding interests of the Council to prioritise an allocation of housing to a particular household and/or it is necessary to comply with a Court Order and/or fulfil an urgent statutory or legal duty
- Where a Milton Keynes Council tenant or housing association tenant in Milton Keynes is occupying a specially-adapted home or under-occupying a large family home and is willing to transfer to a home that is more appropriate to their needs.

6.9.3 A 'direct let' may also be considered in other situations, such as

- Where an applicant has been assessed by a Multi-Agency Public Protection Panel (MAPPA) and it is decided by that Panel that the applicant should be offered social housing
- Where the type and/or location of the accommodation offered to a particular applicant is likely to have significant implications in relation to child protection and/or public protection.
- Where an applicant is being moved under a national witness mobility / protection scheme.
- Where a specially adapted property has been built, acquired or adapted in order to meet the needs of a specific applicant.
- Where a council tenant or housing association tenant in Milton Keynes requires extensive disabled facilities that can be provided more appropriately in alternative accommodation of a particular type.
- Where a property is currently occupied by a homeless household (as temporary accommodation and on the basis of a non-secure tenancy) and that property is then offered to them as an introductory / starter tenancy or secure / assured tenancy.
- Where an applicant is a former council tenant who has previously surrendered their tenancy (without the need for possession proceedings) on the understanding that, prior to the surrender

of their previous tenancy and when they leave prison, hospital, rehabilitation or residential care, they will be offered the tenancy of a bedsit or one-bedroom home.

- Where any delay in providing the applicant with suitable accommodation is likely to prove costly to the Council.

6.9.4 Properties will be selected for direct offers on the basis of the assessed requirements of the applicants.

6.9.5 Where a 'direct let' is made, the property will not be advertised through the choice based lettings scheme. However, to ensure transparency, the Council will report that the property has been used as a 'direct let'.

## **6.10 Circumstances when homeless households living in temporary accommodation may be made a 'direct offer'**

6.10.1 Where an applicant meets the criteria for 'auto-bidding' and the Council decides that they are unsuitable for 'auto-bidding' (for example because of the specific nature of their housing requirements), the applicant will be encouraged to continue bidding but may be considered for a 'direct offer' of accommodation

6.10.2 When considering the need for a 'direct offer', the Council will take into account all of the circumstances, including any reasons why they must or must not reside in a particular part of Milton Keynes or type of property.

6.10.3 A 'direct offer' may be made, for example, where an applicant needs to move urgently because of a critical medical or welfare need, including situations where there are child protection and/or public protection implications and/or the applicant or a member of their household is a victim of harassment, domestic violence or hate crime.

6.10.4 Such offers may also be made, in exceptional circumstances, where it is in the overriding interests of Milton Keynes Council to prioritise an allocation of housing to a particular household and/or it is necessary to comply with a Court Order and/or fulfil an urgent statutory or legal duty.

## **6.11 Making an offer of accommodation**

6.11.1 Before offering an applicant the tenancy of housing, the Council will need to verify what the applicant has said in their housing application and ensure that the applicant is in the appropriate Band, has the correct effective date and is eligible for the size and type of the property available (see Section 4.7 for details of verification process).

6.11.2 If an applicant fails the verification process, they will not be offered the tenancy of the accommodation even if they are the highest in the shortlist of applicants who have confirmed an interest in being offered the tenancy. In such cases, the applicant will be told why they were not being offered the tenancy of the accommodation.

6.11.3 The successful applicant for each home will normally be the one who is eligible, meets any labelling criteria, and has been verified as being in the highest Band and having the earliest effective date.

6.11.4 The Offer letter describes the action the applicant must take to accept the offer of accommodation. The tenancy will commence on an agreed date after the property is ready for occupation and with reasonable notice given to the tenant.

## **6.12 Circumstances when homeless households living in temporary accommodation may be subject to 'auto-bidding'**

6.12.1 Applicants living in temporary accommodation are actively encouraged to bid for properties through the choice based lettings scheme.

- 6.12.2 In order to minimise the cost of temporary accommodation (and the amount of time that homeless households spend in temporary accommodation), the Council may bid for properties on behalf of homeless households or, exceptionally, make them a 'direct offer' of suitable accommodation.
- 6.12.3 Under the Council's 'auto-bidding' arrangements, applicants who have been living in temporary accommodation and are in a position to make a successful bid for accommodation through choice based lettings will be interviewed by one of the Council's Officers. The purpose of that interview is to confirm the applicant's circumstances and housing requirements, review their bidding history and discuss the full range of housing options available to them.
- 6.12.4 Although an applicant who is subject to 'auto-bidding' may continue to bid for properties under the choice based lettings scheme, the auto-bidding system will normally bid (on their behalf) for all properties that have the number of bedrooms that the applicant requires.
- 6.12.5 Where an applicant is subject to 'auto-bidding' and requires at least 3 bedrooms but is willing to accept a home with fewer bedrooms, it is essential that they bid for any smaller homes they like, as the 'auto-bidding' system will only place bids on properties that have the number of bedrooms that the applicant has been assessed as needing.
- 6.12.6 If an applicant is living in temporary accommodation and makes a successful bid for accommodation (or if an 'auto-bid', made on their behalf, is successful), they will be offered the tenancy of that accommodation. This is irrespective of whether or not they have chosen to attend the viewing.
- 6.12.7 Such an applicant will only be entitled to withdraw their interest in a property without penalty if they are not already subject to 'auto-bidding' and they withdraw their interest before they receive a written offer.

### **6.13 Refusing an offer of accommodation**

- 6.13.1 When a shortlisted applicant (who is not subject to 'auto-bidding') views a home, and says they are no longer interested in being offered the tenancy, the next applicant on the shortlist will be considered.
- 6.13.2 The consequences of refusing an offer of accommodation depend on the circumstances in which the offer is made. It is important for an applicant who is owed a rehousing duty under Part 7 of the Housing Act 1996 to understand that the refusal of a suitable offer of accommodation is highly likely to result in cessation of Milton Keynes Council's duty to accommodate them under Part 7, the loss of any temporary accommodation, and the loss of priority under this Housing Allocation Policy.
- 6.13.3 If an applicant (who is not subject to 'auto-bidding') bids for a property through the choice based lettings scheme, they can withdraw their interest in that property without penalty.
- 6.13.4 However, if they refuse two written offers after making successful bids, Milton Keynes Council may suspend the applicant from bidding for homes through the choice based lettings scheme for a period of up to 12 months. This provision does not apply to supported housing, which is dealt with in section 9 below.
- 6.13.5 If an applicant is living in temporary accommodation and subject to 'auto-bidding', they are expected to accept any suitable offer of accommodation that is made to them. If the offer is refused, the applicant will be invited to reconsider the offer within the specified time period but applicants are encouraged to accept offers. They have the right, however, to request a review of the suitability of that offer of accommodation.
- 6.13.6 Where such an applicant refuses an offer of suitable accommodation, Milton Keynes Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease.

- 6.13.7 This means that, subject to the outcome of any review, the Council will stop providing the applicant with temporary accommodation. As well as losing their priority for housing (based on them being homeless), the applicant will have to make their own arrangements for housing.
- 6.13.8 If an applicant refuses a 'direct let' (based on an individual assessment of their requirements; see Section 6.9), Milton Keynes Council will consider the applicant's reasons for refusing the offer and decide whether or not the offer was suitable.
- Where Milton Keynes Council decides that it was reasonable for the applicant to refuse the accommodation offered, Milton Keynes Council will make one further offer of a 'direct let' of suitable accommodation
  - Where Milton Keynes Council decides that it was unreasonable for the applicant to refuse the accommodation offered, the Council will make no further offers of a 'direct let' and, if the applicant is living in temporary accommodation, the Council's duty to accommodate them under Part 7 of the Housing Act will cease.
- 6.13.9 Applicants have the right to request a review of the suitability of that offer of accommodation (except in management transfer cases). Where the Council decides that the accommodation offered was not suitable, Milton Keynes Council will make one further offer of a 'direct let' of suitable accommodation.
- 6.13.10 Where Milton Keynes Council decides that the accommodation offered was suitable the Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease. This means that Milton Keynes Council will stop providing the applicant with temporary accommodation and the applicant will have to make their own arrangements for housing.

#### **6.14 Failing to respond to an offer of accommodation**

- 6.14.1 If an applicant fails to respond to a written offer of accommodation within the timescales specified, without good reason, they will be considered to have refused that offer of accommodation. In these circumstances, Milton Keynes Council will not make further offers of accommodation..

#### **6.15 Accepting an offer of accommodation**

- 6.15.1 The Offer letter describes the action the applicant must take to accept the offer of accommodation, including signing the tenancy agreement and collecting the keys.
- 6.15.2 If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal of an offer of accommodation because, at this stage, they are the tenant of that property.
- 6.15.3 If they have already given notice on their previous home, it may not be possible for them to withdraw the notice (although their former landlord may decide nevertheless to permit them to remain). Also, as they have accepted a tenancy, it is likely that the new landlord will insist on receiving 4 weeks' notice (and will be entitled to rent during that time) if the tenant decides that they do not want to continue with their new tenancy.
- 6.15.4 Where the applicant is living in temporary accommodation and refuses to move out of that accommodation after signing a tenancy agreement following an offer under this Scheme, they will be evicted from their temporary accommodation and the Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease. This means that the applicant will have to make their own arrangements for housing.

#### **6.16 Withdrawing an offer of accommodation**

- 6.16.1 A written offer of accommodation can only be withdrawn from an applicant (before the tenancy agreement is signed) where one or more of the following situations applies

- The applicant has made a false declaration or failed to provide Milton Keynes Council with up-to-date information and that, after reviewing their housing application, Milton Keynes Council has determined that the applicant is not eligible for the property;
- 
- The property details available at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property did not, in fact, match the applicant's needs;

6.16.2 The applicant's eligibility has changed, since the written offer of accommodation, following a review of the application.

### **6.17 Feedback on the letting of social housing**

6.17.1 Milton Keynes Council will publish feedback on the outcomes of the bids it has received in respect of the social housing advertised through the choice based lettings scheme on a quarterly basis.

6.17.2 For each letting, Milton Keynes Council will provide the following information

- The size, type and location of the home
- The number of applicants who bid for the property
- The Band and effective date of the successful bidder

6.17.3 In order to ensure transparency, the feedback will also include any homes that were let as 'direct lets' and were not advertised through the choice based lettings scheme.

6.17.4 Feedback is important because it helps applicants to assess their housing prospects and make informed choices about their future housing.

## 7. Offering housing to tenants who owe rent

### 7.1. Rent arrears

- 7.1.1 Tenants on the Housing Register will not normally be offered a new tenancy if they are in arrears with their rent.
- 7.1.2 If they are a housing association or council tenant, such applicants may still be offered a new tenancy if
- They need to move urgently because of a critical medical or welfare need, including emergencies and situations where there are critical safeguarding implications;
  - They have been approved for an emergency transfer because of harassment, domestic abuse or hate crime;
  - They need to move out of their home (temporarily or permanently) in order to allow repairs or redevelopment to take place;
  - They are under-occupying a family home that has three or more bedrooms and they are willing to transfer to a home that is smaller
  - They are occupying a specially-adapted home and are willing to transfer to a home that is more appropriate to their needs.
- 7.1.3 Where the applicant is under-occupying their home and is entitled to receive a financial incentive for transferring to a smaller home, the transfer incentive payment will be used to reduce or clear any arrears.
- 7.1.4 If such an applicant is living in temporary accommodation provided by Milton Keynes Council under Part 7 of the Housing Act 1996, they may still be offered housing if they have been paying their rent regularly, reducing their arrears to the satisfaction of their landlord and entered into an agreement to pay all outstanding rent, by affordable instalments, over an agreed period.
- 7.1.5 In exceptional circumstances, where there is an urgent need for a housing association or council tenant to move on social or housing management grounds, a new tenancy may still be approved, despite the arrears.

## 8. Type of property offered

### 8.1 Property size and household size

- 8.1.1 Milton Keynes Council, and Registered Providers will always aim to make best use of their housing stock.
- 8.1.2 When determining the number and ages of the people who may occupy a property, the Council will have regard to the bedroom entitlement set out in 8.7 below.
- 8.1.3 Sometimes the applicant with the highest priority may not be allocated a home if this would result in either overcrowding or under-occupation, or if it would not make best use of ground floor or specially adapted accommodation.
- 8.1.4 Properties that have level access will be prioritised for those applicants who have a very serious medical need (so are in Band 'A') and require such accommodation.
- 8.1.5 If the landlord agrees an applicant will be allowed to move into a home that is smaller than their needs, where this improves their situation. For example, if an applicant has 4 children and is entitled to a 4-bedroom home but is living in one with 2 bedrooms, their application for a 3-bedroom home may be considered.
- 8.1.6 Registered Providers may apply different standards.

### 8.2 Parents with 'staying access' to dependent children or shared residence orders

- 8.2.1 Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children.
- 8.2.2 The general principle is that a child needs one home of an adequate size, and that the Milton Keynes Council and Registered Providers will not accept responsibility for providing a second home for children.
- 8.2.3 In determining the size of accommodation required for a household, children from current or former relationships will only be counted as part of the household if they live with the applicant for more than 50% of the time. Suitable evidence must be provided, in the form of a Residency Order and a child benefit statement.

### 8.3 Parents with a dependent child who is in foster care or being looked after by the local authority

- 8.3.1 When assessing bedroom entitlement, Milton Keynes Council will only take into account children who are currently in foster care or being looked after by the local authority if the Children Social Care Services confirms that the children will be returned to the applicant when the applicant is rehoused in accommodation of a suitable size.

### 8.4 Support for fostering and adoption

- 8.4.1 When assessing bedroom entitlement, the Council will take into account the Children's social care services assessment of the requirements of prospective foster carers and adopters. This will not, however, result in any priority being given for overcrowding.

### 8.5 Applicants with a medical or social need for a larger property

- 8.5.1 Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

## **8.6 Extra rooms for carers**

- 8.6.1 If an applicant states that they need an extra room for a carer, Milton Keynes Council will carry out an assessment of the applicant's needs and decide whether or not an extra room is required. Due to the high demand for housing, such requests are only likely to be agreed in exceptional circumstances.
- 8.6.2 Milton Keynes Council's Adult Social Care service should be able to provide evidence of the need for a 'live in' carer and confirmation (where appropriate) that, if the support was not provided, the applicant would qualify for funding for a 'live in' carer.
- 8.6.3 Where Milton Keynes Council is satisfied that there is a need for a live-in carer who is not cohabiting with another member of the household, the household will be entitled to an additional bedroom.
- 8.6.4 To qualify for an additional bedroom for a carer, the applicant must demonstrate that this care is provided by someone who would not otherwise live with the applicant and that, if they are a relative or friend, they are in receipt of a Carer's Allowance.
- 8.6.5 In exceptional circumstances, an extra bedroom may be awarded where a substantial amount of specialist medical equipment has been installed in the home.

## **8.7 Guidance on bedroom entitlement**

- 8.7.1 Although the assessment of applicants' bedroom entitlement is complex and based on a range of factors, the table on the next page provides guidance on how many bedrooms an applicant should have.
- 8.7.2 It should be noted that, if a member of the applicant's household is pregnant, this does not entitle them to an extra bedroom. Instead, their application will be amended on receipt of the birth certificate.
- 8.7.3 For the purposes of assessing the applicant's bedroom entitlement, adults under the age of 25 will be assessed as young people in accordance with the table below.

Household size	Lowest number of bedrooms needed
1 adult	Bedsit
2 adults living together as a couple	1 bedroom
Adults living together but not as a couple	1 bedroom each
1 adult (or 2 adults living together as a couple) with 1 child	2 bedrooms
1 adult (or 2 adults living together as a couple) with: <ul style="list-style-type: none"> <li>• 2 children of the opposite sex (both under 10); <b>or</b></li> <li>• 2 children/young people (under 25) of the same sex</li> </ul>	2 bedrooms
1 adult (or 2 adults living together as a couple) with: <ul style="list-style-type: none"> <li>• 2 children of the opposite sex (at least one aged 10 or over); <b>or</b></li> <li>• 3 or 4 children / young people of the same sex; <b>or</b></li> <li>• 4 children / young people (two male &amp; 2 female); <b>or</b></li> <li>• 4 children / young people (3 of one sex &amp; 1 of the other) – where at least one male and one female are aged under 10</li> </ul>	3 bedrooms
1 adult (or 2 adults living together as a couple) with: <ul style="list-style-type: none"> <li>• 4 children / young people (3 of one sex &amp; 1 of the other, where all of the former and/or the latter are aged 10 or over ); <b>or</b></li> <li>• 5 or 6 children / young people of the same sex; <b>or</b></li> <li>• 5 or 6 children / young people (3 or 4 of one sex &amp; 1 or 2 of the other);</li> </ul>	4 bedrooms or more
1 adult (or 2 adults living together as a couple) with: <ul style="list-style-type: none"> <li>• 6 children / young people (three male &amp; 3 female) – where all males and/or all females are aged 10 or over; <b>or</b></li> <li>• 7 or more children / young people.</li> </ul>	5 or more bedrooms

## 8.8 Additional properties for large families

8.8.1 Due to the shortage of family homes, very large families that are in urgent need of rehousing may prefer to be offered two separate properties, rather than bid for a property that is smaller than they need.

8.8.2 For this to happen, there must be an adult member of the household who is eligible for housing and is willing to hold the second tenancy. They must join the Housing Register and be rehoused after the original applicant, who will be offered alternative accommodation that is of a size that reflects the reduced size of their household.

# 9. Allocation of properties designed for older people and people with physical disabilities

## 9.1 Sheltered housing for older people

- 9.1.1 The purpose of sheltered housing is to provide residents with support they require to enable them to continue living independently, in their own home, for as long as possible.
- 9.1.2 In Milton Keynes there is sheltered housing for older people, the main difference between them being the facilities and the level of support provided
- Sheltered housing schemes – for people who require social support, and support due to frailty, ill-health or restricted mobility. Communal facilities include a lounge and laundry, and a Sheltered Housing Officer provides residents with advice and support.
  - Extra care supported housing schemes – for people who require a substantial amount of personal care and housing support, and who might otherwise have to move into residential care.
- 9.1.3 The provisions relating to Owner occupiers set out in section 5.9 are applicable to the allocation of sheltered housing for older people.

## 9.2 Criteria for sheltered housing

- 9.2.1 All applicants for sheltered housing must meet the criteria for joining Milton Keynes Housing Register.
- 9.2.2 The criteria for sheltered housing, stipulates applicants must have an unmet housing need and have been assessed, by Milton Keynes Council, as requiring ‘housing-related support’
- 9.2.3 An unmet housing need To satisfy the requirement that they have an unmet housing need, applicants must demonstrate that they meet at least one of the following criteria
- They are homeless or about to become homeless and are entitled to rehousing under Part 7 of the Housing Act 1996 ;
  - Their existing accommodation is wholly unsuitable (due to their health, mobility, social care and access requirements) and/or contains hazards that present a serious risk to their health and safety, to the extent that it is unreasonable to expect them to continue occupying their home.
  - They are currently in hospital or residential care and are unable to return to their home but have been assessed as being able to live independently in sheltered housing with appropriate support.
  - They need to move urgently, to avoid an inappropriate admission to hospital or long-term residential care.
  - They are in need of ‘move-on’ after being temporarily accommodated in intermediate care.
  - They are under-occupying a family home in Milton Keynes that they are renting from Milton Keynes Council or a Registered Provider.
- 9.2.4 Examples of ‘housing-related support’ To determine whether or not an applicant is in need of ‘housing-related support’, they will be assessed by a member of the Council’ housing team who will consider, amongst other things, the following
- The extent to which the applicant needs help with daily living including support needs such as budgeting, safety and security, health and wellbeing.
  - The nature and extent of any mobility problems, respiratory problems or sensory impairment
  - Evidence of frailty, self-neglect or nutritional deficiency.
  - Whether or not the applicant is feeling socially isolated and/or vulnerable to crime or abuse by others.

- Evidence of mental health or cognition problems, including depression, schizophrenia and dementia.
- The extent to which substance misuse is affecting the applicant's ability to cope.
- Evidence of a chaotic lifestyle and the applicant's need for support to enable them to cope.

9.2.5 Many sheltered housing tenants may also have (or develop over time as they age) care needs. Care may be provided by health or social service providers as an addition to the support service in sheltered housing.

### **9.3 Applicants who may not be offered sheltered housing**

9.3.1 Irrespective of their age, applicants who are not in housing need (or are in housing need but are not in need of 'housing-related support') may not be offered sheltered housing. Where they are in housing need only, such applicants are advised to apply for general needs housing.

9.3.2 Even where an applicant is in housing need and requires 'housing-related support', they may not be offered sheltered housing if

- They require a level of care and support that is more appropriate to a nursing or residential care home and is beyond even that provided in extra care sheltered Housing
- They are likely to put themselves or other residents at risk of serious harm or injury (or to cause a serious nuisance to their neighbours) because of, for example, unresolved problems relating to substance misuse, anger management or violence;
- They insist that someone lives with them who is neither their spouse/partner nor their registered carer and who does not, in their own right, meet the eligibility criteria for sheltered housing.

9.3.3 Where an applicant is displaying challenging behaviour (such as overt sexualised behaviour or a tendency toward violence and aggression) as a result of a medical condition, they may not be offered accommodation in sheltered housing or a. However, they may be considered for Extra Care Sheltered Housing if it has the capacity to cope with such behaviour.

9.3.4 Extra Care Sheltered Housing is aimed physically frail older people Extra Care schemes have a dedicated on site care and support team available, 24 hours a day, to help with personal care and support, who meet the statutory requirements for care and support providers. This type of accommodation is funded by Social Services, and clients need to be assessed by them to establish if they are eligible. If it is established that an applicant's needs are better suited to this type of accommodation the assessment officer can make a referral to social services.

### **9.4 Applying for sheltered housing**

9.4.1 To join Milton Keynes Housing Register, applicants must be assessed by a Housing officer and complete a sheltered housing application form.

9.4.2 Applicants will only be considered for the type of sheltered housing they have been assessed as needing, however they have the opportunity to express an interest in particular housing schemes or areas and are actively encouraged to visit the schemes before they make their final choice. Milton Keynes Council's Housing staff can help with this.

9.4.3 Following the housing needs assessment and based on the applicant's circumstances, the Housing Officer will determine the type of supported housing each applicant is eligible for and place them (in date order) in the appropriate Priority Band:

### **9.5 Allocation of sheltered housing**

9.5.1 Sheltered housing is not let through the choice based lettings scheme.

- 9.5.2 Applicants on the Housing Register will be allocated properties on the basis of need, suitability and choice,
- 9.5.3 Two bedroom properties will usually only be offered to siblings who apply together, couples who need separate bedrooms for verified medical reasons, household members that are specified in the application and applicants who have a live-in carer who qualifies for Carer's Allowance and where it is beneficial to the applicant to have them living with them and it is necessary for their carer to live with them rather than somewhere else.
- 9.5.4 Priority for ground floor accommodation will be given to applicants who have been assessed as needing ground floor for medical reasons.
- 9.5.5 When a unit of sheltered housing becomes available, Milton Keynes Council's housing teams will draw up a shortlist of suitable applicants who have expressed an interest in that scheme or area and been assessed as needing that type of sheltered housing.
- 9.5.6 Applicants will be prioritised in accordance with their date of application and need.

## **9.6 Refusing an offer of sheltered housing**

- 9.6.1 When an applicant is invited to view a property but says (before or after the viewing) that they are not interested in being offered the tenancy, the next applicant on the shortlist will be considered.
- 9.6.2 The consequences of refusing an offer of sheltered housing depend on the circumstances in which the offer is made. The offer letter describes the action an applicant must take to decline an offer of accommodation.
- 9.6.3 Applicants who are placed in temporary accommodation by the Council If an applicant is living in temporary accommodation and has been accepted for rehousing under Part 7 of the Housing Act 1996, they are expected to accept any suitable offer of accommodation that is made to them. If the offer is refused, the applicant will be invited to reconsider the offer within the specified time period but applicants are encouraged to accept offers. If they still refuse the offer, the Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease.
- 9.6.4 Applicants have the right to request a review of the suitability of that offer of accommodation.
- 9.6.5 Where Milton Keynes Council decides that the accommodation offered was not suitable (so it was reasonable for the applicant to refuse the offer), Milton Keynes Council will make one further offer of suitable accommodation. Where Milton Keynes Council decides that the accommodation offered was suitable the Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease. This means that Milton Keynes Council will stop providing the applicant with temporary accommodation and the applicant will have to make their own arrangements for housing.
- 9.6.5 Applicants who meet sheltered housing criteria who are not living in temporary accommodation If an applicant is not living in temporary accommodation, they will usually receive more than one opportunity to view sheltered housing and, to a limited extent, they may refuse a property without penalty up to a maximum of two viewings.
- 9.6.6 Where the applicant repeatedly fails, without good reason, to attend viewings of suitable properties (or refuses two consecutive offers of accommodation in schemes for which they have expressed a preference), Milton Keynes Council may decide to make the applicant no further offers of supported housing for a period of up to 12 months.

## **9.7 Failing to respond to an offer of sheltered housing**

- 9.7.1 If an applicant fails to respond to a written offer of supported housing within the timescales given, without good reason, they will be considered to have refused that offer of accommodation.

## **9.8 Accepting an offer of sheltered housing**

- 9.8.1 The Offer letter describes the action the applicant must take to accept the offer of accommodation, including signing the tenancy agreement and collecting the keys.
- 9.8.2 If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal of an offer of accommodation because, at this stage, they are the tenant of that property.
- 9.8.3 If applicants have already given notice on their previous home, it may not be possible for them to withdraw the notice. Also, as they have accepted a tenancy, it is likely that their landlord will insist on receiving 4 weeks' notice (and will be entitled to rent during that time) if the tenant decides that they do not want to continue with their new tenancy.
- 9.8.4 Where the applicant is living in temporary accommodation and refuses to move out of that accommodation after signing a tenancy agreement in respect of sheltered housing, they will be evicted from their temporary accommodation and Milton Keynes Council's duty to accommodate them under Part 7 of the Housing Act 1996 will cease. This means that they will have to make their own arrangements for housing.

## **9.9 Withdrawing an offer of sheltered housing**

- 9.9.1 A written offer of accommodation can only be withdrawn from an applicant (before the tenancy agreement is signed) where one or more of the following situations applies
- The applicant has made a false declaration or failed to provide Milton Keynes Council with up-to-date information and that, after reviewing their housing application, the Council has determined that the applicant is not eligible for the property;
  - The property details available at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property is not, in fact, suitable to the applicant's needs;
  - The applicant's circumstances have changed, since the written offer of accommodation, following a review of the application.

## **9.10 Properties designed or adapted for people with physical disabilities**

- 9.10.1 Milton Keynes Council and a number of Registered Providers own and manage purpose-built and specially adapted housing in Milton Keynes.
- 9.10.2 Designed or adapted for people with mobility problems or physical disabilities, these homes will be let to households who have an assessed need for such accommodation.
- 9.10.3 Although some Registered Providers may decide not to advertise all of their homes, Milton Keynes Council is committed to ensuring that as many of these homes as possible are advertised through the choice based lettings scheme. To enable applicants to identify them easily, these properties will be clearly labelled.
- 9.10.4 Some specially designed or adapted properties, however, may not be included in the choice based lettings scheme, so will be directly allocated. Examples include the following
- Where a specially adapted property has been built, acquired or adapted in order to meet the needs of a specific applicant;
  - Where the property is required in an emergency or for use as alternative accommodation (with disabled facilities) for a tenant who is required to move out of their home because it has become unsafe or requires extensive repairs;

# 10. Types of tenancies offered

## 10.1 Introductory, starter and secure tenancies

- 10.1.1 Applicants who are offered permanent housing where the landlord is Milton Keynes Council will be offered an introductory tenancy or a secure tenancy. Where the landlord is a Registered Provider, a starter tenancy or assured tenancy will be offered. Some Registered Providers offer fixed term tenancies.
- 10.1.2 Introductory tenancies and starter tenancies are 'probationary tenancies' and provide reduced security of tenure during their first year. If the tenancy is conducted to the landlord's satisfaction, it will automatically convert to a secure tenancy or assured tenancy after 12 months have elapsed.
- 10.1.3 Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer. However if an applicant has accepted a smaller property than they require to meet their household size Milton Keynes council will permit the right to exchange their home in the first year.

## 10.2 Letting permanent housing on a temporary license or non-secure tenancy

- 10.2.1 A proportion of permanent housing may be let temporarily to homeless households under a license agreement or non-secure tenancy. This accommodation will not be let through choice based lettings.(Check)

## 10.3 Joint tenancies

- 10.3.1 The Council cannot offer a joint tenancy including an ineligible person as one of the joint tenants.
- 10.3.2 There is no right to a joint tenancy and a request for one will not be agreed in the following cases
- Where there is a current Notice of Seeking Possession or Notice to Quit against the proposed joint tenant;
  - Where Milton Keynes Council is contemplating serving or re-serving a Notice of Seeking Possession or Notice to Quit upon the proposed joint tenant;
  - Where there are management problems such as nuisance or anti-social behaviour on the part of the tenant or someone living with or visiting him;
  - Where the proposed joint tenant is not maintaining an acceptable agreement in respect of rent arrears;
  - Where one of the proposed joint tenants does not qualify for an allocation of housing due to their behaviour.
- 10.3.3 Milton Keynes Council tenants who hold a joint tenancy but who have experienced a relationship breakdown can apply to the housing register. Should one or other party be successful in securing an offer of accommodation, s/he will be required to serve Notice to terminate the existing joint tenancy. Milton Keynes Council will then make a decision on the future of the remaining joint tenant in accordance with section 15.25 below. In cases of proven domestic violence, Milton Keynes Council will always seek possession of the property

# 11. Local letting policies and sensitive lettings

## 11.1 Introduction

11.1.1 It is important that, in most circumstances, priority for accommodation goes to those households in greatest need. Consideration needs to be given, however, to

- Achieving a balance between meeting the housing needs of existing tenants and new applicants; and
- Promoting more sustainable and balanced communities by ensuring a mix of households and widening the opportunities for those who are not in greatest housing need.

11.1.2 In exceptional circumstances, the Council and its partners may decide to allocate properties on a slightly different basis from normal, in the interests of building strong and sustainable communities or to deal with particular local issues. This is done through a Local Lettings Policy.

## 11.2 Legislation and guidance

11.2.1 Section 166A(6) of the Housing Act 1996 enables housing authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories (see paragraph 2.4.2 of this Policy).

11.2.2 The decision to apply a Local Lettings Policy will be made jointly by the Council and the landlord of the property. Such policies should not directly or indirectly discriminate against any particular person.

11.2.3 Agreed for a specific period of time, a Local Lettings Policy will only be approved if it forms part of a strategy to tackle identified problems or contribute to sustainable communities.

11.2.4 Local lettings may be dealt with by restrictive labelling of vacancies advertised through the choice based lettings scheme.

11.2.5 All Local Lettings Policies will be subject to consultation with affected parties and will be supported by an Equalities Impact Assessment.

11.2.6 The Lead Cabinet Member for Housing has delegated authority to approve Local Lettings Policies.

## 11.3 Purpose of Local Lettings Policies

11.3.1 The purpose of Local Lettings Policies is to ensure a balance between housing priority (in accordance with legal duties and responsibilities) and the longer term sustainability of local communities.

11.3.2 Some examples or situations which might trigger the need for sensitive lettings and/or local lettings policies, include

- Allocations schemes for individual Gypsy and Traveller sites
- To restrict the numbers of children in a particular block/area
- To reduce the concentration of children of a particular age, for example where there are limited recreational facilities, in an area/locality which although not designated as elderly accommodation have a concentration of elderly tenants and it would be good housing management practice to maintain the current profile.
- To increase the number of employed people in a locality
- Where the previous occupant has been evicted for harassment or nuisance
- To reduce the recorded level of Anti-social behaviour in an area
- To reduce a high concentration of a particular client group in one locality
- Making best use of the Council's housing stock

- 11.3.2 Where a policy is considered necessary a formal written note will be developed by the Service Director of Housing which sets out the need for the local scheme and the desired outcomes. This will be published in the Council's website.
- 11.3.3 When an individual case is being considered for allocation to a property, which is subject to a local lettings policy, a review by housing Access staff with other service providers and agencies will ensure that the detailed information about the customers' needs is best matched to the knowledge of the property and area, before an offer is made.
- 11.3.4 Where a local let is being considered for a client with additional or support needs a review of their care plan and support will be considered by the Housing Access staff in line with the procedure for vulnerable clients.

#### **11.4 Local Lettings Policy Properties**

11.4.1 For new social housing, the landlord in agreement with Milton Keynes Council may decide to let properties under a Local Lettings Policy. The reasons for doing so need to be clearly stated and should fall into one or more of the following categories

- Allocating some properties to lower need bands on first lettings. Equal opportunities and legal issues would need to be taken into account;
- Allocating some, or all properties to applicants that are in employment
- On first lettings the landlord in consultation with Milton Keynes Council may consider under-occupying properties to achieve lower child densities;
- On first lettings, the landlord in consultation with Milton Keynes Council may consider restricting the number of vulnerable applicants with high support needs from being offered a property.

11.4.2 Sometimes Registered Providers may have agreed that they will allow a certain amount of their stock to go to their own tenants. If this happens, homes may be advertised accordingly, subject to the Council's agreement.

#### **11.5 Sensitive Lettings**

11.5.1 A sensitive letting may be used if the Council knows that an applicant has committed serious offences that restrict where they can live. This may include Registered Sex Offenders or those identified as posing a serious risk to a specific community. In such cases, the Council will consult fully with the Police, the Probation Service and other agencies.

11.5.2 There may also be occasions when it is necessary and appropriate to make a sensitive letting to a property that has become vacant following a period of serious nuisance or anti-social behaviour that has been caused by the drug, alcohol or mental health issues of the former tenant and/or their associates. In such instances, applicants who have such issues (and are likely to cause similar problems to arise) will be prevented from being considered for the property.

#### **11.6 Monitoring and review**

11.6.1 To ensure that housing allocations continue to comply with the duty to give reasonable preference to applicants in the reasonable preference category, and also with Milton Keynes Council's equalities duties, Milton Keynes Council will record and monitor lettings that result from the use of Local Lettings Policies.

## 12. Making the best use of our housing stock

### 12.1 Tenants of Registered Providers where no nomination rights exist

- 12.1.1 There are some Registered Providers in Milton Keynes that are not subject to nomination agreements and can therefore choose to let all of their homes according to their own rules.
- 12.1.2 Applications received from tenants of these landlords will be treated in the same way as an application from a tenant in the private sector.
- 12.1.3 When the tenant moves out of their current home, with a registered provider the property will not become available to help meet Milton Keynes unmet housing need.

# 13. Reviews, appeals and complaints

## 13.1 Right of review

13.1.1 Applicants have the right to ask for a review of certain decisions that Milton Keynes Council has made about their application for housing or an offer of accommodation. This includes a review of

- Decisions about refusing an application to join the Housing Register (whether because ineligible or non-qualifying)
- Decisions to remove an application from the Housing Register
- Offers of housing
- Decisions as to the facts of an applicant's case which are likely to be or have been taken into account in considering whether or not to allocate accommodation to them

13.1.2 An applicant may request a review, for example, if Milton Keynes Council decides to exclude them from the Register, or remove them from the Register, or where they dispute a fact that is taken into account when deciding whether or not to make an allocation of accommodation.

13.1.3 Homeless applicants may also have a statutory right of review on certain homelessness decisions, including decisions on the suitability of accommodation offered and any discharge of duty.

## 13.2 How to request a review

13.2.1 Applicants who disagree with a decision that the Council has made must request a review, in writing, within 21 days of the date of the letter that informed them of that decision.

13.2.2 If an applicant is unable to put the request in writing, they may be offered an interview to explain why they disagree with the decision.

13.2.3 Where an applicant has requested a review, the Council is required to respond to it, in writing, within 56 days. This period starts from the date that the Council receives the applicant's request for a review.

13.2.4 Where the Review Officer finds in favour of an applicant who has been prevented from joining the Housing Register or has been given 'reduced preference', the original decision will be cancelled and the housing application will be awarded the correct 'effective date' and priority.

13.2.5 Grounds for review:

- Failure to take into account relevant considerations and to ignore irrelevant ones;
- Failure to base the decision on the facts;
- Bad faith or dishonesty;
- Mistake of law;
- Decisions that run contrary to the policy of the 1996 Act;
- Irrationality or unreasonableness;
- Procedural unfairness, e.g. where an applicant has not been given a chance to comment on matters relevant to a decision.
- The reviewer must consider whether there is "something lacking" in the decision, i.e. were any significant issues not addressed or addressed inadequately, which could have led to unfairness.
- The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. Any challenge to that decision can only be made through judicial review proceedings.

## 13.3 Requesting a review of the suitability of an offer of housing

- 13.3.1 Under the choice based lettings scheme, there are generally no penalties for most applicants who refuse an offer of permanent accommodation. However, if applicants receive a direct offer and refuse that offer, their priority may be reduced and, if they are homeless and subject to 'auto-bidding', the Council's homelessness duty may cease if they refuse an offer of suitable accommodation.
- 13.3.2 Where an applicant refuses an offer of accommodation, Milton Keynes Council may ask them to complete a form to record the reasons why the property has not been accepted. This information will be used to monitor the lettings process and the standard of accommodation, and to inform future decisions on the way in which services are delivered.
- 13.3.3 If an applicant wishes to request a review of the suitability of an offer of housing or, if applicable, that Milton Keynes Council's duty has ceased, they must submit their request to Milton Keynes Council in writing within 21 days of the offer being refused. The Council will normally confirm, in writing, the outcome of the review within 56 days and, in its reply, it will describe any further rights of appeal that the applicant has if they are still not satisfied with the decision. Grounds to request a review of suitability of accommodation
- Location
  - Affordability
  - Medical
  - Support
  - Education
  - Employment
- 13.3.4 Where the Review Officer decides that the offer of accommodation was not suitable, any penalty that has been imposed (including the discharge of the Council's homelessness duty) will be cancelled
- Applicants who have not accepted the offer will be entitled to another offer of accommodation (through choice based lettings, a direct offer or 'auto-bidding', as appropriate)
  - Applicants who have accepted the offer and taken on the tenancy of that accommodation will be placed in Band A of the Housing Register and will be given an effective date that matches the date that they accepted the tenancy.

#### **13.4 The Council's complaints procedure**

- 13.4.1 If an applicant is dissatisfied with any aspect of the way in which their application is dealt with (other than one for which a review can be requested), they should contact Milton Keynes Council and, if the matter is not resolved to their satisfaction, complete a complaint on Milton Keynes Council's web page.
- 13.4.2 Complaints may include
- Not being considered for supported housing for older people.
  - The quality of the service they have received
- 13.4.3 Complaints will be dealt with in accordance with Milton Keynes Council's complaints policy.
- 13.4.4 The complaints procedure will inform applicants of the steps they can take if they exhaust the internal process and remain dissatisfied.

# 14. Banding scheme

## 14.1 Introduction

14.1.1 Each application for housing will be assessed and placed in the appropriate Housing Needs Band (A, B or C), based on the individual circumstances of each case.

14.1.2 Reasonable preference, where appropriate, is awarded in accordance with legislation and guidance.

## 14.2 The Housing Needs Bands

14.2.1 The following is a description of the main provisions of the Housing Needs Bands and is intended to provide a summary of these provisions. Applicants should refer to the relevant sections of this Policy for further information on the provisions of each Band.

### HOUSING NEEDS BAND 'A'

1. Applicants who need to move urgently because of a critical medical or welfare need, including emergencies.
2. Applicants who, at the discretion of Milton Keynes Council, need to move urgently because there are critical safeguarding circumstances.
3. Tenants of the Council or Registered Partners who have been approved for an emergency management transfer because of harassment, domestic violence or hate crime, including cases agreed through reciprocal arrangements with other local authorities.
4. Milton Keynes Council tenants and Registered Partner tenants living in Milton Keynes who are under-occupying a family home and are willing to transfer to a home that has fewer bedrooms.
5. Milton Keynes Council tenants and Registered Partner tenants living in Milton Keynes who are occupying a specially-adapted home and are willing to transfer to a home that is more appropriate to their needs.
6. Applicants who have a right of succession to a Council tenancy or in favour of whom the Council has exercised its discretion to offer a tenancy to those not entitled to succeed but who are under-occupying their accommodation (or occupying a specially-adapted home) and whom Milton Keynes Council requires to move to somewhere smaller and/or more appropriate to their needs.
7. Milton Keynes Council tenants and Registered Partner tenants living in Milton Keynes who require extensive disabled facilities that can be provided more appropriately in alternative accommodation.
8. Applicants who are in severe need and have been accepted for rehousing, by Milton Keynes Council, under the homelessness legislation.
9. Milton Keynes Council tenants and Registered Provider tenants living in Milton Keynes who need to be permanently decanted in order to enable essential repairs or redevelopment to be carried out, or as part of a regeneration scheme in Milton Keynes .
10. Applicants who are required to leave their homes as a result of a prohibition order served by Milton Keynes Council or the Fire Service in relation to the premises.
11. Retiring service tenants who are living in Council accommodation and for whom Milton Keynes Council has a contractual obligation to provide accommodation.
12. Situations where it is in the overriding interests of Milton Keynes Council to prioritise an allocation of housing to a particular household and/or it is necessary to fulfil an urgent statutory or legal duty.
13. Applicants (except homeless households for whom Milton Keynes Council has accepted a rehousing duty) who have two or more needs in Band B.
14. Applicants must have a local connection to Milton Keynes as per section 3

### HOUSING NEEDS BAND 'B'

1. Applicants who need to move because they have been assessed as having a serious medical or welfare need.
2. Milton Keynes Council tenants and Registered Partner tenants living in Milton Keynes who are severely overcrowded and have at least two rooms less than the number of rooms to which they would be entitled to under Milton Keynes Housing Allocations Policy. This includes reception rooms that could reasonably be used as bedrooms.

3. Adult (aged over 25) members of the households of Council and Registered Partner tenants living in Milton Keynes who require single person accommodation, and where the household is severely overcrowded and has at least two rooms less than the number of rooms to which they would be entitled under Milton Keynes Allocations Policy. This includes reception rooms that could reasonably be used as bedrooms.
4. Applicants for whom Milton Keynes Council has accepted a full rehousing duty under the homelessness legislation.
5. Applicants who need to move to a particular locality in Milton Keynes, where failure to meet that need would cause hardship to themselves or to others.
6. Applicants living in accommodation for which an improvement notice has been served, or is about to be served, by Milton Keynes Council in relation to the applicant's dwelling and Milton Keynes Council has determined that the dwelling must be vacated because the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time or will make the property unsuitable for occupation by the applicant.
7. Applicants with 4 or more needs in Housing Needs Band C.
8. Applicants who, at the discretion of Milton Keynes Council, need to move urgently because there are serious safeguarding circumstances.
9. Applicants must have a local connection to Milton Keynes as per section 3

### **HOUSING NEEDS BAND 'C'**

1. Applicants who need to move because they have been assessed as having a moderate medical or welfare need.
2. Milton Keynes Council tenants and housing association tenants living in who are overcrowded because they have one bedroom less than the number of bedrooms to which they would normally be entitled under Milton Keynes Housing Allocations Policy.
3. Applicants who are homeless but either have not yet an assessment of priority need or have been assessed by the council within the previous 12 months as having no right to rehousing under the homelessness legislation because they are not in priority need.
4. Applicants who are homeless but have been assessed within the previous 12 months by the council as having no right to rehousing under the homelessness legislation because they are considered to have become homeless intentionally, and have not been resident in settled accommodation.
5. Applicants who are threatened with homelessness, have been assessed by Milton Keynes Council as being owed the duty arising under s195(2) of the Housing Act 1996 ('the prevention duty'), and the council has not brought that duty to an end
6. Applicants who have no fixed abode.
7. Applicants who Milton Keynes Council has placed in specialist or supported accommodation, or applicants (including young care leavers and people leaving hospital, residential care and supported housing), and require move-on from that accommodation.
8. Protected tenants and tenants of tied accommodation who have been served with a valid notice to quit and Milton Keynes Council is satisfied that they have little or no prospect of successfully defending the possession proceedings.
9. Applicants who are severely overcrowded and living in private rented (including non-partner housing association) accommodation in Milton Keynes.
10. Applicants living in accommodation for which a hazard awareness notice has been served, by Milton Keynes Council in relation to a Category 1 or 2 hazard in the applicant's dwelling and the remedies needed to reduce the hazard will require the property to be vacated for a significant period of time or will make the property unsuitable for occupation by the applicant.
11. Applicants must have a local connection to Milton Keynes as per section 3

# 15. Housing priority

## 15.1 Deciding who has priority on the Housing Register

15.1.1 Applicants will be placed in the relevant Housing Needs Band, defined by their specific circumstances. Reasonable preference, where relevant, will be awarded in accordance with legal responsibilities.

## 15.2 Overcrowding

15.2.1 When assessing overcrowding, Milton Keynes Council will only take into account those people who are part of an applicant's household. Applicants will be deemed to be severely overcrowded when they are lacking two or more rooms than they would be entitled to under Milton Keynes Council's Allocations Policy. Applicants will be deemed to be overcrowded when they have one room less than they would be entitled to under Milton Keynes Council's Allocations Policy. Over-crowding in the private sector will not lead to inclusion on the Housing Register and those affected will be given advice on how to alleviate this.

15.2.2 Additional priority will not be given for overcrowding if the overcrowding is the result of someone moving into the applicants' household. If applicants need an extra room for medical or welfare/hardship reasons, they will instead be assessed for medical or welfare priority. If applicants need an extra room for any other circumstances, this will be assessed and Milton Keynes Council will exercise discretion in these cases. Due to the high demand for housing, it is likely that this discretion will only be exercised in exceptional cases.

15.2.3 Where an applicant is pregnant and will be entitled to a larger property, priority may only be given for overcrowding when that baby is born.

15.2.4 Where the applicant is not the main person who cares for the children named in their housing application, the children may not be taken into account in the assessment of overcrowding.

15.2.5 A second reception room will be counted as a bedroom in the assessment of overcrowding where it could reasonably be used as such.

15.2.6 Although Milton Keynes Council has a responsibility to provide suitable temporary accommodation, homeless households may be offered temporary accommodation smaller than that they would be eligible for as permanent housing.

15.2.7 The Housing Needs Band in which an applicant is placed depends on their tenure, the extent of their overcrowding

- Applicants who are tenants of Milton Keynes Council or a Registered Provider whose housing is subject to a tenancy nominations agreement with Milton Keynes Council will normally be placed in Housing Needs Band B and have at least two bedrooms less than the number to which they would be entitled under Milton Keynes Housing Allocations Policy
- Applicants who are tenants of either Milton Keynes Council or a Registered Provider that has entered into a nominations agreement with Milton Keynes Council will normally be placed in Housing Needs Band C and have one bedroom less than the number to which they would be entitled under Milton Keynes Housing Allocations Policy
- Applicants who are tenants of private rented accommodation (or are living with relatives or friends) will normally be placed in Housing Needs Band C if they are statutorily overcrowded
- Applicants who are tenants of a Registered Provider whose housing is not subject to a tenancy nominations agreement with Milton Keynes Council will normally be placed in Housing Needs Band C if they are statutorily overcrowded

### **15.3 Children sharing bedrooms**

- 15.3.1 Children and young people of the same gender up to the age of 25 are expected to share a bedroom unless there is a medical, behavioural or social reason why the children cannot share a bedroom.
- 15.3.2 Where children and young people of different genders are sharing a bedroom, they will be assessed as requiring their own bedroom (if they are unable to share a bedroom with someone else) when the oldest child is aged 10 or over.
- 15.3.3 Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the child / children named on the housing application. Welfare or medical grounds may be considered in other circumstances.

### **15.4 Disrepair, poor design and lack of facilities**

- 15.4.1 Any complaint about disrepair in homes managed by Milton Keynes Council or a Registered Provider must be reported to the Repairs Service of the applicant's landlord.
- 15.4.2 People living in private sector accommodation in poor condition will be referred to Milton Keynes Council's Private Sector Housing Team who will assess the situation and seek to provide a resolution to enable the tenant to remain in the property.
- 15.4.3 If an applicant's home lacks permanent facilities (such as cooking facilities, washing facilities, toilet facilities or heating) and there is no other housing need, they will not qualify for inclusion on the Housing Register. Instead they will be advised of alternative housing options to alleviate the issue.

### **15.5 Sharing with another household**

- 15.5.1 People sharing facilities with others will not qualify for inclusion on the housing register. Instead they will be advised of alternative housing options to alleviate the issue.

### **15.6 People living in mobile homes, houseboats or caravans**

- 15.6.1 People living in a caravan, mobile home or houseboat will not qualify for inclusion on the housing register. If there is no other housing need, reflecting parity with other private sector applicants.

### **15.7 Applicants for whom Milton Keynes Council has accepted a rehousing duty under the homelessness legislation**

- 15.7.1 All homeless households for whom Milton Keynes Council has accepted a rehousing duty (which has not yet been discharged) under Part 7 of the Housing Act 1996 will be placed in Housing Needs Band B.
- 15.7.2 Homeless households will be actively encouraged to bid for properties through the choice based lettings scheme.
- 15.7.3 In order to minimise the cost of temporary accommodation (and the amount of time that homeless households spend in temporary accommodation), the Council may bid for properties on behalf of homeless households or make them a 'direct offer' of suitable accommodation.

### **15.8 Accepted homeless households in severe need**

- 15.8.1 In exceptional circumstances, homeless households (for whom Milton Keynes Council has accepted a full rehousing duty under the homelessness legislation) will be placed in Housing Needs Band A if they are assessed, by the Council, as being in 'severe need'.
- 15.8.2 An 'accepted' homeless household will be regarded as being in 'severe need' (so may be placed in Housing Needs Band A) if any of the following situations applies to the applicant or a member of their household

- They have a terminal or life-threatening illness
- They are permanent wheelchair users
- They are frail and elderly
- They have severe mental health problems and/or have been 'sectioned' under the Mental Health Act and have been unable (or are likely to be unable) to cope with living in temporary accommodation
- They have a critical medical or welfare need, including situations where there are critical safeguarding implications
- They are especially vulnerable and the Council is unable to provide them with suitable temporary accommodation.

15.8.4 Milton Keynes Council will decide which of these applicants will be placed in Housing Needs Band A.

### **15.9 Other homeless households not owed a duty**

15.9.1 Other applicants who are homeless (including those who have no fixed address) or threatened with homelessness within 56 days but are not owed a rehousing duty under Part 7 of the Housing Act 1996 are still entitled to 'reasonable preference'.

15.9.2 This covers people who are intentionally homeless and those who are not in priority need, but not those ineligible for assistance.

15.9.3 These applicants will be placed in Housing Needs Band C.

### **15.10 Tenants of tied accommodation under notice**

15.10.1 Tenants in tied accommodation who have been served with a valid Notice to leave their accommodation and Milton Keynes Council is satisfied that they have little or no prospect of successfully defending the possession proceedings, will be placed in Housing Needs Band C.

### **15.11 Protected tenants under notice**

15.11.1 This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured short hold tenancy).

15.11.2 If the applicant has been served with a valid Notice to leave their accommodation and the Council is satisfied that they have little or no prospect of successfully defending the possession proceedings, they will be placed in Housing Needs Band C. If the possession order has been granted because of a breach of tenancy, an applicant will be ineligible for inclusion on the housing register.

15.12.1 In exceptional circumstances, tenants of Milton Keynes Council and tenants of Registered Providers (where Milton Keynes Council has nomination rights) may be provided with an emergency management transfer. This will occur when an exceptional circumstances has determined that a transfer to alternative social housing offers the most appropriate way of ensuring the personal safety of the tenant, members of their household and/or the local community.

15.12.2 Although most of the transfer requests that are approved relate to extremely serious incidents involving domestic violence, intimidation and harassment, hate crime or threats to kill, the exceptional circumstances will be considered and will approve a transfer where Milton Keynes Council is satisfied that all other ways of resolving the problem have been exhausted and that it would not be reasonable to expect the tenant to continue living in their home.

15.12.3 Where exceptional circumstances have been agreed, the tenant will be placed in Housing Needs Band A and will be made a 'direct offer' of alternative accommodation to meet the household needs.

15.12.4 Where the applicant has already been awarded medical priority, the home that they are offered will reflect their assessed needs.

- 15.12.5 Given the urgency of the situation, it is essential that the transfer takes place quickly. For this reason, Milton Keynes Council and the relevant Housing Officer work closely with the tenant to ensure effective communication.
- 15.12.6 On completion of the emergency management transfer, the tenant's transfer application will be either cancelled or reassessed in accordance with the wishes of the applicant. If the transfer application is reassessed, the original date of application will apply.
- 15.12.7 The Council will operate the scheme on the basis that by entering into the scheme and being accepted as having reasonable preference that a person's housing need requires speedy resolution. We will operate on the basis that, by not taking up an option that could meet the person's housing need, that need is no longer to be treated as urgent and the person's priority will be reduced. We will write and inform the client and advise them of their right to review and the need to make a new approach if their circumstances change. Unless they have what we consider to be a significant change of circumstances, the applicant may re-apply no earlier than 6 months after the date of the letter.
- 15.12.8 This reduction in priority will apply to all applicants equally, irrespective of their band, or circumstances related to the preference groups, or additional preference. The decision to reduce the priority of an applicant will be made by the Housing Officer.

### **15.13 Decant Moves (for essential repairs)**

- 15.13.1 A decant (for essential repairs) is where the landlord needs to do major repairs to their property and the property needs to be vacant for this work to be carried out.
- 15.13.2 Decants will only apply to tenants of Milton Keynes Council who allocate all their properties through Milton Keynes Council Allocations Scheme. Moves will usually be temporary but in some circumstances consideration will be given to permanent moves arising from a decant.
- 15.13.3 Cases will be dealt with outside the Choice Based Lettings Scheme to enable Milton Keynes Council to move applicants as quickly as possible. To ensure full transparency, these moves will be included in the feedback given in relation to lettings outcomes.
- 15.13.4 Decants occur when a Housing manager has decided that a transfer to alternative accommodation offers the best way of ensuring that essential repairs and redevelopment take place without causing huge disruption or hardship to the tenants.
- 15.13.5 If a tenant does not want to be permanently decanted to alternative accommodation, they have the right to return to their existing home.
- 15.13.6 When reaching a decision on whether or not a tenant should be offered another property, the Housing Manager will consider the likely impact of the planned repairs and improvements and whether they will be so disruptive that it would be unreasonable to expect the applicant to remain in the property while the works are carried out.
- 15.13.7 The Housing Manager will also consider whether or not, for technical or safety reasons, it is feasible for the applicant to remain in their home while the works are carried out around them.
- 15.13.8 For the tenant to be awarded decant priority, the Housing Manager will need to be satisfied that the work is so disruptive that it cannot be completed with the tenants remaining in occupation and either
- The work is likely to take more than 3 months to complete; or
  - The health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date.
- 15.13.9 If the work is estimated to take less than three months but cannot be completed with the tenants in occupation, the tenant will be expected to move into temporary accommodation and to return to their permanent home after the work has been completed.

15.13.10 In the event of the tenant refusing a reasonable offer of temporary accommodation, their decant priority will be removed and possession proceedings will be commenced.

15.13.11 If the work is likely to take more than 3 months to complete and/or it would not be reasonable for the tenant to have to leave their home and then move back again at a later date, the tenant may be awarded priority for a direct offer to suitable alternative accommodation.

15.13.12 If the work is estimated to take less than three months but then runs on for longer, the tenant will be awarded decant priority.

#### **15.14 Decant Moves (for redevelopment/regeneration)**

15.14.1 Tenants that need to be decanted from their homes on a permanent basis as a result of redevelopment or regeneration will be moved in a planned way. Each redevelopment/regeneration scheme will be subject to consultation, equalities impact assessment and approval by Cabinet.

15.14.2 Once decant status is authorised tenants will be placed into Band A on a phased basis to bid for an alternative home. If the tenant has not bid for and been offered accommodation twelve months prior to the Council requiring vacant possession, Milton Keynes Council will reserve the right to make a direct offer of accommodation to the tenant. If this offer is refused a further offer of accommodation will only be considered in exceptional circumstances and if none exist the Council may decide to take possession proceedings.

#### **15.15 Move-on from specialist or supported accommodation**

15.15.1 The Pathway Model provides vulnerable single people with appropriate support, to develop the skills to live independently. As part of the pathway approach an assessment will be carried out to determine whether private sector or social housing is suitable, when the client is ready to move on. If it is deemed that the client needs to continue to be in a more supported environment, then social housing will be prioritised. Applicants living in a supported housing scheme will initially be placed in Housing Band C.

15.15.2 Where the applicant has been assessed as being capable of sustaining a tenancy and is ready for independent living, they may apply for medical/welfare priority (see sections 15.20 and 15.21). If they are awarded extra priority, they will be placed in the appropriate Housing Needs Band.

15.15.3 Applicants who are ready for move-on accommodation by named agencies will be placed in Housing Needs Band A for 6 months.

15.15.4 If the applicant has not been rehoused within six months of being placed in Housing Needs Band A, Milton Keynes Council will interview the applicant and decide whether or not they should remain in Band A. At this point Milton Keynes Council may choose to make one direct offer which if refused we will operate on the basis that, by not taking up an offer that could meet the person's housing need, that need is no longer to be treated as urgent and the person's priority will be reduced.

#### **15.16 Applicants in prison**

15.16.1 In exceptional circumstances (where tenants have negotiated the surrender of their former council tenancy and Milton Keynes Council has given them an undertaking to make them one offer of social housing upon their release from prison – see section 15.27), they will be placed in Housing Needs Band A six months immediately prior to their scheduled date of release from prison.

#### **15.17 Medical, welfare and hardship**

15.17.1 **Important:** priority can be awarded under three headings: medical, welfare and hardship.

15.17.2 Although applicants can be assessed under all three headings, they can only be awarded priority under one heading.

15.17.3 Any medical, welfare or hardship priority can be reassessed if an applicant’s circumstances change.

**15.18 Medical assessments**

15.18.1 Where an applicant’s current housing is detrimental to their health, or a move to more suitable accommodation would have a positive effect on their health, they may ask to be awarded medical priority.

15.18.2 Medical priority may also be awarded if the applicant is asking to be rehoused so they can receive care or specialist support.

15.18.3 Applicants accepted for rehousing under the homelessness legislation will not normally be eligible for medical priority because, if their temporary accommodation is detrimental to their health, or a move to more suitable accommodation would have a positive effect on their health, Milton Keynes Council will first look to provide alternative temporary accommodation.

		<b>EFFECT OF CURRENT HOUSING ON APPLICANT’S HEALTH</b>			
<b>MEDICAL PROBLEM</b>		<b>Critical 1</b>	<b>Serious 2</b>	<b>Moderate 3</b>	<b>Low 4</b>
<b>Critical</b>	<b>1</b>	Band A	Band B	Band C	No award
<b>Serious</b>	<b>2</b>	Band B	Band B	Band C	No award
<b>Moderate</b>	<b>3</b>	Band C	Band C	Band C	No award
<b>Low</b>	<b>4</b>	No award	No award	No award	No award

15.18.4 Applications for medical priority will be assessed the extent to which the applicant’s health is affected by their housing conditions and the expected benefits of providing suitable alternative housing.

15.18.5 Extra information may be sought from landlords, housing officers, doctors, occupational therapists, health visitors and other parties.

15.18.6 The applicant will be awarded one of four categories and the table below is used as a guide to medical priority:

15.18.7 Applicants who have an urgent need to move because they have a critical medical condition or very serious disability that is being made much worse by their current housing will be placed in Bands A or B.

15.18.8 Where it is decided that the applicant has a medical condition but it is decided that this is not being significantly worsened by their current housing, no medical priority will be awarded.

15.18.9 Although each application for medical priority is assessed on its individual merits, examples of the type of situation in which an applicant may be assessed as having a critical medical housing need include the following

- The applicant’s condition is life threatening and the existing accommodation is a major contributory factor

- The applicant's health is so severely affected by their current housing that it is likely to become life threatening
- The applicant's medical condition is expected to become terminal within a period of 12 months and re-housing is needed to provide a basis for the provision of suitable care
- The applicant is in hospital or residential care and is unable to return to their former home because this would severely worsen their medical condition and/or their mobility is severely restricted and the property cannot be adapted to provide level access.

15.18.10 Where Milton Keynes Council decides that medical priority should be awarded, they will also specify the type of housing that is suitable for an applicant. Although applicants will be able to bid for properties that do not meet this specification, offers will be subject to approval of an Occupational Therapist. However, the Council's recommendations will be strictly adhered to if the applicant is subject to 'auto-bidding' or is made a 'direct offer' of accommodation.

15.18.11 Where an applicant is placed in Housing Band A because of the seriousness of their medical problems and their urgent need for rehousing, their application and bidding history will be reviewed by the Council's specialist housing teams at least once every six months. If the applicant has not secured suitable accommodation within six months, the Council will interview the applicant and decide whether or not they should remain in Housing Needs Band A.

15.18.12 Medical assessments are an assessment of the impact of the applicant's current housing on their medical condition. Applicants are required to inform Milton Keynes Council of all changes in the circumstances relating to their housing application, including their health and the health of members of their household. Such changes may result in an increase or decrease in the level of priority they are awarded.

## **15.19 Welfare/Hardship assessments**

15.19.1 This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

15.19.2 These applicants will have a need to move but may not get medical priority because their current housing may be suitable for their needs.

15.19.3 Applicants accepted for rehousing under the homelessness legislation will not normally be eligible for welfare priority because, if their temporary accommodation is unsuitable on welfare grounds, or a move to more suitable accommodation would have a positive effect on their welfare, Milton Keynes Council will first look to provide alternative temporary accommodation.

15.19.4 If a homeless applicant or household is especially vulnerable and they may be at significant risk in temporary accommodation, Milton Keynes Council can consider the Housing Needs Band A category of 'applicants who are in severe need and have been accepted for rehousing, by Milton Keynes Council, under the homelessness legislation' (see section 15.9).

15.19.5 Applications for welfare priority will be considered by Milton Keynes Council who will assess the extent to which the applicant's welfare is affected by their housing conditions and the expected benefits of providing suitable alternative housing.

15.19.6 Extra information may be sought from landlords, doctors, support providers, social care professionals and other parties.

15.19.7 The applicant will be awarded one of three categories and the table below is used as a guide to welfare priority:

DEGREE OF VULNERABILITY	NEED FOR SUITABLE SETTLED HOUSING		
	High 1	Medium 2	Low 3
High 1	Band A	Band B	Band C
Medium 2	Band B	Band B	Band C
Low 3	Band C	Band C	Band C

### 15.20 Tenants with a home that is bigger than they need

15.20.1 This applies to tenants of Milton Keynes Council and to the tenants of certain Registered Providers (where Milton Keynes Council has nomination rights) who are 'under-occupying' their homes and want to move to a smaller property.

15.20.2 These applicants are given high priority for rehousing because it will free up larger family-sized homes to meet the housing needs of other applicants who are homeless or living in overcrowded or poor quality accommodation. Financial incentives and dedicated advice and support will be provided to help tenants to move.

15.20.3 Tenants who are currently living in accommodation that has more bedrooms than they require and are willing to move to a smaller property which has fewer bedrooms will be placed in Band A.

15.20.4 Consideration will be given to providing separate housing (in two smaller properties) for families that are under-occupying their home. For example, if a couple with an adult child are under-occupying a property with at least 4 bedrooms, they can be considered for two one-bedroom flats rather than one 2-bedroom flat. However, such moves must always achieve a net reduction of at least 2 bedrooms.

15.20.5 Where the applicant has rent arrears or any other debts owed to Milton Keynes Council, any financial incentive that they are due to receive from moving to smaller accommodation will be used to clear or reduce those arrears. After this has been done, the balance will be paid to the applicant.

### 15.21 Tenants with a specially adapted home that they no longer need

15.21.1 This applies to tenants of Milton Keynes Council and to the tenants of certain Registered Providers (where Milton Keynes Council has nomination rights) who are occupying a specially adapted home and are willing to transfer to a home more appropriate to their needs.

15.21.2 These applicants are given high priority for rehousing because it will free up specially adapted homes to meet the housing needs of applicants who require disabled facilities and are currently living in unsuitable accommodation or unable to leave hospital or residential care. To assist their move, such tenants will be placed in Band A.

15.21.3 Tenants who are willing to transfer from a family home that has three or more bedrooms and has been substantially adapted to meet the needs of a wheelchair user or someone with very limited mobility may be allowed to under-occupy their new home by one bedroom.

## **15.22 Applicants offered housing because of the death of a secure tenant**

15.22.1 When a Milton Keynes Council tenant dies, it may be possible for someone living with them to take over the tenancy. This is known as succession and the person who takes on the tenancy is called a 'successor'.

15.22.2 To be a 'successor' the applicant has to meet certain rules – they must be the tenant's spouse, civil partner or cohabitee and have occupied the property as their principal home at the time of the tenant's death. The rules for this are in the tenancy agreement..

15.22.3 Succession can only occur following the death of the tenant. If the deceased tenant was a joint tenant, the only person who may be able to succeed the tenancy is the surviving joint tenant.

15.22.4 A succession can only happen once. This means that, if the deceased tenant was a 'successor' to the tenancy, the tenancy cannot be succeeded, again, by a later partner.

15.22.5 The Council's policy on succession reflects the legal position and the rights of successors as laid out in the Housing Act 1985.

15.22.6 Succession may only take place when all of the following apply

- The deceased tenant had been using the property as their only or principal home before their death.
- The person wishing to succeed to the tenancy is a spouse, civil partner or cohabitee of the original tenant. In some circumstances we will give consideration to other family members . I.E son / daughter
- The partner must have been living with them at the time of the death.

15.22.7 Succession will not occur when

- The deceased tenant had previously succeeded to the tenancy (including a person who was joint tenant and later became a sole tenant after the other joint tenant died).
- The deceased tenant had been living alone.
- The deceased tenant had left the property and was not using it as their only home.
- The deceased tenant had left the property and been admitted to hospital or a residential home for long-term care or treatment.
- There had previously been an assignment of the tenancy or property adjustment order under the Family Law Act.
- The person asking for succession is unable to prove their relationship to the deceased tenant, or their period of residence at the address.

15.22.8 Statutory Succession If the tenancy is succeeded by the spouse, civil partner or cohabitee of the deceased tenant, they have a right to stay in the property on a permanent basis (even if the property is larger than they need), subject to the terms and conditions of the tenancy.

15.22.9 Grants of Tenancy instead of Succession If an occupant has no legal right to succeed to a Milton Keynes Council tenancy when the tenant dies, they will be given notice to leave the property.

## **15.23 Applicants offered housing because of a secure joint tenancy ending**

15.23.1 This category applies to secure tenants who have a joint tenancy.

15.23.2 If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.

15.23.3 When one of the joint tenants moves out and the joint tenancy is ended, the remaining former tenant may be offered a sole tenancy of that property or, if appropriate, of an alternative, smaller

property. If the leaving former tenant wishes to apply for housing, they must apply to join the register in their own right.

- 15.23.4 If the remaining former tenant qualifies to be offered the same property, Milton Keynes Council will offer them the tenancy of that property, which will not be part of the choice based lettings scheme.
- 15.23.5 If the remaining former tenant qualifies to be offered a smaller property, they will be placed in Housing Needs Band A and will be able to express an interest in properties advertised through the choice based lettings scheme. However, if they have not been rehoused within six months of being placed in Housing Needs Band A, Milton Keynes Council will interview the applicant and decide whether or not to make them a 'direct offer'.
- 15.23.6 If the applicant subsequently refuses a suitable offer, they will have no right to remain in their current accommodation.

#### **15.24 Transfers which will release a property that is needed**

- 15.24.1 In exceptional circumstances, Milton Keynes Council tenants and tenants of some housing associations will be placed in Housing Needs Band A where their transfer to alternative accommodation will avoid the need for expensive alterations (adaptations) to the property or will meet the urgent housing needs of another household on the Housing Register that would otherwise not be met within a reasonable time.
- 15.24.2 This may normally only happen when there is not a shortage of the type of home the tenant wants to move to.

#### **15.25 Applicants who have negotiated the surrender of their former council tenancy**

- 15.25.1 At the Council's discretion, former tenants of Milton Keynes Council may be placed in Housing Needs Band A where they have negotiated the surrender of their tenancy on the understanding that they will be offered accommodation upon their release from prison, hospital, rehabilitation or residential care.
- 15.25.2 Before agreeing to tenancy surrender, Milton Keynes must satisfy itself that the tenant meets the following conditions:
- They were a Milton Keynes Council tenant when taken into custody and the offence did not mean that they had broken their tenancy; and
  - They have been, or are likely, to be sent to prison for more than 13 weeks (including the time spent on remand) and
  - They have conducted their tenancy in a reasonable way and have not broken their tenancy agreement and
  - Their rent is up to date and
  - They have not been served with a 'notice seeking possession' and
  - They were living alone, require only a bedsit or one-bedroom home and offer to end their tenancy.
  - They are entering residential care, hospital or rehabilitation on a long term basis
- 15.25.3 Applicants in this category will be placed in Housing Needs Band A six months before their scheduled release from prison. They will receive only one offer of suitable accommodation; after which they will lose their priority under this category.
- 15.25.4 If accommodation is not available at the time the applicant is released from prison, they will have to make their own housing arrangements until they receive their 'direct offer'.

## **15.26 Discretionary Powers**

- 15.26.1 The Allocations Policy cannot cover every eventuality. The exceptions will be considered by Housing Management who have discretionary power to award additional priority and approve offers of housing.

# 16. Gypsies and travellers

## 16.1 Gypsies and travellers.

16.1.1 The local authority must undertake to assess the accommodation needs of Gypsies and Travellers, where the original statutory definition of a Gypsy was contained in the Caravan Sites and Control of Development Act 1960 and is reiterated in the legislation concerning the scope of the Mobile Homes Act 1984

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including–
  - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
  - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).

16.1.2 This policy sets out how Milton Keynes Council allocates available pitches on the sites under its management and ownership. This policy is in line with Common Allocations Policy for Milton Keynes and is based on a banding system. It is designed to meet the accommodation needs of gypsies and travellers, respecting their culture and traditions, while providing effective management of the sites.

16.1.3 The council recognises that many gypsies and travellers choose to live within family groups where they can enjoy the benefits of their extended family's support. The council is committed to supporting this wherever reasonably possible and therefore preference will be given to those families or individuals with a local connection as defined in section 3.6 of this policy.

16.1.4 The aim of this policy is to ensure that the allocation of pitches on sites is made in a fair and transparent way and that those in the greatest need are given priority assistance. The council acknowledges it may not have enough pitches to meet the requests from everyone who applies. The council is committed to the creation of cohesive communities that are balanced, safe, inclusive and sustainable.

16.1.5 In line with all other forms of affordable housing, applications for pitches are made via the housing register. Applications for pitches are assessed using the criteria within the Allocations Policy along with the additional criteria set out here.

## 16.2 Who can apply under this policy?

16.2.1 Applications for housing are accepted from anyone over the age of 16 and who meets the definition of a Gypsy or Traveller as written above. Applicants must also be able to demonstrate an aversion to living in bricks and mortar accommodation.

16.2.2 The housing situation in Milton Keynes is such that the Council needs to ensure that social housing in Milton Keynes is allocated to applicants in the greatest need. As such pitches will only be allocated to applicants who are able to demonstrate an aversion to living in bricks and mortar accommodation. Applicants who are not able to demonstrate this aversion will have their application considered in line with the provisions of the Milton Keynes Council Allocations Policy.

16.2.3 The Council managed sites are specifically designed to meet the needs of the gypsy and traveller community. Therefore to apply for a pitch, applicants must be a gypsy or traveller as defined above or any subsequent legal definition and be able to demonstrate an aversion to bricks and mortar accommodation. The housing needs of others are addressed through the Allocations Policy.