

Sheffield City Council

Appendix 1 **Changes to the Sheffield City Council Allocations Policy**

Background

This report sets out proposed amendments to the Sheffield City Council Allocations Policy. These amendments will allow us to remove ambiguity and confusion within the policy caused by errors and unclear definitions of policy elements.

It will also ensure that the Allocations Policy is fully compliant with the Homeless Reduction Act 2017 such that adequate provision is made within the policy to encompass the new duties and requirements this Act places upon the Council.

In order to prevent the need to submit further Cabinet Member decisions, it is proposed to request delegated authority to allow minor grammatical changes and updates to correct errors within the body of the Allocations Policy text and which do not alter the technical nature or the intention of its provisions.

Contents

In order to accomplish the aims details above, we have included the various sections of the Allocations Policy where amendments have been suggested. Deletions can be identified through the use of ~~strikeout~~ and additions can be identified through the use of *italics*.

Sections are listed in numerical order with the exception of the final section which summarises two groups of changes. These changes affect a number of sections in the same way through either the deletion of a word or an entire section.

Section 3 The Housing Register

If you owe any money to the Housing Service and you believe you may want to apply for council or social landlord housing now or in the future, you should contact s to discuss the debt and make a repayment agreement

To apply to join the Housing Register you will need to:

- Register and provide information about yourself and any other people you wish to include on your application.
- Tell us about anyone you want to be a joint applicant with.
- Confirm that you and any joint applicant are eligible.
- Confirm that you and anyone included on your application qualify to join the Housing Register.
- Confirm that you should not have your preference reduced for unacceptable behaviour.
- ~~Tell us whether you want to be active or inactive on the Housing Register.~~
- Provide us with all the information, documents and signatures we require.

More information on these processes is contained in the following sections.

This change is intended to remove reference to the 'Inactive Register'. This was intended to differentiate between applicants who are and are not actively participating in Choice Based Lettings (CBL). However, in practice this presents no difference to applicants and causes confusion as to what is expected of them should they wish to remain on the Housing Register. It also creates unnecessarily complex processes on our ICT system for applicants and staff.

Section 3.2 Who can apply to join the Housing Register?

- A.** You can apply to join the Housing Register if:
- You are 16 or over.
 - You have not been re-housed into social housing within the last two years, unless there is a change in your circumstances which would lead to a priority award, or which would affect your bedroom eligibility.
- B.** You can only be on one Housing Register application unless you meet all of the following:
- You are aged between 16 -25 years.
 - You live in your parent/guardian's home.
 - You have been continuously registered on your parent/guardian's application since before you were 16.
 - You have never permanently left home or lived independently from your family.
- C.** If you meet all of the above four criteria you can be on two Housing Register applications as:
- A household member on *your parent/guardian's* ~~an active~~ application.

- The main applicant accruing waiting time on the ~~inactive~~ register until you are 25 years old. *Bids will not be permitted on this application until you decide you no longer wish to be on your parent/guardian's application.*

D. When you decide to *bid using* ~~activate~~ your own Housing Register application you will be removed from your family application. If you haven't ~~activated your own application~~ *already removed yourself from your family application* by the time you are 25 years old, you must decide which application you wish to remain on ~~as one application will be cancelled.~~

These changes continue to remove reference to the 'Inactive Register'.

A person over 25 may only be on one application and therefore, when an applicant reaches this age they must choose whether to remain on their parent/guardians application or keep their own application. This change will correct an error which suggested there was potential for the parent/guardians application to be cancelled which would not happen.

If the applicant did not inform us which application they wish to remain on, we would assume they would want to keep their own and therefore remove them from their parent/guardians application rather than cancel that application.

Section 3.5 People that do not qualify to join the Housing Register because of their behaviour

A. Some people do not qualify to join the Housing Register because of their unacceptable behaviour. This includes unacceptable behaviour:

- That you were responsible for.
- That a joint applicant or household member have carried out, if they were living with you at the time of the unacceptable behaviour or if they have been guilty of any unacceptable behaviour in their own right.
- That has taken place in any tenure type including all social tenancies, privately rented and mortgaged or owned properties.

~~This can include you, a joint applicant or a member of your household, if they were living with you at the time of the unacceptable behaviour or if they have been guilty of any unacceptable behaviour in their own right.~~

Classes of people who do not qualify to be on our Housing Register include those who:

- Have persistent arrears.
- Have carried out severe and costly damage to housing property.
- Have caused or been responsible for antisocial behaviour, which has resulted in the loss of their home.

- Are convicted perpetrators of domestic violence.
- Have exhibited and been convicted of some types of criminal behaviour.
- Have previously unlawfully sublet a social tenancy.
- Have given false information in their application.

More detailed examples of standards of behaviour that might disqualify you, a joint applicant or a member of your household from our Housing Register include those who:

B. Persistent arrears

- Have failed to comply with a current or past tenancy agreement to such an extent that they have been evicted or a court has granted an outright possession order.
- Have debt relating to a previous tenancy ~~such as sundry debts, damage or any other identified costs~~ and there is no repayment agreement in place.
- Have avoided repayment of outstanding house related debts outstanding by failing to supply a forwarding address or contact details.
- Have failed to take steps to reduce the volume of outstanding debt when asked to do so.
- Have previously abandoned a tenancy, not due to any reasons of harassment, domestic violence, racial harassment or health issues and have not cleared any arrears or costs resulting from the abandonment.

C. Damage to property

- Have allowed their property condition to deteriorate significantly enough for the landlord to be able to evict them or obtain an outright court order for possession.
- Have allowed furniture provided by the landlord to deteriorate significantly, beyond normal wear and tear.
- Have been found guilty of causing *substantial* ~~severe and costly~~ damage to housing property *or where you have been re-charged for such damage by the landlord.*
- Have carried out alterations to their property which make it structurally unsafe.

D. Antisocial behaviour

- Have been lawfully evicted for antisocial behaviour, nuisance or harassment and are not engaging with support services.

- Are or have been subject to a court order for antisocial behaviour, nuisance or harassment; for example have a possession order, injunction, undertaking, ASBO and are not engaging with support services.
- Have been ~~been~~ found guilty of breaching a noise abatement notice or had noise making equipment seized.
- Have been convicted and lost accommodation provided through employment due to conduct making it inappropriate for them to reside there.
- Have been convicted of violence towards council or social landlord staff, contractors, former or potential landlords. This includes any physical, written or verbal threats or abuse and property damage or threats of property damage.
- Are in breach of another condition of their Tenancy Agreement and it is clear that possession will be awarded or has been awarded.

The changes to this section are intended to remove unnecessary duplication and to further quantify at what point an applicant will no longer qualify when causing damage to a previous property.

Section 3.9 Registering interest in council housing for a later date

If you don't need council housing at the moment but want to register to build up waiting time, ~~you can choose to be 'inactive' on the Housing Register you can do so. You will either be placed into Band D or Band E dependent on your circumstances.~~ This will mean:

- There is no requirement on you to bid for properties.
- ~~You will not be placed into a band at the time of registration.~~
- You will still need to meet all the registration requirements.
- You will need to be eligible and qualifying.
- You will need to update your application on an annual basis.
- *You will need to inform us of any changes to your circumstances.*

You can choose to place a bid at any point. ~~You will still need to inform us of any changes to your circumstances when you become active.~~ If you are awarded a priority, your effective date will be the date that you received that priority award.

The changes to this section continue to remove reference to the 'Inactive Register'. It also clarifies what will happen to an application upon joining the Housing Register when the applicant does not intend to bid immediately.

Section 3.11 Registration and effective dates

As long as you are eligible and qualifying, you will be accepted on to the Housing Register once the completed application form is received with all the required

information, supporting documentation and authorising signatures. The date that this occurs is known as the 'registration date'.

If you wish to actively bid for properties straight away, you will automatically be placed into the General Needs Band D *or Band E dependent on your circumstances*, unless you request a priority assessment and are awarded a priority. The date that you are placed into a band is called the 'effective date'. The effective date is important as it is the date that you will be ranked by within your band. The registration date will be used to decide between any tied positions (with an exception for demolition cases which follow different rules).

The registration and effective dates can be the same (usually when you first apply to join the Housing Register) but the effective date may change if your circumstances change and you are placed into a different band.

~~If you opt to be on the inactive register your effective date will be the same as your registration date. When you become active on the Housing Register you will automatically be placed into the General Needs Band D and your effective date will be the same as your registration date. If, upon activation of your registration you need to request a priority assessment and are awarded a priority, your effective date will be the date on which you were awarded the priority.~~

The changes to this section continue to remove reference to the 'Inactive Register'. It also clarifies what will happen to an application upon joining the Housing Register where there is a potential that preference will be reduced as detailed in Section 3.6 of the Allocations Policy.

Section 3.20 Changes in your circumstances

~~If you are actively bidding -~~ You must let us know immediately if your circumstances change (or those of any of your household members). This could include:

- A change in the health of a household member that affects their housing need.
- A change of address.
- Any acquisition or inheritance of property.
- Arrears.
- Convictions.
- Someone joining or leaving your household.
- The birth of a child.
- Or anything else relevant to your housing situation.

Following a change of circumstances, your application will be re-assessed. This will not usually change the original registration date (unless you are found

ineligible or are disqualified) but might change the effective date, if you are moved into a different band.

Following re-assessment you may:

- Gain greater priority and be placed into a higher band.
- Lose priority or have your priority reduced and be placed into a lower band.
- Remain in the same band.
- No longer qualify for our Housing Register.

If you provide information which places you in a higher band your 'effective date' in the new band will be the date on which you were assessed and placed in that band. If you provide information which places you in a lower priority band you will retain your effective date. If the information provided places you from a priority band into the General Needs Band D, your original effective date can be re-instated if that is better for you. If you stay in the same band your effective date will not change even if new information has been assessed.

~~If you are on the inactive register, you can update any changes of circumstances when you choose to become active or when completing an annual renewal (whichever is sooner).~~

The changes to this section continue to remove reference to the 'Inactive Register' and further explains that applicants must always keep their application up to date regardless of whether they are bidding or not.

Section 3.21 Renewing your housing application

~~Whether you are an active or inactive applicant -~~ You will be responsible for updating your registration online annually. This is to confirm that you still want to be registered and what your current circumstances are. You will need to do this on or around the anniversary date that your housing application was registered, whether or not we have reminded you to do so. If you don't do this your application will be removed from the Housing Register.

If we are aware that you have any vulnerabilities, extra effort will be made to contact you and assist you to update your application. However, if you fail to respond your application will be cancelled.

The changes to this section continue to remove reference to the 'Inactive Register'.

Section 3.22 Cancelling housing applications

A housing application will normally be cancelled and removed from the Housing Register when:

- You request it.
- You become ineligible or no longer qualify for housing.
- You accept a council or social landlord tenancy as a sole or joint tenant.
- You become a joint tenant with an existing tenant.
- You are assigned a tenancy.
- You are granted a new secure tenancy on the death of a successor or when no one is eligible to succeed to a tenancy.
- You purchase a property in a build for sale or shared ownership scheme or any similar schemes.
- You are a council tenant who completes the purchase of your property through the Right To Buy.
- You fail to update your application annually.
- You have given false information on your application or withheld relevant information.
- You are in ~~the Diminished~~ Band E and refuse three reasonable offers of accommodation within a 12 month period.
- You move home and fail to provide us with a contact address.
- You fail to respond to a request for further information.
- You are registered on more than one application (subject to exceptions at 3.2).

If your registration has been cancelled and you want to re-join the Housing Register, you will receive a new registration and effective date. If you are re-housed via the Housing Register into a council or social landlord tenancy you will not be able to re-register for two years unless there is a change in your circumstances which would lead to a priority award, or which would affect your bedroom eligibility.

In exceptional circumstances we may reinstate a cancelled application if you request it within three months of the cancellation.

You have a right to request a review of this decision and if upheld this decision will not normally be reviewed within the first 12 months of being made.

The change to this section is to remove reference to the term 'Diminished'. This term causes confusion and does not accurately describe the intention of Band E. It is therefore suggested that a more straight forward naming structure would ensure applicants have a better understanding of their position on the Housing Register.

Section 4 How we decide between housing needs

If you have submitted a completed application, which fulfils all the registration requirements, we will check if you are eligible and qualify to be on the Housing Register. Following acceptance that you are eligible and qualifying, if you wish to

actively look for a property, we will place you into the General Needs Band D unless:

- You have requested an assessment for priority and provide information to support a priority award. Priority will only be awarded where:
- There is a recognised critical, urgent or moderate need that cannot be met (or cannot be met with sufficient urgency) in the General Needs Band D.
- You have a local connection to Sheffield.
- You don't fit the criteria to be placed into the General Needs Band D and are placed into the ~~Diminished~~ Band E.

If you are not satisfied with the band you have been allocated, you have the right to request a review of this decision.

The change to this section is to remove reference to the term 'Diminished'. This term causes confusion and does not accurately describe the intention of Band E. It is therefore, suggested that a more straight forward naming structure would ensure applicants have a better understanding of their position on the Housing Register.

Section 4.12 Full homelessness duty

You are homeless and following a full assessment *our homelessness relief duty towards you has ended (see section 4.18) and we have accepted a full duty to house you because you are:*

- Homeless.
- Eligible.
- In priority need.
- Not intentionally homeless, and
- You have a local connection to Sheffield (exceptions apply).

This priority will be cancelled if the homelessness duty is ended, even if you have not had an offer of social housing. This may be because you have been offered a private rented tenancy, or for another reason.

Section 4.18 Other homelessness duties

Following a homelessness assessment you will be awarded this priority if *we have accepted a homelessness prevention or relief duty towards you because you are found to be:*

- Homeless or threatened with homelessness.
- Eligible.

If you are still homeless and eligible when the initial prevention or relief duty has ended this priority may continue if you are

- Not in priority need, or

- In priority need but intentionally homeless and the reasons are not property related debt or antisocial behaviour.

This priority may be cancelled if the homelessness prevention or relief duty is ended,

The change to this section removes the old wording which has been replaced with the above text. This is to bring the policy in line with the Homelessness Reduction Act.

Section 4.21 Diminished Band E

This band is for people who have been accepted onto the Housing Register, assessed and given reduced priority as a result of one of the following reasons:

- You have no local connection.
- You have exhibited unacceptable behaviour, such as rent arrears or antisocial behaviour but this is not serious enough to disqualify you totally from our Housing Register.

You can improve your opportunity of being re-housed in the following ways:

- By proving a local connection with Sheffield.
- ~~By producing proof that you have sold your property.~~
- By providing proof that your behaviour has changed for the better.

Please be aware that if your behaviour deteriorates following assessment you can still be placed into ~~the Diminished~~ Band E at any point.

The change to this section is to remove reference to the term 'Diminished'. This term causes confusion and does not accurately describe the intention of Band E. It is therefore suggested that a more straight forward naming structure would ensure applicants have a better understanding of their position on the Housing Register. These changes also remove an incorrect point around selling privately owned properties which would have no bearing on an applicant's banding position.

Section 5.2 Bidding for a property

To be offered an available property you will need to place your bid by the publicised deadline and meet the criteria specified on the advert. You will be able to make up to three bids during each advertising cycle. The cycle will be weekly but may be subject to change from time to time, which will be publicised. Some immediately available properties, such as first come first served properties, will be advertised more frequently.

Bids can be made:

- Through the website.
- By telephone.
- ~~By mobile phone.~~

- In person at designated local offices.
- ~~Through DigiTV.~~
- By an advocate who can place a bid for you using any of these methods.
- By council staff, support agencies and others who may also offer guidance and support.

~~If you place more than one bid within the cycle you will be required to list the properties in order of preference. This means if you rank top for more than one of the properties you have bid for we will know which property you prefer to be offered.~~

The changes to this section are to remove bidding methods which are no longer in use. The 'DigiTV' option is no longer a service which the Council has access to. The 'Mobile Phone' option is a texting service which is still available however, our intention is to remove this as it is extremely complicated to use and has a very high failure rate due to this. An extremely low number of bids are made in this way and there are a number of alternatives available.

Section 5.3 Assisted and auto-bidding

We will arrange for bids to be placed on your behalf in the following circumstances:

- You are in housing need and not bidding.
- You are in housing need and not bidding realistically.
- You are vulnerable and may need support with bidding.

Unrealistic bidding is where you bid for properties you have little or no chance of being offered. Wherever possible, staff will discuss the issue with you and give advice about what types of property would be realistic. Staff will also explain what the consequences of continuing to bid unrealistically are, or of failing to bid at all and if this continues, we will place bids on your behalf.

If you are a priority applicant, any successful bid that we place on your behalf is valid and will result in you being offered the tenancy of that accommodation. Any offer in these circumstances will be your only offer of suitable accommodation and, if refused, will result in the loss of your priority.

If we are bidding on your behalf and you are not subject to one offer of suitable accommodation you may *request that we* remove a staff or auto bid before the close of the cycle with no consequences.

The change to this section clarifies when it is and isn't possible to remove a staff bid or an auto bid. Applicants are not able to remove staff bids due to restrictions with the ICT system and it is therefore necessary for them to request that staff remove these bids where appropriate. It is not possible for applicants or staff to remove an auto bid these are placed at 23:59 by the ICT system on the last night of the bidding cycle which will close one minute later. It is not possible to remove a bid after the cycle has closed.

5.5 Minimum age

Some flats and bungalows will be designated for people of a minimum age, or with mobility needs. Where this applies to Council housing the minimum age will be 60. For properties advertised with a minimum age limit we will make every attempt to offer the property to someone above the minimum age. If there is no demand from people who meet the minimum age limit we will consider re-designating the bungalow or block of flats. Age designation decisions will only be made after consultation with affected tenants and will be made in accordance with the Leaders Scheme of Delegation.

This minor change is a comma placed between the words age and or and provides clarity that these properties are designated for applicants 60 years or older.

Section 7.3 Succession

a) This section provides a summary of the relevant parts of the law and the rights set out in '~~You and Your Home~~ *Your Rights as a Secure Tenant*'. As long as the tenant has not succeeded to the tenancy themselves, on their death the tenancy will pass to the person eligible to succeed. A person is eligible to succeed if they lived in the home as their principal home at the time of the tenant's death. The person must be:

- The tenant's spouse or civil partner; or if there is no spouse or civil partner -
- A member of the tenant's family who has lived with the tenant throughout the period of 12 months preceding the tenant's death.

b) The tenant's husband, wife or civil partner will be chosen over any other member of the tenant's family. If there is no agreement on which member of the family should succeed, we will choose the person who has lived with the tenant as husband, wife or civil partner throughout the 12 months before the tenant's death. If no one meeting that criteria exists, another member of the tenant's family, who has lived with the tenant throughout the 12 months before the tenant's death will be chosen. The member of the family who has lived in the home the longest will succeed to the tenancy. Joint tenancies will not be granted on succession.

c) Relatives who may succeed to the property are the tenant's husband, wife or civil partner, a partner who has lived with the tenant as husband or wife, parent, grandparents, child, grandchild, brother, sister, uncle, aunt, nephew or niece. A marriage relationship is to be treated as one by blood and one of half-blood is to be treated as one of full blood. A stepchild will be treated as a child and an illegitimate child will be treated as the legitimate child of the mother and the man accepted as being the father.

d) If the tenant succeeds to a property built or adapted for a person with special needs and they do not need that property, they can be given priority for a move. Or if the property is too large for them then they can be given priority to down-size to a smaller property. The law entitles us to apply for possession of the property if the property is too large or specially adapted and no one needing those adaptations lives there any longer.

e) By law there can only be one succession. If the deceased tenant succeeded to the tenancy following the death of a previous tenant, or through assignment, there can be no further succession.

f) There can be no further succession following a surviving joint tenant becoming the sole tenant by survivorship.

The change to this section corrects where relevant rights can be found. This was previous in 'You and Your Home' and is now in 'Your Rights as a Secure Tenant'.

Section 7.7 Assignment

Assignment is the process by which a secure tenancy can be passed on to another person whilst the tenant is still alive. The tenancy is given by one person to another. Under Sheffield City Council's tenancy conditions a tenant must not sub-let all of the property or part with possession of all of the property.

If a tenant is leaving their tenancy permanently and they have not succeeded to that tenancy they may apply to assign it to a member of their family as set out at section 7.3d. That person must have lived with them for the past 12 months. An appropriately authorised senior officer in the Council must give agreement in writing before someone can assign their tenancy.

Consent will only be given for the following reasons:

- A tenant wishes to transfer for health or disability reasons and the new home is not large enough.
- A tenant is moving to somewhere they will be cared for, such as a residential home.
- A tenant is going to live with a new partner and neither the tenant's home nor their partner's is large enough for the potential assignee to live with them.
- A tenant is moving to a different part of the country and the potential assignee has strong links with Sheffield, for example they work or study here.

We may refuse permission to assign in certain circumstances. For example, you will not be allowed to assign to the tenancy if it means the property would be under occupied, or if it has adaptations you don't need, or if the tenant or you have any housing related debts or any antisocial behaviour, or if the property is set aside for people of a specific age.

Where permission to assign would otherwise be granted, an assignee may, for example, be given priority to move for under occupation, or for not needing the adaptations in the property.

We recommend that tenants seek independent legal advice before assigning their tenancy to another person.

Assignment can also be made by mutual exchange or in pursuance of a court order in certain family proceedings (in this case you do not need our consent).

The change to this section corrects a mistake detailing where members of the family who may be assigned a tenancy can be found in the Allocations Policy.

Further Changes

1. Remove the terms 'diminished' or 'the diminished' from the following sections:

- Contents, 4.21
- Contents, 4.33
- Section 3.6A, paragraph 1.
- Section 3.12, paragraph 1.
- Section 3.15, paragraph 4.
- Section 4.1, paragraph 1.
- Section 4.1, within the grid.
- Section 4.3, paragraph 1.
- Section 4.20, bullet point 2.
- Section 4.33 – title.
- Section 4.33 – paragraph 1.
- Section 6.1.
- Section 6.7.

These changes are to remove reference to the term 'Diminished'. This term causes confusion and does not accurately describe the intention of Band E. It is therefore suggested that, a more straight forward naming structure would ensure applicants have a better understanding of their position on the Housing Register.

2. Remove the below sections in their entirety:

- Section 7.16.
- Section 7.17.
- Section 7.18.

The sections refer to demolition schemes which are now complete and as such, it is no longer necessary for the Allocations Policy to include the specific provisions which applied to these schemes.