



**MK** Milton Keynes  
City Council



# Allocation Scheme



**DRAFT**



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**Version 1**



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# Part 1: Introduction

This document sets out Milton Keynes City Council's (the council) approach to allocating social housing homes in Milton Keynes pursuant to Section 166A of the Housing Act 1996. It sets out how the council determines priorities and the procedure for allocating social rented housing in Milton Keynes. The policy takes account of relevant legislation, Government guidance and relevant council strategies and policies (these are referred to in appendix 4). The policy will be reviewed regularly to reflect any Government or local policy changes.

The council is required by the Housing Act 1996 (as amended) to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating social rent housing.

There is a huge demand for affordable rented homes in Milton Keynes. The purpose of the Allocations Scheme is to define a fair and consistent framework, which can be used to allocate the limited number of properties that are available and prioritise applicants that are most in need. It should be noted that, even where applicants are accepted onto the Housing Register, there is no guarantee that an offer of accommodation will be made to those in the lower banding priorities.

We assess all applications and if they are eligible and qualify for inclusion, place them on our housing register. This enables us to award priority based on individual housing need.

The scheme sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who qualifies to be accepted onto the housing register
- Who does not qualify
- The size of property that will be allocated
- The processing of offering a property
- How often an application will be reviewed.
- How to request a review of a decision.

## 1.1 Equality, diversity and accessibility

Throughout this policy, the council has had due regard to its Public Sector Equality Duty (PSED) and with the Human Rights Act 1998. The purpose of this policy is to ensure a fair and consistent approach to housing allocations. However, Milton Keynes City Council recognises that individual circumstances, needs and characteristics will impact and individuals' housing circumstances, and therefore each household will be considered

individually, and the council retains the right to make exceptions to the provisions of this policy on a case-by-case basis.

We are committed to ensuring this policy is non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act 2004.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required. this policy complies with the council's Equality Policy which is located online at: [Equality Policy | Milton Keynes City Council \(milton-keynes.gov.uk\)](#).

## **1.2 Data Protection**

We will ensure the personal information of all applicants (new, existing and former) is:

- Stored lawfully
- Processed in a fair and transparent manner
- Collected for a specific, explicit and legitimate purpose
- The data will be kept up to date and held until it is no longer required
- Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

Our Privacy Notice can be located online at: [Milton Keynes City Council corporate privacy notice | Milton Keynes City Council \(milton-keynes.gov.uk\)](#)

## **1.3 Changes to the Scheme**

All major changes to the Allocation Scheme must be approved in accordance with the Council's Constitution. Minor changes may be approved by a nominated Council Officer in consultation with the Portfolio Holder for Housing. Where necessary, the Director of Adult Services is authorised to make changes to the Scheme in the interest of remaining compliant with the statutory and operational obligations. Where we need to make a significant change to the Scheme, we will measure the impact to applicants already on the housing register and we will undertake formal consultation.

## **1.4 Temporary suspension of the scheme**

There may be occasions where it becomes necessary to suspend the allocations scheme in order to comply with government guidance (both statutory and non-statutory) or to enable the Local Authority to meet an urgent need. Any decision to suspend the allocations scheme will be taken in accordance with the Council’s procedures and constitution. In these circumstances, allocations will be made through an Exceptional Decision Panel.

## 1.5 Allocation of a tenancy

This scheme sets out arrangements for allocating accommodation within the meaning of Part 6 of the Housing Act 1996 (as amended).

The council will allocate social rented housing to:

- a. persons (“**Applicants**”) applying to become a social housing tenant, for both general needs and supported housing (including housing for older persons), let at affordable rent and social rent rates.
- b. secure/assured Local Authority tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.

The council allocates accommodation when it:

- Selects an Applicant to be a secure or introductory tenant of social rented housing held by the Local Authority,
- Nominates a person to be an assured tenant (encompassing flexible and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions.

Lettings not covered by the housing allocation scheme are outlined in appendix 1.

The council will accept applications from its current tenants, for transfers (“**Transfer Applicants**”) to alternative social rented housing available in the Local Authority area. Transfer applicants will be prioritised in the same way as Applicants, but they will be made an offer that ensures they do not inadvertently lose accrued rights and will be a tenancy of equivalent type to that, which they are transferring from.

# Part 2: Eligibility and qualification

## 2.1 Eligibility

Only applicants that are eligible in accordance with S160ZA of the Housing Act 1996 (as amended) and Eligibility Regulations can be included on the register. Eligibility is explained in detail within statutory guidance – “Allocation of Accommodation: guidance for local

housing authorities in England” which is online at: [Allocation of accommodation: guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities)

You may not be eligible to join the housing register if you:

- Are subject to immigration control;
- Only have a right to reside in the UK because you (or a member of your household) are a jobseeker;
- Are not habitually resident in the UK; (see allocation of accommodation guidance linked above for further information.
- Have a right to reside in the UK of less than three months; or
- Are not allowed to claim housing benefit under s115 of the Asylum and Immigration Act 1999

Applicants should note that their eligibility could change over time, and we reserve the right to verify your immigration status at any point whilst you are on the housing register.

## 2.2 Qualification

In order to join the housing register, you must be eligible as set out in section 2.1 and have a recognised housing need which means you must meet one or more of the following criteria:

**a) The statutory reasonable preference rules reasonable preference is given to:**

- people who are homeless (within the meaning of Part 7 of the Housing Act 1996);
- people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including any grounds relating to a disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

Not all households who are accepted as being homeless will be housed via the Housing Register. The Localism Act allows local authorities to fully discharge the full housing duty by a ‘private rented sector offer’ (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011. The offer must be deemed suitable in line with legislation. If the homelessness duty is discharged into the private sector the household will not be given a priority on the housing register.

**b) Local preference rules**

- Tenants of the council or registered providers looking to downsize to smaller accommodation (also known as under-occupiers)
- Tenants of the council or registered providers looking to free up an adapted property they do not need.
- Care Leavers
- Those accepted under the Right to Move Scheme as per section 2.4

The council reserves the right to review the local preference categories in order to include additional or time limited local preference categories in order to pilot new schemes or to meet the needs of a newly identified priority group. Equally we may remove or suspend preference to any of the local preference groups listed above if there are sufficient grounds to do so.

- c) Additional preference will also be given to serving, or those who have recently served with the armed forces including surviving spouses/civil partners who fall within the reasonable preference categories and are in urgent housing need, refer to the armed forces convention section 2.3.

**d) A local connection to Milton Keynes as shown below**

- Have resided in the borough, 4 continuous years at the point of application (exceptions apply to those who are Armed forces personnel as per section 2.3).
- Family associations – Applicants who are over 60 and have a connection established by family relationships, limited to siblings or adult children, where there is sufficiently close links in the form of frequent contact and their residence being within the Local Authority for a minimum period of 10 years.
- Be either giving high levels of support or receiving it from someone living in the borough and it is only possible if they live in Milton Keynes and have evidence to support this.
- Care leavers – Applicants aged 18-21 years (or up to 25 years old if they are pursuing a programme of education agreed in their pathway plan), who are owed a duty under Children Act 1989, section 23C, by the Local Authority will be deemed to have a local connection to the Local Authority area.
- Applicants fleeing domestic violence and abuse who have been assessed by MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and any dependent children.
- Applicants living in a refuge or similar safe house (this does not include people who are lodging or living with relatives).

## **2.3 Armed Forces Covenant Duty**

The Local Authority is a signatory of the Milton Keynes Armed Forces Covenant. The Armed Forces Act 2021 places a statutory duty on local authorities to give preference to former members of the armed forces and their families for the purpose of allocating housing.

The original Covenant Pledge has since been changed to a statutory duty. However, the Local Authority continues to demonstrate its support, to the armed forces community. We believe that those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of housing services. Special consideration is appropriate in some cases, especially for those who have been injured or are bereaved.

We will:

- Disregard injury and disability payments; whether these are periodic or a lump sum when considering the income of an applicant.
- Disregard the lack of local connection to the borough.
- Allow all former service personnel and their families to qualify, provided they have left the service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006)
- Allow former spouse or civil partners of service personnel to qualify where they have to vacate Ministry of Defence accommodation.

## **2.4 Right to Move**

Under the Right to Move, existing social housing tenants that currently live outside of the borough boundaries but who need to move into Milton Keynes to take up employment or an offer of employment are assessed in accordance with the criteria below:

- The distance and/or time taken to travel between work and home: in accordance with the guidance set out by the Job Centre Plus we consider that a commute of 90 minutes or under (no more than 3 hours per day) is reasonable.
- The availability and affordability of transport, taking into account level of earnings: this will be assessed on a case by case basis.
- The nature of the work or work-based apprenticeship and whether similar opportunities are available closer to home: this will be assessed on a case by case basis. Consideration will also be given to those cases where an offer of work has been made and where the applicant can demonstrate, to the local authority's satisfaction, that there is a genuine intention to take up that offer.



- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move this will be assessed and will take into account how child care and medical needs are currently managed.
- The length of the work contract: this must be for a minimum of 12 months and the applicant must work 16 hours or more per week.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship: this will be assessed on a case-by-case basis.

We must be satisfied that your circumstances meet the above criteria and that it is the case that you not just wish to move but need to move in order to avoid hardship.

The following will be excluded from consideration;

- Volunteering e.g. work that is unpaid.
- Work that the local authority considers marginal in nature by either virtue of the hours worked, or job undertaken.
- Work that the local authority considers to be ancillary in nature for example where the applicant works for a period of time within the borough but where this is not their main place of work such as those who are self-employed or who work from home.

## **2.5 Non-Qualification Rules**

### **2.6 Out of borough applicants**

Anyone currently living outside of Milton Keynes will not be included on or placed into a priority band on the Housing Register. Anyone wishing to apply to Milton Keynes who currently resides outside of the borough boundaries should in the first instance seek the support of their own local authority or social housing provider (if applicable) in order to resolve their housing needs.

### **2.7 Anti-Social Behaviour or Unacceptable Behaviour**

#### **Definition of anti-social behaviour**

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- conduct capable of causing housing-related nuisance or annoyance to any person.

### **Definition of unacceptable behaviour**

Those who are guilty of behaviour serious enough to make them unsuitable to be a tenant of a social housing provider at the time of their application.

The following are examples of what is considered anti-social or unacceptable behaviour:

- Noise nuisance;
- Perpetrating domestic violence;
- Harassment, for example on the grounds of race, religion, disability, gender or sexuality;
- Intimidation;
- Drug dealing;
- Gang related activities;
- Causing damage to property, including temporary accommodation provided by MKCC or another Local Authority;
- Tenancy breaches, such as not allowing access to complete repairs or not reporting repairs.
- Rent or mortgage arrears where the wilful actions of the occupier have caused the arrears to accumulate.

You will not qualify to join the Housing Register if we are satisfied that you or any member of your household, including children, have a history of or are currently engaging in behaviour as exemplified above.~

In reaching a decision that an applicant does not qualify on the grounds of anti-social or unacceptable behaviour we will take into account:

- The circumstances at the time of the application.
- The needs of the household including dependents or medical requirements.
- Relevant supporting information including police or landlords' records.
- Timescales i.e. is the alleged behaviour current or historical.
- Likelihood of reoccurrence.
- Whether or not the behaviour was such that, had the person in question been a secure local authority tenant, a court would have considered it reasonable to grant an outright possession order (under s84 of the Housing Act 1985, Part 1, Schedule 2 excepting Ground 8)

## **2.8 Home Owners**

A person who owns their own home will not be included on the housing register. They will be offered advice and be signposted to suitable agencies in order to resolve their underlying housing difficulties. Only in exceptional circumstances, where a person has a need for rehousing in accordance with the reasonable preference categories and where all other options have been fully explored and ruled out will a person who owns their own home be included onto the housing register. Any outstanding legal interest in their home would normally have to be disposed of prior to them successfully securing alternative accommodation via the housing register.

## 2.9 Financial Resources

In considering how to address the shortfall between the supply and demand for social housing it is essential that we take into account the financial circumstances of those that approach us for assistance. Whilst we retain the right in exceptional situations to use our discretion regarding income, capital and savings, in the majority of cases, we will only consider social housing those on lower incomes and with less financial resources available to them i.e. those that are likely to be less able to pursue alternative housing options such as shared ownership or a move to the private rented sector.

When considering what housing options are available to you, we will take into account the incomes (including benefits), savings and capital of all members of the household aged 18 and over.

We will not include on the housing register households with an income threshold more than the amounts contained in the table below:

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

We will not include on the housing register households with savings consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel). The current saving limit is £16,000. [Benefit and pension rates 2024 to 2025 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/benefit-and-pension-rates-2024-to-2025)

## 2.10 Housing Related Debts

Applicants or a member of their household who has outstanding liabilities (such as rent or service charge arrears, or recharges) linked to a tenancy which are more than 2 months of the annual amount payable will not be eligible to join the scheme.

If any housing-related debts are between 1 or 2 months you must have entered into a repayment agreement and evidence that you have made continuous repayments for at least 3 months to be eligible for the scheme.

Routine checks will be carried out at the point of an offer, which includes any other housing related debt. Current and former arrears will be examined, arrears repayments must be in place and adhered to.

If rent arrears are over the threshold as listed above the application will be assessed as ineligible and you will have to reapply once the arrears have been addressed in line with our criteria.

## **2.11 Applicants incapable of holding a tenancy agreement, which extends to**

- Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive).
- Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is leaving the care of the Local Authority, full regard will be made to any protocol agreed between the Local Authority's Children Services and Housing Services for rehousing care leavers.
- Persons lacking mental capacity as defined in the Mental Capacity Act 2005.

## **2.12 Removal from the Housing Register**

If we decide that an applicant has become ineligible in law or no longer qualifies to remain on the housing register; we may remove your application. We will confirm our decision in writing, giving clear grounds for taking the action and how to request a review of the decision.

A housing application will also be removed from the Scheme in the following circumstances

- The Applicant requests it.
- The Applicant's circumstances change, and they are no longer eligible or no longer qualify.
- The Applicant is owed a homelessness duty, and they have accepted an offer of suitable accommodation, which has resulted in the duty being discharged.
- The Applicant accepts an Assured Shorthold Tenancy.
- The Applicant fails to maintain their housing application, or they move home and fail to provide the Local Authority with the relevant contact details.
- The Applicant has not responded to contact from the council within a specified time period or has failed to provide the evidence required to assess their application.
- The applicant is found to have made a false or deliberately misleading statement, or to have withheld information in connection with their application.

- The Applicant has accrued housing related debt as per section 2.10 or damaged a temporary accommodation property arranged for them by MKCC.

## **Part 3: Applications and assessment**

### **3.1 Registering an application for housing**

In order to apply for housing, you must register an application online at [Apply to join the Housing Register | Milton Keynes City Council \(milton-keynes.gov.uk\)](#)

There is guidance on how to complete the form and information we will need to assess your application. For more helpful information regarding our allocation scheme please see our website: [Housing Allocations Scheme | Milton Keynes City Council \(milton-keynes.gov.uk\)](#)

If you find it difficult to submit your application online or after reading the guidance, you still need more information, we will be able to help. Please email us at: [housing.allocations@milton-keynes.gov.uk](mailto:housing.allocations@milton-keynes.gov.uk) or call us on 01908 252 937 option 4 during office hours.

The system will acknowledge your registration, please keep a note of the application reference number.

If your household is accepted onto the housing register following an assessment, you are responsible for keeping your records up to date. If your circumstances change you should contact the Housing Allocation Team or update your application via your housing online account. Failure to do so may result in us being unable to offer you accommodation or removal from Housing Register.

We will periodically review applicants on the Housing Register to ensure that you remain eligible and qualify for the scheme. We will make contact and you will need to respond within the specified timeframe, applications will be closed if no response is received.

### **3.2 Who can be included on your application**

Household members who can be included on your application:

- Your partner, which includes married, unmarried and same sex partners.
- Close relatives including parents, siblings, adult children and grandparents. In order to be included on your application your relative must normally already be living with you and deemed to be a permanent member of the household.

- Consideration may be given to relatives who are living elsewhere and are no longer able to live independently and require a higher level of care and support such as dependent children under the age of 18.
- It must be evidenced to our satisfaction that any children included on your application will be residing with you on a permanent basis i.e. more than 50% of each 7 day week. When considering the residency of children and in order to determine whether or not they qualify to be included as part of your household we will take into account:
  - The benefits you receive in respect of your children.
  - Confirmation from the Courts regarding residency or parental responsibility.
  - Referrals from social services in respect of fostering or adoption placements.
  - Where the children currently reside.
  - Whether or not the children are already included on any applications for rehousing.

Anyone included on your application must not have a legal interest in any other property. You or any member of your household cannot be included on more than one active Housing Register application at any one time with Milton Keynes City Council.

### **3.3 Carers**

A request to include a carer as part of the household will normally only be considered if the carer has been assessed by Social Care as needing to provide overnight support. It is the responsibility of the applicant to provide supporting evidence in order to have any such request considered.

In exceptional circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of a recognised disability benefit and it is essential for them to reside with the person.

We will determine whether or not it is essential for a carer to be included as part of your household. As well as taking into account the information listed above consideration will also be given to your current circumstances and that of the person you have listed as your carer.

### **3.4 Separated households**

If you have included someone on your application who does not currently live with you, we will consider that you are a separated household. In order to assess your eligibility and priority on the Housing Register we will assume that you are living at the address occupied by one of the applicants and that we consider to be most suited to your households combined needs. Your application will be assessed as if all household members are resident

at that one address. When considering which home would be most suitable, we will take into account:

- The size of each property
- Any medical needs of the household
- Any proven risk to the household at either location.

### **3.5 Statement of choice**

Applicants are able to express a preference about the location of the property they would wish to be allocated by selecting up to three electoral ward areas when they complete their application to join the Scheme. However, this does not guarantee that they will be offered a property in any of their preferred areas.

### **3.6 Assessment process**

The Local Authority will aim to process applications within 33 working days, from the date the application is submitted, although at times of high demand this might take longer or where more extensive investigations are required.

Applications that are submitted without the required documents will be rejected and the applicant will need to reapply.

We may contact you within the assessment process to request further supporting evidence and this will need to be supplied within the requested 7 working days. If the evidence is not supplied, we will assess the application with the information we hold, and this may result in the application being closed, non-qualifying or assessed as a lower banding priority.

### **3.7 Requesting, sharing and verifying information**

We will verify your application and the evidence you provide in support of your application, checking that we have what we need to assess your application, as well its authenticity.

We will do this:

- When you register an application.
- If we review your application.
- If you report a change of circumstances.
- Before we offer you accommodation.

In completing the online application form you, or a person acting on your behalf, gives the council permission to request further information, share information given with appropriate

third parties and make further enquiries in order to correctly assess the application or verify the information or the circumstances presented.

In order to offer you appropriate advice and to assess your application, it may also be necessary to contact those people or organisations whose details you have provided in addition to any other relevant parties whose details come to light during our enquiries.

You will be asked for evidence in relation to your application:

- Photographic ID of everyone in your household.
- Proof of benefits and income for all household members over 18.
- Birth certificates for each household member.
- National Insurance numbers for each household member over 18.
- Proof of your current and/or previous addresses.
- Immigration documents where relevant.
- Documents relating to any property ownership

This list is not exhaustive, full details are provided on our online registration process or on our website. [Housing Allocations Scheme | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk)

### **3.8 Deliberately or worsening circumstances**

If your actions cause your circumstances to worsen or prevent them from improving, we may reduce your priority or cancel your application. In some instances, we may choose to disregard any circumstances that you have made worse when assessing your priority.

Some examples are listed below:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have intentionally transferred their property to another family member in order to join the housing register.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.



- Homeowners who have transferred the title to their property to a Trust; remain the beneficiaries of that trust.
- Failing to allow repairs to your home to be carried out.
- Unreasonably withholding or failing to make rent or mortgage payments.
- Unreasonably failing to follow advice given by the council in order to prevent homelessness.
- Refusing an offer of privately rented accommodation which was made in order to prevent homelessness.
- Refusing an offer of social housing which was made in order to prevent homelessness.

### **3.9 Assessment outcomes**

Decisions on applications will be notified in writing, regardless of whether they are accepted on the housing register or not. Decisions will be made by a member of the housing allocations team.

For accepted applications, we will confirm:

- Who is included on your housing application
- Your banding priority
- Bedroom entitlement and type property being considered for you
- Any medical requirements or adaptations needed
- The amount of offers you will be entitled to
- If applicable due to safety or support needs, area requirements.
- 

Once accepted onto the housing register, you will then be awaiting an offer of accommodation. We publish our average waiting times by bedroom size on our website.

Section 4 (Allocations) provides further information on receiving an offer of accommodation.

For unsuccessful applications, we will contact to advise:

- If you are ineligible to join the housing allocations scheme and the reasons why
- If you have been assessed as having no housing need within the schemes criteria

### **3.10 How priority is determined**

In order to assess your housing needs and priority we will:

- Check your eligibility to join the housing register.

- Confirm you qualify under reasonable, local or additional preferences.
- Place you in an appropriate band with a category of need.
- Assess the size of home you require. We will also advise of other potential housing options may be available to you

### 3.11 The Bands

Anyone who applies to the Housing Register will be assessed and placed into a band in accordance with their housing priority, where the emergency band is the highest and band C is the lowest.

#### Emergency Band

Very few applicants will qualify for this level of priority. This is an emergency band and represents those with only the most critical and immediate need to move. An application will only be accepted into this band by agreement in our exceptional decision panel.

Emergency Band Criteria
Where a vacant adapted property, or a property designed to disability standards, becomes available and that property could be allocated to an applicant whose disability needs best match that property regardless of the date they were registered.
Where an applicant is homeless and in temporary accommodation and owed a section 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct let to move applicants out of temporary accommodation to manage any budgetary or legal impact
Applications agreed via our exceptional decisions panel where discretion is applied and agreed as an urgent move. This includes urgent management transfers for MKCC tenants.

#### Band A

Band A Criteria	Description
Under Occupying	Under-occupying social rented housing by one or more bedrooms or Tenants of the council or registered providers looking to free up an adapted property they do not need.

	This includes tenants who have succeeded to the tenancy, but they are under-occupying the property by one or more bedrooms or no longer need an adapted property.
Victims of Domestic Abuse	Victims of domestic abuse who are owed any homelessness duty and have been identified as high-risk victims of domestic abuse at a local MARAC
Members of the regular and reserved Armed Forces	<ul style="list-style-type: none"> <li>• Former members provided they have left the service within the preceding 5 years</li> <li>• Serving members 6 months prior to discharge</li> <li>• Serving members who need to move because of a serious injury, medical condition, or disability (including a mental ill health condition).</li> </ul>
Care leavers	Persons leaving care of the Local Authority's children services
Medical	Medical condition is expected to be terminal or life threatening, and re-housing is required due to detrimental effects caused by present accommodation.

## Band B

Band B Criteria	Description
Homeless	<ul style="list-style-type: none"> <li>• Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate.</li> <li>• Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.</li> </ul>
Overcrowded	Severely overcrowded due to lacking two or more bedrooms.
Looked after children	Applicants who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order with respect to a looked after child or for a child

	that is deemed at high risk of becoming looked after otherwise
Bereaved spouses and civil partners of members of the regular and reserve Armed Forces	Applicants who are a bereaved spouse or civil partner, of a person who was serving in the Regular Armed Forces, where the bereaved spouse or civil partner will no longer be entitled to reside in Ministry of Defence accommodation.
Supported accommodation	Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues

### Band C

Band C Criteria	Description
Homeless	<ul style="list-style-type: none"> <li>Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty. iii. Threatened with homelessness, owed the (prevention) section195 duty</li> <li>Threatened with homelessness, owed the (prevention) section195 duty</li> <li>Intentionally homeless and have a priority need for accommodation, owed the section 190 duty</li> </ul>
Overcrowding	Social housing tenants who are lacking one bedroom
Insanitary Housing	Priority on the Housing Register will only be awarded where your home is assessed as having an irresolvable category 1 hazard and where a Prohibition Notice is required or has been sought on the grounds that the property is deemed prejudicial to health and where continued occupation poses a significant threat to the health and safety of the occupiers.
Medical and Welfare	Needing to move on medical or welfare grounds, including grounds relating to a

	disability, due to detrimental effects caused by present accommodation.
Hardship	Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others)

### 3.11 Multiple needs

Your circumstances may be such that you would qualify for priority under more than one reasonable or local preference category. If this is the case your application will be placed into the highest band, reflective of your need, as assessed in accordance with the Housing Allocation Scheme.

### 3.12 Bedroom entitlement

This is how we assess how many bedrooms you need:

- Under occupation; if you have more rooms available than your household is assessed to need, you are under-occupying the property.
- Overcrowding; if you have fewer rooms available.

### 3.13 Bedroom standard

For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:

- A married couple, cohabiting couple or single parent
- Adult aged 21 years or more
- Pair of adolescents aged 10-20 years of the same gender
- Pair of children aged under 10 years regardless of gender
- An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender
- An unpaired adolescent aged under 21 years

Applicants who may also be entitled to a bedroom:

- Household member who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.

- An overnight carer for any usual household member, if the carer isn't a usual household member.
- Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
- A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the Applicant's household during that time.
- Applicants who are pregnant, the pregnancy at 24 weeks will be considered as an additional child for the purposes of assessing the bedroom needs of the household.

For applicants who are statutorily overcrowded at the point of application, that includes adults who would be eligible and qualify for an allocation of social rented housing in their own right, it will be suggested that they make a separate application to help manage the demand for larger family homes.

### **3.14 Insanitary Housing Conditions**

If your home is in a state of disrepair, you will not normally be awarded a priority on the Housing Register. Irrespective of who your landlord is, in the first instance you will be expected to report the problem to your landlord and work with them in order to resolve it.

If your landlord will not discuss these problems with you or is not carrying out the appropriate repairs to your home, then you can contact the Council's Private Sector Housing Team. They may assess your situation either by speaking to you over the phone or by arranging a home visit. If necessary, they will work with both you and your landlord to resolve any outstanding issues.

When making an application to join the Housing Register, you will need to confirm that you have already been in touch with your landlord, and that they have failed to resolve the works that are outstanding within a reasonable timescale, and that you have contacted the Private Sector Housing Team who have made an assessment and deemed the property unfit for habitation. We will ask to see these reports.

Priority on the Housing Register will only be awarded in exceptional circumstances where your home is assessed as having an irresolvable category 1 hazard and where a Prohibition Notice is required or has been sought on the grounds that the property is deemed prejudicial to health and where continued occupation poses a significant threat to the health and safety of the occupiers.

If you are a homeowner, and you are responsible for maintaining it, you will not be awarded a priority on the Housing Register. The Council's Private Sector Housing Team can offer you

advice and assistance as well as details of any current schemes and initiatives to help you maintain and remain in your home.

### **3.15 Medical, Welfare and Hardship**

Evidence will be required from a health or social care professional with direct knowledge of the Applicant's condition, for evidence of medical conditions or support needs and how the current accommodation is impacting on them.

The Local Authority will consider whether an Applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.

We will also consider if the applicant has access to all relevant support available to allow them to remain in their current home.

When considering the need to move under hardship, we will consider the following:

- The ease with which you can travel to be supported or provide support.
- The level of support that is currently provided including details of any care packages and carers allowances.
- The capability and time of the person offering the support
- When considering access to a school that is highlighted in a statement of special educational needs, we will look at the age of the child/children and how long they will remain at the school in question.

There must be exceptional reasons why the support needed cannot be met within their current circumstances or why this support cannot be made available through a reliance on public or personal transport. We must be satisfied that the support provided is so significant that, without it, the person in question would be at risk of significant harm or would no longer be able to live independently.

When considering financial hardship, we consider the following:

- Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work in accordance with the Right To Move Section 2.4.
- Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

Due to current accommodation being unaffordable and as a result the applicant (and/or usual household members) being unable to afford housing costs, reasonable living expenses, relevant expenditure to nurture and keep safe a child that lives with them or any priority debts.

# Part 4: Allocations

## 4.1 Offers of accommodation

Applicants will be prioritised for an allocation of social rented housing according to the following criteria:

- Bands, in the order of Emergency to C. Emergency band has the highest priority and Band C the lowest.
- Where two or more Applicants might have the same Band, then we allocate by the date their application was first received by the council and then in order of the application reference number.

An offer of accommodation must be deemed suitable. This will take into consideration:

- Household type and size
- Rent and service charges
- Property type, size and condition
- Medical need
- Area in relation to employment, education, safety and support
- Affordability checks see Appendix 3

Applicants fleeing domestic violence and abuse: Note that this will be as part of an overall plan to protect and safeguard victims. Due to the nature of the need to move, any offer will be in a suitable and safe location, considering support networks and distance to the perpetrator, and safeguarding factors. Offers of suitable accommodation may be some considerable distance from the applicant's current or former home.

We will contact you to make an offer of suitable accommodation. We will confirm there are no changes to your application and check your rent account and affordability. Your offer will then be confirmed in writing.

## 4.2 Shortlisting

When a property becomes available, we will create a list of applicants on the housing register that meet the criteria for that property, this is including household size, property types such as ground floor needed and medical criteria if the property has adaptations.

We then look at the list of applicants that meet that property's criteria by banding priority (A-C) and then date order.



We will consider an applicant's suitability in more detail at that point, for example, affordability or any area restrictions.

The shortlisting process ensures we make best use of the stock available.

### **4.3 Limited Offers**

Applicants are subject to a limit on the number of suitable offers, as listed below:

Band	Number of offers
Emergency Band	One offer
Band A	One offer
Band B	Two offers
Band B Homeless Duty	One offer
Band C	Two offers
Band C Homeless Duty	One offer

### **4.4 Accessibility**

Accessible properties will always be offered to Applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have been waiting a shorter time than those without a need.

Properties on the ground floor will be offered to Applicants who have a medical need for ground floor accommodation over an Applicant who has no need.

### **4.5 OAP properties**

Properties purposely built for over 60's will always be offered to applicants that meet that criterion as a priority. The council reserves the right to apply discretion to use the accommodation to meet an applicant's medical need who may not meet the age criteria.

### **4.6 Sheltered Housing**

Applications for sheltered housing are managed under this allocations scheme.

### **4.7 Council Employees, Elected Members or their Relatives**

Council employees, elected members and their relatives are allowed to apply to join the housing register and to have their circumstances assessed in accordance with this Housing Allocations Scheme. Their application will be assessed in the same way as all other

applicants and they will not gain any advantage, receive any preferential treatment or be disadvantaged during their application.

We will apply the following:

- An employee who applies for housing must have no direct input into the processing of their application. This includes not inputting, amending, prioritising or making decisions.
- Elected members must have no direct input into processing of their application or of their relatives. This includes not inputting, amending, prioritising or making decisions.
- The application will be clearly identified as belonging to an employee, elected member or their relative.
- Offers must be authorised by senior member of the housing allocations team who is not related to the applicant.

## **4.8 Reciprocal arrangements**

The Allocations Management Team may authorise approaching another authority or registered provider with a view to entering into a reciprocal arrangement where this would assist the council to house someone who needs to move. Reciprocals are a way of obtaining a nomination to another council or registered provider and in turn, MKCC will need to provide a matching property. In either case, the property offered should meet the recipient authority's (or registered providers)) normal rules as to property size, and it should be noted that it is up to the other council/registered provider whether they agree to enter into such an agreement.

Reciprocals initiated by MKCC (i.e. outgoing) - factors to take into account:

- Is the case an emergency case or otherwise particularly urgent.
- Have alternative options been exhausted.
- Does another authority or registered provider "owe" the council a reciprocal nomination, if so, is this a good opportunity to get them to discharge that reciprocal nomination.

Reciprocals initiated by other councils or registered providers (i.e. incoming) - factors to take into account:

- Is the case an emergency case, or particularly urgent or important.
- Can rehousing be achieved by the other council or registered provider using their own stock.
- Does MKCC "owe" the other authority or registered provider a reciprocal nomination, if so, this is an opportunity to discharge the debt to them. d. Is the council likely to be in a position to assist within the required timeframe, we will not allow these to take place over a prolonged period of time.

## 4.9 Refusals

The following are considered refusals:

- You fail to attend a viewing or sign up
- Non engagement with registered providers or the council regarding a nomination or offer of accommodation
- You are offered a property, and you decline it
- If you have a homeless duty and you fail to sign for the tenancy, whilst awaiting an outcome of a suitability review

Once an applicant has exhausted the applicable refusal threshold, their application on the housing register will be closed.

If you have a homeless duty, if a suitable offer of accommodation is refused, your homeless duty will also be discharged.

## 4.10 Right to Review

Applicants will be informed of their right to request a review, of any of the decisions shown below, within 21 calendar days of receiving a decision about their housing application:

- That an applicant is not eligible for an application, due to being subject to immigration control or being an ineligible person from abroad.
- That an applicant has been assessed as not having a qualifying to join the Scheme.
- The decision of the applicants housing need banding priority.
- The facts of an Applicant's case which are likely to be, or have been, taken account of when deciding whether to make an allocation or a nomination to a Registered Provider, including their medical condition or other welfare needs.
- The type of social rented housing for which an Applicant will be considered under the Scheme.
- The extent of an Applicant's household.
- Whether an allocation or a nomination constitutes a suitable offer of accommodation.
- The decision to close your application.

The review will be a re-consideration of all the relevant facts and the legal requirements at the date the review is carried out. Upon receipt of a review request from an Applicant, the Local Authority will complete the review within eight weeks (56 days). This timeframe can be extended by mutual agreement between the Local Authority and the Applicant.

The review will be carried out by the Reviews Team, who will not have previously been involved in making the original decision. An Applicant will not usually be entitled to an oral hearing. However, when the Local Authority deem an oral hearing helpful to determine the facts of the case, an Applicant will be entitled to have an advocate present

If the Local Authority concludes that there was a deficiency or irregularity in the original decision, or in the way it was made, but is minded to decide against the interests of the Applicant anyway, the Local Authority shall notify the Applicant of their intentions and the reasons for them. The Applicant and/or their advocate may then, within a reasonable period of time, make oral and/or written representations to the Local Authority.

Notification of all review decisions, including reasons for decisions made, will be made in writing.

Applicants will be informed of their right to pursue a judicial review. This includes a refusal to take an application to join the Scheme. If Applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman or the Housing Ombudsman.

To request a review:

**Email:** [reviews@milton-keynes.gov.uk](mailto:reviews@milton-keynes.gov.uk)

**Or Post to:** Reviews and Business improvements, Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ

## **4.11 Complaints**

If you are dissatisfied with a decision, see section 4.10.

If you are dissatisfied with the way we have delivered our service, then you may consider making a complaint. You can do this on our website at: [Complaints and Compliments | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/complaints)

If a complainant is not satisfied with the action the council takes, having followed the complaints procedure in full, they you may send a written complaint to the Local Government Ombudsman.

If an applicant wishes to make a complaint against a registered provider, they should use the registered provider's complaints policy.

## **4.12 False information**

We will robustly investigate any circumstances that we believe to be fraudulent. It is an offence to obtain, or attempt to obtain, a tenancy by deception. S.171 of the Housing Act

1996 makes it an offence to knowingly or recklessly provide or withhold information when applying for housing and subsequently if your circumstances should change.

If we discover that you or someone acting on your behalf has supplied false information or have failed to provide us with information that is relevant to your application in order to gain a priority or accommodation, we will immediately cancel your application.

If you have obtained accommodation through the Housing Register and it is discovered that you or someone acting on your behalf has supplied false information or failed to provide us with information that would have been relevant to your ability to secure that accommodation, we will work with your landlord to end your tenancy.

Anyone suspected of giving false information or withholding relevant information is also liable to be prosecuted and may be fined.

### **4.13 Letting Plans**

The Council may also decide to apply a local lettings plan to a particular area or development or regeneration scheme.

Local lettings plans will be reviewed regularly to make sure that we continue to give priority in our allocations to the groups the law says we must give priority to.

### **4.14 Information publicised**

We will aim to publish the number of lettings and average waiting times annually. This information will be published on our website and is often useful for applicants when considering whether to refuse an offer. We have limited lettings each year, the information will give applicants a better understanding of waiting times for certain areas, types and sizes of accommodation.

## **Part 5: Appendices**

### **Appendix 5.1: Letting outside of scheme**

Lettings where a tenancy is created outside of the Allocations Policy include:

- Conversion of an introductory tenancy: to a secure tenancy under S125 Housing Act 1996).
- Family intervention tenancies: Introduced by the Housing and Regeneration Act 2008, these are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a registered provider to anyone who is a tenant of a lifetime tenancy subject to or could in the future be subject to a possession order on the grounds of anti-social Behaviour or domestic abuse.
- Discretionary succession (tenancies): Tenants who are awarded a new tenancy under the landlord's discretionary succession provision.
- Non-Secure tenancies or temporary accommodation: Any accommodation that is provided to meet an interim duty under Part 7 of the Housing Act 1996.
- Temporary decants: Tenants who need to be moved temporarily whilst major work is carried out on their home will be granted a license to occupy.
- Mutual exchanges: Between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- Assignment: To a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- Transfers of tenancies by a court order: Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- Land Compensation Act: Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- Repurchased Homes: Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- Management Transfers: Within a registered provider's stock, where the unit has not been made available to the council.

## **Appendix 5.2: Affordability checks**

Being able to pay rent and service charges is key to a resident's being able to sustain their tenancy. How much a resident can afford to pay for their housing costs will vary depending on the type of accommodation they live in and their financial circumstances. Carrying out affordability checks when allocating a home gives confidence to residents and social landlords that the tenant will be able to afford the home.

### **Practicalities of carrying out an affordability check**

To carry out the check, the following must be considered:

- Income of the household including salaries, benefits and investments.
- Rent and other property charges.
- Reasonable living expenses.
- Priority debts.

To determine whether a prospective tenant can afford the housing costs of the property that has been allocated to them, we will

1. Take note of their total income (This will include any income received from adult children living with you)

2. Deduct from the total income received, housing costs such as utilities

3. Deduct from the total income received, other reasonable living expenses, equal to Universal Credit standard allowances, for items such as,

- food
- clothing
- transport
- other essentials, specific to the circumstances of the prospective tenant (and any other person that lives with them, or might be reasonably expected to live with them)

4. Deduct from the total income received, relevant expenditure to nurture and keep safe any child that lives in the household.

5. Deduct from the total income received any priority debts, such as,

- Court fines,
- Council tax,
- TV licence,
- Child maintenance,
- Gas and electricity bills,
- Income Tax, National Insurance and VAT,
- Mortgage and any loans secured against a home owned by the Applicant (and any other person that lives with them, or might be reasonably expected to live with them),
- Hire purchase agreements if what has been purchased is essential.

6. From the remaining amount of income, a calculation can be made as to whether the prospective tenant can afford the housing costs of the property that has been allocated to them. We may also complete a benefits calculator to ensure you are in receipt of all benefits you are entitled to.

Where two or more people will hold a tenancy jointly, income and debts from all tenants will be taken account of.

### **Appendix 5.3: Exception decision panel**

The panel is designed to review applications in the following circumstances:

- Applications put forward to be considered for our emergency band.

- To consider if discretion should be applied to an applicant who has an exceptional housing need but is ineligible to join the housing allocations scheme.

The panel meets fortnightly, and applications to be considered can only be submitted by professional employees of the council.

The panel consists of the Assistant Director Housing and Support and the Head of Housing operations.

## **Appendix 5.4: Legislation, guidance, policies and protocols**

In framing the Housing Allocations Scheme, we have complied with and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013)
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Armed Forces Act 2021
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)
- Equality Act 2010.
- Data Protection Act 2018 and contained within the UK General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Children and Social Work Act 2017
- Anti-Social Behaviour Crime and Policing Act 2014



This Scheme and the administration of it takes into account the objectives and actions set in the council's following polices and strategies:

- Housing Protocol for Care Experienced Young People
- Homeless & Rough Sleeping Strategy
- Tenancy Policy
- Tenancy Strategy
- Decant Policy

## 5.5 Review

<b>Author</b>	Amanda Griffiths, Lucy Tucker, Nicola Stribling
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