Research to inform a fundamental review of social housing allocations policy

Report 2: Best practice approaches to accessing and allocating social housing in Britain and the Republic of Ireland

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INTRODUCTION

This report describes best practice approaches to accessing and allocating social housing in Great Britain and the Republic of Ireland.

The focus of the report is on allocations made by local authorities and housing associations in Britain and by housing authorities (local councils) and approved housing bodies (housing associations and co-operatives who receive funding from the government) to properties which have been constructed with the use of state funding in the Republic of Ireland.

The review examined in detail ten different schemes throughout Britain (Birmingham; Broxtowe, Gelding and Rush sub-region; Cambridgeshire sub-region; Cardiff; Cornwall; Glasgow; Gwynedd; Haringey; Liverpool; and North Lanarkshire). Between them these schemes covered a total of 17 local authority areas. These were selected in order to reflect schemes that cover an individual district and those that operate across sub-regional partnerships in Britain, as well as representing housing market conditions with some similarity to those in Northern Ireland, including areas with high and lower demand and rural and urban areas. In addition, representatives from four of these areas were interviewed to explore their experiences of operating their allocations policy.

Eight of the ten schemes were currently reviewing their allocations scheme, in response to new legislation in the Localism Act and Welfare Reform. Recent research in England has suggested that very many local authorities are currently in the process of reviewing their allocation policies (Williams et al, 2013). This review is based primarily on current practice, although it refers to proposed changes in some cases.

In the Republic of Ireland, ten schemes were included in the analysis: Clare County Council, Cork City Council, Cork County Council, Donegal County Council, Dublin City Council, South Dublin County Council, Fingal County Council, Kerry County Council, Longford County Council and Waterford County Council. These local authorities were principally selected to demonstrate the range of approaches that are being used within Ireland, particularly in relation to Choice-Based Letting (CBL). The selection of local authorities includes city and county councils and therefore covers both urban and more rural contexts.
SOCIAL HOUSING IN BRITAIN AND THE REPUBLIC OF IRELAND

In Britain social housing must be allocated in accordance with government priorities and rents are regulated at below-market levels, although local authorities must design the detail of their own schemes setting out how housing will be allocated and precisely who should get priority.

In the Republic of Ireland social housing is allocated on the basis of need or time on the list depending on the scheme and tenants are charged a rent in accordance with their income.

Looking at the social sector as a whole, there are approximately 4.1 million social rented homes in England and Wales, housing 18 percent of households. There are a further 595,000 in Scotland, accommodating 23 percent of households. Throughout Britain, around half of the social rented stock is owned by local authorities and half by housing associations. Some housing associations retain control of their own allocations for some or all of their stock, but the large majority of social housing in Britain, including housing association stock, is allocated by local authorities.

Social housing is somewhat less common in the Republic of Ireland and in total there are approximately 140,000 social homes for rent, accommodating approximately 10 percent of Irish households. The majority of these (120,000) are provided by local authorities and the remaining 20,000 are owned and managed by over 700 approved housing bodies, many of which have a small number of properties and are managed on a volunteer basis. This lack of uniformity is reflected in many aspects of the allocation schemes, particularly in terms of the refusal of offers and the subsequent sanctions taken by housing providers.

ISSUES AND DEBATE CONCERNING ALLOCATIONS

There has long been a concern that needs-based allocation systems contribute to the formation of large scale, mono-tenure, social housing estates spatially concentrating the poorest households (CIH, 2012a). This causes stigmatisation and segregation because of perceived high crime rates and anti-social behaviour (Murie and Rowlands, 2008). The sector has also long been associated with low rates of mobility. However, it has also been argued that it is the lack of alternate choices for low-income households, rather than the allocation system per se, that contributes to the profile of social tenants (Clarke and Monk, 2011). Social landlords nevertheless have to manage competing agendas for social housing: to provide housing for those in greatest need whilst at the same time to try to avoid spatial concentrations of poverty in social housing by adding more affluent, working and middle-class residents to poor neighbourhoods (Pleace, Teller and Quilgars, 2011).

Most of the literature in Britain over the last decade on this issue of allocations has focussed on CBL (Brown et al, 2003; Brown et al, 2005a, 2005b; DCLG, 2006; Pawson and Watkins, 2007; Appleton and Molyneux, 2008; Manley and van Ham, 2011). CBL marked a new approach to social housing allocations by replacing direct lettings with a system that to
some extent mimics the operation of a market. Typically, applicants are awarded a level of
priority for housing (either by being given points that reflect their degree of housing need or
by being placed in a band according to their priority) which provides them with the
“currency” to bid for available properties. The property is then allocated to the bidder with
the highest level of priority (greatest housing need). Where several applicants have the
same priority, the property is usually allocated according to time waiting.

CBL has been shown to be particularly useful for letting property in what had been regarded
as “hard-to-let” or “low-demand” areas, such as social housing estates with “bad”
reputations. However, it has also been successful in high-demand areas (Pawson et al,
2006). It has also been found that under CBL people have moved to areas that they would
not previously have considered (ibid). CBL has the advantage of eliminating the problem of
refusal of offers of housing, which is time consuming and contributes to lengthy void
periods, because each applicant only bids for a property that they would like. This applies to
the locality as well as the type and size of property. CBL can be flexible, however, in terms of
how the property is advertised. Flats at the top of tower blocks, for example, can be
described as unsuitable for children, while properties that have been adapted for disabled
living can be restricted to households with a disabled member.

There was some evidence of “cherry-picking” tenants in the evaluation of the CBL pilots in
England (Marsh et al, 2004) whereby whole blocks were advertised as suitable only for the
over-50s in order to make for easier housing management. This was particularly likely where
schemes allowed local flexibility to partners (housing associations) in allocating housing.
Lessons learned included clear rules on when and how lettings could be restricted, for
example, to address severe management issues in particular areas or to ensure mixed and
sustainable communities.

One key issue that was raised in relation to the introduction of CBL was whether vulnerable
groups would be disadvantaged and whether they would be able to participate fairly in a
system that requires more input from applicants. Research into CBL and vulnerable adults
found a range of good practice in supporting vulnerable groups within a CBL system, and
concluded that overall “the good practice examples that we have identified illustrate a
system which is advantageous to vulnerable adults, delivering better and more consistent
outcomes for them than previous application and allocation systems” (Appleton and
Molyneux, 2008). Analysis of outcomes found that vulnerable groups were less likely to be
housed in low-demand areas under CBL (Pawson et al, 2006).

An issue that might be of concern in Northern Ireland regarding CBL is whether it would
contribute to building a united and shared society (OFMDFM, 2013), or whether it could
entrench the existing segregation between communities. The sectarian divide does not exist
to the same extent anywhere else in the UK or the Republic of Ireland. There were,
however, concerns raised early on after the introduction of CBL in Britain about a possible impact on ethnic segregation.

In summer 2001 there were riots in towns and cities in northern England, including Oldham and Burnley, involving inter-ethnic conflict and attacks on the police. The Cantle review that followed raised the issue of people leading “parallel lives” (Cantle, 2001:9) which gave few opportunities for meaningful interaction and created “ignorance about each others’ communities [which] can easily grow into fear”. Feelings of inequality in access to housing was one of the issues that the report picked out as fuelling tensions, meaning that when CBL was being introduced in the early 2000s, there was concern over whether it might potentially exacerbate divisions.

Initial findings from the 27 pilot CBL schemes introduced in England between 2001 and 2003 suggested that, overall, ethnic minorities fared as well as white applicants under CBL and that in some areas the introduction of CBL had increased the number of ethnic minorities moving into areas that had previously been largely white (Pawson et al, 2006).

A more recent and detailed analysis, however, examined allocations made before and after the introduction of CBL and also compared landlords that did and did not operate CBL. It concluded that under CBL ethnic minorities were more likely to end up in a neighbourhood with a high proportion of ethnic minorities. It was unclear whether this resulted from self-selection by ethnic minorities into these areas, or a lack of real choice by ethnic minority households who, if they are less able to wait for housing, may be prepared to bid for properties in areas that white households found less desirable (Manley and van Ham, 2011).

More recent research evidence has demonstrated that some CBL schemes have incorporated quite complex rules that limit the range of applicants eligible to bid for an advertised property (Pawson and Watkins, 2007). As a result, it has been suggested that under some schemes today vulnerable households may not have any real choice at all (Manley and van Ham, 2011). Overall, the research on CBL and vulnerable households is somewhat contradictory and inconclusive but it would seem that, provided the right steps are taken to assist such households, they can be supported to exercise as much choice as other applicants when applying for social housing.

Concerns have also been expressed about immigrants gaining access to social housing in preference to local people, in some areas antagonising ethnic tensions. Research has shown that, nationally, the proportion of lets to non-UK-born applicants is low (Rutter and Latorre, 2009) but acknowledges that in inner London the proportion of foreign-born residents who live in social housing is higher than that for the UK-born population. The allocation of social housing therefore fuels tensions particularly in areas such as London where immigration is high and the overall supply of social housing is insufficient to meet the needs of the population (ibid).
Recent debate in Britain has focussed on issues such as local flexibility and whether the needs-based approach needs modifying to take account of wider policy agendas. These include:

- Providing housing for low and middle income groups
- Creating mixed-income communities
- Encouraging aspirations and incentivising community involvement
- Tackling anti-social behaviour and crime
- Making best use of available stock
- Promoting choice

The implications of these policy agendas would be to give greater priority in allocation schemes to applicants who:

- Are in work or training, or undertaking voluntary work
- Have no record of anti-social behaviour
- Wish to downsize or to vacate an adapted property or one with support that they no longer need

The Chartered Institute of Housing (CIH) has produced a briefing on these issues for social landlords (CIH, 2012a), which details some of the new work that local authorities are considering undertaking in response to this changing policy agenda. These include:

- Manchester’s scheme to place applicants in a higher band if they are working, contributing to the community or if they are a young person who has undertaken a tenancy training course
- Southend’s consultation on a “work-plus” scheme which aims to ring-fence 20 percent of all lets to households in paid or voluntary work
- Westminster council’s use of fixed-term tenancies for young people to incentivise them to find work

Other areas too are piloting schemes that prioritise people in work; for instance, Camden council has introduced a local lettings plan which aims to address problems of high unemployment and high child densities by setting maximum quotas for economically inactive working age households and for the number of children (Camden Council 2010).
Mid-Wales has put forward plans to revise the points under their allocation scheme in order to reward those in employment and/or contributing to the community. Under this scheme applicants will be assessed to see whether one or more members of the household are:

1. In employment
2. Contributing positively to their community (e.g. voluntary work)
3. Have a local connection

Applicants would then be divided into two groups – those meeting a reasonable preference category (the “active list”), and those who do not.

“Reasonable preference” categories are:

- People who are homeless. People living in unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds including a disability
- People who need to move to an area where failure to meet the need would cause a hardship to them or others

Those who meet one of the criteria above would be given a Bronze award, those with two would be Silver and those with all three would be Gold. Allocations would then be made first to those on the active list with a Gold award, then Silver, then Bronze. Only when there are no active list applicants are those without a reasonable preference allocated properties (which are also allocated first to those with a Gold award, then Silver, then Bronze).

Concern has been raised that prioritising working people may disadvantage vulnerable groups (Shelter, 2012). Recent analysis of allocations data in England has suggested that many vulnerable groups (such as those fleeing violence, and moving on from hostels) are disproportionately likely to be out of work and therefore would be disadvantaged by allocation schemes that give greater priority to workers (Clarke and Monk, 2012b).

Similar issues over whether to give priority for factors other than housing need are under debate in the Republic of Ireland. The latest guidance suggests that relying solely on greatest need to determine allocation priority can reinforce the spatial concentration of vulnerable households and undermine efforts to develop sustainable communities.

It should be noted that most of the emerging practice in allocations that gives greater priority to working households is at a very early stage in Britain and has not been introduced in the Republic. The majority of allocation schemes do not as yet give any additional priority

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1 This guidance has been provided to all local authorities, in the form of unpublished internal documentation.
to working applicants and continue to operate on the basis of housing need. It is thus difficult at this stage to identify successful good practice or to evaluate the overall effect of such practices in meeting the wider policy agenda.
Since the Housing Act 1936, housing authorities throughout Britain have been required to give priority to households who meet certain criteria when allocating social housing. At that time working-class households with a regular income, rather than the poorest in society, were often prioritised for new housing. After 1945, the idea that social housing should provide a welfare safety net for the most vulnerable became increasingly important (Fitzpatrick and Pawson, 2007; Murie, 2007).

Some local authorities in Britain own most of the housing stock in their area, with only a small amount of social housing managed by housing associations. In other areas, almost all the social housing stock is owned and managed by housing associations. Housing associations usually give at least some, if not all, of their allocations to households nominated by local authorities but, depending largely on historical factors, many retain some autonomy over their allocations. For example, some housing associations in London only accept 40 percent of their tenants from local authorities, whilst others accept tenants nominated by a number of local authorities (Rutter and Latorre, 2009, p33).

The legislative framework for allocating social housing is broadly similar in England, Wales and Scotland, although there are some key differences, particularly between Scotland and the rest of Britain.

**ENGLAND**

The Housing (Homeless Persons) Act 1977 obliged local authorities to provide housing for those in “priority need” – in the form of social housing, both temporary and permanent. After 1977, the number of households accepted by local authorities as being homeless grew rapidly and social housing allocations became more closely linked with the need to meet legal duties to homeless households. The Housing Act 1996 aimed to further clarify the relationship between the allocation of social housing and the homelessness duty.

In England, reflecting the new powers granted by the Localism Act 2011, government guidance given to local authorities in framing their allocation policies has recently been updated (DCLG, 2012). It sets out who is eligible to apply for housing and what criteria local authorities must consider in drawing up their housing allocation schemes. In particular it gives greater powers to local authorities and social landlords to:

- Grant fixed-term tenancies for a minimum of two years
- Restrict access to the housing register
- Discharge duties to statutory homeless households into the private rented sector (PRS) without requiring the applicant’s consent
Prioritise transfers within social housing outside of their normal allocation schemes.

People subject to immigration control are not eligible for social housing unless they belong to specific categories prescribed as eligible. Some categories of people from abroad who are not subject to immigration control are also ineligible for social housing. Local authorities may disqualify other groups of people from joining the register. They are no longer required to register everyone who wants social housing and can instead register only those who have a reasonable prospect of being housed. Local authorities can set their own criteria for joining the housing register, which can include specifying a length of residence in the district.

They must now, however, ensure that former service personnel who have been based in the district are not excluded from the housing register on the grounds of lack of a local connection.

Retaining the previous approach, the current guidance stipulates that local authorities must ensure that “reasonable preference” is given to:

a) People who are homeless

b) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

c) People who need to move on medical or welfare grounds, including grounds relating to a disability

d) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

Within this framework, local authorities can design their own scheme that determines in detail how to prioritise applicants for accommodation, to meet local needs and priorities.

The government has also suggested that local authorities might want to prioritise those who contribute to their communities, such as people in work, and to foster carers, although the guidance does not compel them to do this (DCLG, 2012).

Transfer applications no longer have to be assessed on the same basis as new households applying to the housing register, so that transfers not in a reasonable preference category can be allocated accommodation ahead of others who are. This is intended to improve mobility within the sector and ensure that downsizers can be prioritised for transfers.
The guidance also sets out the appropriate measure of overcrowding for the purposes of allocation. The Social Sector Size Criteria calculates the number of bedrooms a household requires so that no one has to share a room unless they are:

a) A couple
b) Both aged under 10
c) Both aged under 21 and of the same sex

No more than two people should have to share a room.

**Homelessness legislation (England)**

The **Housing Act 1996** defines households considered to be in “priority need” in England (and Wales) as those that include:

- A pregnant woman
- Dependent children
- Someone vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason
- Someone homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster

This was expanded further in England by the **Homelessness (Priority Need for Accommodation) (England) Order 2002** to include those who are:

- Aged 16 and 17 years old
- Aged under 21 years old who were in local authority care between the ages of 16 and 18
- Aged 21 and over who are vulnerable as a result of leaving local authority care
- Vulnerable as a result of:
  - leaving the armed forces;
  - leaving prison; or
  - fleeing violence or threats of violence that are likely to be carried out.

Local authorities have a duty to provide accommodation for priority need homeless households. Until recently most homeless households were eventually accommodated in
social housing as authorities were only allowed to discharge their duty by offering a private rented tenancy if the tenant agreed to this. Since November 2012, however, the *Homelessness (Suitability of Accommodation) (England) Order 2012* has given local authorities in England the flexibility to end the homelessness duty with an offer of PRS housing without requiring consent from the applicant, provided that the tenancy is for a minimum of 12 months and after appropriate checks on the landlord. To safeguard against repeat homelessness, any applicants who accept a tenancy in the PRS to end a homeless duty will automatically be considered to be in priority need if they become homeless again unintentionally within two years.

**WALES**

The legislative framework in Wales is similar to that in England, as the Localism Act largely applies to both jurisdictions. A separate Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness has been recently published by the Welsh Government (2012). A consultation on this code of guidance was carried out last year, and the responses are available online\(^2\).

The rules about eligibility are broadly similar to those in England and the reasonable preference categories are largely the same\(^3\).

Unlike in England, transfer applicants are required to be considered within the allocations framework and local authorities are reminded that case law has found it to be legal to prioritise downsizers even if they do not have reasonable preference provided that these constitute a “small percentage” of lettings.

Unlike the English guide, the Welsh guide does not stipulate that overcrowding should be assessed according to the Social Sector Size Criteria, but instead refers to the statutory definitions of overcrowding set out in the *1985 Housing Act* and acknowledges that overcrowding will need to be considered in relation to housing conditions in the area.

**Homelessness legislation (Wales)**

The *Housing Act 1996* described above applies to Wales as in England.

The *Homeless Persons (Priority Need) (Wales) Order 2001* differs slightly from the English version to include:

- Those aged 16-17 years old
- Those aged 18-21 years old leaving care or at risk of financial or sexual exploitation

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\(^3\) Without the explicit inclusion of those whose medical or welfare grounds relate to their disability in Wales.
People who became homeless after leaving the armed forces

Former prisoners who became homeless after being released from custody

People fleeing domestic violence or the threat of domestic violence

The rights given to local authorities in England to discharge their homelessness duties by offering a tenancy in the PRS without requiring the consent of the applicant are not in operation in Wales

SCOTLAND

In Scotland, the current code of guidance for allocating accommodation was published in 2011 (Scottish Government, 2011). It sets out three main groups of people who must be given priority (or “reasonable preference”) when seeking social rented housing:

1. People who occupy houses which do not meet the tolerable standard
2. People whose homes are overcrowded or who have large families
3. People who are homeless or threatened with homelessness.

The legislation differs from that in England in that it specifically forbids local authorities from prioritising applicants on the grounds of length of residence (though they may award some priority for the length of time spent waiting for housing). They are forbidden from taking income, home ownership or age into account, except for excluding under-16s and in the allocation of age-specific supported and sheltered housing.

Homelessness legislation (Scotland)
The 2003 Homelessness etc. (Scotland) Act states that the distinction between “priority” and “non-priority” need would be effectively abolished in 2012, meaning that local authorities have a duty to find both emergency and permanent housing for all non-intentionally homeless households. This has been made possible by the growth of Housing Options services in Scotland, which encourage local authorities to tackle housing difficulties by assisting households into the PRS or providing other forms of homelessness prevention, rather than formally processing a homeless application.

Local authorities in Scotland, as in Wales, are only allowed to discharge their duties to homeless households by offering a tenancy in the private rented sector if they have the applicant’s consent.

THE REPUBLIC OF IRELAND

Whilst there has been some recent legislative direction in relation to social housing allocation in the Republic of Ireland, it is expected that this will intensify in 2013-14 and beyond now that a review of social housing allocation has been required by the Minster of
State. The first steps towards the standardisation of the allocation of social housing have begun and the following are key issues within current practice and post the *Housing [Miscellaneous Provisions] Act 2009* and the *Social Housing Allocations Regulations 2011*:

- Eligibility is initially based upon applicant/household income
- Local authorities are allowed, but not required, to use “time on list” as a means of determining order of priority
- Applicants shall select a maximum of three areas of choice from within the county boundary and a minimum of one choice must be to the housing authority to whom the application has been made
- Refusal of two offers results in a deferral from the list for one year during which “time-on-list” cannot be accrued
- The government has encouraged housing authorities to consider the use of CBL schemes
- The Minister retains final authority over all allocation schemes used
- Rental Accommodation Scheme dwellings (see page 17, below) are included in allocation schemes

Until recently priorities in letting schemes in the Republic of Ireland varied quite significantly between housing authorities. This fragmentation and lack of uniformity has started to change with recent legislative developments from the State. This is evidenced by the provisions within the *Housing [Miscellaneous Provisions] Act 2009* and the subsequent *Social Housing Allocations Regulations 2011*.

This legislation is part of the government’s wider reform agenda and the Act has been recognised as being the first step on a road to simplify, standardise and make more transparent the allocation system used by housing authorities throughout the country. Both the *Housing [Miscellaneous Provisions] Act 2009* and the subsequent *Social Housing Allocations Regulations 2011* are the beginning of a process of transforming social housing allocation to create a standardised national system within which individual housing authorities will be able to use local discretion. The following section addresses, in some detail, the provisions contained in these legislative tools.

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4 It is expected that time on list will become a requirement with further legislative change. Please refer to Review and Expected Further Changes section on page 17.
Under the provisions contained within section 22 of the 2009 legislation, which came into force in June 2010, housing authorities were charged with the responsibility of developing an allocation scheme that would fall within the terms of the Act. All housing authorities had one year within which to develop a new allocation scheme incorporating the terms of the legislation (although this new scheme would not necessarily need to deviate far from the current or existing scheme used by a housing authority).

The most recent significant direction from government in relation to social housing allocations in the Republic of Ireland came in the form of the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011) which came into force on 1 May 2011 and which was provided for under the Housing [Miscellaneous Provisions] Act 2009.

Some of the key themes that can be drawn from the legislation are:

- **Optional:** Allocation schemes can be based upon a date order or “time-on-list” approach
- **Mandatory:** A common/uniform approach by all authorities to dealing with the refusal of offers made
- **The Minister retains final control** – centralised final decision making in relation to the final allocation schemes put forward by housing authorities has been retained

The Housing [Miscellaneous Provisions] Act 2009 stipulated that social housing allocation schemes remain a reserved function of government (i.e. it is the elected members of the local council that vote on the scheme). Before introducing a new scheme or amending an existing scheme, a copy of the draft scheme/proposed amendment should be sent to the Minister. The Minister is not required to approve the scheme but may, at any time, issue a direction to the housing authority to amend the scheme. This retention of centralised final control will, therefore, ensure a degree of uniformity between schemes within Ireland as is felt necessary by the government.

**DEFINING A REASONABLE OFFER**

The question as to what can be considered a reasonable offer has challenged many housing bodies across the UK and the Republic of Ireland and, for the first time, housing authorities in Ireland are being required to include area of choice in their definition of what constitutes a reasonable offer. Within the new legislative framework a reasonable offer has been defined, under s. 12 (3) of the Social Housing Allocations Regulations 2011, as being:
where the allocation of that dwelling would, in the opinion of the authority, meet the accommodation needs and requirements of the qualifying household concerned and ... the dwelling is situated in an area of choice specified by the household.

Exceptions to this definition apply only in circumstances where sudden situations such as a fire have taken place or where local authority projects are occurring including the regeneration/redevelopment of areas. In circumstances such as this the housing authority can be considered to have made a reasonable offer even if the offer was outside the applicant’s area of choice. The categorisation of “areas” by housing authorities is therefore critical and the legislative context for this has been outlined above.

TRANSFERS
Within their allocation scheme housing authorities are also required to consider current tenants who are seeking a transfer to another property (if this is provided for in the scheme). Transfers can only take place under prescribed circumstances and these are set out by each housing authority and therefore vary between them. Common criteria include being a tenant for at least two years; having a clear rent account; having kept the home in a satisfactory condition; and having no record of anti-social behaviour.

RENTAL ACCOMMODATION SCHEME
The Rental Accommodation Scheme (RAS) permits local authorities to negotiate contracts with private landlords for use of their properties for a specified period of time. Persons eligible for RAS properties are those who have been in receipt of rent supplement for more than 18 months and who have a long-term housing need.

Rental Accommodation Scheme allocations
Each allocation authority should make a provision in their allocation scheme to allow them to allocate dwellings acquired for RAS to households in receipt of rent supplement, although authorities do not have to include an order of priority for RAS properties. However, whilst there is no legal requirement for the authority to follow the order of priority laid out in their allocation schemes for these households (i.e. households in receipt of rent supplement and being allocated a dwelling under a RAS contract), they are encouraged to provide a general policy indicating how RAS units will be allocated. It is suggested that this could reflect either the length of time a household has been in receipt of rent supplement, the length of time

Rent supplement is paid to those living in the private rented sector who cannot afford the rent associated with their accommodation from their own resources and where the rental amount is lower than the rate set for the county. It can therefore be compared to LHA in the Northern Ireland context in that: it relates to the private rented sector; is means tested; is paid to help cover the cost of rent for a property and there are county rates set within Ireland and Broad Rental Market Rates in operation in Northern Ireland. Further information on rent supplement can be accessed at: www.welfare.ie/en/Pages/Rent-Supplement.aspx.
that a household has been on the waiting list for social housing support, or a combination of both.

It should be noted that for non-rent supplement tenants, authorities are not able to disregard the order of priority for the allocation of dwellings that are provided under the RAS leasing initiative.

Refusals

Although RAS dwellings do not have to be allocated in accordance with the main order of priority set down in the allocation scheme, any refusal of an offer of a RAS property is counted as a refusal of an offer under the allocation scheme (i.e. the refusal of an offer of RAS accommodation is treated as a refusal of accommodation under the refusals policy).

Rental Accommodation Scheme Transfers

The Department of the Environment, Community and Local Government recommends that authorities consider adopting a special transfer path for RAS tenants and thus include a transfer policy for RAS tenants in their allocation scheme. Once a household has been housed under the RAS scheme in the PRS they are then removed from the waiting list as their housing need is considered to have been met. The Special Transfer Path is essentially a mechanism to allow these households to access the housing authority transfer list and, therefore, potentially be rehoused into housing authority or approved housing body stock (assuming they meet the pre-set transfer criteria)\(^6\).

REVIEW AND EXPECTED FURTHER CHANGES

Currently, local authorities use varying approaches to housing allocations and the recent legislative changes have been the first steps in attempting to bring standardisation across these bodies into practice. It should be noted that the Minister of State with responsibility for Housing originally planned for a review to be completed within 18 months of the implementation of the regulations. It is now anticipated that this review will be completed in 2014 and significant changes in terms of social housing allocation in the Republic of Ireland are expected to be announced following this review.

One expected amendment is in relation to the use of length of time on the list to determine priority. Whilst it is currently optional for local authorities to use time on list when determining the order of priority in the allocation of dwellings, the intention of the State is to move towards making this a requirement in the future through the implementation of further regulations. The government has stated its intention to do so as follows:

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\(^6\) Further details of the Rental Accommodation Scheme can be accessed at:  
www.environ.ie/en/DevelopmentHousing/Housing/SocialHousingSupport/RentalAccomodationScheme/
Authorities are not required at this point to change their existing approach to determining the order of priority of individual allocations under the existing schemes of letting priorities. However, the Minister has indicated his intention, in line with the creation of broad classes of households through the new social housing assessment process, to move over an 18-month period to a uniform allocation model based on “time on the list” within classes. (DoECLG, 2011)

The introduction of this approach has also been aligned to the link between using entirely needs-based systems of allocation and the concentrations of similar types of household, which is thought not to be conducive to the formation of sustainable communities.

Currently the suggested approach to this is the use of a number of broad categories or bands to which applicants will be allocated. Allocations would then be made using time on list for those in each particular band. Whilst the categories to be used have not yet been developed these could include, for example, households experiencing overcrowding, those with special needs, those experiencing homelessness etc. Each local authority would then decide what proportion of allocations would be drawn from each of these categories. It is also expected that, for example, where appropriate, local authorities will set aside designated housing for particular groups such as those with special needs. A time-on-list approach would also be used for allocating households to designated schemes.

If each housing authority has in operation a date order system, perhaps supplemented by bands of housing need e.g. for homelessness, the applicant will easily be able to understand their position on the list whilst also systematically moving up the list as time progresses.
WELFARE REFORM

The Welfare Reform Act was passed in England and Wales and Scotland during 2012. A review carried out by a group of nine major housing associations highlights the main implications for the housing association sector (CASE, 2012). One of the key reforms affecting the social sector is the Social Sector Size Criteria. This affects all households of working age who claim housing benefit to pay their rent and who live in properties that are larger than they are deemed to need. This is established using similar criteria to those described earlier (page 13) except that teenagers are deemed to require their own room from the age of 16 rather than 21.

From April 2013 social tenants of working age with one or more spare bedrooms will have their housing benefit reduced by a fixed percentage of 14 percent if they have one spare room and 25 percent if they have two or more. The government’s impact assessment calculates that the average reduction in benefit for tenants with one bedroom above the standard will be £12 per week while those with two or more spare bedrooms will lose £22. The actual reductions in rent will therefore vary between areas and tenants in higher-priced areas will suffer greater reductions. A few tenants (two percent of those affected) will lose less than £5 a week, whilst seven percent (50,000 households) will lose over £25 a week. Average reductions will be £21 in London but only £12-£14 in the North and Midlands (DWP, 2012). Analysis has shown that areas with high unemployment and low pressure on housing stock have the highest proportions of tenants who will be affected by the measure. London has the lowest proportion of tenants affected, but because rents are higher, those who are affected will lose larger amounts of their income (Pawson, 2011). Rural areas may be particularly badly affected because of a shortage of smaller properties and difficulties in downsizing across a dispersed housing stock (Clarke and Monk, 2012a).

These reforms might pose some challenges for allocation schemes. There may be increased demand for downsizing from affected households. Research has shown that the main impact of this is likely to be on demand for one-bedroom properties and that in many areas the number of households affected and wanting to downsize may be substantially larger than the number of available smaller properties (Clarke, 2012). Social landlords who are concerned about rising levels of arrears from households failing to pay the shortfall in their benefits may therefore seek to make the best use they can of available lettings of smaller properties to allow downizers to move.

Another, not unrelated, issue arises at initial allocation. It has previously been common practice in some areas to allocate properties to households that are technically larger than they need. Analysis of CORE data shows that around a third of properties allocated to single people and couples without children had two or more bedrooms (Clarke and Williams, 2011). There are many reasons why a landlord may choose to do this – to meet aspirations,

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7 Working age is defined in line with women’s pension age. In April 2013, this will be 61.5 years, rising to 66 by 2020.
a shortage of one-bedroom homes, in anticipation of a future increase in requirements of that household (such as a baby being born) or because of particular needs of the household (such as access visits from children or a disability). However, under the Social Sector Size Criteria only those who need a regular overnight carer are to be permitted an extra bedroom. Other households will in the future be unable to claim full housing benefit if their property is larger than they need. Landlords may therefore seek to change their allocation policies so that there is a tighter match between the size of household and the size of property they require.

Taken together, the demand from downsizers and pressure to ensure that initial allocation is at standard are likely to impact upon the level of demand for different sizes of property – with increased demand for one- and two-bedroom homes and reduced demand for larger properties. This will depend on the nature of household formation in the future.

The CIH has produced a briefing for social landlords that sets out the main welfare reform changes affecting the housing sector (CIH, 2012b) and another looking in more detail at the implications of the Social Sector Size Criteria (CIH, 2012c). The National Housing Federation has also produced a range of briefings covering the main areas. One possible solution to help meet the anticipated demand for smaller properties may come from facilitating and encouraging greater use of mutual exchange schemes whereby tenants may downsize by swapping with another household that is overcrowded or unaffected by the housing benefit restrictions – either because they pay their rent themselves, or because they are pensioners.

In terms of allocation policies, two distinct options seem to be emerging from social landlords. The first is to reform their allocation scheme to bring their criteria for determining the size of property a household requires into line with the Social Sector Size Criteria. This approach is most common in higher demand areas, where housing has always been tightly allocated to households of the right size. In lower demand areas, or those with a stock consisting largely of family homes, this approach has been recognised as impractical. The second option is for landlords to inform and counsel new tenants at the point of allocation if they are being offered properties that are likely to create a housing benefit shortfall.

Some elements of welfare reform affecting tenants in the PRS could have knock-on implications on demand for social housing. In particular, the age limit for the housing benefit shared room rate has been increased from 25 to 35 which means that there will be greater pressure on shared housing and houses in multiple occupation in the PRS. If that demand cannot be met, there could be an increase in demand for social housing from the

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under-35s who are having difficulty accessing the PRS or who want to live in self-contained housing and depend on housing benefit to pay their rent.

An overall cap on the total amount of benefits a household receives will be implemented in Northern Ireland (where the implementation date has yet to be confirmed) and in most of the rest of the UK from summer 2013. This also puts pressure on larger, out-of-work families in high-priced areas to ensure that their housing costs are low, so that their overall income from benefits remains below the cap. This may increase the demand for family-sized homes in the social rented sector from those who can no longer afford the PRS. For an analysis of the implications for different sized households, see Clarke and Monk, 2012a.
THE PURPOSE OF ALLOCATION SYSTEMS

The devolved nature of allocations in Britain means that local authority-devised schemes generally see their main function as being to fulfil their legal duties within the wider framework set out by government. The government’s purpose for allocation schemes is set out in the guidance documents produced for England, Scotland and Wales, discussed above. The objectives of the individual schemes reviewed for this report generally echoed the UK government priorities and were based on:

✓ Meeting housing need
✓ Enabling choice
✓ Ensuring fairness and transparency
✓ Creating balanced communities
✓ Ensuring equality of opportunities
✓ Reducing homelessness and minimising the use of temporary accommodation.
✓ Making best use of stock, including larger homes, adapted stock and reducing void periods

Within these broad priorities, local areas are free to set their own, and these often include local connections (especially in rural areas) and incentives to encourage working households or those that make a positive contribution to the community.

Similar priorities were seen in most schemes in the Republic of Ireland, although they are not spelled out by the government.
ELIGIBILITY

BRITAIN

The guidance on the allocation of accommodation in England, Scotland and Wales all set out criteria for groups of people who are not eligible for social housing, such as those subject to immigration control. Some local authorities allow these groups to register, but will not make offers until they become eligible, while others simply prevent them from registering.

Most of the schemes reviewed accept people onto the list from the age of 16, though some will not normally allocate a tenancy until the age of 18, or require a guarantor for under 18s. None of the ten schemes had a fixed income limit, though most placed people in a low priority band if they had sufficient income or assets to meet their own housing needs. Some excluded people on the grounds of unacceptable behaviour (see below) but a time-limited exclusion was more common. Applicants with rent arrears to the local authority (or in some cases any social landlord) were usually allowed to register but must have an agreement in place to repay the arrears before they can be made an offer.

Only one scheme (currently in draft form) specifically excluded people without a local connection from the register, but eight of the ten schemes gave applicants without a local connection lower priority, in many cases effectively preventing them from being allocated accommodation.

This feature of schemes in Great Britain is, however, not necessarily one that would be relevant in the Northern Ireland context as the purpose of local connection clauses is mainly to ensure that local residents are not disadvantaged overall in comparison to those from other areas. If local authority A prevents inward migration into social housing, but authority B does not, the residents of authority B have a lower chance of being housed.

THE REPUBLIC OF IRELAND

In order to qualify for social housing in the Republic of Ireland an applicant must be found to be eligible and also to be in need of social housing. The housing authority will assess eligibility first and will only assess social housing need after eligibility has been confirmed.

There are a number of key criteria that an applicant must meet in order to be accepted on to the housing authority’s waiting list (record of qualifying households). The broad criteria are somewhat similar to Northern Ireland but differ in one important respect in that an applicant must satisfy income criteria in order to be eligible.

Only after eligibility to apply is established will the assessment process that relates to housing need begin. The applicant must be able to demonstrate that they fall within the income criteria which are pre-set by the government within the Social Housing Support Household Means Policy 2011 which was issued under Regulation 17 of the Social Housing
Assessment Regulations 2011. It is national rather than locally set and groups housing authority areas in income bands. The table below shows the net income limits considered in the assessment and the Bands (1-3) relate to local authority areas with varying income limits depending upon your place of residence. See Annex A for a full geographical breakdown of housing authorities and their net income eligibility banding. Assessment of eligibility is based on the net income of the household, further details of which can be found in the Household Means Policy 2011. It should be noted that the Assessment Regulations are under review and are likely to change in 2013, which will impact on the income rules.

Income bands for social housing access (Euros)

<table>
<thead>
<tr>
<th></th>
<th>Single person</th>
<th>2 adults, no children</th>
<th>1 adult, 1 child</th>
<th>1 adult, 2 children</th>
<th>2 adults, 1 child</th>
<th>2 adults, 2 children</th>
<th>2 adults, 3 children</th>
<th>2 adults, 4+ children</th>
<th>3 adults, 4+ children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band 1 35,000</td>
<td>35,000</td>
<td>36,750</td>
<td>35,875</td>
<td>36,750</td>
<td>37,625</td>
<td>38,500</td>
<td>39,375</td>
<td>40,250</td>
<td>42,000</td>
</tr>
<tr>
<td>Band 2 30,000</td>
<td>30,000</td>
<td>31,500</td>
<td>30,750</td>
<td>31,500</td>
<td>32,250</td>
<td>33,000</td>
<td>33,750</td>
<td>34,500</td>
<td>36,000</td>
</tr>
<tr>
<td>Band 3 25,000</td>
<td>25,000</td>
<td>26,250</td>
<td>25,625</td>
<td>26,250</td>
<td>26,875</td>
<td>27,500</td>
<td>28,125</td>
<td>28,750</td>
<td>30,000</td>
</tr>
</tbody>
</table>

Once eligibility on the basis of income is established the applicant must be found not to have access to suitable alternative accommodation. Examples of where alternative accommodation would not be suitable might include houses that are deemed unfit for human habitation or where living in the property would result in overcrowding. Furthermore, applicants who own rental accommodation may be assessed as being reasonably expected to occupy this accommodation under the conditions of the Residential Tenancies Act 2004, rather than being entitled to social housing support.
EXCLUDING FROM THE REGISTER ON GROUNDS OF BEHAVIOUR

BRITAIN

The Localism Act 2011 inserted a new section (160ZA) into the 1996 Housing Act under which local authorities are free, subject to regulations made by the Secretary of State and rules on eligibility and immigration status, to determine who does and who does not qualify for social housing. The English Guidance on allocations suggests that this could be the case, for example, if applicants are disqualified from the register on a ground of anti-social behaviour. Anti-social behaviour can also be taken into account in deciding the relative priority given to different housing applicants, together with financial resources and local connection.

All the schemes in Great Britain reviewed gave details of the circumstances in which people could be excluded from joining the housing register or from receiving an offer as a result of anti-social behaviour. The guidelines on allocations in England, Scotland and Wales all spell out the circumstances in which it is legal to do this and the box below sets out an example of the typical way in which this is then translated into an allocations scheme:

Camden Borough Council

2.3 Applicants who do not qualify for housing

2.3.1 Under Section 146 of the Localism Act 2011, the Council may identify groups who do not qualify for an allocation of social housing. The Council may decide that an applicant does not qualify for an allocation if it is satisfied that:

- They, or a member of their household, have been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the authority; and
- In the circumstances at the time their application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.

2.3.2 The only behaviour that may be regarded by Camden Council as unacceptable is:

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

The local authorities interviewed did not use their right to exclude people from the waiting list on grounds of anti-social behaviour at present. They felt that there was sometimes a conflict between excluding someone from the list and prioritising vulnerable groups such as people leaving custody. It is also considered that anti-social behaviour issues can be
addressed in other ways, such as mediation and dispute resolution (Wilson, 2013, pages 7 and 21).

It is landlords who have the greatest interest in ensuring that their tenants behave well, so some local authorities took the view that it was not their place to ban people from the housing register, but rather that individual landlords could refuse to house them if their behaviour warranted this (it should perhaps be noted that almost 60 percent of local authorities in Britain no longer own housing stock or only retain a small amount).

THE REPUBLIC OF IRELAND

Housing authorities in Ireland retain the ability to refuse to make an offer of accommodation or to defer an offer to applicants under certain prescribed conditions, including where they or a member of their household:

- Has lived in housing authority accommodation in the past and caused damage to the property and neither made good nor paid for the damages; or
- Has been in breach of the tenancy agreement or has accrued arrears of rent for a period exceeding 12 weeks within a three-year period and not repaid them.

However, recently, under the Social Housing Assessment (Amendment) (No. 2) Regulations 2011, housing authorities have been given the ability, in exceptional circumstances, to make an allocation in relation to the first two instances noted, but not in relation to arrears of rent. The ability to refuse to offer housing also extends to those who have been engaged in anti-social behaviour where it is felt that the allocation would not be in the interest of good housing management.
In some local authorities in Britain, housing associations still retain some rights over their own allocation policies. In some cases this means that applicants may have to apply separately for housing with different landlords and be assessed under different schemes. This is harder work for applicants and makes it more difficult for them to understand the ways in which the different schemes operate. Establishing a common housing register is recognised as good practice in Britain, for general needs housing applicants.

**Gwynedd: Establishing a common housing register**

Until recently, housing applicants in Gwynedd had to apply separately to the four major housing associations in the district, completing four separate application forms. There is now a common allocation scheme that covers almost all the social housing in the district. The new scheme has improved opportunities to make best use of the housing stock and ensure a better match between households and properties, as the stock profile of each housing association is different.

The joint approach has also made it harder for people with a history of anti-social behaviour (ASB) to get rehoused, as previously many failed to disclose their housing histories with one landlord in applications to the others.

**Sub-regional working**

Northern Ireland operates a single allocations scheme for the whole province. The scheme must therefore work across different market conditions. The problems of operating a single scheme across very different housing markets are faced by some local authorities in Britain who work jointly with neighbouring authorities to operate a sub-regional allocation scheme.

In setting up sub-regional schemes, local authorities have had to reconcile differences in their allocation systems and in the priority afforded to different groups. They are also more likely to have to devise an allocation scheme that works in areas with differing levels of demand for housing. Sub-regional working is good practice as it allows applicants a choice of a wider area, increases possibilities for migration of labour and can help to ensure that lower demand housing is quickly let.
Cambridgeshire sub-regional housing allocation scheme

Six neighbouring districts in Cambridgeshire (Cambridge City, East Cambridgeshire, Fenland, Forest Heath, Huntingdonshire, South Cambridgeshire and St Edmundsbury) established a sub-regional allocation scheme in 2007. In order to promote sub-regional mobility, whilst ensuring that no district became overwhelmed with demand from other districts, each district agreed to make a minimum of ten percent of their lettings available to people from any part of the sub-region.

Using just the one housing allocation system meant that they needed to use a common set of criteria for determining the size of property that households require. South Cambridgeshire has a shortage of two-bedroomed homes, and larger numbers of three-bedroomed homes. In order to ensure that the demand for housing matched the supply they had previously been more generous than other districts in determining the size of homes that households required. Within the sub-regional scheme they could no longer do this. However, South Cambridgeshire were able instead to simply make their three-bedroomed stock available to all households requiring either two or three bedrooms, in order to address this imbalance.

Other districts in the scheme were able to allocate a greater proportion of lettings for sub-regional movers to deal with any lower demand stock that they had.

HELPING APPLICANTS CONSIDER A WIDER RANGE OF HOUSING OPTIONS

The other major change that has arisen in both Britain and the Republic of Ireland and indeed Northern Ireland in recent years is the dramatic growth of the PRS. Whilst this does not necessarily affect allocation schemes (which continue to operate only for social housing), the emergence of the PRS as a viable alternative to social housing for large numbers of prospective tenants has given rise to an increase in local authority services helping people to access the sector. In Britain Housing Options services have been developed in most areas to facilitate access to the PRS (DCLG, 2008; Scottish Government 2012). These services are open to all, but are particularly relevant where applicants who rank low on the housing register are encouraged to look for housing. Services commonly include lists of properties and landlords, rent deposit schemes or guarantees and advice and support for PRS tenants. Examples of the ways in which housing applicants are assisted into the PRS include:

✓ Trafford Housing Trust, an independent agency which manages both the Housing Options service and the CBL system for social housing allocation in Trafford and Salford local authorities. It thus provides a single gateway into both sectors, along with wider housing and welfare advice.
Incommunities currently manages the Housing Options service for the Bradford area and runs a scheme targeting ex-offenders and those on probation in order to reduce homelessness and offending in this group.

Southwark Council has developed an online self-assessment tool to help customers review their housing options and encourage them to consider the PRS as a quicker route into housing.

Helping applicants to consider a wider range of options has been shown to both reduce homelessness and to help manage expectations (DCLG, 2008) – an area of growing importance given the high level of demand for social housing relative to supply.

MANAGING EXPECTATIONS
One key element of encouraging applicants to consider a wider range of options is to ensure that they are given sufficient information on the likelihood of their being housed in social housing in their choice of area.

To this end, many housing allocations schemes in Britain have re-named their waiting list as the Housing Register – to avoid giving the impression that it operates as a queuing system where everyone will be housed in the end. In areas with very high demand, information available on websites and given to new applicants also makes it clear that demand exceeds supply, and they would be advised to consider other options.

Feedback on previous letting patterns is also provided in many local authorities, to help applicants to understand their likelihood of being housed in specific areas or property types (See Annex C for an example from Birmingham City Council).

REPUBLIC OF IRELAND
Those seeking to apply to housing authorities for social housing support can only make an application to one housing authority (although their areas of choice can go beyond one authority but must remain within the same county boundary). When selecting a housing authority to apply to, the applicant can choose from those within the area where they currently live or those in an area where the applicant/household has a local connection. When making an application to a housing authority outside these conditions it is up to the housing authority to use its discretion and decide whether they will accept the applicant for an assessment of social housing support but they are not obliged or legally tasked to do so.

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9 More information on these services can be accessed as follows: Trafford Housing Options, http://www.traffordhousingtrust.co.uk/your-home/finding-a-home/housing-options-service-trafford; Incommunities, Bradford, Housing Options http://www.openmoves.co.uk/; Southwark Council, Self-assessment Tool https://southwark.ehodirect.org.uk/Data/ASPPages/1/123.aspx?WizardPageNo=1

10 See for instance www.haringey.gov.uk/index/housing_and_planning/council_homes/housingregister.htm
An example of this is given here:

### Fingal County Council: Local Area Connection

One example of the interpretation of legislation in relation to local connection can be drawn from Fingal County Council’s (2011) scheme of letting priorities as indicated below:

- Member of household has resided for a continuous five-year period at any time in the area or
- Employment of any member of household is in the area or is located within 15 kilometres of the area or
- A household member is in full-time education in any university, college, school or other education establishment in the area or
- A household member with enduring physical, sensory, mental health or intellectual impairment is attending a related educational or medical establishment in the area or
- A relative of any household members lives in the area and has lived here for a minimum of two years

**Council’s discretion**

The Council may at its discretion accept an application from an applicant not resident in the Fingal area and who does not meet the local connection criteria. These applicants may only choose from the housing areas within Fingal County.
The schemes reviewed in Britain operated one of the two main allocation systems in use:

DIRECT LETTING

Under direct letting schemes, applicants state their preferences in terms of location and type of accommodation and the local authority then allocates available properties to the household of the right size that is ranked highest on the list. Ranking is primarily based on housing need, although points may be given for length of time waiting and/or a local connection.

Direct letting schemes generally find it necessary to limit the number of offers that applicants can receive – otherwise there can be delays in allocating properties if those who are aware they are at the top of the list decline offers in the hope of a better one. The direct letting schemes reviewed here allowed either one or two offers, after which time the applicant was placed (temporarily) in a lower band or suspended from future offers for a period of time.

CHOICE-BASED LETTING

Choice-based letting (CBL) was first introduced in England in 2001 with the intention of offering greater choice over accommodation and making the system more transparent (Marsh, 2004; Brown and King, 2005; Brown and Yates, 2005). Available properties are advertised regularly and applicants must bid for those in which they are interested. The “currency” with which they bid is their position on the housing register.

CBL schemes have been shown to reduce letting times and improve tenancy sustainment, both of which are particularly important in any areas of low demand (DCLG, 2006). In most cases the set-up costs were found to be more than offset by the savings accruing from improved housing management performance (ibid).

CBL schemes also enable applicants to be more actively engaged in the process of applying for housing. If good information is provided on letting patterns in different areas, applicants can respond by making informed decisions over where they are most likely to be housed and can therefore adjust their bidding patterns in response. They can therefore be part of the solution to managing expectations and enabling applicants to consider wider options.

BRITAIN

Since 2001, CBL has become popular in England and only 28 local authorities in England do not now operate CBL. CBL has also been introduced in sub-regional schemes covering seven or more local authority districts, such as the Cambridgeshire sub-regional scheme, and in large unitary authorities covering substantial rural populations, such as Cornwall.

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CBL was piloted in England during 2001-03 and English local authorities were encouraged to adopt CBL over the course of the next ten years. It was introduced somewhat later in Scotland and as a result is less widespread there. Eight out of 32 local authorities in Scotland operated a scheme in 2012 (Scottish Housing Best Value Network 2012). CBL schemes are in operation in both Edinburgh and parts of Glasgow.

Comparable data for Wales are not available, but in 2007, CBL was in operation in half of all local authorities in Wales (Welsh Assembly Government, 2007).

Of the schemes in Britain examined in detail, six were operating CBL for most of their stock and a further district (Glasgow) was piloting it for part of the city only but planned to introduce a city-wide scheme in the near future. Just three areas (Gwynedd, North Lanarkshire and Cardiff) were still using a direct-letting approach for all lettings.

The schemes using CBL advertised their properties either weekly or fortnightly and allowed applicants to bid for a number (usually three) each week. Bidding could be done online, at the council offices, by phone text or sometimes by post.

In all areas where CBL was in use, the local authority reserved the right to allocate a small proportion of properties by direct let instead. These were used in cases where it was particularly important to ensure that a household could move immediately (for instance in cases of severe threats of domestic violence) or where it was necessary to have made a reasonable offer of accommodation in order to fulfill statutory obligations (such as to homeless households). In the Republic of Ireland authorities have the right to reserve certain dwellings for particular categories of households, such as sheltered housing, but even in these cases individual allocations are still made according to length of time on the list.

Unlike the direct letting schemes, CBL schemes generally did not find it necessary to impose penalties for declining properties. This is because when applicants are required to actively bid for properties they want, refusing offers is less likely. Some did, however, impose restrictions on higher priority applicants (especially those owed a full homelessness duty) that if they failed to bid successfully within a period of time, they would then be offered a direct let, which they must accept or face losing their priority status.
Glasgow: Introducing CBL

Glasgow City Council have recently been piloting a CBL scheme in the west of the city. The scheme has been successful and, after some initial speculative bidding on the part of applicants, the acceptance rate for properties offered is now around 70%. The scheme will soon be rolled out across the whole of the city.

In order to ensure that homeless households are housed quickly, and statutory responsibilities met, the council allows them to bid for six weeks, and then seeks to make a direct offer of accommodation. They have found that most homeless applicants prefer to bid for properties, and are often unsuccessful within just six weeks, so are therefore planning to extend this period to 12 weeks to improve their chances of finding a home that suits them best, whilst still fulfilling statutory duties. Schedule One offenders are also offered direct lets to ensure that they are housed in appropriate locations.

THE REPUBLIC OF IRELAND

In the Republic, the new legal framework offers the facility for housing authorities to include CBL within their new scheme of letting priorities. The legislation is clear in that there is no duty for the housing authority to include CBL but it is an option which they may seek to use (s. 6, Social Housing Regulations, 2011). A variety of approaches currently exist within Ireland and operate on a continuum from those that have not incorporated CBL within their scheme, to those with a CBL option but have not operationalised this, to a number of housing authorities who have fully adopted CBL. It is the decision of the housing authority and its elected members as to what extent they choose to use this allocation system, if at all.

Should a local authority seek to include the option of using CBL the legislation notes that: CBL must be indicated within the allocation scheme; properties must be identified and agreed but the status of these can change; there must be clear and transparent advertising of properties; where there is more than one applicant the scheme of letting priorities must be followed in order to make the final allocation. Unlike the main scheme of letting priorities, refusal of an offer made under the CBL rules would result in the applicant being deferred from the CBL list and not considered for another offer under this scheme for a period of 12 months. However, a refusal of a CBL offer cannot be counted as one of an applicant’s official offers.

Whilst the legislation promotes the use of choice by housing authorities, the decision as to whether to include this as a feature of their allocation system remains with housing authorities themselves. Hence, the use of choice by housing authorities remains varied and examples are set out in the table below. CBL schemes in the Republic of Ireland are not confined to, or specifically for, low-demand areas.
Varying approaches to choice-based letting implementation in Ireland

<table>
<thead>
<tr>
<th>Approach</th>
<th>Housing Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have not included CBL in allocation scheme</td>
<td>Clare County Council</td>
</tr>
<tr>
<td></td>
<td>Cork City Council</td>
</tr>
<tr>
<td></td>
<td>Leitrim County Council</td>
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</tr>
<tr>
<td>Have included CBL as an option in allocation scheme</td>
<td>Galway City Council</td>
</tr>
<tr>
<td></td>
<td>South Tipperary County Council</td>
</tr>
<tr>
<td>CBL in operation</td>
<td>Dublin City Council – pilot within defined areas with difficult-to-let focus</td>
</tr>
<tr>
<td></td>
<td>Donegal County Council – used recently for 2 houses in rural areas available for single adults over 50 with no dependents. No online system – public notice used.</td>
</tr>
<tr>
<td></td>
<td>Fingal County Council – for 3-bedroom properties. Advertised online and application in writing.</td>
</tr>
<tr>
<td>CBL in operation with online CBL system</td>
<td>South Dublin County Council</td>
</tr>
</tbody>
</table>

South Dublin County Council: CBL Online system

South Dublin County Council piloted the use of CBL in July 2010 and has been rolling this out in the county since October 2011. South Dublin have a similar IT interface and online presence as many of the social housing landlords who are actively offering CBL in the UK. Once properties are advertised the allocation will be made to the applicant who has the highest priority under the scheme of letting priorities and meets other criteria including garda checks and being considered not to raise any housing/estate management concerns.12

South Dublin County Council has significant areas that are essentially rural in character although in close proximity to the city. It has a resident population of 89,900 and a total housing stock of 97,300. There is a vacancy rate of 5.4 percent in the South Dublin County Council area, considerably lower than the overall country total of 14.5 percent. There are 10,100 occupied local authority rented dwellings in South Dublin County Council (DoECLG). The Housing Agency carries out periodic Housing Needs Assessments in the Republic of Ireland; the latest assessment was carried out in 2011. It found that in 2011 there were 8,020 households in need of housing support who are not currently receiving social housing support. This has increased significantly in recent years (from 4,260 in 2008, an increase of 88 percent).

Dublin City Council: CBL in difficult-to-let areas

Dublin City Council also commenced a pilot scheme for CBL within prescribed areas of the city which include: Darndale, South Finglas, and areas within the North East inner city. In this instance the local authority is using CBL to deal with more difficult-to-let properties as a means of reducing vacancy times and also in an attempt to minimise the housing management issues that arise from empty homes.
Housing applicants in Britain are permitted to apply to any local authority for housing and may apply to as many areas as they like. However local authorities may, and commonly do, allocate substantially lower priority to those who lack a “local connection” to their local authority. For example, Haringey place applicants lacking a local connection two bands below where they would otherwise be, and Gwynedd award them 15 fewer points. A local connection is generally established with an authority by living there for more than six months, working there, or having close friends or family living there.

The Localism Act 2011 has increased the rights of local authorities in Britain to define a local connection more tightly (such as extending the period of residence required) and to exclude those without a local connection entirely from the waiting list (as opposed to just giving them lower priority within it).

Only Gwynedd and Glasgow currently imposed any further limits to the number of areas that an applicant could apply to be considered for, and this will soon be abolished in Glasgow when CBL is rolled out. The housing manager interviewed in Glasgow reported that they had had limits in their old policy, which dated back 30 years to the days when there was a need to keep the lists for each area relatively short and manageable for housing officers dealing with paper-based applications. Their new policy imposed no such restrictions. All the other schemes examined imposed no restrictions on the number of areas that applicants could select.

Both of the schemes working across sub-regions imposed restrictions on the numbers of properties being made available to applicants without a local connection to the local authority whose property they wished to move to. This was put in place in order to allay the concerns of some partner authorities that they would see a great increase in demand from people wanting to move into their area.

Access to some housing in rural areas in Britain will have further restrictions placed on which properties applicants can bid for, based upon local connections to specific parishes. This is often to satisfy planning restrictions put in place when the property was first built requiring that it must be allocated if possible to someone from that parish.

There seemed no other reason suggested for limiting applicants’ choice of area and instead many schemes imposed a minimum number of areas in which high-priority or homeless applicants must express interest, to increase their chances of being rehoused quickly and ensure that the local authority could fulfil its statutory obligations.
THE REPUBLIC OF IRELAND

The Social Housing Assessment Regulations 2011 have addressed the definition of areas of choice in relation to allocation schemes in Ireland. The legislation stipulates confines in relation to the number of choices available to applicants and also from where, in terms of county boundaries, these choices can be made. It does not, however, prescribe how housing authorities decide upon or delineate the numbers or size of areas of choice but simply suggests that housing authorities provide a minimum of two areas of choice within their boundaries.

Whilst legislation prescribes a minimum of two choices or areas that should be provided by housing authorities, the actual number used by local authorities varies across the country. For example, South Dublin County Council has two areas of choice while Cork City Council has 24. Under the legislation each applicant can choose a maximum of three areas of choice and all must fall within the county boundary within which they are applying. At least one of the areas of choice must be in the area administered by the housing authority where the application has been made (its functional area) and the others must be either in that functional area or within the same county.

**Longford County: areas of choice example**

By way of an example, Longford County has two housing authorities, the county and town councils, with the town council sitting within the county boundaries but operating its own services including housing within a demarcated area. An applicant must make a minimum of one application to the housing authority to which they apply, for example, Longford Town Council, but can then choose whether to make the remaining two choices available to them also to this authority or to extend their areas of choice to county level (Longford County Council).

In 2011 Longford County Council had 1,400 occupied rented dwellings with 340 households in need of housing support. Longford Town Council had 420 dwellings with 180 households registered and in need of housing support (DoECLG and the Housing Agency).

Furthermore, this county boundary selection does not apply in circumstances where the applicant does not have a connection with nor lives in the housing authority area. In this situation a housing authority has the ability to accept such applicants on to their list but these applicants will be limited to only choosing areas from within that particular housing authority’s boundaries.
**Waterford County: areas of choice example**

Within Waterford County there are three local authorities: Waterford County Council, Waterford City Council and Dungarvan Town Council.

Applications made to Waterford County Council will have the choice of:

- 26 designated areas within Waterford County area from which the applicant must choose one.
- Should they seek accommodation within Dungarvan Town Council or Waterford City Council area they can only select at town or city level. Therefore, an applicant applying to Waterford County Council who wishes to live within the Dungarvan Town Council area can only select the town – they cannot drill down into smaller areas or estates which would be commonplace within the Northern Ireland Common Landlord Area system.

Furthermore, when selecting areas the council makes it clear that the choices are “not a priority listing i.e. all areas of choice specified on the form are deemed to be of equal priority”. Applicants are also “committed to these areas of choice for a period of 12 months”.

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**DETERMINING THE SIZE OF HOME A HOUSEHOLD NEEDS**

The definition of the size of home a household needs clearly reflected the relative pressures on housing stock, and more generous allowances were made in less pressured areas.

In the schemes examined in Britain, children were generally expected to share a bedroom with another child. Older children were expected to share only with another child of the same sex. The age below which opposite-sex sharing was considered appropriate varied from seven to ten years. Two schemes also required that the children sharing were within a certain age gap (five or six years). The age at which older children were considered to need their own room (rather than sharing with a same-sex sibling) varied between 16 and 18 outside of London, and was set at 25 in Haringey. This highlights the fact that what constitutes best practice is dependent upon the level of pressure on the housing stock. It is clearly preferable for young adults to have their own bedroom before the age of 25, but the level of demand for housing in Haringey and resultant overcrowding and unmet housing need (as in much of London) is substantial.

Unborn children were also included under most schemes.
Separated parents whose child stays with them regularly but for less than 50 percent of the time were given some additional allowance for the child(ren) in three of the schemes reviewed (North Lanarkshire, South Nottingham and Liverpool).

Some schemes allowed applicants to have an extra room for overnight care, to enable people with medical needs to have their own bedroom or for storage of medical equipment. In two areas (Birmingham and Gwynedd) some or all applicants were allowed to be considered for homes with one bedroom more than they strictly needed. Some districts within the Cambridgeshire sub-regional scheme also allowed households requiring a two-bedroom home to bid for three-bedroom homes in order to address a mismatch between the size of households applying and the size of homes available.

Conversely, in two areas (Haringey and North Lanarkshire) with a shortage of larger homes, families eligible for five-bed properties were allowed to be considered for smaller homes as long as they would not be statutorily overcrowded in them\(^\text{13}\).

This is an area that is currently under review in many areas in Britain, in response to the Social Sector Size Criteria to be introduced in April 2013 (see page 13 above). Several schemes, such as the Cambridgeshire sub-region, were in the process of tightening their rules determining the size of property a household requires to bring them into line with the new criteria for housing benefit eligibility, to ensure that their tenants can claim full housing benefit if they should need to. In some of the less pressured areas, however, local authorities were aware that to do this would create enormous demand for smaller properties and much lower demand for homes with three or more bedrooms. In these areas, local authorities are instead seeking to inform applicants about the housing benefit rules and allow them to make an informed decision as to what is affordable for them.

In all the schemes, properties with adaptations making them suitable for disabled people were prioritised for people in need of the adaptations. Some areas also had additional rules for bungalows (generally reserved for the elderly or those with mobility difficulties) and houses with gardens (sometimes reserved for families with children).

In the Republic of Ireland, councils are permitted to designate a particular number or proportion of dwellings becoming available to the authority for allocation to particular classes of households such as older persons or persons with disability – therefore affording priority in the allocation of those dwellings to approved households in the relevant category of need.

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\(^{13}\) Statutory overcrowding standards are less generous than the more commonly used bedroom standard as they do not include children under a year and allow living rooms to be used as bedrooms.
DEALING WITH REFUSALS

BRITAIN

In direct letting schemes, delays in letting accommodation can occur and management costs increase if applicants turn down offers of accommodation, or fail to respond to them. To avoid this, most direct letting schemes impose penalties on applicants who do this. The schemes reviewed allowed applicants between one and three offers before imposing a sanction. All recognised that this was necessary in order to ensure efficient letting. Sanctions used included:

- Simply removing the applicant from the list temporarily and re-instating them where they were before once they make contact again;
- Suspending the application for a period of time (e.g. three to six months);
- Reducing the level of priority awarded (especially for homeless applicants who have been given high priority); and
- Considering homeless duties to have been discharged.

Applicants generally had a right to appeal if these last three sanctions were used and the local authority must be sure that the offer made was reasonable.

It should be noted, however, that there is no data recorded systematically on the reason for refusals of properties.

The main difficulties that CBL schemes encountered were that homeless households to whom they owed legal duties could sometimes fail to bid successfully for properties (either due to unrealistic/inadequate bidding or just because of high levels of demand for each property). To fulfil legal duties these households were instead offered a direct let after a period of time. Sanctions were applied to those who turned down the offer made, though an appeals process would consider whether the offer was in fact reasonable and the sanction appropriate.

THE REPUBLIC OF IRELAND

As practice has varied in relation to the number of offers being made and the sanctions that are used to the refusal of offers, the new legislative framework makes clear that there must be a uniform approach by housing authorities in dealing with the refusal of an offer of housing. Schemes of letting priorities and local authorities must incorporate and adhere to the following procedures:

- Applicants will be made up to two reasonable offers of accommodation
Where two reasonable offers of accommodation have been refused by an applicant (to include those made by approved housing bodies through nomination arrangements from the housing authority) the applicant will be suspended from the waiting list for a period of at least 12 months from the date of refusal of the second offer.

During the period of suspension:

- No further offers can be made to the applicant
- No further time can accrue (where time on list is incorporated into the order of priority in the allocation scheme).

It is also important to note that in such a situation the period of suspension is in fact universal and effective across all housing authorities and an applicant cannot become active on another list during this 12-month suspension period. Therefore, should an applicant apply to another housing authority outside their original area of choice they can be assessed by this authority and be deemed to be eligible for assistance; however, they cannot accrue time on the list during this period of suspension (i.e. they cannot be on another list).

The refusal of an offer includes all areas of choice and therefore a reasonable offer made by one local authority will be considered as a reasonable offer across all areas of choice/application and thus only one further offer can be made by the same or another housing authority. Two refusals are allowed within 12 months.

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14 The refusal of an offer made under CBL is not counted as a refusal for the purposes of the general refusals policy.
PRIORITISING APPLICANTS FOR HOUSING: POINTS OR BANDS

SYSTEMS FOR PRIORITISING APPLICANTS
Social housing is in high demand in nearly all parts of Britain and Northern Ireland. The Housing Act 1996 for England and Wales therefore requires that allocation schemes prioritise those in the most housing need.

Examples of how this can be achieved are noted below:

POINTS-BASED SCHEMES
Many schemes, including that currently used in Northern Ireland, allocate points for different elements of housing need, such as overcrowding or medical need to move, allowing applications to be ranked against each other on the basis of their level of need.

BANDED SCHEMES
Banded schemes offer an alternative method of prioritising applicants. Applicants are allocated to one of three to five bands depending on their degree of housing need. All allocations systems in the Republic of Ireland use a banded system and there is a growing movement towards such systems in Britain too. Each band can encompass a range of criteria to determine the degree of housing need, and applicants with more than one type of housing need are generally placed in the next band up.

Applicants are ranked within each band in date order of their allocation to that band. This reflects a widespread view that points schemes are overly detailed, lead to “points chasing” by applicants, are difficult for applicants to understand and create apparent “queue jumping” when higher-pointed applicants join the waiting list. Although “band-chasing” is also possible, the broader nature of the bands means that there is less potential for this than in a detailed points-based system. There are many examples of banded schemes including those provided in Annex B.

Many local authorities in Britain have moved to a banded system when introducing CBL, although banding is not a prerequisite for CBL.

HYBRID SCHEMES: POINTS WITH BANDS
An example of the use of a hybrid scheme is Birmingham City Council. Birmingham allocation system uses points to differentiate between levels of housing need as in point 1 above; however, applicants are then placed within a ranked band to provide them with an indication of where they are placed on the housing register and, therefore, their likelihood of when they will be rehoused. The bands used by Birmingham City Council can be referred to below:
Band schemes were in use in the majority of allocation policies examined in Britain and the Republic of Ireland. Of the ten schemes examined in detail in Britain, three were using a points-based approach (Birmingham, Gwynedd and North Lanarkshire), six were using bands, and Glasgow were currently using a mixture in different parts of their stock, though planning to change to a solely bands-based approach throughout. In the Republic of Ireland the use of banded schemes is popular with local authorities and examples can be drawn from Fingal, Clare and Kerry County Councils, all of which also use date order or a “time-on-list” approach to prioritise within bands. For example, Fingal County Council uses three bands with applicants being allocated dwellings by date order starting from Band 1 to Band 3 with transfer applicants being included in Band 3. Examples of the bands used by a number of schemes in the Republic of Ireland and Britain can be referred to in Annex B of this report.

Most banded schemes in Britain simply allocate accommodation to the highest banded suitable applicant (or in the case of CBL systems, the highest banded bidder). All of the areas reviewed here were currently doing this. However, some in Britain and those in Ireland instead operated a quota system, so that a pre-determined proportion of all new lets were made available to people in each band. This system means that all households will eventually rise to the top of their band and be able to bid successfully for accommodation, although it may be many years for those in lower priority bands. Glasgow are currently about to introduce a new version of this kind of quota scheme with a high level of public consultation involved in setting the quotas and therefore determining which groups receive the most priority for housing. Glasgow’s Draft Allocation Policy banding is shown in Annex B of this document. In areas of higher demand, however, there was strong pressure to ensure that people in the highest bands and those who were owed statutory homeless duties could access accommodation, and hence the usual practice was to offer all accommodation to the bidder (or eligible applicant) in the highest band.

One of the intentions of banded systems is that they should be easy to follow. However, in most cases the British banded systems reviewed were no simpler to follow than points systems and in one case substantially harder. This arose in a situation where the banded scheme attempted to retain a high level of detail (as more normally seen in points-based systems), and then to ensure that applicants with multiple needs were recognised. This is
more difficult within a banded system than with points, since extra points can simply be added together.

Banded systems work well with simple, clear definitions of housing need. They also make it easier to provide detailed information on the pattern of lettings and so help applicants to decide where they are most likely to be housed.

Many local authorities in Britain have switched to a banded system in conjunction with moving to CBL, though both can be used with or without CBL, and both can give weighting to different factors depending on the objectives of the housing authority. The main advantage of a banded scheme is that it makes it easier to give easily understood information on letting patterns, and also of likely waiting times within bands for different sizes and types of properties in different areas. The Cambridgeshire sub-region, for instance produces monthly feedback data on lettings. Birmingham City Council does likewise, and an example of the feedback information available to applicants is given in Annex C. This kind of information helps applicants to assess their likelihood of being housed in different areas, if at all, and provides transparency into the allocation system in use. This can help to manage expectations, and works well in conjunction with a Housing Options approach to encourage applicants who are unlikely to be housed in their choice of area and tenure to consider their realistic options.

15 See www.home-link.org.uk/THO/Content.aspx?wkid=309
The regulations on reasonable preference groups provide the overall framework for allocation systems in Britain, though the detail is for the local authorities and social landlords to decide. Examples of the factors awarded priority in different areas are shown in Annex B. In detail, the following factors generally give households some priority in allocation schemes:

**EMERGENCY SITUATIONS**

Households with an emergency need to move were generally placed in the highest band, or awarded substantial numbers of points (100-200) on the register. Allocation schemes were not usually specific in citing the kinds of factors that could result in an emergency need to move, but instead noted that management discretion would be used, in order to ensure a sensitive response to unpredictable factors. Examples cited included floods, major structural defects meaning that a home could not be occupied, and risk of death or of serious injury that would occur without rehousing. As discussed above, CBL allocation schemes often allow for direct lets to be made to these households to ensure speedy rehousing.

**DECANTS**

All the schemes reviewed gave high priority to households that were required to move for management reasons (such as part of a regeneration programme or demolition plans). Most were placed in Band A or given around 150 points, to ensure that they could bid successfully above all other groups. Some CBL schemes explicitly stated that this group would be considered for a direct let if they were unsuccessful at bidding after a period of time.

**UNDER-OCCUPATION**

Allocation schemes varied a great deal in the degree of priority afforded to potential downsizers. Some placed them in the highest band, whilst others gave only minimal points, or placed them in a lower band. Some gave greater priority to those willing to lose two bedrooms, or to those who were occupying properties with three or four bedrooms. However, interviews with local authorities and the analysis of schemes that had most recently been reviewed suggest that this is an issue that most local authorities are currently addressing by revising their policy to give greater priority to downsizers. This is in part a response to welfare reform measures (affecting under-occupiers of working age) and also to a growing realisation that this represents an important way to make best use of their stock and relieve overcrowding. Some areas are also allowing downsizers to move even when they have modest levels of rent arrears, especially if these have arisen as a result of the Welfare Reform Act’s housing benefit restrictions.
Some areas also gave high priority to people whose move would release a valuable adapted property for use by another household. One area (Cardiff) also gave priority to people wanting to move into a lower demand area.

**OVERCROWDING**

Overcrowded households comprise a large proportion of new lets and also of households on waiting lists. Most allocation policies placed overcrowded households in a middle band (typically B or C) or allocated them between 20 and 50 points, depending on the number of additional bedrooms the household required. Households short of three bedrooms were generally placed in band B, or given between 70 and 120 points on the register, whilst those who were one bedroom short were generally placed in band C or given 20-50 points. One scheme (Haringey) differentiated between existing tenants and prospective tenants, giving existing tenants higher priority if they were overcrowded. This constitutes good practice where there are very high levels of need for all smaller sizes of property from prospective new tenants, which can best be met by helping existing tenants to vacate the smaller properties where possible.

**HOMELESSNESS**

Most allocations schemes distinguished between homeless households who are owed a main homelessness duty (statutory homeless) and those who are not. The statutory homeless group were generally placed in the highest band or given large numbers of points on the register. None of the schemes reviewed gave statutory homeless households any different level of priority based on whether they had been placed in temporary accommodation by the local authority or not. The nature of the temporary accommodation may, however, in some cases affect the level of priority afforded (for instance if it has shared facilities, or the household is overcrowded within it), especially in points-based schemes.

Balancing the needs of statutory homeless households with others from the housing register was acknowledged as a difficult issue by the local authorities interviewed. Concern was expressed by some authorities that people did sometimes “concoct homelessness” in order to jump the queue into social housing, though others felt that the overall balance between the needs of homeless households and others in their area was about right.

The authorities interviewed in England were aware of their new rights to discharge their duties to homeless households into the PRS without requiring the applicant’s consent. They were all currently undertaking some exploratory work to establish whether this would be a sustainable solution and, if so, which homeless households it might work best for. A further concern was where it might be reasonable to expect them to live, given that some districts have very little, if any, accommodation in the PRS with rents within the limits of the Local Housing Allowance.
Households that are not owed a main homeless duty (which would include most single people in England and Wales) were usually placed in a lower band (such as Band C) or given a smaller number of points. Households deemed intentionally homeless were generally treated similarly.

MEDICAL AND MOBILITY REASONS
The schemes reviewed gave a range of levels of priority for those who needed to move for medical reasons or reasons relating to mobility. Levels of priority depended on circumstances, reflecting the variety of different medical and mobility issues that people may have, with differing impacts on their housing needs. The criteria for each level of priority were not specified in detail, instead relying on assessment by housing officers to determine individual needs and therefore priority.

POOR HOUSING CONDITIONS
Schemes generally gave some priority (Bands B or C or 10-50 points) for those whose homes were in unsatisfactory condition, especially if they had Category 1 or 2 hazards. Most specified that these points may only be awarded if the landlord cannot be expected to fix the hazard.

EX-SERVICEMEN AND WOMEN
Some of the allocations schemes reviewed gave specific priority to people leaving the armed forces, or those who were recently serving. The priority given varied from very high to quite low. This is another area, however, that is currently under review by most local authorities, following new directions from government.

SOCIAL AND WORK-RELATED REASONS
Allocation schemes generally gave some priority (Band C or 10-50 points) to those who need to move in order to give or receive support. Similar priority was given to those needing to take up or be nearer employment or training. None of the schemes in operation that were reviewed in detail currently gave any priority for being in employment or voluntary work; although, as discussed above, this is something that is under review in a small number of local authorities in Britain.

VIOLENCE AND HARASSMENT
Most schemes give a high priority to persons fleeing domestic violence, giving them band A or B, or 50-150 points. In some schemes this priority was extended to other forms of violence.

Victims of harassment were generally given similar levels of priority in most schemes. In addition, some schemes made particular mention of people involved in witness protection schemes who were given high priority or direct lets in order to ensure that they were safe. The local authorities we spoke to indicated that they would generally expect the police to be
involved and some level of evidence of harassment or violence outside the home before considering allowing a move for these reasons.

OTHER FACTORS

Many schemes include other factors that would give a household some priority for rehousing – some of which are reasonable preference categories set out by government – although not in all schemes. These included people leaving tied housing, prospective foster carers, families unable to live together, families with children in high-rise flats and people who share facilities with other households. A few schemes also gave additional priority to those with a strong local connection. For instance, in Cornwall, those with a local connection were prioritised within each Band. The Bands used within the Cornwall scheme are shown in Annex B of this report.

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Following the assessment of eligibility, housing authorities commence an assessment of housing need. A range of housing-related issues are considered. These might include: the assessment of current accommodation in relation to unfitness; overcrowding; whether the individual household is living in temporary accommodation; or is leaving a care or institutional setting. Exceptional medical or compassionate grounds can also be considered.

Each authority sets out in its allocation scheme the criteria that will be used to decide the priority of applicants. Annex B provides three examples of the different priorities councils have for allocating social housing. Whilst all three examples operate a banding approach, with “time on list” deciding priority within groups, there are significant differences between the bands.

In the future, there will be a more uniform allocation model, based on a “time-on-list” approach. The likely framework will contain broad categories of prioritisation within which households are allocated accommodation based on length of time. The broad categories of households/need are not yet confirmed, but may include categories such as:

- Homeless persons
- Older persons
- Households with special needs
- Households who are living in overcrowded accommodation
- General needs

Within their allocation scheme, each housing authority will specify the proportion of lettings to be set aside for each of the categories, and within these categories dwellings will be allocated to households according to time on the list.
In addition to the grounds indicated above, the 2011 Regulations have added a further condition for homeowners. This states that an applicant/household can be considered to be in housing need where the mortgage held can be classified as unsuitable under the Mortgage Arrears Resolution Process which is laid down by the Central Bank of Ireland (2010). This addition to the classification has been part of the government’s response to the current economic climate whereby a National Mortgage-to-Rent scheme has been implemented.\textsuperscript{16}

**TRANSFERS**

Those eligible for a transfer within social housing are required to be considered where the following grounds exist\textsuperscript{17}:

- Overcrowding of the current property
- The need to downsize
- Compassionate/medical grounds
- Where there has been ASB and the transfer is supported by the local police force.

**GIVING PRIORITY TO THOSE WHO HAVE SPENT MOST TIME ON THE LIST**

*Britain*

This is the only element commonly given priority in Britain that is not covered in the reasonable preference categories set out by government. In points-based schemes, a small number of points is generally awarded for each year spent on the housing register. In banded schemes it is the time spent in the band that determines priority within that band.

*The Republic of Ireland*

As mentioned earlier, there is already a move towards banding systems in Ireland which clearly prioritise time on the list or date order. However, whilst the current legal framework of the 2009 Act and the subsequent 2011 Regulations encourage local authorities to use a time on list approach within their new allocation schemes, this is not yet a statutory requirement. Currently there is considerable disparity between local authorities in relation to how they incorporate the issue of “time” in the scheme of lettings priority.

\textsuperscript{16} Further details of the Mortgage-to-rent Scheme can be accessed at: [www.housing.ie/Housing-Information/Mortgage-to-Rent-Scheme](http://www.housing.ie/Housing-Information/Mortgage-to-Rent-Scheme) and [www.keepingyourhome.ie/mortgage_arrears_resolution.html.en](http://www.keepingyourhome.ie/mortgage_arrears_resolution.html.en).

\textsuperscript{17} These conditions are laid down at local level as opposed to national legislation.
County comparison: order of priority

A comparison of Cork and Donegal County Councils illustrates the disparity between schemes in operation. Donegal gives first priority to homelessness and uses a points-based system of priority for all other applicants. Points are allocated under six categories, one of which is time on the list. In contrast Cork sets out seven specific categories from dangerous accommodation to those in need of housing on the grounds of disability. Within these seven categories, and where there are several applicants in the same category, the housing authority will then take time on the list into consideration.
CONCLUSIONS

This section outlines the major features of allocation schemes and draws out best-practice approaches to accessing and allocating social housing.

It is important to note that allocation schemes are currently under review throughout England and Wales, in response to the Localism Act 2011, welfare reform and a growing recognition of the need to manage expectations for social housing, given that it cannot meet all demand. In the Republic of Ireland the overall framework for allocations is under review. However, in this report we have focused on existing practice, as the proposed changes tend to be minor and relate specifically to these issues.

The UK government’s suggestion (reflected in the Localism Act 2011 and the Welfare Reform Act 2011) that people should be prioritised for social housing if they have contributed to the community – by paid or voluntary work – has not yet been widely translated into practice, and will clearly meet political opposition in some areas, although it may in time become a more common element of allocation schemes.

It is also too early to say what will become considered best practice in allocations in response to the housing benefit restrictions for under-occupiers of working age. Some landlords have tightened the ways in which they determine the size of property a tenant needs, and brought it into line with the Social Sector Size Criteria. Others, in areas where this is impractical given the profile of their housing stock and the sizes of applicant households, are instead advising new tenants allocated a property that is likely to mean they will be affected by the housing benefit shortfall.

The move to give increased priority to those who have waited longest is an important feature of the reforms in the Republic of Ireland, though again it is too early to see what effect these will have and to form a view on best practice within this emerging framework.

There are also some elements of what may constitute good practice in Britain or the Republic of Ireland that may not apply to the Northern Ireland context. Allocation schemes in Britain and the Republic of Ireland are more devolved than in Northern Ireland, with most schemes operating in just one local authority area, or even with separate schemes for different housing associations within a district. The locally based nature of the schemes results in the focus on accepting only those with a local connection. Generally, local authorities can only make their housing available for others without effectively disadvantaging their own residents if they have clear reciprocal arrangements with neighbouring local authorities (as seen in the sub-regional schemes). Northern Ireland is the same size as some local authority areas in Great Britain, but currently operates a single allocation system which effectively ensures that cross-boundary problems do not arise. Therefore there is no need to include local connection as a prioritising factor in the allocation scheme.
BEST PRACTICE

Nevertheless, there are several key principles of best practice in allocation policies that can be clearly identified from the review of Britain and the Republic of Ireland that are useful in the Northern Ireland context:

- CBL systems have been successful in all countries reviewed and are widely recognised as giving applicants greater choice of housing, reducing void periods, reducing letting times, increasing tenancy sustainment and dramatically reducing the difficulties associated with people refusing properties.

- Where there is no CBL scheme, penalising households who refuse more than two offers of housing is widely recognised as good practice in ensuring that accommodation can be let promptly.

- Sanctions for those who refuse properties need to be sufficiently severe as to provide an incentive to accept offers, but not so severe that housing officers are reluctant to use them, or to overturn most decisions on appeal.

- The need to ensure that potential downsizers are given the highest priority for moving is increasingly being recognised as good practice in both Britain and the Republic of Ireland. This is particularly critical in Britain in response to the Social Sector Size Criteria affecting under-occupiers of working age.

- Allowing downsizers to move with modest levels of rent arrears, whether attributable to a reduction in housing benefits or not, is increasingly recognised as good practice in Britain. This ensures that people whose housing benefit is cut because of under-occupation are able to move to somewhere more affordable and avoid their arrears building up even higher.

- A single allocation scheme covering all the mainstream accommodation in an area, as is already the case in Northern Ireland, is best practice in reducing the administrative burden on applicants.

- Allowing applicants to choose as many areas as they want when applying for housing is widely recognised as good practice by local authorities in Britain, in order to promote choice and balance demand and supply in different areas. Households with the highest level of need are generally compelled to choose a minimum number of areas. In the Republic of Ireland, however, choice is more restricted.

- Excluding people on the grounds of past behaviour is seen as good practice by the UK government, in order to promote fairness and reduce management difficulties. Such exclusions should always be temporary, however, allowing tenants to improve their behaviour and rejoin the list.
There are also several aspects of good practice in relation to specific priorities:

- Giving more emphasis on time on the waiting list is felt to restore a greater sense of fairness about allocation and reduces the incentive for “points-chasing” whereby applicants deliberately worsen (or fail to improve) their housing situation in order to retain priority. The emergence of Housing Options services and the increasing use of the PRS as an alternative option for households in severe need of housing reduce the pressure for a strictly needs-based approach to social housing allocation, since those in need are not reliant solely on the social sector. Alternatively, retaining a focus on housing need above all other factors requires time on the list to be a lesser priority.

- A points-based system is often preferred where the objective is to recognise every aspect of housing need and respond sensitively to different combinations of cumulative need. A bands-based system, however, makes it easier to provide feedback on letting patterns that is simple to understand and allows applicants to better judge when they may expect to receive an allocation in different areas, thus managing expectations and providing transparency. Either points or bands can be used in conjunction with CBL schemes.

- Ranking bands and allocating properties always to the applicant in the highest band (as is most common in Britain) ensures that those in the greatest housing need are allocated soonest. In very high demand areas it is the only viable option. The alternative, whereby all bands receive an agreed quota of lettings (as used in the Republic of Ireland) has the benefit of ensuring that all applicants will eventually access social housing, even where the waiting time may be many years for some bands. This system is appropriate if there is a desire to ensure that social housing remains seen as a valid tenure option, regardless of an applicant’s current housing need.

- Introducing a maximum income limit ensures that social housing is not accessed by those with the means to house themselves in the private sector. It can potentially add an administrative burden for little gain, if the large majority of new applicants have low incomes anyway. It also sends a message to the public that social housing is for the poor, which may stigmatise the sector. However, income limits can be useful in order to restore a sense of justice and fairness about the allocation scheme if there is public concern that the system is being abused by households not in priority need (though it does not, of course, address the situation of tenants whose incomes rise after allocation).

- Best practice in determining the size of home a household requires cannot be isolated from an analysis of the relative pressures on different-sized homes within the housing stock in any particular area.
REFERENCES

Appleton, N and Molyneux, P (2008) The impact of Choice Based Lettings on the access of vulnerable adults to social housing, Housing Learning and Improvement Network.


Consortium of Associations in the South East (2012) The Impact of Welfare Reform on Housing How to Consider New Approaches to Allocations and Lettings, Coventry: CIH.

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Office of the First Minister and Deputy First Minister (OFMDFM) (2013) *Together: Building a United Community*, Belfast: OFMDFM.


Wilson, W (2013) Anti-social Behaviour in Social Housing (House of Commons Library Standard Note SN/SP/263)
## Table of maximum net income limits for social housing applicant households in Social Housing Assessment (Amendment) Regulations, 2011

<table>
<thead>
<tr>
<th>Band</th>
<th>City and County Councils</th>
<th>Borough and Town Councils</th>
<th>Borough and Town Councils (cont)</th>
<th>Maximum Net Income Threshold – single person</th>
<th>Maximum Income Threshold – 3 adult &amp; 4 child family</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>Category</td>
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<td>--------</td>
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</tr>
<tr>
<td><strong>Category 1</strong></td>
<td>Families or persons living in dangerous premises on whom a requisition under Section 3(9) of the Local Government (Sanitary Services) Act, 1964 has been served. Families or persons displaced as a result of acts of the Local Authority. Families or Persons on exceptional medical or exceptional compassionate grounds. RAS tenants where the landlord has indicated that the contract will not be renewed or the property is no longer available to the Council.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Category 2</strong></td>
<td>Transfer applicants due to overcrowding Transfer applicants who wish to down-size. Transfer applicants who wish to vacate 2 dwellings for 1 Transfer applicants wishing to transfer to a “Vacancy Rich” area from a “Vacancy deficient” area. Transfer applicants wishing to transfer to an area in order to assist in care of a close relative or avail of the care of a close relative.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Category 3</strong></td>
<td>Families or persons rendered homeless through no fault of their own and who are not in a financial position to provide their own accommodation. Families or persons evicted through no fault of their own on foot of a Court Order and who are not in a financial position to provide their own accommodation. Persons fleeing Domestic Violence. Families living in overcrowded conditions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* To include other transfer applicant
Clare County Council

The following sequence of priorities in allocating social housing support shall apply to qualified households.

In determining priorities within the categories defined by the scheme, regard may be had to the length of time on the list of a qualified household.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Households displaced by the actual collapse or destruction of their dwellings or living in dwellings deemed to be dangerous.</td>
</tr>
<tr>
<td>2</td>
<td>Households displaced or about to be displaced under the Local Government (Planning and Development) Act, 1963</td>
</tr>
<tr>
<td>3</td>
<td>Households considered to be homeless persons as defined by Section 2 of the 1988 Housing Act.</td>
</tr>
<tr>
<td>4</td>
<td>Households residing in dwellings deemed to be unfit for human habitation as defined in Section 66 of the 1966 Act and which are overcrowded as defined in Section 63 of the Housing Act 1966.</td>
</tr>
<tr>
<td>5</td>
<td>Households residing in dwellings deemed to be unfit for human habitation.</td>
</tr>
<tr>
<td>6</td>
<td>Households living in overcrowded conditions as defined in Section 63 of the Housing Act, 1966.</td>
</tr>
<tr>
<td>7</td>
<td>Households in need of housing on medical, compassionate or other similar grounds including persons who are not able to meet the cost of rented accommodation.</td>
</tr>
<tr>
<td>8</td>
<td>Households who have a reasonable requirement for separate accommodation.</td>
</tr>
<tr>
<td>9</td>
<td>Households who are not specifically mentioned in the foregoing priorities.</td>
</tr>
</tbody>
</table>
Kerry County Council

In the making of any allocation, the following priorities shall apply in the order as set out below.

While allocations will be made in accordance with the order of priority, where a number of applicants fall within the same category, regard shall be had to the length of time that has elapsed since the applicant qualified for inclusion as a qualified applicant for housing by the Council.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Group 2</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Sanitary Services Act, 1964 or being displaced by operation of the Local Authority</td>
</tr>
<tr>
<td>b</td>
<td>Applicants living in unfit and overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act, 1966</td>
</tr>
<tr>
<td>c</td>
<td>Applicants living in unfit conditions as defined in Section 66 of the Housing Act, 1966.</td>
</tr>
<tr>
<td>d</td>
<td>Applicants living in overcrowded conditions as defined in Section 63 of the Housing Act, 1966.</td>
</tr>
<tr>
<td>e</td>
<td>Applicants in need of housing on disability, exceptional medical, compassionate or other similar grounds</td>
</tr>
<tr>
<td>f</td>
<td>Applicants who are elderly</td>
</tr>
<tr>
<td>g</td>
<td>Applicants who are members of the Traveller Community</td>
</tr>
<tr>
<td>h</td>
<td>Applicants not included in any other category above, who have been assessed and approved for Social Housing Support</td>
</tr>
</tbody>
</table>
Cornwall

Properties are let on the basis of ‘housing need’ rather than time on the register. Waiting time is only taken into account when determining priority between cases in the same band. All applications are assessed in accordance with the banding criteria set out below.

Within each band listed above, applicants with a qualifying local connection to Cornwall will be considered before applicants who do not have a local connection to the County.

<table>
<thead>
<tr>
<th>Band</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Band A | • Exceptional needs  
         • Urgent welfare needs  
         • Releasing adapted property  
         • Multiple needs (two or more needs from Band B) |
| Band B | • Statutory homeless  
         • High welfare needs  
         • Lack of 2 or more bedrooms  
         • High disrepair in private sector  
         • Move-on quota scheme  
         • Downsizers  
         • Required to move for redevelopment  
         • Multiple needs (two or more needs from Band C) |
| Band C | • Other homelessness  
         • Medium welfare needs  
         • Disrepair in private sector  
         • Lack of 1 bedroom  
         • To give or receive support  
         • To access work or training  
         • Multiple needs (two or more needs from Band D) |
| Band D | • Low welfare needs  
         • Low disrepair in private sector  
         • Sharing facilities  
         • Children under 10 in flats above ground floor with no lift or no garden |
| Band E | • Adequately housed  
         • Those who would otherwise be in higher groups but have savings or equity over £75,000 or history of anti-social behaviour or rent arrears |
**Cambridgeshire Sub-region**

Housing need is assessed and applicants will be placed in one of the following four bands in date order. Applicants placed in band A will have the highest assessed need, band D the lowest. When an applicant is placed in a housing needs band the same level of priority will apply with all PO’s in the sub-region.

<table>
<thead>
<tr>
<th>Band A</th>
<th>Urgent need:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Required to move because property is being demolished or needs major repairs</td>
</tr>
<tr>
<td></td>
<td>• Statutorily overcrowded</td>
</tr>
<tr>
<td></td>
<td>• Urgent risk to health or safety</td>
</tr>
<tr>
<td></td>
<td>• Urgent medical need</td>
</tr>
<tr>
<td></td>
<td>• Current supported housing resident</td>
</tr>
<tr>
<td></td>
<td>• Statutory homeless household</td>
</tr>
<tr>
<td></td>
<td>• Urgent multiple needs (two or more needs from Band B)</td>
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</table>

<table>
<thead>
<tr>
<th>Band B</th>
<th>High need:</th>
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<td></td>
<td>• Victim of harassment, violence or abuse</td>
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<tr>
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<td>• Lacking two bedrooms</td>
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<tr>
<td></td>
<td>• Under-occupying by two or more bedrooms, or in adapted property</td>
</tr>
<tr>
<td></td>
<td>• Homelessness prevention</td>
</tr>
<tr>
<td></td>
<td>• Multiple needs (three or more needs from Band C)</td>
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<tr>
<td></td>
<td>• Rough sleeping</td>
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<table>
<thead>
<tr>
<th>Band C</th>
<th>Medium need:</th>
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<tr>
<td></td>
<td>• Medium medical need</td>
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<tr>
<td></td>
<td>• Under-occupancy by one bedroom</td>
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<td></td>
<td>• Need to move for social reasons</td>
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<tr>
<td></td>
<td>• Sharing facilities</td>
</tr>
<tr>
<td></td>
<td>• Lacking one bedroom</td>
</tr>
<tr>
<td></td>
<td>• Other homeless households</td>
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</table>

| Band D | Adequately housed |
# Glasgow Draft Allocation Policy

We need to be fair in the way we select applicants and allocate our housing. We divide the properties we let into 7 groups and each year we will decide what percentage we will let to each Group so we can best meet our statutory responsibilities and the housing need across the city. When we receive a housing application we will assess what priority need the applicant has and place them into one of these 7 groups.

<table>
<thead>
<tr>
<th>Group 1</th>
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<td>• Homeless households</td>
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<td>• Priority clearance cases</td>
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<td>• Community Care Applicants</td>
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<td>• Exceptional Housing Need</td>
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<td>• Management Transfers</td>
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<td></td>
<td>• Preventing homelessness</td>
</tr>
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<td></td>
<td>• Applicants with multiple needs</td>
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<table>
<thead>
<tr>
<th>Group 2</th>
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<tr>
<td></td>
<td>• Overcrowding</td>
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<tr>
<td></td>
<td>• Below Tolerable Standard</td>
</tr>
<tr>
<td></td>
<td>• Medical priority which is not related to mobility</td>
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</table>

<table>
<thead>
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<th>Group 3</th>
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<th>Group 5</th>
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<th>Group 6</th>
<th>Under-occupation group</th>
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<table>
<thead>
<tr>
<th>Group 7</th>
<th>Sheltered housing group</th>
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The table below shows the number of properties that were let in the 6 months between October 2012 and March 2013, with a total of 2089 properties let in that period:

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<thead>
<tr>
<th>Count of number of Properties Let</th>
<th>Number of Bedrooms</th>
<th>Zone A</th>
<th>Zone B</th>
<th>Zone C</th>
<th>Zone D</th>
<th>Zone E</th>
<th>Grand Total</th>
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The chart below shows the number of **general purpose properties** that were let in the 6 months between October 2012 and March 2013, and the average points that the successful customer had.
The chart below shows the number of sheltered properties that were let in the 6 months between October 2012 and March 2013, and the average points that the successful customer had.