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# Local Lettings Policy

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<b>Document title</b>	<b>Local Lettings Policy</b>
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<b>Who is accountable for this policy/strategy?</b>	Andrea Smith, Housing Development Manager
<b>Current version no.</b>	V0.4
<b>Effective from date</b>	15 March 2017
<b>Approval body</b>	
<b>Approval date</b>	
<b>Review frequency</b>	Annually
<b>Next review due</b>	March 2019
<b>Is the document confidential?</b>	No

### Revision History

<b>Date</b>	<b>Version</b>	<b>Summary of Changes</b> Keep VERY brief	<b>Section(s) Changed</b>
Sept 2015	V0.3	Changes in regulations	1.5.4/1.6.3/1.6.8
February 2017	V0.4	Changes in lettings arrangements	1.10/2.0/2.0.2/2.0.3/2.0.3.1/ 2.1/2.2/2.3/2.4/2.5/2.6/3.0.2/ 3.0.6/3.1/3.2/3.3/5.0/6.0
August 2018	V0.4	No change to policy following pilot 2018	

**Equalities Impact Assessment** This must be done each time a policy/strategy is fundamentally revised

<b>Assessment date</b>	<b>Sept 2015</b>
<b>Assessment location</b>	This Policy enhances the existing policy by incorporating changes to the way housing is allocated at a local level and in line with the regulations Allocation of Housing (Qualification Criteria for Armed Forces (England) Regulation 2012
<b>Assessment date</b>	<b>February 2017</b>
<b>Assessment location</b>	Updates the existing policy by changing the lettings policy to allow households in Allerdale the chance to move whilst still giving priority to households with a local connection. Also revises allocations and inserts a clause that only those in housing need should be allocated a property.

- 1.1 The Local Lettings Policy (LLP) will be used in partnership with any Section 106 planning obligation placed on a property. The terms of the Section 106 planning obligation will always take precedence.
  - 1.1.1 The Local Lettings Policy and/or Section 106 planning obligation will take precedence over any allocations policy used by other agencies.
- 1.2 This Policy applies to all Registered Providers (RP's) operating in Allerdale.
- 1.3 In October 2011, a Local Lettings Policy was adopted by Allerdale Borough Council. Its purpose was to give applicants with a local connection to specific parishes' priority over applicants who have no local connection. The LLP helps local people who have links with their community to contribute to a sustainable local community.
- 1.4 Minor amendments to the LLP were made in May 2014 and October 2015. No changes were made to the parishes covered by the LLP.
- 1.5 Parishes covered by the LLP are: Cockermouth, Keswick, Borrowdale, Above Derwent, Lorton, Caldbeck, Underskiddaw, Bassenthwaite and St Johns, Castlerigg & Wythburn.
- 1.6 Applicants will have to confirm that the details supplied are true and correct and no false information is supplied. If the RP grants a tenancy on the basis of information that is false or misleading, steps will be taken to repossess the property.
- 1.7 The Council will regularly monitor that social rented housing is allocated in accordance with the LLP and any relevant Section 106 planning obligation.
- 1.8 The Council has the right to request information from an RP about how they have allocated properties and who they have allocated them to. The Council will take appropriate action where there is evidence that properties have not been allocated in accordance with the LLP or any relevant Section 106 planning obligation.
- 1.9 The policy may be extended and monitored in the future, if particular parishes develop a greater housing need and if applicants who meet the above criteria begin to find it difficult to be allocated a home compared to applicants who have no qualifying criteria.
- 1.10 At all stages of allocation, existing RP tenants who are already suitably housed in Cockermouth and its adjoining parishes or the parishes of Keswick, Borrowdale, Above Derwent, Lorton, Caldbeck, Underskiddaw, Bassenthwaite and St Johns, Castlerigg & Wythburn and whose housing needs are already being met will not be given priority over those households whose housing needs are not being, or have not been, met.
  - 1.10.1 Suitably housed means that the property the household are currently living in is considered to be a property of adequate size for

the household as determined for the Local Housing Allowance and meets the Decent Homes Standard.

- 1.11 This policy also applies to shared ownership properties, which are properties part owned by the occupier and for which RP's receive rent for the unpurchased share.

1.11.1 For shared ownership properties where Allerdale Borough Council are the certifying body, assessment of these applications will be in accordance with the guidelines set out in the Allerdale Borough Council Low Cost Home Ownership criteria.

- 2.0 To qualify for a property in **Cockermouth** parish, the applicant or a member of their household who will be named on the tenancy agreement must satisfy one of the following criteria. In addition, they must meet any criteria contained in a Section 106 planning obligation which may be in place and which will take precedence over the LLP and any allocations policies used by other agencies:

2.0.1 Resident in the parish for at least five years or previously resident in the parish for at least three of the last five years.

2.0.2 Has a family association with an existing resident of at least five years residence in the parish. Family association means spouse, civil partner, parent, a child over the age of 18, brother or sister and includes step parent, step child over the age of 18, step brother and step sister.

2.0.3 Has permanent employment in the parish, or has accepted the offer of such employment. The Registered Provider is required to obtain confirmation from the employer that the person is employed for a minimum of 16 hours per week and that the employment is permanent and can reasonably be expected to last more than 12 months.

2.0.3.1 Employment in the parish does not include voluntary work, or those who travel between parishes to carry out their work, e.g. driving instructors or care workers.

2.0.4 Under the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the following would not be required to show they have a local connection:

2.0.4.1 persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;

2.0.4.2 bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;

2.0.4.3 seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

2.1 If, after a period of four weeks and using best endeavours, no household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to Cockermouth parish accepts the property then the RP can offer the property to households where the applicant or a member of their household who will be named on the tenancy agreement has a connection to Cockermouth parish or its adjoining parishes of Bridekirk, Brigham, Dean, Embleton, Papcastle and Setmurthy.

2.1.1 If, after a period of a further four weeks and using best endeavours, no household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to Cockermouth parish or its adjoining parishes accepts the property then the RP can offer the property to a household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to Allerdale.

2.2 Best endeavours include, but are not limited to, advertising on Cumbria Choice, advertising the property on the landlord's website and advertising via the press and social media. Once the cascade reaches clause 2.1.1 the RP should contact the Council's housing options team to identify anyone in need of housing. In cases where adaptations have been made to the property, it is expected that the RP will contact Adult Social Care to identify anyone in need of such a property.

**2.3 RP's must be able to provide detailed evidence and reasoning for any determined application within 21 days of the written request of the Council to ensure the terms of this policy and any section 106 obligations are being adhered to.**

2.4 Before being offered a property applicants and each member of their household who will be named on the tenancy must demonstrate they are unable to buy a suitable property in Cockermouth on the open market.

2.4.1 A suitable property is one that is considered to be a property of adequate size for the household as determined for the Local Housing Allowance and meets the Decent Homes Standard. Properties being sold by auction will not be considered.

2.5 Households on low income and who can demonstrate they are in need of affordable housing will not be excluded for financial reasons without prior discussion and agreement.

2.5.1 RP's will use best endeavours to collate financial information and give suitable advice to households prior to excluding them.

2.6 Applicants and each member of their household who will be named on the tenancy agreement must not have an interest in any other property either through tenancy or ownership at any time during their tenancy. In exceptional circumstances, e.g. the need to leave a property due to domestic violence, disability or other extenuating circumstances, Allerdale Borough Council may give their approval to a tenancy being granted to someone with an interest in another property.

2.7 When a RP is unclear about eligibility and there is a need to clarify this, then before allocating any property in Cockermouth, the RP should forward details of the household to the Council. Details include but are not limited to the size of the household, their current living arrangements and evidence of local connection, the Council reserves the right to request further information in order to arrive at a decision in line with this paragraph 2.7. The information will be evaluated to ensure it meets the requirements of the appropriate Allocations Policy, Allerdale Borough Council's Local Lettings Policy and any Section 106 planning obligations. The Council will then advise the RP whether they consider the household eligible.

3.0 To qualify for a property in **Keswick, Borrowdale, Above Derwent, Lorton, Caldbeck, Underskiddaw, Bassenthwaite and St Johns, Castlerigg & Wythburn** parishes the applicant must satisfy one of the following criteria. In addition, they must meet any criteria contained in a Section 106 planning obligation which may be in place and which will take precedence over the LLP and any allocations policies used by other agencies:

3.0.1 Continuously resident in the parish for three years immediately prior to application.

3.0.2 In continuous employment in the parish for at least the last 6 months and for a minimum of 16 hours per week immediately prior to occupation. The Registered Provider is required to obtain confirmation from the employer that the person is in employment and that the employment is permanent and can reasonably be expected to last more than 12 months.

3.0.2.1 Employment in the parish does not include voluntary work, or those who travel between parishes to carry out their work, e.g. driving instructors or care workers.

3.0.3 To meet the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

3.0.3.1 have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and

3.0.3.2 need to move because the tenant works in the district, or

3.0.3.3 need to move to take up an offer of work

3.0.4 A former resident who wishes to return to the parish having completed a post-secondary (tertiary) education course within the last 12 months prior to occupation and who immediately prior to attending the course lived in the parish for at least three years.

3.0.5 Currently in prison, in hospital or similar accommodation whose location is beyond their control, and immediately before moving to this type of accommodation lived in the parish for at least three years.

3.0.6 Needs to live in the parish because they need substantial care from a relative who lives in the parish, or because they need to provide substantial care to a relative who lives in the parish. Substantial care means care identified as required by a medical doctor or relevant statutory support agency.

3.0.6.1 Relative means spouse, civil partner, parent, a child over the age of 18, brother or sister and includes step parent, step child over the age of 18, step-brother and step-sister.

3.0.6.2 Evidence of care packages will be required to demonstrate the need for housing. This evidence will give details of how care will be delivered and who will be delivering it.

3.0.7 A former resident who lived in the parish for three years and then lived outside the parish for social and/or economic reasons and is returning to live in the parish within three years of the date of their departure.

3.0.8 Under the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the following would not be required to show that they have a local connection:

3.0.8.1 persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;

3.0.8.2 bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;

3.0.8.3 seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

3.1 If, after a period of four weeks and using best endeavours, no household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to the parish accepts the property then the RP can offer the property to households

where the applicant or a member of their household who will be named on the tenancy agreement has a connection to another parish in the North Distinctive Area.

3.1.1 Note that the parish of Threlkeld is excluded. Although it is part of the North Distinctive Area it is not part of the borough of Allerdale.

3.1.2 If there is no section 106 planning obligation or other occupancy restriction covering the property and a period of a further four weeks has passed and using best endeavours, no household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to the parish or any other parish in the North Distinctive Area (excluding Threlkeld) accepts the property then the RP can offer the property to households where the applicant or a member of their household who will be named on the tenancy agreement has a connection to the parish of Cockermouth and its adjoining parishes of Bridekirk, Brigham, Dean and Papcastle

3.1.3 If there is no section 106 planning obligation or other occupancy restriction covering the property and a period of a further four weeks has passed, and using best endeavours, no household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to the parish or any other parish in the North Distinctive Area (excluding Threlkeld), the parishes of Cockermouth, Bridekirk, Brigham, Dean and Papcastle accepts the property then the RP can offer the property to a household where the applicant or a member of their household who will be named on the tenancy agreement has a connection to Allerdale.

3.2 Best endeavours include, but are not limited to, advertising on Cumbria Choice, advertising the property on the landlord's website and advertising via the press and social media. Once the cascade reaches clause 3.1.4 the RP should contact the Council's housing options team to identify anyone in need of housing. In cases where adaptations have been made to the property, it is expected that the RP will contact Adult Social Care to identify anyone in need of such a property.

**3.3 RP's must be able to provide detailed evidence and reasoning for any determined application within 21 days of the written request of the Council to ensure the terms of this policy and any section 106 obligations are being adhered to.**



3.4 Before being offered a property applicants and each member of their household who will be named on the tenancy must demonstrate they are unable to buy a suitable property in the parish on the open market.

3.4.1 A suitable property is one that is considered to be a property of adequate size for the household as determined for the Local Housing Allowance and meets the Decent Homes Standard. Properties being sold by auction will not be considered.

3.5 Households on low income and who can demonstrate they are in need of affordable housing will not be excluded for financial reasons without prior discussion and agreement.

3.5.1 RP's will use best endeavours to collate financial information and give suitable advice to households prior to excluding them.

3.6 Applicants and each member of their household who will be named on the tenancy agreement must not have an interest in any other property either through tenancy or ownership at any time during their tenancy. In exceptional circumstances, e.g. the need to leave a property quickly due to domestic violence, Allerdale Borough Council may give their approval to a tenancy being granted to someone with an interest in another property.

3.7 When a RP is unclear about eligibility and there is a need to clarify this, then before allocating any property in the parish, the RP should forward details of the household to the Council. Details include but are not limited to the size of the household, their current living arrangements and evidence of local connection, the Council reserves the right to request further information in order to arrive at a decision in line with this paragraph 3.7. The information will be evaluated to ensure it meets the requirements of the appropriate Allocations Policy, Allerdale Borough Council's Local Lettings Policy and any Section 106 planning obligations. The Council will advise the RP whether they consider the household eligible.