

The Legal Framework for Allocations Policies

South Lanarkshire Council's allocation policy must meet specific legal requirements. This leaflet provides you with a summary of the requirements.



Rights to be admitted to the housing list

Anyone aged 16 years or over has the right to be registered on the Council's housing list. This does not mean that they have a right to be offered a house as all applicants are assessed and prioritised before any offer is made.

Giving reasonable preference

When it comes to allocating houses certain groups of people must be given reasonable preference (priority) by the Council. These are people who meet one or more of the following criteria:

- are homeless or threatened with homelessness
- are living in houses which do not meet the 'tolerable standard'
- are living in houses which are overcrowded
- have large families
- are living under 'unsatisfactory housing conditions'

Factors to be ignored by the Council

There are certain factors which the Council must ignore when assessing housing applications. The following statements should make no difference to a person's application form.

The amount of time a person has lived in South Lanarkshire. *The Council cannot give someone points purely because they already live in the area.*

If there is housing debt (rent arrears or other charges) which the person is not responsible for (for example rent arrears built up by a former partner)

If there are any rent or other arrears which the person was responsible for but which are now paid off.

Any non-housing debts (e.g. Council Tax arrears) of the person or any person who will stay with them. *Only rent or service charges can be taken into account.*

Jargon Buster

The '**tolerable standard**' is a minimum quality standard set down in law below which no house should fall.

Giving '**reasonable preference**' to those people who fall into the categories opposite means giving them a degree of priority when it comes to making decisions about who to allocate houses to. This does not mean that other categories cannot also receive priority e.g. health, however, these secondary categories should not be given a higher degree of priority than those categories mentioned here.

When it comes to deciding what constitutes '**large families**' this is left up to individual landlords to decide. They will usually take into account local conditions and the houses available to them.

Individual landlords will also decide what constitutes '**unsatisfactory housing conditions**'. This can include the physical condition of the house and the more subjective aspects of someone's circumstances, e.g. unsatisfactory living arrangements or problems with neighbours.

Factors to be ignored by the Council cont.....

The age of the applicant (provided they are 16 years or over) except where the houses have been designed/adapted for people of a particular age group (for example, supported accommodation or sheltered housing)

The person's or their families' income (including any benefits they receive)

Whether the person or their family owns or have owned (regardless of value) any other property

The Council should also ignore rent arrears under one month's rent. If arrears are more than one month, as long as the applicant has made an agreed arrangement to repay and has stuck to the arrangement for the last three months and is continuing to pay, then these arrears can also be ignored.

What about Local Connection?

The Council must also ignore whether or not an applicant lives in South Lanarkshire if they

- are employed, or has been offered employment in the area
- wish to move into the area to seek employment and the Council is satisfied that this is the case
- wishes to move into the area to be near a relative or carer
- has special social or medical reasons for requesting to be housed in the area
- wishes to move into the area because of harassment
- wishes to move into the area because of domestic violence

Information and Publicity

The Council must have a written allocation policy that explains how they assess priority between applicants. The policy should explain the rules about

- Housing applicants
- tenants wishing to transfer
- Mutual exchanges (when tenants exchange homes with other tenants)

Applicants are entitled to view personal information supplied in connection with their application for housing. They are also entitled to access personal information as permitted under the Data Protection Act 1998.

Want to see more detail?



The law that sets out the criteria for how the Council should manage the allocation of houses can be found in the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) Act 2001.

The SLTDSP has produced five Fact sheets on housing allocations; An Introduction to Housing Allocations, The Legal Framework for Allocations Policies, SLC Allocations' policy, Common Housing Registers and Choice Based Lettings. These are all available free by contacting the Project on 01698 527108.