

1.11 In the event that the alternative Registered Provider(s) is not willing to purchase some or all of the Affordable Dwellings in accordance with the terms and conditions of paragraph 1.10.2 above the Owner may on the expiration of the Further Marketing Period submit evidence of its compliance with paragraph 1.10 of this Schedule (if such evidence is available) and if the Council acting reasonably confirms in writing satisfactory compliance therewith the Owner shall be free to dispose of the Affordable Dwellings (or any individual unit or units comprised in the Affordable Dwellings that has / have not been contracted for disposal) to an Individual Purchaser who meet the allocation criteria in paragraphs 1.12.1(a) to 1.12.4 of this Schedule at the Sub-Market Price.

1.12 In the event that the Affordable Dwellings are disposed of to a Registered Provider the following provisions shall continue to apply:

1.12.1 The Registered Provider shall upon completion of the transfer of the Affordable Dwellings and at all times subsequently allocate each Affordable Dwelling to a person who is considered by the Registered Provider to be in need of such accommodation and who in the opinion of the Registered Provider is unable to afford other accommodation in the locality suitable to the needs of himself and his household and who: -

- (a) has immediately prior to such allocation been resident within the town of Newton Abbot; or
- (b) has a strong local connection within the town of Newton Abbot;

AND in seeking to allocate the Affordable Dwellings under this sub-paragraph the Registered Provider shall (but without limiting its wider discretion in this regard) consider: -

- (c) family associations of such person or persons in the town of Newton Abbot;
- (d) any periods of ordinary residence of such person or persons in the town of Newton Abbot not immediately before the date upon which any Affordable Dwelling becomes vacant and/or;

- (e) whether such person or persons has to have permanent employment in the town of Newton Abbot;

1.12.2 If the Registered Provider is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraph 1.12.1 of this Schedule then the Registered Provider shall allocate any such Affordable Dwelling by applying the procedures contained in paragraph 1.12.1 of this Schedule but in lieu of the reference therein to the town of Newton Abbot there shall be substituted references to the surrounding parishes of Kingsteignton, Kingskerswell, Abbotskerswell, Ogwell, Teigngrace, Haccombe-with-Combe, Coffinswell and Heathfield;

1.12.3 If the Registered Provider is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraphs 1.12.1 and 1.12.2 of this Schedule then the Registered Provider shall subject to the provisions of paragraphs 1.12.4 and 1.12.5 of this Schedule allocate any such Affordable Dwelling to a person or persons (“the nominee”) nominated by the Service Lead for Housing for the time being of the Council from the Council’s list of persons of priority housing need within its administrative area of Teignbridge PROVIDED that the Registered Provider shall have the right to reject an applicant if one of the following criteria is met: -

- (a) The nominee has no housing need as defined within the criteria for preference within the Housing Act 1996 (as amended by the Homelessness Act 2002);
- (b) The nominee is not a suitable tenant as defined within the criteria of the Registered Social Landlord’s Allocations and Lettings Policy;
- (c) In the case of an Affordable Dwelling to be let on a Shared Ownership Lease the nominee does not have sufficient cash or income to purchase the required equity share

AND the Registered Provider has the right, whilst acting reasonably at all times, in respect of each nomination to reject the nominee by giving notice to

the Council and such notice shall state reasons for the rejection and the Council shall have the right to nominate an alternative.

1.12.4 In the circumstances set out in paragraph 1.12.5 of this Schedule, the Registered Provider shall be released from the obligation under paragraph 1.12.3 of this Schedule and shall be entitled to allocate any vacant Affordable Dwelling to any person who is considered by the Registered Provider to be in need of such accommodation and who is resident in the district of Teignbridge or has a strong local connection with the district of Teignbridge.

1.12.5 The circumstances set out in this paragraph shall be the following: -

- (a) If no nomination is made by the Service Lead for Housing within two weeks of notification by the Registered Provider of a vacancy;
- (b) If a nomination has been made by the Service Lead for Housing and the nominee has failed either;
 - (i) if the dwelling is being made available on a Shared Ownership Lease to exchange contracts for the grant of the Shared Ownership Lease within a six week period; or
 - (ii) in any other case to complete a tenancy agreement or lease within a seven day period;

AND it is agreed that in these circumstances the Service Lead for Housing may not make a second nomination.

1.12.6 Upon any disposal by the Registered Provider of the freehold reversion of any Affordable Dwelling in respect of which a Shared Ownership Lease has been granted there shall be included in the transfer a covenant on the part of the purchaser in favour of the Registered Provider that the said purchaser will not dispose of the said Affordable Dwelling (other than by way of mortgage) without first offering to convey the Affordable Dwelling to the Registered Provider at open market value.

1.12.7 The planning obligations contained in paragraph 1 of this Schedule shall not apply: -