

Chargee's Duty

1.8 The Chargee shall prior to seeking to dispose of an Affordable Housing Unit Social Rented Unit or an Intermediate Housing Unit pursuant to any default under the terms of its mortgage or charge give not less than 8 (eight) weeks prior notice to the Council of its intentions to dispose and:

1.8.1 in the event that the Council responds within 8 (eight) weeks from receipt of the notice indicating that arrangements for the transfer of the said unit(s) can be made in such a way as to safeguard them as affordable housing then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to secure such transfer;

1.8.2 If the Council does not serve its response to the notice served under Paragraph 1.8.1 within 8 (eight) weeks then the Chargee shall be entitled to dispose free of the restriction set out in this Part of Schedule 1;

1.8.3 If the Council or any other person cannot within 12 (twelve) weeks of the date on which the Chargee served its notice under Paragraph 1.8 secure such transfer then provided that the Chargee shall have complied with its obligations under Paragraph 1.8 the Chargee shall be entitled to dispose free of the restriction set out in this Part of Schedule 1 PROVIDED THAT at all times the rights and obligations in this paragraph 1.8.3 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of monies outstanding under the charge or mortgage.

Nominations – Social Rented Units

1.9 Not to allocate the Social Rented Units except in accordance with the Devon Home Choice register subject to the Local Allocations Policy and each Social Rented Dwelling shall only be let to a person:

1.9.1 who falls within the selection and allocations criteria set out in Devon Home Choice; and

1.9.2 who is considered by the AHP to be in need of the accommodation; and

PROVIDED THAT in so far as legally possible in allocating the Affordable Housing Units priority shall be given to applicants who meet the criteria in Bands A-E under Devon Home Choice and who meet the following criteria, with (i) being the highest priority and (iv) the lowest:

(i) a person who has lived within the Parish of Marlborough for 3 out of the last 5 years preceding the allocation;

(ii) a person who has immediately prior to the allocation lived in the Parish of Marlborough for 6 out of the 12 months preceding the allocation;

(iii) immediate family have lived in the Parish of Marlborough for 5 years preceding the allocation. For the avoidance of doubt The Local Government Association Guidelines define immediate family as parents, siblings and non-dependent children;

(iv) a person who has permanent employment within the Parish of Marlborough with a minimum contract of 16 hours per week which has continued for the 6 months immediately preceding the allocation without a break in employment of more than 3 months, such employment to include self-employment but this should not include employment of a casual nature;

(v) a person who has any periods of ordinary residence in the parish of Marlborough.

1.10 In the event that the AHP is unable to make a nomination in the manner referred to in paragraph 1.9 above then it shall give priority to a person who satisfies the criteria set out in sub-paragraphs 1.9(i) to (iv) (with (i) being the highest priority and (iv) the lowest) as if each reference to the parish of Marlborough had been replaced by a reference to any one of the following parishes:

1.10.1 Salcombe, South Huish or West Alvington;

1.10.2 the Administrative Area of South Hams; followed by

1.10.3 the County of Devon.

1.11 In the event of a conflict between the Local Allocations Policy and the Devon Home Choice Register the Local Allocations Policy shall take precedence.

1.12 In the event that Devon Home Choice ceases to operate or the register is discontinued an alternative allocation method shall be approved by the Council prior to any further allocations.

Nominations – Intermediate Housing Units

1.13 Insofar as it is lawfully able to do so the Owner shall ensure that the Intermediate Housing Units are disposed of only to persons who:

1.13.1 are Designated Persons; and

1.13.2 have been chosen by the AHP from the list of eligible applicants which the AHP shall request from the Help to Buy Agent provided that if there shall not be sufficient suitable applicants on such list or if any suitable applicants fail to proceed with the purchase within 3 (three) months of