

# Wiltshire Council

## Allocations Policy 2018

Version 4.0:

minor amendments Sept 2020, Nov 2021 & Jan 2023



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## **1.0 Introduction**

**1.1** There is high demand for most types of affordable rented homes in Wiltshire Council's area. The purpose of the Allocation Policy is to set a framework for Wiltshire Council and its partners for the registration and assessment of applicants for affordable homes and describes how prioritisation will ensure that those in greatest housing need are offered affordable housing in Wiltshire Council's area. During the development of this scheme we have had regard to our Tenancy and Homelessness Strategies and relevant legislation -

- Housing Act 1996, Part 6 and 7
- Homelessness Act 2002
- Localism Act 2011
- Housing and Planning Act 2016
- Immigration Act 2014 (Right to Rent legislation)

## **2.0 Wiltshire Allocation Scheme aims**

**2.1** Wiltshire Council's allocation scheme aims to:

- Meet the Council's statutory duties in the allocation of its own rented homes and in making nominations to other affordable housing providers
- Create and maintain inclusive, balanced, and sustainable communities throughout Wiltshire Council's area whilst giving applicants as much choice and control as possible over where they live.
- Ensure that the scheme is transparent, fair and accountable
- Operate a customer focused scheme that is easy to understand and is accessible
- Ensure that available housing stock is allocated in a way that is responsive to the needs and demands of the community

## **3.0 Wiltshire's allocation scheme in brief**

**3.1** Wiltshire's allocation scheme is a Choice Based Lettings (CBL) scheme that covers the Wiltshire Council area. The scheme determines priorities and procedures for the allocation of affordable housing across Wiltshire Council's area, including:

- Eligibility and other qualifying criteria for registration
- Property size criteria
- How housing applicants' housing need will be assessed
- Banding structure that determines how housing applicants will be prioritised
- How homes will be allocated

**3.2** The scheme allows all housing applicants a choice of accommodation along with the opportunity for them to express a preference about the type of accommodation they prefer.

**3.3** Whilst all housing applications are assessed in the same way, and determine admission to the Housing Register, all housing providers have different criteria to let their homes, operating individual lettings policies. The council works with these providers with a view to achieving some consistency in the overall approach for the allocation of properties.

**3.4** All housing vacancies from Wiltshire Council and other providers are advertised on a weekly basis. Any household registered with Homes4Wiltshire can 'choose' to apply for homes for which they qualify in terms of size, facilities, age criteria, design and need, a process known as "bidding".

**3.5** Applicants must meet the criteria for the vacancy and bid for the property during the advertising period. A shortlist will be run at the end of the bidding period and selection of the successful short-listed applicant is based on the following, in strict order –

- her/his ability to meet the stated criteria for the advertised home
- connection to the parish where the advertised property is located or an adjacent parish
- band (reflecting their housing need) and
- finally the length of time they have been in that band

**3.6** Elected council members cannot take part in the assessment and allocation process but this does not prevent them from seeking or providing information on behalf of their constituents or being involved in future policy development.

**3.7** Wiltshire Council's allocation scheme considers applications from people in housing need only. Housing need is based upon current housing circumstances and any change of housing circumstances will affect housing applicants' entitlement to priority for re-housing. Where housing applicants are not in housing need, the council maintains a separate list known as the Open Market Register, allowing applicants to express an interest in Low Cost Home Ownership opportunities and in specialist accommodation for older people or disabled people.

## **4.0 Eligibility Criteria**

**4.1** Anyone can approach the council for housing advice and assistance. However, the amount of social housing in Wiltshire Council's area is limited, and the capacity of the social rented system to meet housing need will not support large volumes of applications from people without a connection to the area or a good reason to live here.

**4.2** The eligibility criteria complies with sections 160ZA(2) and (4) of the Housing Act 1996. Most people subject to immigration control, and certain other people from abroad excluded by law or regulation, are not eligible for an allocation of accommodation.

For more information on this please see Appendix 1.

**4.3** In some instances, a person may be eligible despite being subject to immigration control. The council will disregard as members of the household those who are 'restricted', such as those who are:

- Not eligible
- Those who are subject to immigration control
- Those with no leave to enter or remain in the UK
- Those with leave but subject to a condition of no recourse to public funds

**4.4** For households eligible to be re-housed only because of the housing need of the restricted person, the Council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.

**4.5** If the main applicant is eligible and not subject to immigration control, non-eligible dependent children and other dependent family members will be taken into account. Non-dependent adult children live in carers and close relatives who form part of the household may be taken into account depending upon the circumstances.

### **Applicants who do not qualify**

**4.6** There are some applicants who will not qualify to join the register. They include:

|    |  |  |            |
|----|--|--|------------|
| 1. | Unacceptable behaviour                                   | Applicants who have caused unacceptable behaviour serious enough to make them unsuitable as a prospective tenant | Section 4a |
| 2. | Connection to Wiltshire Council's area                   | Applicants who do not meet the criteria or connection to live in Wiltshire Council's area                        | Section 4b |
| 3. | Financial resource limit                                 | Applicants who have assets or income above the financial resource limit  | Section 4c |
| 4. | No identified housing need                               | Applicants who have no identified housing need   | Section 4d |
| 5. | Housed within the last 12 months                         | Applicants who have been housed within the last 12 months  | Section 4e |
| 6. | Those who have deliberately worsened their circumstances | Applicants who have deliberately worsened their circumstances  | Section 4f |

**4.7.1** Applicants who are single and are aged 21 or under, may join the housing register. However, due to changes in the welfare system, they may not qualify for help with their housing costs and will need to satisfy housing providers they can pay their rent and meet their other living costs.

**4.7.2** Applicants who are single and aged under 35 will be subject to the single room rent and will need to satisfy providers that they will be able to afford the tenancy in the long term.

4.7.2 Applicant's aged under 16 will not be able to join the register. Applicants aged 16 and 17 are required to have a responsible adult to hold the tenancy in trust until they reach the age of 18. The young person has to demonstrate s/he has the relevant skills to care for her/his home and maintain a tenancy. Registered providers may require the young person to have an adult to act as a guarantor. The guarantor is personally liable for any issues with the conduct of any tenancy granted, such as rent payments in the event of a tenant defaulting.

#### **4a Unacceptable behaviour**

4.8. If an applicant or a member of his/her household has been guilty of unacceptable behaviour within the previous 12 months which makes her/him unsuitable to be a tenant, s/he will not qualify to join the register unless there is professional evidence that the applicant has committed to change her/his and has support to do so. Unacceptable behaviour includes, but is not limited to –

- Recorded anti-social behaviour in the last 12 months where the applicant was issued with a formal warning, an acceptable behaviour contract or an order made under the anti-social behaviour legislation
- Other behaviour in the last 12 months where the applicant or a member of his or her household has caused a nuisance or annoyance by which has affected neighbours or members of the local community in which s/he lives or has lived
- Incidents of domestic abuse, harassment on grounds of race, ethnicity, gender, age, disability, religion, gender identity or sexual orientation, any threats of and/or actual violence to people or damage to property or any activity potentially threatening the community will be considered unacceptable behaviour.
- Possession proceedings or other legal action taken or pending by a professional agency or landlord in direct consequence of anti-social behaviour will be taken to constitute evidence. Legal action includes, but is not limited to, formal action under the anti-social behaviour legislation and the service of notice on the ground of anti-social behaviour. Convictions, cautions and bind overs for offences likely to make someone unsuitable to be a tenant will be considered as evidence too.

#### **Housing Related Debt**

4.9 If an applicant or joint applicant who is not an introductory tenant or a starter tenant has any housing related debt, including any damage recharges, rent arrears or possession costs, they will be suspended from the Housing Register or Open Market Register until they have maintained a repayment plan for 6 consecutive months and/or cleared the majority of the debt and are continuing to make repayments. Please see 4.9.5 for treatment of introductory and starter tenants. If an applicant owes multiple debts to different landlords it is expected that they maintain repayment plans for them all. Applicants ought to note that, whilst they may fulfil these repayment criteria, this does not mean that a housing provider will necessarily offer accommodation. Each housing provider has its own lettings policy including its

approach to housing-related debt and may decline to re-house applicants if the debt repayments made do not fulfil the requirements of their lettings policies.

4.9.1 If an applicant who had been maintaining a repayment plan stops paying in accordance with that repayment plan, s/he will be excluded from the register until they have maintained payments for a further 6 consecutive months. If the applicant is in the Band 1, s/he will be excluded from the register until they have maintained payments for 3 consecutive months rather than 6 consecutive months. The purpose of these more flexible arrangements is to reflect this group's acute housing need.

4.9.2 Any existing social housing tenant who is in rent arrears solely as a consequence of the spare room subsidy will not be excluded or suspended from the register for having rent arrears as long as they are contributing towards the shortfall

4.9.3 If it can be confirmed that the rent arrears have occurred through no fault of the applicant, for example because of lack of control over funds to meet living costs, or an inability to pay living costs for reasons beyond the applicant's control during the period arrears accrued, s/he will not be suspended from the register, but housing providers may choose not offer to accommodation while the arrears are outstanding.

4.9.4 If an applicant has successfully been engaging in the Pause Pilot programme for a period of 3 months, is confirmed as ready to live independently by a professional person in the programme, and has shown positive engagement as well regular repayments towards any former housing debt, then she will not be excluded from joining the register. She will be excluded from the register until she has maintained payments for 3 consecutive months rather than 6 consecutive months. The purpose of these more flexible arrangements is to reflect this group's acute housing need.

4.9.5 Introductory tenants, starter tenants and assured shorthold tenants are normally excluded from the Housing Register for the first 12 months of their tenancies because their housing need has been met and they have to show that they are fulfilling their responsibilities as tenants during this time. Where there is a material change of circumstances meaning a housing need arises (see 4.16), or where the applicant's introductory or starter tenancy has been extended because of a failure to fully satisfy the landlord that the conditions are met for a secure or assured tenancy to be granted, the applicant will only be admitted to the register in very exceptional circumstances, for example where there is a social care professional's opinion that a safeguarding risk exists to a child or adult in the household if a move to more suitable accommodation is not possible, each case to be approved by the service manager and, in the case of a Wiltshire Council introductory tenant, two service managers.

4.9.6 An applicant for housing ought not include housing debts in Debt Relief Orders because the debt continues to exist until the order ends, and the council, in considering the applicant for the register, will suspend the applicant from the register until the order ends. NB Some housing providers will not consider tenants who have resolved debts using the Debt Relief Order procedure.

## ***Prison***

4.10 An applicant presently serving prison sentences are not permitted to join the register until a confirmed discharge date has been provided and she or he is within 28 days of discharge. Any active applicant who is currently serving a prison sentence will be suspended from the register until a confirmed discharge date has been provided and s/he is within 28 days of discharge.

## ***Fraud***

4.11 Where housing applicants seek to secure social housing by making false statements or failing to divulge information about who they are, where they live, who lives with them and their housing and financial resources is fraud and a criminal offence. Wiltshire Council will proactively investigate any allegations of fraud where the evidence indicates that housing applicants have not been truthful in their applications. Investigations in partnership with the housing providers in the Wiltshire Council area may take place if evidence comes to light after a tenancy is granted that a tenancy has been obtained under false pretences. Other fraud, for example in the completion of a homelessness application form or a form for help with housing costs, illegal subletting or any fraud leading to an eviction that has already taken place, will be considered in the same way.

4.11.1 Following an investigation, if it is satisfied that there has been an intent to commit fraud to secure housing to which the applicant would not otherwise be entitled, Wiltshire Council may prosecute the housing applicant and/or, where a tenancy has been granted, co-operate with the provider in seeking possession and evicting the tenant. In cases of housing applications, the person concerned will be excluded from the register for a period of 12 months from the date that it was proved. Any such decision can be appealed (see Section 11).

## **Refusal of a notification of nomination or offer of direct let**

4.12 Excluding housing applicants in Band 1, any applicant who has unreasonably refused two suitable offers of homes following a formal written offer received by the applicant by email or letter from the council or a registered provider in a 12 month period will be suspended from the Housing Register for a period of 12 months from the date of the second suitable offer, unless the applicant lacks capacity. It is the council's decision in the particular cases whether the offers of accommodation are suitable to meet the applicant's housing need. The decision in relation to suitability and the decision to suspend each carry a right of appeal.

4.12.1 Any applicant in Band 1 receives one offer of suitable accommodation. Any applicant in Band 1 who has unreasonably refused one offer of a home which would have been suitable for their household following a formal written offer received by the applicant by email or letter from the council or a registered provider is suspended from the Housing Register for a period of 12 months, unless the applicant lacks capacity. It is the council's decision in the particular case whether the offer of accommodation is suitable to meet the



applicant's housing need. The decision in relation to suitability and the decision to suspend each carry a right of appeal.

4.12.2 Autobids are automated bids placed on vacant properties that meet the needs of a housing applicant who is not able to place bids themselves and who has no friend, relative or personal representative to help them to place bids. Any applicant placing bids automatically by use of the autobid feature of the computer system would not be excluded for refusing suitable properties, except where the applicant is in Band 1 in any housing need category or in Band 2 in the relief duty category where the council has accepted a relief duty under 189B (1).

4.12.3 At the council's discretion, automated bids will be placed for any applicant in Band 1 or in Band 2 in the relief duty category to help the customer to move in a timely way to suitable accommodation. Applicants in these needs categories are in acute housing need so, whilst this limits applicants' choice, it is reasonable to limit choice to achieve a move to suitable accommodation.

#### **4b Agreed connection to the Wiltshire Council area**

4.13 If an applicant does not meet the connection criteria to live in the Wiltshire Council area they will not qualify to register.

4.13.1 An applicant's individual circumstances will be considered when deciding if they meet the connection requirement to live in the Wiltshire Council area and will comply with any appropriate statutory guidance. This includes the statutory guidance regarding members of the Armed Forces and Reserve Forces.

4.13.2 A connection to live in the Wiltshire Council area is defined as any person:

- Who is currently resident in the Wiltshire Council area and has continuously lived in the Wiltshire Council area for the past two years; or
- Who is in permanent paid employment or has a fixed term contract for a minimum of one year in the Wiltshire Council area; or
- Who has an offer of paid employment for a minimum period of 12 months in the Wiltshire Council area; or Who is self-employed and works predominantly in the Wiltshire Council area; or
- With close family (grand-parents, parents, legal guardian, adult children or brothers and sisters) who have continuously lived in the Council area for 5 years or longer; or
- Who has a connection with the Wiltshire Council area through special circumstances, such as a need to receive specialist medical services, services in the area which are not provided elsewhere or support from a close family member, or
- Who is currently residing in the Wiltshire Council area and is placed in Band 1 for medical and welfare needs and does not meet any of the other connection criteria listed above.

## Connection criteria exclusion group

4.13.3 If an applicant meets any of the definitions below, a connection to Wiltshire Council's area will not be required to qualify for the housing register and the applicant will be considered for an allocation in the 'connection criteria exclusion group

- A person who is homeless within the meaning of Part 7, Housing Act 1996 to whom Wiltshire Council has accepted a relief duty under Section 189B(1), or the main duty under 193(2) of the act and who has a local connection to Wiltshire as defined by S199.
- A person to whom the full re-housing duty is owed where s/he is a homeless applicant re-applying after a private rented sector offer under S195A(1) of the above Act, regardless of whether the applicant has a priority need and where
  - (a) the person makes a re-application for assistance within two years of accepting a private rented sector offer, and
  - (b) is eligible for assistance and has become homeless unintentionally or
- A person who was provided with accommodation in Wiltshire Council's area under section 95 of the Immigration and Asylum Act 1999, or
- A person who is serving in the Armed Forces, or
- A person who has left the Armed Forces within the last 5 years, or
- any veteran who can demonstrate a connection to Wiltshire as well as serving a minimum of three years and who has not been dishonourably discharged, or
- A bereaved spouse or civil partners of members of the Armed Forces leaving services family accommodation following the death of their spouse or partner, or
- A separated or divorced spouse who is being asked to leave services family accommodation in the Wiltshire area
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service, or
- A person who is being accommodated through an official witness protection scheme authorised by the Home Office, or
- A person who has been confirmed as having suffered domestic abuse and who needs to move to the Wiltshire Council area or from one part of Wiltshire Council's area to another to ensure his/her safety or a person who has suffered any other violent assault or threat of violence making his/her home unreasonable to occupy under Part 7, Housing Act 1996, or
- A person from the transient community or a household leaving armed forces accommodation who does not have a connection to another Local Authority area which would confer upon her/him the right to join that Local Authority's Housing Register, or
- A person who has been accommodated outside the area by Wiltshire Council in exercising its statutory duty to accommodate, or
- A person with a connection to an adjoining parish that is outside of Wiltshire Council's area but whose housing need has been used to develop affordable housing within a parish in the Wiltshire Council area. These households will

only be allowed to bid for properties within the parish identified to meet their housing need, or

- A person who has been verified as a rough sleeper, where there is proof of rough sleeping in the Wiltshire Council area, where the person has no connection with another Local Authority area as defined by S199 Housing Act 1996
- • All Wiltshire Council Care Experienced Young People under the age of 25

#### **4c Financial resource limit**

4.14 This section is waived for those applicants who require extra care housing or supported housing as well as any applicant who has received a lump sum payment in respect of compensation for an injury or disability.

4.14.1 Applicants with sufficient financial resources available to meet their housing needs in the open market in the community area where it would be appropriate for them to live for work, health services, schools will not qualify to join the Housing Register. Open market accommodation is a home rented from a private landlord or a home purchased either on the open market or through a low cost home ownership scheme. Any income, assets, savings and investments will be taken into account when calculating the financial resources available. Where applicants need to live in a particular parish to give or receive support without which a vulnerable person will suffer detriment, and cannot meet their housing needs in that parish or within a reasonable travelling distance of that parish depending upon the nature of the support, they will qualify to join the Housing Register. Where social tenants have received an offer of employment and cannot meet their housing needs in that parish or within a reasonable travelling distance of that parish, they will qualify to join the Housing Register. The resources of applicants who are assessed by an Occupational Therapist as requiring a wheelchair accessible home or a home where they will require allocated parking, level access and a level access shower or wet room, including any property or assets, are considered on a case by case basis to determine whether they can secure accommodation for themselves in the open market. Appendix 5 sets out how the principles are applied.

4.14.2 Where an applicant has disposed of capital or assets in the 12 months prior to making the housing application for other than essential purposes, the council may treat the capital or assets as remaining in the applicant's ownership.

4.14.3 The allocation of a council home is subject to an affordability assessment to ensure that its tenancies provide suitable and sustainable homes for people in housing need. Each assessment is based upon the financial circumstances of the particular customer. Each individual housing provider will apply its own lettings policy and financial assessment in the course of a pre-tenancy assessment.

#### **4d People who have no housing need**

4.15 Any applicant who has no identified housing need – i.e. any applicant who does not meet any of the banding criteria as specified within the scheme will not qualify to join the Housing Register. Those that do not qualify for registration may have the option to express an interest in other forms of housing – see section 10.0.

#### **4e Housed within the last 12 months**

4.16 Any applicant who has been housed by a housing provider within the last 12 months and has no material change in housing circumstances will not qualify to join the Housing Register or the Open Market Register.

#### **4f Deliberately Worsening Circumstances**

4.17 Where there is evidence that an applicant has deliberately worsened their circumstances in order to join the Housing Register or qualify for higher banding, the application will be suspended from the register for a period of 12 months.

4.17.1 Examples of the deliberate worsening of circumstances include (but are not limited to) are

- Selling a property within the last 12 months that is affordable and suitable for the applicant's needs in order to be able to join the housing register or qualify for higher bands on the register
- Moving from an assured/assured shorthold tenancy to insecure, overcrowded accommodation with family or friends within the last 12 months in order to qualify for higher band
- Moving family member(s), friend (s) and/or any other household into the current home, within the last 12 months where there is no need, including cases where this conflicts with agreements with any landlord

4.17.2 For an applicant to have deliberately worsened their circumstances where accommodation has been left, there must be evidence that it would have been reasonable for the applicant to have remained in that accommodation and that the accommodation would have continued to be available to her/him.

#### **5.0 Dependent children**

**5.1** The decision by the council about whether a dependent child resides with an applicant is considered on the facts. A dependent child's residence is generally considered to be the home where s/he lives and is cared for by a parent or parents, a guardian or another person with whom the parties with parental responsibility or its legal equivalent have agreed that s/he may live. Facts about where the child sleeps, attends school and undertakes her/his studies may be considered were two parties state that a child lives with them.

Relevant evidence will include but it not limited to –

- Payment of Child Benefit to the applicant
- Confirmation of the child's residence from relevant professionals (social worker, health visitor, doctor, head teacher)

**5.2** In the case of divorced or separated parents/guardians, if the child does not reside with the applicant as her/his main and principal residence on the facts in 5.1 above, the application cannot include the child. Where a child is co-resident with two parents, if the child is already adequately housed with one parent, s/he cannot be included on the housing application of the second parent.

## **6.0 Sharing a home to provide mutual support/minimise living costs**

**6.1** Joint applications from relatives, friends, carers or companions who are not partners, who have an established relationship (for example, who have lived with each other for 12 months or more or been associated for a long period) and would be providing mutual support will be considered where the applicants' aim is to create a sustainable tenancy. NB It must be noted that most providers will not consider granting tenancies where people have lived together for less than 12 months.

6.1.1 Applications where a carer and/or an extended family member whose presence is to facilitate care or support are included and considered on a case by case basis. A carer or extended family member could be included on an application, up to a maximum of 4 household members, subject to the following conditions:

- The applicant and carer (or extended family member) would provide mutual support to create a sustainable tenancy and;
- The applicant (or extended family member) has a significant medical need or disability and/or;
- The applicant requires overnight care

**6.2** This could apply when an applicant has a physical disability, learning disability or a mental health problem. We will request evidence that members of the household currently live or intend to live with the applicant. This can include (but is not limited to) a signed statement of fact, adequate evidence of residence or confirmation from social services.

## **7.0 Property Size Criteria**

**7.1** Applicants must meet the criteria for the size of property they are applying for in line with the guidelines below. This is to ensure full occupancy of properties and to reduce those under occupying properties, making the best use of the housing stock.

**7.2** Our bedroom matrix has been developed in accordance with the size criteria set out in Housing Benefit Regulations 2006, and Universal Credit Regulations 2013, as amended determining the maximum rent rules for Housing Benefit and housing costs element of Universal Credit -

- One bedroom per couple or single person
- One bedroom for any other adult aged 16 or over regardless of sex
- One bedroom for two children aged under 16 years of same sex
- One bedroom for each child aged 10 to 15 years of different sex
- One bedroom per two children aged less than 10 years old regardless of sex
- An extra bedroom for an applicant who requires overnight care
- A foster child will be allocated his / her own bedroom regardless of age and sex
- Any disabled child who for medical reasons requires his / her own bedroom. As the above regulations do not apply to those over pensionable age, those over pensionable age will be able to apply for either a 1- or 2-bedroom property.

The full bedroom matrix can be found in Appendix 2.

## **8.0 Allocation Framework**

**8.1** The banding structure sets out the preferences in allocating housing accommodation. It will prioritise all advertised properties to those with parish connections to the parish in which properties are located (see Section 9.2), to the immediate surrounding area and in greatest housing need, unless the property is allocated as part of a local lettings plan, sensitive lettings plan, a single sensitive let or a letting on a rural exception site. There are four bands, Band 1, Band 2, Band 3 and Band 4, with a further Open Market Register group that will not form part of the Housing Register as this will be for households who would like to express an interest in a certain type of product such as low cost shared ownership or older persons' accommodation.

**8.2** Households who qualify for Band 1 will hold the greatest preference, followed by Band 2, Band 3 then finally Band 4.

**8.3** The Housing Act 1996 (as amended) requires local authorities to give 'reasonable preference' in their allocations schemes to people with high levels of assessed housing need who are defined as:

- a) People who are homeless within the meaning of Part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)
- b) People who are owed a duty by any housing authority under section 192(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- c) People occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) People who need to move on medical or welfare grounds, including grounds relating to a disability, and
- e) 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 others)

## BANDING STRUCTURE

8.6 The bands that are included within the policy and which determine a household's need is as follows: -

| <b>Band</b>                 | <b>Eligible to Bid for all properties</b>  |
|-----------------------------|--|
| Band 1<br>(Emergency Need)  | Statutory Requirement<br>Emergency Medical or Welfare need<br>Care Experienced Young People under 25<br>Corporate Responsibility<br>Under Occupying – transfers only   |
| Band 2<br>(High Need)       | Social Care<br>Injured, sick or disabled serving or former Armed Forces personnel<br>Move On<br>Urgent medical and welfare need<br>Relief of homelessness duty   |
| Band 3<br>(Medium Need)     | No Fixed Abode & Insecurity of tenure<br>Temporary Accommodation<br>Seriously overcrowded<br>Medical and Welfare need<br>Hardship<br>Prevention of homelessness duty<br>Other Statutory requirements   |
| Band 4<br>(Low Need)        | Lacking or sharing facilities<br>Overcrowded<br>Armed Forces<br>Intentionally homeless<br>Sheltered or Extra Care<br>Specialist accommodation for those with specific needs<br>Connections to Rural Exception Sites and Community Land Trust sites |
| <b>Open Market Register</b> | <b>Eligible to bid on selected properties</b>  |

|  |   |
|--|---|
|  | Low Cost Home Ownership<br>Home Buy<br>Shared Ownership<br>Starter Homes<br>First Homes exception sites<br>Market rented properties |
|--|---|

A more detailed description of bandings can be found at Appendix 3.



## **9.0 Allocation of housing under Part 6 of the Housing Act 1996**

### **9.1 Parish Connection**

9.1.1 Homes will be allocated to applicants with a connection to a town or parish or where an area has an adopted neighbourhood plan priority will be given to applicants with a connection to the designated neighbourhood area as defined within the neighbourhood plan. A parish connection will be based on the following criteria: -

- *A person who is resident in the parish, town or city and has been resident in the same parish, town or city for the past 12 months, or*
- A person who is in permanent paid employment or has a fixed term contract for a minimum of one year or an offer of paid employment for a contract for a minimum of one year or is self-employed and works predominantly in the parish
- A person with close family (grand-parents, parents, legal guardian, adult children or brothers and sisters) who have lived in the parish or town for 5 years or longer.

However, for extra care properties the connection criteria will be defined within the extra care procedure to ensure that those in rural locations are not unfairly disadvantaged as all extra care schemes are located in towns and large villages.

### **9.2 Property Matching**

9.2.1 The majority of vacant homes will be matched to the person who has a connection to an adopted neighbourhood plan area or to the town or parish and is in the highest band with the longest effective date. The effective date is the applicant's date of application that will change following a suspension of the application or a change in band. No applicant from the connection exclusion criteria will be overlooked for not having a connection to a particular parish or town as s/he has no connection to anywhere in Wiltshire Council's area.

9.2.2 If no applicant can be found who has a connection to the parish, town or neighbourhood plan area, the second allocation will be to any household with a connection to a surrounding parish or town where the two parishes and towns have a common boundary with each other. If no connection can be found to the surrounding parishes then the property will be awarded to the applicant with the highest band and earliest date in her/his current band.

9.2.3 Where a property for which an allocation is proposed is owned and managed by a housing provider, it is known as a nomination. The provider will apply its own current Lettings Policy to the decision, in the particular case, about whether to accept the nomination. The Lettings Policies of providers may include particular restrictions upon capital and past behaviours which vary from the policy of the council. In any case where a housing applicant disagrees with the decision of a provider to refuse a nomination, s/he must contact the provider directly and use the provider's appeals and/or complaints procedure.

9.2.4 Allocations made to specialist supported accommodation or extra care will be allocated based on meeting the advertised support and/or care needs for the property rather than by connection to the parish or town. A shortlist will be provided

identifying all applicants who are eligible for the vacancy to a specialist panel to determine the most suitable applicant for the scheme based on the level of support needed and the balance of existing residents.

9.2.5 The property must be both affordable and suitable for the applicant's needs before an offer is made. This will be assessed by the landlord of the property. Appendix 4 sets out acceptable reasons for a registered provider to refuse to accept an applicant.

9.2.6 If a property is constructed to accessible standard or has major adaptations making it suitable for a person with a physical disability and/or visual impairment, it will be matched to applicants with specific needs for the type of property advertised. Connections to parishes would not apply as the need for the adaptations in the property would override any connection to the area in which the property is located. Where an accessible or adapted property cannot be matched to an applicant with specific needs it will be allocated in accordance with the policy.

9.2.7 Extra care housing properties will be matched to clients who have a specific care and support need rather than priority to a household with a connection to the area in which the scheme is located.

### 9.3 Planning agreements and former exception sites

9.3.1 In all cases, any vacant property will be advertised as per terms held within a planning agreement (any agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended)) and/or planning conditions that apply to the site.

### 9.4 Local Lettings Plans

9.4.1 The Council or its partners may decide to let properties on a slightly different basis from normal in the interests of building strong and sustainable communities or to deal with particular local issues such as serious and repeated breaches of tenancy conditions in schemes and/or the serious and repeated anti-social behaviour of existing tenants which has caused the landlord, the local authority or the police to take formal action under the anti-social behaviour legislation.

This would apply for all new build properties on 1<sup>st</sup> let and in exceptional circumstances on future lets. The decision to apply a Local Lettings Plan will be jointly made by the landlord of the property and the Council. The allocation of housing accommodation will be made in accordance with local lettings policy. Local Lettings Plans may not include limiting the letting of units outside the terms described in 9.1 and 9.2 above.

### 9.5 Sensitive Lets

9.5.1 A 'sensitive let' may need to occur where, for reasons related to the behaviour of a former tenant who has been evicted, or serious and repeated breaches of tenancy conditions in schemes and/or serious and repeated anti-social behaviour of existing tenants, there is a departure from the routine property matching process.

For a property to be a sensitive let the housing provider must provide Wiltshire Council with proof that:

- the previous tenant was evicted or an eviction process had started because of anti-social behaviour, had been guilty of criminal acts at the dwelling or in the area (this would include allowing the property to be used for selling or using controlled substances), abandonment where there had been anti-social behaviour or serious nuisance;
- the previous tenant was the victim of serious and long-term anti-social behaviour or other criminal acts; or housing officers or police had used all powers within housing, criminal and anti-social behaviour law to resolve the issues.
- The nature and location of the accommodation requires a sensitive let to ensure the scheme meets the ongoing needs of the residents e.g. a general needs property within a scheme for older people

## **10.0 Allocation of housing outside Part 6 of the Housing Act 1996**

Part 6 of the Housing Act 1996 does not apply to the allocation of the following properties:

### **10.1 Direct lets made by housing providers**

10.1.1 Subject to terms set out in the relevant stock transfer and nomination agreements, a small number of vacant properties will be directly allocated to an applicant rather than being advertised through the allocation system, including from the council's own stock. This may happen in the following situations:

- If a property is needed to house someone on a temporary basis
- In the case of a specially adapted property built for a specific person
- Decants, these are properties that need to be vacated for a specific purpose
- Where it is unreasonable for an existing tenant to remain in her/his home because of violence or a threat of violence which it is probable will be carried out, or serious harassment such that the tenant could not be expected to remain in the property (including harassment in relation to any protected characteristic under the Equality Act 2010), or the tenant's life is at risk if s/he remains in the property because of the risk to her/his health
- Where a homeless applicant has failed to bid or accept a property and needs to move from temporary accommodation
- Allocations of Supported Housing (vacancies are not advertised for bidding)
- A property has a layout that would allow adaptations to make the property suitable for a particular disabled person and their family, such provision to be made in complex and exceptional cases
- Emergency planning i.e. emergency accommodation due to a force of nature such as fire or flood.

- Properties required in support of a national government scheme such as the Syrian Refuge programme or anything similar where the Local Authority has agreed to assist
- Hard to let properties, where the properties have been advertised through the system but there have been no suitable bids
- Other reasons which are detailed in the registered providers own lettings' policies

## **10.2 Gypsy and Traveller Site allocations**

10.2. Applicants for Gypsy and Traveller sites are not required to register through this allocation scheme. All enquiries for permanent pitches should be directed to the Council's Traveller Liaison Team who will issue an application form which will be assessed in accordance with the gypsy and traveller permanent site allocations scheme.

**10.3** On acceptance to the register, applicants are required to notify the Council of any change in circumstances and ensure that up to date contact details are available to officer. The register will be reviewed every 6 months to ensure that applicants wish to remain on the list.

## **10.3 Low Cost Home Ownership / Shared Ownership / Home buy**

10.3.1 Low Cost Home Ownership properties will be advertised for those who have expressed an interest in purchasing a share in a property. Applicants will be prioritised according to parish connection, banding then length of time on the register. For all cases affordability will be a key consideration. NB Applicants to note that most of the Low Cost Home Ownership properties advertised by the council are Discounted Market Units and a small number of shared ownership units. Applicants interested in Low Cost Home Ownership may find more properties advertised by Help to Buy South, the government's local Help to Buy Agent, and by individual local providers on their own websites.

## **10.4 Transfers**

10.4.1 A transfer applicant is a secure tenant of Wiltshire Council or an assured tenant of a housing provider, resident in the Wiltshire Council area, who has requested a move to alternative accommodation within the area. Some allocations to existing social tenants do not fall within Part 6 of the Housing Act 1996 and so do not come under the usual allocation scheme. For Part 6 to apply to an allocation, special conditions must be met. These will be where:

- The allocation involves a transfer
- The transfer is made at the tenant's request and
- The housing authority is satisfied that the tenant has reasonable preference for an allocation

Additionally, transfers initiated by a housing provider for management purposes do not fall within Part 6.

10.4.2 Transfers will be banded according to this allocation scheme. If a transfer applicant does not meet any of the banding criteria, they can express an interest for alternative accommodation and will become part of the Open Market Register group. These applicants will then only be able to bid for properties allocated for transfers or any other property advertised for the Open Market Register group.

## **11.0 Reviews and Appeals**

An applicant has the right to request a review of decisions on the following:

**11.1** S/he considers that s/he has not been awarded the correct banding or on any decision made about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them (s.166A(9)(b)).

Any review requests must be in writing and within 21 days of receiving notice of the banding status. Any necessary evidence or information must be supplied at this stage to substantiate the case that the council has made the wrong decision under the Allocation Policy based on the facts. Reviews of bandings will be undertaken initially by an appropriate officer of the council uninvolved in the original decision. If the applicant is still unhappy with the outcome, a further review will be carried out by a more senior officer. Customers who are unable to put their appeals in writing can arrange a meeting where the appeal will be heard, and any supporting evidence can be considered.

**11.2** Not having their application included on the register due to being ineligible for an allocation of accommodation under s160ZA (2) or (4) or is not a qualifying person under S160ZA (7).

In these cases, a senior officer from the council who has not been involved in the original decision will carry out the review. As in 11.1 any review request will need to be made in writing and within 21 days of receiving notification. If the customer is unable to put their review request in writing, they can request a meeting for their review to be heard and any supporting evidence to be provided.

**If a customer is unhappy with a partner landlord decision to refuse her/him for an advertised property, s/he will be required to follow the landlord's appeal/complaints procedure.**

## APPENDIX ONE

### **Those not eligible to join the register**

There are some households who will not be eligible to join the register. They include:

- People from abroad who are subject to immigration control as defined in s.13(2) of the Asylum and Immigration Act 1996
- People who are not habitually resident in the Common Travel Area, subject to certain exceptions as defined in Section 3.14 of the Allocation of Accommodation Guidance for Local Housing Authorities in England (2012)
- People whose only right to reside in the UK is derived from his status as a jobseeker. For this purpose, 'jobseeker' has the same meaning as for the purpose of regulation 6 (1) (a) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) \*
- People whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under Regulation 13 of the EEA Regulations above
- People whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned above highlighted \* and which is derived from EU Treaty rights.
- People who have rights of residence in the UK as a result of regulation 15A(1) and (4A) of the Immigration (European Economic Area) (Amendment) (No 2) Regulations 2012 (the EEA Amendment Regulations)
- People who have a right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen

## APPENDIX TWO

### Bedroom size criteria

Below confirms the size of property a household can bid for, however on occasion an opportunity may apply when a household could under occupy, but this will be specified on any advert and would form part of a lettings plan.

| Household make-up  | Bedroom Size | Bed spaces |
|--|--------------|------------|
| Single person  | 1            | 1          |
| Couple   | 1            | 2          |
| Couple or single and expecting a child within next 14 weeks  | 2            | 3          |
| Two people not in a relationship but being accommodated together   | 2            | 3          |
| Parent or Couple with 1 Child  | 2            | 3          |
| Parent or Couple with 2 Children (both under 10yrs, regardless of gender)  | 2            | 4          |
| Parent or Couple with 2 Children (both under 16yrs and same gender)  | 2            | 4          |
| Parent or Couple with 2 Children (one of which over 10yrs but of a different gender)                                 | 3            | 4          |
| Parent or Couple with 3 Children (all under 16yrs)   | 3            | 5          |
| Parent or Couple with 3 Children (one of which is over 16yrs and the other 2 are of different gender and over 10yrs) | 4            | 5          |
| Parent or Couple with 4 Children (all under 10yrs)   | 3            | 6          |
| Parent or Couple with 4 Children (one of which is over 16yrs and the other 3 are of different gender and over 10yrs) | 4            | 6          |
| Parent or Couple with 5 Children   | 4            | 7          |
| Parent or Couple with 6 or more Children   | 4            | 8          |

An additional bedroom will be allocated to: -

- applicants who receive overnight care from carers who do not reside with them but are required to stay overnight for at least one night a week, where the applicants are in receipt of the relevant care or daily living components of Disability Living Allowance, Personal Independent Payment or any other

benefit providing for care needs and would be entitled to another bedroom under the rules for help with housing costs.

- a disabled child where that child would normally share a bedroom under the rules above but will disturb the sleep of another child if obliged to share or another child with whom s/he would otherwise have to share will be at risk from the disabled child
- a disabled adult member of the household if an Occupational Therapist's report confirms that the care and/or recovery of the adult would be compromised by a failure to provide a separate bedroom and based on the 'bedroom matrix' she would not otherwise be allocated their own room. NB Any decision to admit anyone to the register on these grounds is subject to an affordability assessment at the point of allocation in light of the rules for help with housing costs
- to enable Children's Services to meet its S22G duty under the Children Act 1989 any approved prospective foster carer or adopter should be allocated the required bedroom size as recommended by Children's Services to ensure the family are allocated the correct size property to enable the family to foster a child or can continue to do so
- Those over pensionable age with a 1 bed need will be excluded from these criteria and will be eligible to bid for 1 or 2 bed properties.

However, there may be restrictions on the amount of Housing Benefit or help with housing costs such applicants are eligible for. In these circumstances Homes4Wiltshire will award the additional bedroom/s but individual landlords may apply a test of affordability before making an offer of accommodation.



## APPENDIX THREE

### **Band 1**

Band 1 is for households who need to be housed in emergency. This includes households for whom there is a specific statutory requirement of an immediate nature or for whom there is a serious risk to health, safety or wellbeing in the present living situation which cannot be resolved by other means.

#### Statutory Requirement

A household who is owed a duty by Wiltshire Council under the Housing Act 1996 Part 7 ss 193(2) or 195(2). These are households who have been accepted as statutorily homeless. A household which has been assessed as being statutorily overcrowded or is lacking more than 3 bedrooms (the bedroom matrix will be applied to assess overcrowding). A household to which the authority has a statutory duty to provide care which requires accommodation in which that care may be provided, and an allocation will prevent a residential or out of area placement.

#### Emergency Medical or Welfare need

An applicant's health or social care needs either –

- cannot be met in the current accommodation to the extent that clinicians advise it will make the condition life threatening or will result in a life changing injury or condition
- where the applicant or a member of the applicant's household is terminally ill, cannot be met in the present housing conditions with dignity and respect
- cannot be met because the applicant's household has no accommodation to which s/he can safely return (patients ready for discharge from hospital and applicants in short stay rehabilitative care environments)

#### Care Experienced Young Person

For all Wiltshire Council care experienced young people, who are either relevant children or former relevant children to whom the council owes duties under the Children Act, up to the age of 25, when it is confirmed that they are ready to move on into independent accommodation. In each case, a joint assessment of the care experienced young persons ability to live independently under their Pathway Plan will have been performed by Children's Services and the Housing Department, with an independent living assessment agreed with the care experienced young person for prospective landlords. Where the care experienced young person has a tenancy with the council or a private registered provider, and their housing circumstances mean that they have a housing need under this policy, a further housing application will be treated in the same way as the application of another transfer applicant.

#### Under Occupation

Applicants who are current social housing tenants within the Wiltshire Council area who are under- occupying by one or more bedrooms based on the government's bedroom standard.

## Corporate Duty

Referrals from Adult Social Care and Children's Services will be considered under this band where it is identified that a corporate duty exists under social care legislation and it is demonstrated that an allocation will prevent a residential placement or a placement outside the council's area.

## **Band 2**

### Social Care

For an applicant to be able to provide or receive support in suitable accommodation. This would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority. It would also include special guardians, holders of a residence order and family and friends, and carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.

### Injured, sick or disabled serving or former Armed Forces personnel

In accordance with the legislation (section 166A(3) of the 1996 Act) as amended by Regulation 2, applicants who are confirmed as being someone from the reasonable preference category, have an urgent housing need and who meet one of the following criteria:

- a) a person serving in the regular forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or
- b) a person who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of the person's spouse or civil partner who was serving in the regular forces and whose death was attributable (wholly or partly) to that service, or
- c) a person serving or formerly serving in the reserve forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### Move on from supported accommodation

This applies to applicants in shared or supported accommodation where there is a move on protocol in place with the council. The applicant must have been assessed as ready to move into independent living accommodation by both the support provider and a housing officer of the council.

### Urgent medical or welfare need

An applicant's or household member's functional ability or psychological state is severely compromised and the applicant cannot care for her-/himself in the home, where -

- that home cannot reasonably be adapted for her/his needs to maximise independence and the disabled person could be more independent in a more accessible home

- chronic or episodic ill health directly caused or exacerbated by the living conditions at home has required repeated clinical or care intervention in the past six months which in the opinion of clinicians could have been avoided had the applicant been adequately housed
- repeated admissions to hospital in the last 6 months (non-life threatening) are attributed to the current living conditions by clinicians

and a move to alternative accommodation would either ensure that the applicant can be properly cared for or will help improve their condition.

#### Relief of homelessness duty

Homeless applicants where the council is satisfied that they are both homeless and eligible for assistance and has accepted a duty under the Section 189B of the Housing Act 1996.

### **Band 3**

#### No fixed accommodation & Insecurity of Tenure

These are applicants who have been confirmed as homeless with no fixed accommodation or threatened with homelessness by the council's Housing Options service. Applicants assessed as being insecure in their accommodation will generally be under a 2 month or 93-day notice period to vacate their accommodation.

#### Temporary Accommodation

Those applicants currently residing in temporary accommodation under part 7 of the 1996 Act and are awaiting a homeless decision

#### Seriously Overcrowded

Applicants living in overcrowded accommodation (in need of at least two additional bedrooms), the size criteria set out in Housing Benefit Regulations 2006, and Universal Credit Regulations 2013, as amended will be applied to assess overcrowding

#### Medical and Welfare grounds

Applicants who are suffering from serious harassment, violence, or threat of violence at their current property, providing evidence exists to substantiate their claim.

An applicant's physical safety and functional ability are compromised by the current living conditions and re-housing would prevent a future deterioration in functional ability or psychological state and promote independence and/or recovery. Relevant where the current home cannot be adjusted or adapted to meet these needs or where the housing conditions significantly contribute to social isolation (including an episode of illness requiring intervention of mental health or other clinical professionals during the past six months) or there is evidence that the immediate housing environment is causing the applicant emotional distress which cannot be relieved by standard clinical/therapeutic interventions.

#### Hardship

Applicants who either have a home which otherwise is of a suitable size and location which is unaffordable and cannot be made affordable or where hardship is being caused by an inability to afford open market accommodation in or within a reasonable travelling distance of a particular parish to give or receive support without which a vulnerable person will suffer detriment or an inability on the part of existing social tenants to afford open market accommodation in or within a reasonable travelling distance of a particular parish where an offer of employment has been made.

#### Prevention of homelessness duty

Homeless applicants where the council is satisfied that they are both threatened with homelessness within 56 days and eligible for assistance and has accepted a duty under the Section 195 of the Housing Act 1996.

#### Other Statutory duties

Any applicant who is owed a full housing duty by any housing authority under section 192(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any housing authority under s.192(3)

### **Band 4**

Band 4 would include households with a low need for accommodation.

#### Lacking facilities

Any households who is lacking either a bathroom, kitchen or inside WC.

#### Sharing facilities

Applicants who are sharing facilities and who have no security of tenure in their current accommodation.

#### Overcrowded

Applicants living in overcrowded accommodation (in need of one additional bedroom).

#### Armed Forces

Applicants from the Armed Forces currently stationed in the Wiltshire Council area, due to be discharged within the next 12 months, or, in accordance with the legislation (section 166A(3) of the 1996 Act as amended by Regulation 2, applicants who are confirmed as being someone from the reasonable preference category, have an urgent housing need and who are a person formerly served in the regular forces

#### Intentionally homeless

Any households who has been found intentionally homeless by Wiltshire Council's housing option team.

#### Sheltered Accommodation and Extra Care Housing

Those aged 60 or over that require sheltered accommodation or have an identified support need that would be best met in supported accommodation. May include younger people (eg 50 and over) with similar needs

Those aged 55 or over who require the support or care that would best be met in an Extra Care Housing scheme

Specialist accommodation for those with specific needs

Applicants qualifying for accommodation specifically designed for people with moderate to severe learning disabilities or continuing serious mental health conditions where the applicants have regular care and support needs

New Build Rural Exception Sites and Community Land Trust sites

Meeting parish connection criteria for affordable rented homes on Rural Exception Sites and Community Land Trust sites with no other housing need. Admission to the Housing Register without a housing need as defined in the policy recognises the greater unaffordability of homes in small villages and villages outside settlement framework areas as defined in the council's Development Plan and the need to consider the housing need of those with connections to rural villages more flexibly. Customers identified with connections to parishes are considered only for Rural Exception Site and Community Land Trust homes.

## APPENDIX FOUR

Acceptable reasons for a registered provider to refuse to offer a property to an applicant. Registered providers may refuse to accept an applicant nominated by Wiltshire Council. This can occur when even an applicant has been nominated for a property.

The circumstances when this could apply are, but not limited to:

- An applicant has bid for another property and accepted that property
- An application appears to be false or misleading and further investigation is required
- An applicant has evidenced support needs and does not have support appropriate to those needs in place
- An applicant has displayed threatening, violent or otherwise unreasonable behaviour, such as towards a member of staff or neighbouring tenant in the last 12 months
- Where there is evidence that an applicant might endanger the health, safety or well-being of a community because of a history of violent or abusive behaviour against particular individuals in the area.
- Where an applicant is unable to provide evidence of access to sufficient funds to enable them to pay the rent and meet their essential living costs at the particular property.
- An applicant is unsuitable for the property because of a recent tenancy management issue at the property.
- An applicant has bid for a property that does not meet her/his immediate needs, eg an adapted property where the applicant does not need the adaptations provided or their needs that cannot be met without making considerable, unreasonable or inappropriate adaptations to the property.
- Where support or adaptations are provided which are not needed by the applicant or members of their household
- The property is subject to a local authority S106 Agreement and the applicant does not meet the required criteria
- The provider is unable to make contact with the applicant either by phone, email or letter over a period of 3 working days
- An applicant has pets which are not permitted in the property, in line with the provider's pet policy.
- An applicant is under 18 years of age and has failed to provide an appropriate guarantor or trustee
- The reference obtained from a previous landlord is not satisfactory
- Where a property has become unavailable since the advertisement was placed.

A registered provider will comply with the Equality Act 2010 and evidence their reason for refusing an applicant for a property