

AGENDA SUPPLEMENT (1)

Meeting: Overview and Scrutiny Management Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Tuesday 5 November 2013
Time: 10.30 am

The Agenda for the above meeting was published on Monday 28 October 2013 and indicated that the report detailed below would be to follow. This is now available and is attached to this Agenda Supplement.

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This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Housing Allocation Policy**_(Pages 1 - 24)

DATE OF PUBLICATION 1 November 2013

Wiltshire Council

Overview and Scrutiny Management Committee 5 November 2013

Housing Allocations Policy – rapid scrutiny exercise

Purpose

1. To report to the Overview and Scrutiny Management Committee the outcome of the rapid scrutiny exercise held on 28 October 2013 on the proposed revisions to the Council's Housing Allocations Policy.

Background

2. On 28 February the Committee received a presentation from Nicole Smith, Head of Strategic Housing, about changes in national legislation that required a review of the Council's Housing Allocations Policy. Extensive consultation was undertaken including with Area Boards ending on 26 April and it was agreed that the outcome of the consultation would be reported back to the Committee prior to a final decision by Cabinet on 21 November.
3. As reported at the last meeting, the Chairman and Vice-Chairman (and Scrutiny Manager) met with the Cabinet Portfolio-holder and the Head of Strategic Housing for an initial briefing on 7 October. It was agreed to undertake a one-off rapid scrutiny exercise on the matter with an invitation extended to all members of the Management Committee.
4. The following were present:

Cllr Simon Killane (who led the exercise)
Cllr Roy While
Cllr Jeff Osborn
Cllr Jacqui Lay
Cllr Richard Clewer, Portfolio-holder for Housing
Nicole Smith, Head of Strategic Housing
Paul Kelly, Scrutiny Manager
5. The following papers were made available at the meeting:

- Draft Housing Allocation Policy
- Corporate Leadership Team Briefing Paper (September 2013)
- Consultation Questionnaire – responses
- Government Guidance on Providing Social Housing for Local People – October 2013

Deliberations

6. Nicole Smith introduced the revised Policy and highlighted the major changes. These were prompted by the opportunity to review the policy by the Localism Act 2011 and the outcome of an extensive local consultation exercise. Cllr Clewer posed a number of questions to the scrutiny members relating to the more challenging aspects within the draft Policy where the Council had some discretion.

The following issues were discussed:

- The scale of and reliance on the results of the consultation exercise
- Proposed eligibility and exclusion criteria including the definition of a local connection to Wiltshire and forms of unacceptable behaviour
- Property size criteria
- The revised banding structure including removal of the current bronze band
- The implications on the Policy of Central Government strengthening statutory guidance on social housing allocations
- Timetable including Cabinet and potentially Full Council approval
- Publicising and communicating the changes.

Conclusions

7. The Councillors acknowledged the major task that had been undertaken in reviewing this prominent policy and the efforts made to seek the views of all interested parties including existing tenants and those currently on the waiting list, and the engagement of elected members through area boards.
8. The result was a series of important changes driven by Central Government direction and local measures design to deliver a fairer and more realistic housing allocation service.

Recommendation

9. To support the revised Housing Allocations Policy as appended to this report for approval by Cabinet on 21 November subject to the following being taken into account:
- To support the benefit of seeking a common allocations policy among all social housing providers in Wiltshire
 - To change the description of the banding structure to a letter or number classification in order to signify that current arrangements have been extensively revised
 - To provide a graphical presentation of the changes in the form of a flowchart
 - To allow local connection to also mean officially recognised neighbourhoods as defined within an adopted neighbourhood plan encompassing more than one parish.
 - To rename the new “expression of interest” category to better reflect that it no longer forms part of the revised Policy
 - To submit a further appendix to Cabinet and Council highlighting where the changes have been made within the banding structure.
 - To utilise the Council’s hubs and new campus provision to improve access to housing services
 - To support an extensive housing newsletter for stakeholders and councillors

Cllr Simon Killane, Lead Member for the Rapid Scrutiny Exercise

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Appendices

Appendix 1 – Housing Allocation Policy

Background documents

Corporate Leadership Team Briefing Paper (September 2013)

Consultation Questionnaire – responses

Government Guidance on Providing Social Housing for Local People – October 2013

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1.0 Introduction

1.1 There is huge demand for affordable rented homes in Wiltshire. The purpose of the allocation policy is to set a framework for Wiltshire Council and its partners for the registration, assessment and allocation of affordable homes. The allocation policy describes how applicants for affordable housing are assessed ensuring that those in the greatest housing need are prioritised for the allocation of affordable housing in Wiltshire

2.0 Wiltshire's allocation policy Aims

2.1 Wiltshire's allocation policy aims to:

- Meet the Council's statutory duties in the allocation of council housing and making nominations to other affordable housing providers
- Create and maintain inclusive, balanced, sustainable communities throughout Wiltshire while giving applicants as much choice and control as possible over where they live.
- Ensure 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.

2.2 Wiltshire's allocation policy will be a partnership between Wiltshire Council and the Housing providers which offer affordable housing tenancies or low cost housing in Wiltshire. The allocation system allows applicants to access affordable housing offered by the housing providers listed in Appendix 1.

3.0 Wiltshire's allocation policy in Brief

3.1 Wiltshire's allocation policy is a choice based lettings scheme that covers the Wiltshire Council area. The scheme determines priorities and procedures for the allocation of affordable housing across Wiltshire, including:

- Eligible and exclusion criteria for registration
- Property size criteria
- Banding Structure that determines how applicants will be assessed and prioritised
- How homes will be allocated

3.2 Whilst all applications are assessed in the same way, all housing providers have different criteria to let their homes. Providers will publish their individual policies on their websites. The Council will work with these providers with a view to achieving some consistency in the overall approach for the allocation of properties.

3.3 All housing vacancies, both the councils and other providers will be advertised on a weekly basis. Any household who is registered to bid can 'choose' to apply (known as bidding) for homes that they are eligible for.

3.4 Applicants must meet the criteria for the vacancy and bid for the property during the advertised period. A shortlist will be run at the end of the bidding period and selection of the successful short-listed applicant is based firstly on their ability to meet the stated criteria, then local connection to the area followed by the applicant's band (reflecting their housing need) and finally the length of time they have been in that band.

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

4.0 Eligibility and exclusion criteria

4.1 Anyone can approach the council for housing advice and assistance, however, the amount of social housing in Wiltshire is very limited, and the Council will no longer maintain an open housing register.

4.2 People in the following criteria are not eligible for re-housing:

Those people subject to immigration control and certain other people from abroad excluded by law or regulation.

For more information on this please see Appendix 1 or contact the council.

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 dependant children and other dependant family members will be taken into account. Non dependant adult children, non relatives, carers, lodgers and live in help will not be taken into account.

Classes of person that do not qualify to join the register

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

1. **Unacceptable Behaviour** - People who have caused unacceptable behaviour serious enough to make them unsuitable as a prospective tenant – see section 5 for further detail

2. [Agreed connection to live in Wiltshire](#) - People who do not meet the agreed criteria or connection to live in the County of Wiltshire – see section 6 for further detail
3. [Financial resource limit](#) - People who have assets or income above the financial resource limit – see section 7 for further detail
4. [People who have no identified housing need](#) – see section 8 for further detail
5. [Housed within the last 12 months](#) – see section 9 for further detail
6. [Those who have deliberately worsened their circumstances](#) – see section 10 for further detail

4.7 Applicants under 16 will not be able to join the register and those aged 16 and 17 will be required to have a responsible adult to hold the tenancy in trust until they reach the age of 18. Some registered providers will also require the young person to have a guarantor and/or be able to demonstrate they have the relevant skills to look after a property and maintain a tenancy. The guarantor will be liable for the tenancy, such as rent payments in the event of a tenant defaulting.

5.0 Unacceptable Behaviour

5.1 Anti Social Behaviour

5.1.1 If an applicant or a member of his/her household has been evicted or legal action has been taken by a professional agency of landlord as a result of anti social behaviour which has affected neighbours or a community, they will be excluded from the register until a tenancy or licence has been successfully held for a period of 12 months with no reported incidents of any anti social behaviour. Legal action would include but not limited to the service of a Notice of Seeking Possession or a pending application for legal action.

5.1.2 Anti Social Behaviour would include incidents of domestic abuse, harassment on the grounds of race, ethnicity, gender, age, disability, religion, transgender or sexual orientation or any other violent offence

5.2 Rent Arrears

5.2.1 If an applicant or a member of his/her households has any housing related debt, including any tenancy recharge or rent arrears they will be excluded or suspended from the housing register until they have maintained a repayment plan for 6 consecutive months and or made a reasonable attempt to clear the majority of the debt. If the applicant owes multiple debts to different landlords we will expect them to have maintained a repayment plan for them all. Any existing social tenant who is in rent arrears due to the introduction of the bedroom tax will not be excluded from the register for this reason.

5.2.2 If an applicant stops paying the repayment plan before the arrears are clear they will be excluded from the register until they have maintained payments for a further 6 consecutive months. The repayment plan will be reduced to 3 months for applicants in the platinum band to reflect their acute housing need.

5.2.3 If it can be confirmed that the rent arrears occurred through no fault of the applicant they would not be excluded from the register but housing providers may not offer them accommodation while the arrears are outstanding.

5.3 Prison

5.3.1 Any applicant who is currently serving a prison sentence will be suspended until a confirmed discharge date has been provided and is with 28 days of discharge

5.4 Fraud

5.4.1 Following the outcome of any housing investigation if evidence is obtained that identifies that fraud, (related to the completion of a housing or homeless application form, housing benefit form, subletting or any fraud leading to an eviction which has taken place) the applicant will be excluded from the register for a period of 12 months and appropriate legal action will be taken by the local authority.

5.5 Refusal of a notification of nomination

5.5.1 Any applicant who has unreasonably refused two properties following a notification of nomination by the registered provider (either by phone, email or letter) that is deemed suitable for the household will be excluded from the register for a period of 12 months from the date of the second notification, unless the reasons for refusal are based upon a matter related to their mental well being. Any applicant where an auto-bid has been used would not be excluded for refusals made.

5.5.2 This will be reduced to one refusal for any applicant within the Platinum band. All applicants in Platinum band who have a statutory homeless duty will require a formal part 6 offer letter.

6.0 Agreed connection to live in the Wiltshire Council area

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

6.2 An applicant's individual circumstances will be considered when deciding if they meet the connection requirement to live in Wiltshire, and will comply with any appropriate statutory guidance. This includes the statutory guidance regarding members of the armed forces. Those in the Armed Forces will not be disadvantaged when the local connection criteria is applied.

6.3 A connection to live in the Wiltshire Council area is defined as:

- A person who is currently resident in the county of Wiltshire and has continuously lived here for the past two years
- A person who is in permanent paid employment or has a fixed term contract for a minimum of one year or permanent offer of paid employment in the county, or is self employed and works in the Wiltshire area or

- A person with close family (grand-parents, parents, legal guardian, adult children or brothers and sisters) who have lived in the county for 5 years or longer, or
- A person who has a connection with the county through special circumstances, such as they need to receive specialist medical or support from a close family member or services within the county which cannot be provided elsewhere

6.4 If an applicant meets any of the definitions below, a local connection to Wiltshire will not be required and they are households who will be considered as being in the local connection exclusion group:

6.5 Local connection exclusion criteria group

- A person who is homeless within the meaning of Part VII of the Housing Act 1996 and Wiltshire council has accepted a full housing duty to them as well as formally accepted homeless applicants who took a qualifying offer of housing outside of Wiltshire.
- A person who was provided with accommodation in the county under section 95 of the Immigration and Asylum Act 1999, or
- A person who is serving in the Armed Forces,
- A person who has left the Armed Forces within the last 5 years.
- A bereaved spouse or civil partners of members of the Armed Forces leaving services family accommodation following the death of their spouse or partner.
- 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
- A person who is being accommodated through witness protection
- A person who has been confirmed as fleeing domestic abuse from another area
- A person from the transient community who has no local connection to any other area
- A person who has been accommodated outside the area by Wiltshire Council in exercising its statutory duty to accommodate
- A person with a local connection to an adjoining parish that is outside of Wiltshire but whose housing need has been used to develop affordable housing within a parish of Wiltshire. These households will only be allowed to bid for properties within the parish identified to meet their housing need.
- Verified rough sleepers, where there is proof of rough sleeping in the Wiltshire Council area

7.0 Financial resource limit

This section is waived for those applicants in receipt of an income based benefit or households who have been accepted as homeless.

7.1 Applicants with sufficient financial resources available to meet their housing needs will not qualify to join the register. We will take into account any income,

savings and investments when calculating the financial resources available. Capital money raised as a result of a previous disposal of assets such as property will be considered when calculating the financial resources available.

7.2 Applicants will be asked to provide evidence of their income, savings and capital assets, which will be assessed against an affordability matrix. The affordability matrix based on government's affordability criteria will assess the families' current income and the average house price within the chosen area to ascertain whether the applicant is financially capable.

7.3 Applicants who own a property will not normally qualify to join the register. A person in financial difficulty, such as their home is being repossessed or they are in significant and long standing mortgage arrears may qualify, subject to the financial resource limit. People who need supported housing, because of their age, disability or medical condition will also qualify; for people in this situation the financial resource limit does not apply.

8.0 People who have no housing need

8.1 Any applicant who has no identified housing need will be excluded from the register. This would be any applicant who does not meet any of the banding criteria as specified within the policy as this will enable us to ensure that affordable housing is accessible to those in most need of housing. Those that do not qualify for registration have the option to express an interest in other forms of housing – see section 15.0.

9.0 Deliberately Worsening Circumstances

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

9.2 Examples of (but not limited to) where someone may have deliberately worsened their circumstances would include:

- Selling a property 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 in order to qualify for higher band.
- Moving family, friend and/or any other household into the property in order to qualify for higher band.

9.3 For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been *reasonable* for the applicant to have remained in their original accommodation.

10.0 Dependent children

10.1 A child can be included in an application if the person who is responsible for the child is in receipt of the child benefit and the child normally lives with the applicant as a member of the family.

10.2 In the case of divorced or separated parents/guardians, we would expect a child to reside with one parent/guardian as their main residence. The other parent/guardian will not receive any bedroom allowance for having access.

11.0 Sharing a home to provide mutual support

11.1 Friends, carers and extended family members will not normally be included on the application. In exceptional circumstance, a friend, carer or extended family member could be included on a single person's application, up to a maximum of 4 members, subject to the following conditions:

- The applicant and friend, carer (or extended family member) would provide mutual support to create a sustainable tenancy
- The applicant and friend (or extended family member) have a significant medical diagnosis.
- The client requires overnight care

11.2 This could apply when an applicant has learning difficulties or a mental health problem. We may 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.

12.0 Property Size Criteria

12.1 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 avoiding any reduction in Housing Benefit.

12.2 Our bedroom matrix has been developed in accordance with the Bedroom Allowance under Local Housing Allowance Rates:-

- One bedroom per couple
- One bedroom person aged 16 or over regardless of sex
- One bedroom for two children aged 10 to 15 years of same sex
- One bedroom for each child aged 10 to 15 years of different sex
- One bedroom per two children 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
- Any disabled child who for medical reasons requires his / her own bedroom.

The full bedroom matrix can be found in Appendix 2.

13.0 Banding Structure

13.1 The banding structure sets out how the allocation policy will be framed. It will prioritise all advertised properties to those with a local connection, see section 14.2, to the area and in greatest housing need, unless the property is allocated as part of a local lettings plan, sensitive let or rural exception site. There are four bands within our policy, Platinum, Gold plus, Gold and Silver, with a further expression of interest group that will not form part of the housing register as this will be for households who would like to express an interest into a certain type of product such as low cost shared ownership, Home-buy or older persons accommodation.

13.2 Households who qualify for Platinum will hold the greatest preference, followed by Gold plus, Gold then finally Silver.

13.3 The banding structure will take account of all legal requirements as well as the council's local strategic priorities.

13.4 The Housing Act 1996 (as amended) requires local authorities to give 'reasonable preference' in their allocations policies 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 1996 Act (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)

13.5 As per the regulations (S166A(3)), we will award additional preference to any applicant who has been given a reasonable preference and who also falls within one of the following categories:-

- 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,
- b) a person formerly serving in the regular forces,
- c) 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

- d) 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.

13.6 The additional preference will be given by backdating their application by 6 months

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

Band	Eligible to Bid for all properties
Platinum (Urgent Need)	Statutory Requirement Move On Urgent Medical or Welfare need
Gold Plus (High Need)	Under Occupying and suffering financial hardship – transfers only Social Care
Gold (Medium Need)	No Fixed Abode & Insecurity of tenure Temporary Accommodation Supported Accommodation Seriously overcrowded Medical and Welfare need Under Occupying in social housing Other Statutory requirements
Silver (Low Need)	Lacking or sharing facilities Overcrowded Armed Forces & Reserve Forces Intentionally homeless Sheltered or Extra Care
Expression of interest	Eligible to bid on selected properties
	Low Cost Home Ownership Home Buy Shared Ownership Market rented properties Older people accommodation Specialist accommodation for those with specific needs Gypsy and traveller sites

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

14.0 Allocation of housing within Part 6

14.1 Property Matching

14.1.1 The majority of vacant houses will be matched to the person who has a local connection to the town or parish and is in the highest band with the longest effective date. No applicant from the local connection exclusion criteria will be overlooked for not having a local connection to a particular area as they have no local connection to anywhere in Wiltshire. If no applicant can be found who has a local connection to the parish or town, the second allocation will be to any household with a connection to any surrounding parish or town. If no local connection can be found to the surrounding area then the property will be awarded to the applicant with the highest band and oldest date of application.

14.2 Local Connection

14.2.1 Homes will be given to applicants with a strong local connection with the Town or Parish based on the following criteria:-

- A person who is resident in that area. The residency will need to be permanent and have lived in the area 6 months out of the last 12 or 3 years out of the last 5, or
- A person who is in permanent paid employment or has a fixed term contract for a minimum of one year or permanent offer of paid employment in the area, or is self employed and works predominately in the area or
- 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.

14.2.2 The property must be both affordable and suitable for the applicant needs before an offer is made. This will be assessed by the landlord of the property.

14.2.3 If a property has major adaptations it will be matched to applicants with specific needs for the type of property advertised. Local connection would not apply as the need for the adaptations in the property would override any local connection to the area. Where an adapted property cannot be matched to an applicant with specific needs it will be allocated in accordance with the policy.

14.2.4 Extra care properties will be matched to clients who have a specific care and support need rather than priority to a household with a local connection to the area

14.3 Existing planning agreements and former exception sites

14.3.1 In all cases, any vacant property will be advertised as per existing terms held within a planning agreement (section 106 site) that is already in place.

14.3.2 If a suitable local person can't be found the property will be offered to the applicant with the highest need. No one from the 'local connection exclusion' group should be excluded for not having a local connection to an area.

14.4 Local Lettings Plans

14.4.1 The council or our 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. The decision to apply a local lettings scheme will be jointly made by the landlord of the property and the council.

For all new builds a lettings plan will only be applied on 1st Let, for all future lets a local lettings plan may be developed for any neighbourhood where it is considered that the community will benefit from such a plan but would be for exceptional circumstances.

14.5 Sensitive Lets

14.5.1 To make a property a sensitive let the housing provider must provide Wiltshire Council with proof that:

- the previous tenant was evicted because of, abandoned or caused serious antisocial behaviour;
- the previous tenant was evicted because of, abandoned or caused noise nuisance;
- the previous tenant was evicted because of, abandoned or caused criminal activity at or in the area (this would include allowing the property to be used for selling or taking drugs);
- the previous tenant was the victim of serious and long-term antisocial behaviour or other criminal acts; or housing officers, police and so on had used all powers within housing, criminal and antisocial behaviour law to sort out any 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

15.0 Allocation of housing outside Part 6

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

15.1 Direct lets made by housing providers

15.1.1 In a few circumstances, vacant properties will be directly allocated to an applicant rather than being advertised through our system. This may happen in the following situations:

- If a property is needed to house someone on a temporarily basis
- In the case of a specially adapted properties built for a specific person

- Decants, these are properties that need to be vacated for a specific purpose
- Where a homeless applicant has failed to bid or accept a property and needs to move on 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, and would be used for complex and exceptional cases
- Emergency planning i.e. emergency accommodation due to a force of nature such as fire or flood.
- Hard to let properties, these are properties that have been advertised through the system but no offer has been made.
- Gypsy and traveller sites
- Other reasons which are detailed in the registered providers own lettings policy

15.2 Gypsy and Traveller Site allocations

15.2.1 There are currently 5 Local Authority owned Gypsy and Traveller sites across Wiltshire which are managed directly by Wiltshire Council. These sites are located at Westbury, Salisbury and near Corsham and between them comprise a total of 90 pitches.

15.2.2 Applicants for Gypsy and Traveller sites will not be required to register through Wiltshire's allocation policy, although the sites will be promoted on an occasional basis to ensure that awareness of this facility reaches a wide group of potential applicants. All enquiries for pitches should be directed to the Gypsy and Traveller Service who will issue an application form which will be assessed by applying the banding criteria set out in this policy.

15.2.3 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. A separate allocations policy for Gypsy and Traveller sites is available through the team and assistance with completing application forms will be provided on request.

15.3 Low Cost Home Ownership / Shared Ownership / Home buy

15.3.1 All Low Cost Home Ownership will be advertised for those who have expressed an interest in purchasing a share in a property. Applicants will be prioritised according to local connection, banding the eligible date. For all cases affordability will be a key consideration.

15.4 Transfers

15.4.1 A transfer applicant is a tenant of Wiltshire council or a housing provider, resident in Wiltshire, who has requested a move to alternative accommodation within Wiltshire. Some allocations to existing social tenants do not fall within Part 6 of the

Housing Act. For part 6 to apply to an allocation, special conditions must be met. These are:

- The allocation involves a transfer
- The transfer is made at the tenants 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.

Transfers will be banded according to our policy. 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 expression of interest group. They will then only be able to bid for properties allocated for transfers only or any other property advertised for the expression of interest group.

APPENDIX ONE

Every household to join the register will be considered and we will determine if they are eligible and qualify to join the scheme. It will comply with the eligibility criteria set out in the Housing Act 1996, Part 6 section 160ZA(2) or (4).

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
- 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) Regulation 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 regulations 13 of the EEA Regulations
- 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 THREE

Bedroom eligibility

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	People
Single person	1	1
Couple	1	2
Two people not in a relationship but being accommodated together	2	2
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	5	8

An additional bedroom will be allocated to:-

- applicants who receive support from carers who do not reside with them but are required to stay overnight for at least one night a week.

- a disabled member of the household if following an Occupational Therapists report they confirm they require a separate bedroom and based on the 'bedroom matrix' they would not otherwise be allocated their own room.
- to enable children services to meet their s.22G duty any approved prospective foster carer or adopter should be allocated the required bedroom size as recommended by children services to ensure the family are allocated the correct size property to enable the family to foster or adopt a child.

However there may be restrictions on the amount of housing benefit 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 FOUR

Platinum

Platinum band is for households who need to be housed urgently. This would include households who have a specific statutory requirement or there is a serious risk to health, safety or wellbeing.

[Statutory Requirement](#)

A household who is owed a duty by Wiltshire Council under the Housing Act 1996 Part 7 s 193(2). These are households who have been accepted as homeless.

A household who has been assessed as being statutory overcrowded or are lacking more than 3 bedrooms. The bedroom standard will be applied to assess overcrowding, or a household that the authority has a statutory duty to accommodate and an allocation will prevent a residential or out of area placement.

[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 housing options team. The applicant must have been assessed as being in priority need and ready to move into independent living accommodation by the housing options link worker.

[Urgent medical or Welfare need](#)

An applicant's health or social care needs are so severely affected by their accommodation that it is likely to become life threatening, or an applicant's mobility is severely compromised and therefore requires a property which meets their needs as their current property can't be suitably adapted.

An applicant's safety and or wellbeing is seriously affected by their social circumstances and moving home is vital. The only way to resolve the problem; such as a prohibition notice has been served or witness protection, as well as awaiting discharge from a hospital or residential placement in Wiltshire with no suitable accommodation to move into.

Gold Plus

Under-Occupying and suffering financial hardship

This applies to Wiltshire resident transfer applicants of working age who are under-occupying by two or more bedrooms and who would suffer financial hardship if they remained in their existing home

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 carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.

Gold

No fixed accommodation & Insecurity of Tenure

These are applicants who have been confirmed as being homeless with no fixed accommodation or have been confirmed by housing options as being threatened with homelessness.

Temporary Accommodation

Those applicants currently residing in temporary accommodation provided by the housing options team and who are awaiting a homelessness decision

Supported Accommodation

Those households currently residing in supported accommodation who have been assessed as ready to move on but do not meet the move on protocol

Seriously Overcrowded

Applicants living in overcrowded accommodation (in need of at least two additional bedrooms), the bedroom standard will be applied to assess overcrowding

Under Occupying in Social Housing

Applicants who are currently in social housing and under occupying by 1 bedroom and willing to move into a smaller home

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.

Medium risk to physical safety and functional ability. Re-housing is required to prevent deterioration in functional ability or emotional deterioration. Current accommodation has a significant contribution to social isolation (including episode of illness requiring significant intervention of mental health professionals during the past six months or evidence that the housing environment is causing the applicant emotional distress.

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)

Silver

Silver band 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 to live in their current accommodation.

Overcrowded

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

Armed Forces and Reserve Forces

Applicants from armed forces currently or previously stationed in the Wiltshire Council area, due to be discharged within the next 12 months, or have left the armed forces within the last 5 years and in need of affordable housing.

And 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

Intentionally homeless

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

Sheltered Accommodation or those who require extra care

Those aged over 55 that require sheltered accommodation or have an identified support need that would be best met in supported accommodation

APPENDIX FIVE

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 support needs and does not have a support plan 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 associated living expenses for the property.
- An applicant is unsuitable for the property because of a recent tenancy management issue in the property.
- An applicant has bid for a property that does not meet their immediate needs, e.g an adapted property where the applicant does not need the adaptations provided or their needs that cannot be met without making considerable and 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 5 working days
- An applicant has pets which are not permitted in the property, in line with the providers per policies.
- An applicant is under 18 years of age and has failed to provide an appropriate guarantor
- 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

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