

Appendix 1

Exclusion Criteria

Any allocations scheme must ensure that the register is not open to the following applicants:

- People under 16 years of age
- 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 their 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 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

In addition to the above restrictions, the council, using powers in the Localism Act, can determine local qualifying criteria. The council has identified the following qualifying criteria for consideration:

- Unacceptable behaviour including, Anti Social Behaviour, Rent Arrears, those serving a Prison sentence and Fraud
- No local connection to Wiltshire
- Applicants who have assets or income above the financial resource limit
- Applicants with no identified housing need
- Applicants who have deliberately worsened their circumstances.

Applicants who could be excluded from 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 1 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 2 for further detail
3. **Financial resource limit** - People who have assets or income above the financial resource limit – see section 3 for further detail
4. **People who have no identified housing need** – see section 4 for further detail
5. **Those who have deliberately worsened their circumstances** – see section 5 for further detail

Wiltshire Council will only accept applicants over the age of 16. Applicants aged 16 and 17 will require a tenancy in trust and where necessary a guarantor. The guarantor will be liable for the tenancy, such as rent payments in the event of a tenant defaulting.

Section 1 Unacceptable behaviour

Anti Social Behaviour

If an applicant or a member of his/her household has been evicted or legal action has been taken as a result of anti social behaviour, 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.

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

Rent arrears

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.

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, even following a break clause.

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 still not offer them accommodation while the arrears are outstanding.

Prison

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

Fraud

Following the outcome of any housing investigation if evidence is obtained that identifies that fraud 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.

Refusal of a notification of nomination

Any applicant who has unreasonably refused two properties following a notification of nomination that is deemed suitable for the household will be suspended from the register for a period of 12 months from the date of the second notification.

This will be reduced to one refusal for any applicant within the Platinum band. Any applicant where an auto-bid has been used would not be excluded for refusals made.

Section 2 Agreed connection to live in Wiltshire

Wiltshire's allocation policy aims to help people who have a connection to the County of Wiltshire as defined below. This is in order to ensure that wherever possible, affordable housing goes to local people. If an applicant does not meet the connection criteria to live in Wiltshire they will not qualify to register.

Consideration will be given to the applicant's individual circumstances when deciding if a person meets 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. The policy will comply with this guidance and will ensure that those in the Armed Forces will not be disadvantaged when this criteria is applied.

A connection to live in the County of Wiltshire is defined as:

- A person who is currently resident in the county of Wiltshire as defined within the Homeless Act 2002 as amended. 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 in the county, 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

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:

Local connection exclusion criteria group

- 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 violence 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

Section 3 Financial resource limit

This section is waived for those applicants in receipt of an income based benefit.

Applicants with sufficient financial resources available to meet their housing needs will not qualify to join the register. Any income, savings and investments will be taken into account

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.

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.

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, (excluding bungalows) because of their age, disability or medical condition will also qualify; for people in this situation the financial resource limit does not apply.

Section 4 People who have no housing need

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.

Section 5 Deliberately Worsening Circumstances

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

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 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.

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.