

AGENDA SUPPLEMENT (1)

Meeting: Environment Select Committee
Place: Kennet Committee Room, County Hall, Bythesea Road,
Trowbridge, BA14 8JN
Date: Tuesday 19 September 2017
Time: 10.30 am

The Agenda for the above meeting was published on Monday 11 September 2017. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Edmund Blick, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email Edmund.blick@wiltshire.gov.uk

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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

13a **Urgent Item- Proposed Changes to the Council's Allocations Policy (Pages 3 - 40)**

These two reports are presented to Environment Select Committee as Urgent Items, with the agreement and approval of the Chairman, for consideration and comment, prior to the Cabinet meeting to be held on 10 October 2017.

The Proposed Changes to the Allocations Policy report provides an update on the IT upgrade, as well as recommendations following a consultation to make amendments to our existing policy, in line with welfare reform and legislative changes to help make the system more effective and efficient. The Proposed Revised Allocations Policy has also been included.

DATE OF PUBLICATION: Wednesday 13 September 2017

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Wiltshire Council

Environment Select Committee

19 September 2017

Subject: Proposed changes to the Councils Allocation Policy

Cabinet Member: Councillor Cllr Chuck Berry

Key Decision: Y

Executive Summary

An identified priority last year was to both upgrade our existing IT system and review our social housing allocation policy and make recommended changes for improvement. This report provides an update on the IT upgrade as well as recommendations following a consultation to make amendments to our existing policy.

Proposal(s)

To consider the recommendations to amend the council allocation policy and make a recommendation to Council to update the policy

Reason for Proposal(s)

To make improvements to the allocation policy in line with recent recommendations following recent consultation as well as welfare reform and legislative changes to help make the system more effective and efficient.

Associate Director Mr James Cawley

Wiltshire Council

Environment Select Committee

19 September 2017

Subject: Proposed changes to the Councils Allocation Policy

Cabinet Member: Councillor Cllr Chuck Berry

Key Decision: Y

Purpose of Report

1. To consider the recommended changes to the allocation policy and make a formal recommendation to cabinet for adoption, noting the progress in regard to the IT upgrade

Relevance to the Council's Business Plan

2. The council's allocation policy helps to deliver on the council's vision to create stronger and more resilient communities by ensuring we make best use of our social stock and allocate to local people. This will also help bring communities together to enable and support them to do more for themselves which is a key priority within the plan.

Background

3. The Homes4Wiltshire policy was developed in partnership with Wiltshire Council and 32 other housing providers who have social housing stock in Wiltshire. The policy is used for letting and selling affordable housing and allows applicants to make informed choices about the type of accommodation that best meets their housing needs and aspirations. The policy meets the statutory requirements for the allocation of social housing and the recommendations include suggested amendments following consultation, legislative changes, welfare reform and customer feedback and learning from complaints received.
4. The recommended changes in this document have been discussed and agreed with providers in meetings throughout 2016 and the start of 2017 as well as a 9 week external formal consultation period from January 17 to April 17, which generated 157 snap responses and 12 responses after the consultation closed.

Main Considerations for the Council

5. When the new allocation system went live on 3rd February 2015 we had a total of 1184 on our housing register who were identified as having a housing need and at the end of Qtr 1 (30th June 2017) we had 2340 which is an increase of 97.6%.

Below is a breakdown of the register taken on 1st April 2015 as well as a more recent breakdown from 1st July 2017. It shows the number of applicant's on the register by band; Band 1 and 2 are the highest need while the open market register is those applicants with no identified housing need.

1 st April 2015		1 st July 2017	
Band 1	129	Band 1	172
Band 2	7	Band 2	8
Band 3	564	Band 3	812
Band 4	484	Band 4	721
	1184		1713
OMR	141	OMR	627

Applicants on the open market register make up just over 27% of the register. This is an area that we have recently prioritised to increase numbers by working with local housing providers, developers and parish councils on a marketing campaign to try and increase demand in areas where new developments are taking place. We have now introduced a much simpler process to register on the open market register which requires less documentation to be provided by the applicant and significantly reduces the administration burden on the H4W staff.

Recommended Changes

In producing the recommended policy changes we have carried out a 9 week external consultation as well as consulting with housing managers and staff, the housing providers through the Homes4wiltshire partnership, other internal departments as well as considering the learning from a number of complaints and reviews we have dealt with since the revised policy was implemented

Below is a list of the 13 recommended changes

Recommendation One

An additional section has been included (Section 4.7) to clarify the situation for singles aged under 21 who due to the changes in Welfare Reform have no entitlement to housing costs, and although they can still join the register they will need to satisfy the landlord that they can pay the rent and meet their living costs as well as for those single and aged under 35 who are subjected to single room rent.

From the 1st April 2017 the government introduced that most singles aged 18 – 21 years old who claim universal credit are no longer entitled to assistance with rent costs. The government has however introduced some exclusions which include, those who are claiming PIP or the care component of medium or high rate DLA, the applicant was a care leaver before the age of 18 and for those in temporary accommodation.

This recommendation has been supported by all Housing providers across Wiltshire and is something that they currently consider when doing shortlists for this age group.

Recommendation Two

Due to issues associated with the current definition and interpretation of what unacceptable behaviour is we have strengthened the wording in section 4.8 to make it easier for officers to apply and applicants to understand.

This recommendation has been supported by the Housing Providers, however one identified some minor issues with the wording and a response was provided as detailed in Appendix 2 p3.

Recommendation Three

We have also suggested a number of amendments in section 4.9 to strengthen the wording in regard to rent arrears and housing related debt to explain that even if they can join the register some providers may still refuse them due to having outstanding arrears even when a 6 month repayment programme has been maintained.

The amount of clients likely to be in some form of rent arrears is likely to increase from this year due to the delay in universal credit payments which means applicants will receive no money for the first week and then a delay in payment of around 5 – 6 weeks which is inevitable that arrears will accrue.

A recommendation from the Pause Pilot operational and strategic group has been included in section 4.9.4 which confirms a reduction in the exclusion period from 6 months to 3 months for those who are successfully engaging with the Pause Pilot.

These amendments have been supported by our housing providers with some minor amendments to the wording of this section.

Recommendation Four

We have suggested some changes in regards to the references to fraud in section 4.11 to explain that the council takes it very seriously and appropriate action will be taken

This recommendation has again been fully supported

Recommendation Five

To assist further with the understanding of this section 4.13.3 we have further defined within our exclusion group the definition of someone who is homeless, those fleeing abuse and a person from the transient community.

An amended has been recommended by the Armed Forces task and finish group for armed forces personal to remove the requirement too have left the army within 5 years and to apply the exclusion to anyone who has served in the armed

forces and to also include separated or divorced spouse who are being asked to leave services family accommodation. This helps to further enhance our support for those who have served in the armed forces

However as part of the recommendation from the Armed Forces task and finish group we have suggested that a minimum service time of at least three years should be included within this recommendation as well as an exclusion from this if the officer had been dishonourably discharged. We would also like to see that for those being considered after the 5 years they should be able to confirm a connection to Wiltshire as this is an additional benefit above the statutory requirement and should benefit those with a connection to this area.

The suggested re wording would be:

A person who has left the Armed Forces within the last 5 years or who has left the Armed Forces and has a connection to Wiltshire as well as serving a minimum of three years' service and who has not been dishonourably discharged,

Recommendation Six

We have amended the wording in Section 4c, 4.14 to help clarify the financial resource limit for all applicants to ensure that if they have the financial resources available to meet their housing need in the market place they will not be considered as having an identified housing need.

This recommendation has again been fully supported with some minor amendments being made to the wording

Recommendation Seven

To clarify in more detail and update the examples in regard to the definitions in S4.17 for deliberately worsening circumstances.

This was included as part of the consultation feedback

Recommendation Eight

We have clarified in S5.1 on how we will assess who a dependent child resides with as her/his main or principal home.

No issues or concerns were raised throughout the consultation on the revised wording

Recommendation Nine

Due to increasing number of applicants wanting to share a home to provide mutual support/minimise living costs we have expanded S6.1 of the policy to provide greater clarity for customers and staff

No issues or concerns were raised throughout the consultation on the revised wording

Recommendation Ten

In section 9.4 and 9.5 we have worked with housing providers to provide improved wording in regard to the development of local lettings and sensitive letting plans.

We have also included an additional section s10.1 for when direct let's can be used on occasions where it is unreasonable for an existing tenant to remain in her/his home because of harassment or violence and it would be considered a risk if they were to remain

This recommendation has again been fully supported with some minor amendments being made to the wording

Recommendation Eleven – Banding changes

To reinforce our commitment to Armed Forces personnel and to strengthen the use of Band 2 we would like to remove section 8.4 and 8.5 from the policy and insert an additional section in Band 2 to re confirm our priority to injured, sick or disabled serving or former armed forces personnel. The suggested wording for Band 2 is:-

In accordance with the legislation (section 166A(3) of the 1996 Act)

- 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 formerly 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
- 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.

This amendment has been strongly supported with 68% of those responding either strongly agree or agree with this amendment and only 9% in disagreement. This amendment again helps to further enhance our support for those who have served in the armed forces

Due to our corporate parenting responsibilities it has been recommended that we introduce care leavers into Band 1 to provide them priority for re housing once ready to leave the care system into independent accommodation. Band 1 for care leavers will read:-

Applicants leaving care in a planned way where planned housing options have not been successful. The applicant must have been assessed as ready to move

into independent living accommodation by both Children's Services and the Housing Department

This amendment has been strongly supported internally with 76% of those responding to the consultation either strongly agreeing or agree with this amendment and only 6% in disagreement.

Due to recent corporate pressures on residential placements it was suggested that we included a corporate duty section within Band 1. These are for exceptional cases and the suggested wording is:-

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

Recommendation Twelve

Options for a proposal to make the system more efficient

A proposal is being considered to remove from the definition of what is defined as having a local connection to Wiltshire in S 4.13.2 reference to having close family who have continuously lived in the Council area for 5 years or longer as well as removing this from S 9.1.1 in the definition for a local connection to a parish or town as this has significant administration burdens and has caused a number of complications.

Although this wording received significant support during the last consultation we have experienced a number of issues since it was implemented. To be able to evidence if an applicant has a family member who has lived in a particular area for five years, the applicant will first need to evidence the relationship normally with both long and short birth certificates which when requested have caused a number of issues and complaints from applicants who don't have this evidence ready to hand.

Option One – Continue with current wording and operational procedure

The current process is extremely resource intensive and would require an additional member of staff in the Homes4wiltshire team to be able to manage the daily requirements to meet this recommendation. As well as confirming these connections at the point of application they need to be re-checked annually as family members move and family circumstances change. This is a significant administration burden that causes a number of complaints from customers.

Option Two – Retain current wording but discontinue with the authorisation process and just conduct random checks

The family local connection criteria is well liked by parish councils and rural provider's as it helps to build stronger communities with better support for families. To retain the wording but discontinue with the required checks would make the process very streamlined but would totally rely on the honesty of the applicant. We could audit this by doing some random checks which would require no additional resource but could lead to allocations being made to those

who have confirmed they have a connection but in fact they do not and this could create different complaints and potential unfair allocations as additional priority would have been awarded.

Option Three – Remove the family connection criteria from the policy

By removing the family connection criteria altogether we would remove both the risk of incorrect allocations if no checks were being made and would remove the administration burden that this criteria has created.

The consultation feedback we received was very 50/50. We had 41% of responders confirming that this should remain in the policy and 40% agreeing it should be removed with 19% neither agree or disagree with this recommendation.

Our preferred recommendation would be Option 2 or 3.

Recommendation Thirteen **Rural Allocations of new build developments**

During the consultation we had a number of concerns raised in regard to the allocations of new developments in rural villages. The current process for allocating any home is as follows -

Step 1 – Property is advertised to those in housing need from Bands 1 to 4, and bids from applicants with a connection to the parish / town are considered first

Step 2 – If we are not able to find someone with a local connection in Bands 1- 4 we then look at those applicants with a local connection to the surrounding parishes

Step 3 – We then open the criteria to those with a local connection to Wiltshire Council's area as a whole

Step 4 – Once all three steps above have been completed we will advertise to those in the Open Market Register (OMR) who have no identified housing need in the following cycle

The reason some providers have raised concerns about this is that in rural villages some families will have moved out of the area and found a private let in a nearby town or village due to no stock being available at the time they needed a home. When the new development comes forward the families who have moved out the village will have a local connection but will be unlikely to have a housing need and will be awarded OMR as the current accommodation they are in is likely to be suitable.

Example:- a woman and her family may have left a village to live in the town due to no suitable housing in the village where her parents still live. She is living in a private let that is affordable and suitable but would like to move back to the village. Under our policy she would be in OMR as she has no housing need but she would have a connection to the village and couldn't be considered until bids

from Housing Register applicants had been exhausted which would include those from outside the area

Suggested amendments to this process are as follows:-

Option One – Retain the current allocation process as explained in Steps 1 -4 above

Option Two – On new build rural developments where the development is not to meet the need at the edge of a larger adjoining settlement (Local Services Centre's, Small and Large Villages as described in the core strategy) allocate 25% of the allocations to go to those in Band 1-4 and from the OMR who have a local connection to the village at stage 1 only. This will allow for those in the OMR to have a chance to bid at the first stage when we are looking at those with a local connection to the parish, but also allowing for a higher % to go to those in housing need.

Options Three – For all rural new developments where the development is not to meet the need at the edge of a larger adjoining settlement (Local Service Centre's, Small and Large Villages as described in the core strategy) allow for bids from Band 1-4 and OMR at stage 1 on all allocations. This would mean that we would consider those with a local connection to the village but who have no housing need in OMR on all new rural developments but does not disadvantage those from Bands 1-2 who fall into the local connection exclusion group e.g. armed forces, statutorily homeless and those fleeing domestic abuse

Option Four – As above but to include the allocations of all rural properties in (Local Service Centres, Small and Large Villages as described in the core strategy)

Due to some of the concerns raised we would recommend Option 4 to make the administration of this process much simpler and easy to understand and manage.

IT Upgrade

We have been running on version 6.4 of our IT system since 2010 and have not made any annual upgrades. We had none of the latest features and the system was becoming very inefficient and was no longer being supported by Abritas so caused a number of issues for providers and our staff. For the past 6 months we have been working on a revised specification and programme to upgrade to 8.5 which also comes with annual free upgrades. Version 8.5 is now in place and running effectively.

As part of the new upgrade which went live on 1st June it introduced the ability to bid on mobile phones. This was in place of the telephone bidding line which was no longer being used by applicants. In the 4 bidding cycles since we went live with the new system we received a total of 3391 bids and 1689 of these were made from a mobile phone device rather than the main Homes4Wiltshire site. This is 49.8 % of bids in that period and is enabling a more accessible and digital service.

Overview and Scrutiny Engagement

6. Information to be added to this section following a report to be taken to ESC in Sept 17.

Safeguarding Implications

7. As a corporate parent it has been recognised that the local authority has a duty to ensure that care leavers are able to access and secure suitable accommodation once they are ready to live independently and therefore the policy has been amended to reflect this.

Public Health Implications

8. This report has no known health implications

Procurement Implications

9. The amendments contained within this report have no procurement implications

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

10. Information to be added to this section following completion of EIA

Environmental and Climate Change Considerations

Question 1

Will the proposal result in energy consumption associated with the service area increasing, decreasing or remaining roughly at current levels?

The changes recommended within this report will not result in an increase in energy consumption

Question 2

What measures have been introduced, or are planned to be introduced, to reduce the carbon emissions associated with the proposal.

None

Question 3

From the perspective of day to day environmental management, what risks associated with the proposal have been identified and how are they going to be mitigated?

No risks have been identified

Question 4

If the service or contract is planned to last longer than 20 years, how have issues related to the unavoidable consequences of climate change been integrated and mitigated? For example, increases in the mean summer temperature and increased vulnerability to adverse weather events like heavy snow or rain leading to flooding.

The amendment to the Councils Allocation policy does not require consideration to the consequences of climate change.

Financial Implications

12. The only direct financial impact of the changes discussed in this report would be if Cabinet recommend, Option 1 in Recommendation Twelve. This option however is not recommended by Housing Officers for reasons set out in the report. If the policy were to remain as it is and option one agreed then additional staffing is likely and there is no proposals as to how the circa £28k (including on-costs) for this post would be funded and as such it is not supported as a viable option.

Legal Implications

13. The Homes4wiltshire policy is considered to be a lawful policy and in line with the governments allocation framework. The recommended changes contained within this report are still within the government framework and would continue to be a lawful policy.

Risks

14. The risks associated with amending or not the allocations policy is minimal. If the policy is not amended the following risks are likely to apply
- Continued complaints in regard to the complex and difficult administration of the family local connection criteria, which will need appointment of an additional staff member to manage effectively
 - We would not be able to amend the criteria associated with the armed forces which has been agreed at a task and finish group which was set up to review and improve the offer to armed forces personnel
 - Clarity would not be provided in the policy for under 35s following the changes to Welfare Reform which could cause some confusion.
 - The definition of unacceptable behaviour would continue to be interpreted in different ways along with clarity in regard to the wording around rent arrears, fraud, financial resource limit and deliberately worsening circumstances.
 - We would not be able to improve our responsibilities in housing in relation to being a corporate parent and providing care leavers with additional priority within the policy.
 - Continued complaints in regard to the allocation of homes in rural locations to those who have a local connection to the area but due to the current policy they are not able to bid for these homes

Options Considered

15. The options considered have been detailed in the report

Conclusions

16. To consider the recommendations to amend the council allocation policy and make a recommendation to Council to update the policy

James Cawley (Associate Director, Adult Care Commissioning and Housing)

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15th August 2017

Appendices

Appendix One – Recommended draft Allocation Policy 2017

Appendix Two – Proposed changes to the Allocations policy – consultation responses

Appendix Three – SNAP survey consultation results

Background Papers

The following documents have been relied on in the preparation of this report:

None

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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** 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 Applicant's 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 has any housing related debt, including any damage recharges, rent arrears or possession costs, they will be excluded or 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. 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 and approach to housing related debt.

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, s/he will not be excluded or 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 Any housing debt under a Debt Relief Order continues to be considered a housing debt for the duration of the order (normally 12 months) because the order does not cancel the debt until the order ends. If a housing debt is statute barred for recovery, it is considered a debt for the purposes of this section. Any debt not known to an applicant is considered a debt for the purposes of this section (eg a debt arising from an overpayment of Housing Benefit or Universal Credit housing element).

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 Any applicant who has unreasonably refused two properties following a notification of a proposed letting from a nomination or direct let by the council or a registered provider (either by telephone, email or letter) 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 suitable offer, unless the applicant is or lacks mental capacity, excluding Band 1 applicants – See 4.12.2.

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 suitable accommodation following a notification of a proposed letting from a nomination or direct let by the council or a registered provider (either by telephone, email or letter) is suspended from the register for a period of 12 months from the date of the second suitable offer, unless the applicant lacks mental capacity. It is the council's decision in the particular case whether the offer of accommodation is suitable. These decisions carry a right of appeal.

4.12.2 Autobids are automatic bids placed on vacant properties that meet the needs of an applicant who is not able to place bids themselves. Any applicant placing bids automatically by use of the autobid feature of the computer system would not be excluded for refusing suitable properties, unless s/he is in Band 1.

4.12.3 Automatic bids will be placed for any applicant in Band 1 after 3 months in the band because the household is in acute housing need and will have restricted reasons for refusal relating to suitability – see 4.12.1.

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 register and they will be considered as households 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 full re-housing duty under Section 193(2) or Section 195(2) of the act, or
- 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 who has left the Armed Forces and has a connection to Wiltshire as well as serving a minimum of three years' service 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

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 areas of the district in which they live will not qualify to join the register. Any income, savings and investments will be taken into account when calculating the financial resources available. Appendix X sets out how the principles are applied.

4.14.2 Consideration will be given to applicants who have deliberately or intentionally disposed of capital on a case by case basis.

4.14.3 Each individual housing provider will apply its own financial assessment under its own Lettings Policy in the course of a pre tenancy assessment. Providers may differ in these assessments when determining whether a particular allocation is affordable for a particular applicant.

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 a 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:-

Band	Eligible to Bid for all properties
Band 1 (Emergency Need)	Statutory Requirement Move On Emergency Medical or Welfare need Care Leavers Corporate Responsibility
Band 2 (High Need)	Under Occupying and suffering financial hardship – transfers only Social Care Injured, sick or disabled serving or former Armed Forces personnel Move On Urgent medical and welfare need
Band 3 (Medium Need)	No Fixed Abode & Insecurity of tenure Temporary Accommodation Seriously overcrowded Medical and Welfare need Under Occupying in social housing Other Statutory requirements
Band 4 (Low Need)	Lacking or sharing facilities Overcrowded Armed Forces & Reserve Forces Intentionally homeless Sheltered or Extra Care
Open Market Register	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

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 ¹properties 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 1st 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

¹ Definition to be confirmed

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
- Decants², 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)

² Decants – To be confirmed

- 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 this 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 Leavers

Applicants leaving care in a planned way where planned housing options have not been successful. The applicant must have been assessed as ready to move into independent living accommodation by both the Children's Services and the Housing Department

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

Under-Occupying and suffering financial hardship

The applicant is a current social housing tenant of working age who is under-occupying by two or more bedrooms and who is suffering or would suffer financial hardship if s/he remained in her/his 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.

Injured, sick or disabled serving or former Armed Forces personnel

In accordance with the legislation (section 166A(3) of the 1996 Act)

- 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 formerly 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
- 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.

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.

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

Under Occupying in Social Housing

Applicants who are currently in social housing and under occupying by 1 bedroom under the size criteria set out in Housing Benefit Regulations 2006, and Universal Credit Regulations 2013, as amended 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.

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.

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 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 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

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

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