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1.0 Introduction

1.1 There is huge demand for affordable rented homes in Wiltshire. The purpose of the allocation scheme is to set a framework for Wiltshire Council and its partners for the registration, assessment and allocation of affordable homes. The allocation scheme describes how applicants for affordable housing are assessed ensuring that those in the greatest housing need are prioritised for the allocation of affordable housing in Wiltshire. During the development of this scheme we have has regard to our Tenancy and Homelessness Strategies.

2.0 Wiltshire's allocation scheme Aims

2.1 Wiltshire's allocation scheme aims to:

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

3.0 Wiltshire's allocation scheme in Brief

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

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

3.2 The scheme allows all applicants a choice of accommodation along with the opportunity for them to express a preference about the accommodation to be allocated to them.

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

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

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

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

4.0 Eligibility and qualification criteria

4.1 Anyone can approach the council for housing advice and assistance, however, the amount of social housing in Wiltshire is very limited, and the Council will not maintain an open housing register.

4.2 The eligibility criteria complies with sections 160ZA(2) and (4) of the Housing Act 1996. Those 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 dependant children and other dependant family members will be taken into account. Non dependant adult children, non relatives, carers, lodgers and live in help will not be taken into account.

Classes of person that do not qualify

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

1. Unacceptable Behaviour	Applicants who have caused	Section 4a
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		unacceptable behaviour serious enough to make them unsuitable as a prospective tenant	
2.	Local Connection	Applicants who do not meet the criteria or connection to live in the County of Wiltshire	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 Applicants under 16 will not be able to join the register and those aged 16 and 17 will be required to have a responsible adult to hold the tenancy in trust until they reach the age of 18. Some registered providers will also require the young person to have a guarantor and/or be able to demonstrate they have the relevant skills to look after a property and maintain a tenancy. The guarantor will be liable for the tenancy, such as rent payments in the event of a tenant defaulting.

4a Unacceptable Behaviour

Anti Social Behaviour

4.8 If an applicant or a member of his/her household has been guilty of anti-social behaviour within the previous 12 months which makes them unsuitable to be a tenant they will be excluded from qualification for the register. Eviction or legal action taken or pending by a professional agency or landlord as a result of anti-social behaviour will be taken to constitute evidence of anti-social behaviour. Legal action includes, but is not limited to, the service of notice on the ground of anti-social behaviour.

4.8.1 Anti-social behaviour includes, but is not limited to, behaviour which has caused a nuisance or annoyance by the applicant or a member of his or her household which has affected neighbours or a community, illegal or immoral behaviour, incidents of domestic abuse, harassment on the grounds of race, ethnicity, gender, age, disability, religion, transgender or sexual orientation or any threats and/or actual violence

Rent Arrears

4.9 If an applicant or a member of his/her household 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 it is expected that they maintain repayment plans for them all.

4.9.1 If an applicant who had been maintaining a repayment plan stops paying in accordance with that 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. If the applicant is in the platinum band, they will be excluded from the register until they have maintained payments for a further 3 consecutive months rather than 6 consecutive months – this to reflect their acute housing need.

4.9.2 Any existing social housing tenant who is in rent arrears primarily as a consequence of the spare room subsidy (bedroom tax) will not be excluded or suspended from qualification for the register for having rent arrears.

4.9.3 If it can be confirmed that the rent arrears have occurred through no fault of the applicant they will not be excluded or suspended from the register, but housing providers may not offer them accommodation while the arrears are outstanding.

Prison

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

Fraud

4.11 Following the outcome of any investigation if evidence is obtained that identifies that fraud or attempted fraud, (related to the completion of a housing or homeless application form, housing benefit form, illegal subletting or any fraud leading to an eviction which has taken place) the applicant will be excluded from the register for a period of 12 months from the date it was identified

Refusal of a notification of nomination

4.12 Any applicant who has unreasonably refused two properties following a notification of nomination by the registered provider (either by phone, email or letter) that is deemed suitable for the household will be suspended from the register for a period of 12 months from the date of the second notification, unless the reason(s) for refusal are based upon a matter related to their mental capacity.

4.12.1 Any applicant where an auto-bid has been used would not be excluded for Refusals made. Autobids are automatic bids placed on vacant properties that meet the needs of an applicant who is not able to place bids themselves.

4.12.2 The period of exclusion will be reduced to one refusal for any applicant within Band 1 who are owed the main statutory homelessness duty under Part 7 of the Housing Act 1996. These applicants will require a formal Part 6 Housing Act 1996 offer letter as part of the notification of nomination to be sent by the appropriate housing provider.

4b Agreed connection to live in 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 Wiltshire, 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:

- 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 permanent paid employment in the Wiltshire Council area; or
- Who is self-employed and works predominately 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 county for 5 years or longer; or
- Who has a connection with the Wiltshire Council area through special circumstances, such as they need to receive specialist medical services, support from a close family member or services within the county which cannot be provided elsewhere.

Local connection exclusion criteria group

4.13.3 If an applicant meets any of the definitions below, a local connection to Wiltshire will not be required to qualify for the register and they will be considered as households in the 'local connection exclusion group':

- A person who is homeless within the meaning of Part 7 of the Housing Act 1996 and Wiltshire council has accepted a full housing duty to them as well as formally accepted homeless applicants who took a qualifying offer of housing outside of Wiltshire.
- A person who was provided with accommodation in the County of Wiltshire under section 95 of the Immigration and Asylum Act 1999, or
- A person who is serving in the Armed Forces,
- A person who has left the Armed Forces within the last 5 years.
- A bereaved spouse or civil partners of members of the Armed Forces leaving services family accommodation following the death of their spouse or partner.
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- A person who is being accommodated through witness protection
- A person who has been confirmed as fleeing domestic abuse from another area or any other violent assault or threat of violence in accordance with HA96 Part VII

- A person from the transient¹ community who has no local connection to any other area
- A person who has been accommodated outside the area by Wiltshire Council in exercising its statutory duty to accommodate
- A person with a local connection to an adjoining parish that is outside of Wiltshire but whose housing need has been used to develop affordable housing within a parish of Wiltshire. These households will only be allowed to bid for properties within the parish identified to meet their housing need.
- Verified rough sleepers, where there is proof of rough sleeping in the Wiltshire Council area

4c Financial resource limit

This section is waived for those applicants in receipt of an income based benefit or households who have been accepted as statutory homeless under Part 7.

4.14 Applicants with sufficient financial resources available to meet their housing needs will not qualify to join the register. We will take into account any income, savings and investments when calculating the financial resources available. Capital money raised as a result of a previous disposal of assets such as property will be considered when calculating the financial resources available.

4.14.1 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 is updated every quarter taking into consideration the average house price within the chosen area to ascertain whether the applicant is financially capable.

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

4d People who have no housing need

4.15 Any applicant who has no identified housing need will not qualify to join the register. This would be any applicant who does not meet any of the banding criteria as specified within the scheme as this will enable us to ensure that affordable housing is accessible to those in most need of housing. Those that do not qualify for registration have the option to express an interest in other forms of housing – see section 10.0.

4e Deliberately Worsening Circumstances

4.16 Where there is evidence that an applicant has deliberately worsened their circumstances in order to be able to join the housing register or qualify for higher

¹ Definition to be confirmed

banding, the application will be suspended from the register for a period of 12 months.

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

- Selling a property that is affordable and suitable for the applicant's needs in order to be able to join the housing register or qualify for higher bands on the register.
- Moving from an assured/assured shorthold tenancy to insecure, overcrowded accommodation with family or friends in order to qualify for higher band.
- Moving family, friend and/or any other household into the property in order to qualify for higher band.

4.16.2 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/circumstances.

Dependent children

5.0 A child's main residence is generally considered to be with the person who is in receipt of child benefit in respect of that child. A child may be included in an application if their main residence is with the applicant.

5.1 In the case of divorced or separated parents/guardians, if the child does not reside with the applicant as their main residence, the application cannot include the child on their application.

6.0 Sharing a home to provide mutual support

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

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

6.2 This could apply when an applicant has learning difficulties 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 thereby avoiding any reduction in housing benefit as a result of the spare room subsidy (bedroom tax).

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

- One bedroom per couple or single person
- One bedroom person aged 16 or over regardless of sex
- One bedroom for two children aged 10 to 15 years of same sex
- One bedroom for each child aged 10 to 15 years of different sex
- One bedroom per two children less than 10 years old regardless of sex
- An extra bedroom for an applicant who requires overnight care
- A foster child will be allocated his / her own bedroom regardless of age
- Any disabled child who for medical reasons requires his / her own bedroom.

The full bedroom matrix can be found in Appendix 2.

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 a local connection, see section 9.2, to the area and in greatest housing need, unless the property is allocated as part of a local lettings plan, sensitive let or rural exception site. There are four bands, Band 1, Band 2, Band 3 and Band 4, with a further expression of interest group that will not form part of the housing register as this will be for households who would like to express an interest into a certain type of product such as low cost shared ownership, Home-buy or older persons accommodation.

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 1996 Act (including those who are intentionally homeless and those not in priority need)
- b) People who are owed a duty by any housing authority under section 192(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- c) People occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

- d) People who need to move on medical or welfare grounds, including grounds relating to a disability, and
- e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

8.4 In accordance with the legislation (section 166A(3) of the 1996 Act), additional preference will be awarded to any applicant who falls within the above statutory reasonable preference categories and who also falls within one of the following categories:-

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

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

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 (Urgent Need)	Statutory Requirement Move On Urgent Medical or Welfare need
Band 2 (High Need)	Under Occupying and suffering financial hardship – transfers only Social Care
Band 3 (Medium Need)	No Fixed Abode & Insecurity of tenure Temporary Accommodation Supported Accommodation Seriously overcrowded

	Medical and Welfare need Under Occupying in social housing Other Statutory requirements
Band 4 (Low Need)	Lacking or sharing facilities Overcrowded Armed Forces & Reserve Forces Intentionally homeless Sheltered or Extra Care
Expression of interest	Eligible to bid on selected properties
	Low Cost Home Ownership Home Buy Shared Ownership Market rented properties Older people accommodation Specialist accommodation for those with specific needs Gypsy and traveller sites

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

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

9.1 Local Connection

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

- A person who is resident in that area. The residency will need to be permanent and have lived in the area 6 months out of the last 12 or 3 years out of the last 5, or
- A person who is in permanent paid employment or has a fixed term contract for a minimum of one year or permanent offer of paid employment in the area, or is self employed and works predominately in the area or
- A person with close family (grand-parents, parents, legal guardian, adult children or brothers and sisters) who have lived in the parish or town for 5 years or longer.

9.2 Property Matching

9.2.1 The majority of vacant houses will be matched to the person who has a local connection to the town or parish and is in the highest band with the longest effective date. The effective date is the applicants date of application that will change following a suspension of the application or a change in band. No applicant from the local connection exclusion criteria will be overlooked for not having a local connection to a particular area as they have no local connection to anywhere in Wiltshire.

9.2.2 If no applicant can be found who has a local connection to the parish or town, the second allocation will be to any household with a connection to any surrounding parish or town. If no local connection can be found to the surrounding area then the property will be awarded to the applicant with the highest band and oldest date of application.

9.2.3 Allocations made to specialist supported accommodation or extra care will be allocated based on meeting the advertised support needs for the property rather than local connection. 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.

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

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

9.2.6 Extra care ²properties will be matched to clients who have a specific care and support need rather than priority to a household with a local connection to the area

9.3 Existing planning agreements and former exception sites

9.3.1 In all cases, any vacant property will be advertised as per existing terms held within a planning agreement (section 106 agreement) and/or planning conditions that are already in place

9.4 Local Lettings Plans

9.4.1 The Council or our partners may decide to let properties on a slightly different basis from normal in the interests of building strong and sustainable communities or to deal with particular local issues, this would apply for all new build properties on 1st let and in exceptional circumstances on all future lets. The decision to apply a local lettings policy will be jointly made by the landlord of the property and the Council. The allocation of housing accommodation will be made in accordance with the local lettings policy.

9.5 Sensitive Lets

² Definition to be confirmed

9.5.1 A 'sensitive let' may need to occur where, for social reasons, there is 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, abandoned or caused serious antisocial behaviour;
- the previous tenant was evicted or an eviction process had started because of, abandoned or caused noise nuisance;
- the previous tenant was evicted or an eviction because of, abandoned or caused criminal activity at or in the area (this would include allowing the property to be used for selling or taking drugs);
- the previous tenant was the victim of serious and long-term antisocial behaviour or other criminal acts; or housing officers, police and so on had used all powers within housing, criminal and antisocial behaviour law to sort out any issues.
- The nature and location of the accommodation requires a sensitive let to ensure the scheme meets the ongoing needs of the residents e.g. a general needs property within a scheme for older people

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, only a small number of vacant properties will be directly allocated to an applicant rather than being advertised through the allocation system. This may happen in the following situations:

- If a property is needed to house someone on a temporarily basis
- In the case of a specially adapted properties built for a specific person
- Decants³, these are properties that need to be vacated for a specific purpose
- Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- Allocations of Supported Housing (vacancies are not advertised for bidding).
- A property has a layout that would allow adaptations to make the property suitable for a particular disabled person and their family, and would be used for complex and exceptional cases
- Emergency planning i.e. emergency accommodation due to a force of nature such as fire or flood.
- Hard to let properties, these are properties that have been advertised through the system but no offer has been made.

³ Decants – To be confirmed

- Other reasons which are detailed in the registered providers own lettings policy

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

10.4 Transfers

10.4.1 A transfer applicant is a social housing tenant of Wiltshire Council or a housing provider, resident in the Wiltshire Council area, who has requested a move to alternative accommodation within Wiltshire. Some allocations to existing social tenants do not fall within Part 6 of the Housing Act. 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 are:

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

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

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

11.0 Reviews and Appeals

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

11.1 They consider they have 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 request. Requests to review bandings, will be undertaken initially by an appropriate officer of the council. 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 appeal in writing can arrange a meeting where the appeal will be heard and any supporting evidence can be provided.

11.2 Not having their application included on the Homes 4 Wiltshire register due to being ineligible for an allocation of accommodation under s160ZA (2) or (4) or is not a qualifying person under s 160ZA (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 applicant 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 an applicant is unhappy with a partner landlord decision to refuse them for a vacant property they 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
- People whose only right to reside in the UK is derived from his status as a jobseeker. For this purpose, 'jobseeker' has the same meaning as for the purpose of regulation 6 (1) (a) of the Immigration (European Economic Area) Regulation 2006 (SI 2006/1003) *
- People whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulations 13 of the EEA Regulations
- People whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned above highlighted * and which is derived from EU Treaty rights.

- People who have rights of residence in the UK as a result of regulation 15A(1) and (4A) of the Immigration (European Economic Area) (Amendment) (No 2) Regulations 2012 (the EEA Amendment Regulations)
- People who have a right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen

APPENDIX TWO

Bedroom eligibility

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

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

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An additional bedroom will be allocated to:-

- applicants who receive support from carers who do not reside with them but are required to stay overnight for at least one night a week.
- a disabled member of the household if following an Occupational Therapists report they confirm they require a separate bedroom and based on the 'bedroom matrix' they would not otherwise be allocated their own room.
- to enable children services to meet their s.22G duty any approved prospective foster carer or adopter should be allocated the required bedroom size as recommended by children services to ensure the family are allocated the correct size property to enable the family to foster or adopt a child.

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

APPENDIX THREE

Band 1

Band 1 is for households who need to be housed urgently. This would include households who have a specific statutory requirement or there is a serious risk to health, safety or wellbeing.

Statutory Requirement

A household who is owed a duty by Wiltshire Council under the Housing Act 1996 Part 7 s 193(2). These are households who have been accepted as statutory homeless. A household who has been assessed as being statutory overcrowded or are lacking more than 3 bedrooms. The bedroom eligibility will be applied to assess overcrowding, or a household that the authority has a statutory duty to accommodate and an allocation will prevent a residential or out of area placement.

Move on from supported accommodation

This applies to applicants in shared or supported accommodation where there is a move on protocol in place with the council. The applicant must have been assessed as being in priority need and ready to move into independent living accommodation by an appropriate council officer.

Urgent medical or Welfare need

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

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

Band 2

Under-Occupying and suffering financial hardship

The applicant is a transfer applicant who is a social housing tenant of working age who is under-occupying by two or more bedrooms and who would suffer financial hardship if they remained in their existing home.

Social Care

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

Band 3

No fixed accommodation & Insecurity of Tenure

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

Supported Accommodation

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

Seriously Overcrowded

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

Under Occupying in Social Housing

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

Medical and Welfare grounds

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

their claim.

Medium risk to physical safety and functional ability. Re-housing is required to prevent deterioration in functional ability or emotional deterioration. Current accommodation has a significant contribution to social isolation (including episode of illness requiring significant intervention of mental health or other professional's during the past six months or evidence that the housing environment is causing the applicant emotional distress. Applicants who are receiving support from a recognised support provider may be awarded welfare needs if their need to move is evidenced by that support provider.

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 to live in their current accommodation.

Overcrowded

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

Armed Forces and Reserve Forces

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

And serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

Intentionally homeless

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

Sheltered Accommodation or those who require extra care

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

Acceptable reasons for a registered provider to refuse to offer a property to an applicant

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

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

- An applicant has bid for another property and accepted that property
- An application appears to be false or misleading and further investigation is required
- An applicant has support needs and does not have a support plan in place
- An applicant has displayed threatening, violent or otherwise unreasonable behaviour, such as towards a member of staff or neighbouring tenant in the last 12 months
- Where there is evidence that an applicant might endanger the health, safety or well being of a community because of a history of violent or abusive behaviour against particular individuals in the area.
- Where an applicant is unable to provide evidence of access to sufficient funds to enable them to pay the rent and associated living expenses for the property.
- An applicant is unsuitable for the property because of a recent tenancy management issue in the property.
- An applicant has bid for a property that does not meet their immediate needs, e.g an adapted property where the applicant does not need the adaptations provided or their needs that cannot be met without making considerable and unreasonable or inappropriate adaptations to the property.
- Where support or adaptations are provided which are not needed by the applicant or members of their household
- The property is subject to a local authority s106 agreement and the applicant does not meet the required criteria
- The provider is unable to make contact with the applicant either by phone, email or letter over a period of 3 working days
- An applicant has pets which are not permitted in the property, in line with the providers per policies.
- An applicant is under 18 years of age and has failed to provide an appropriate guarantor
- The reference obtained from a previous landlord is not satisfactory
- Where a property has become unavailable since the advertisement was placed.

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