



# Housing Allocations Policy



## Version Control

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# Contents

|      |   |    |
|------|---|----|
| 1.0  | Introduction .....                                      | 5  |
| 2.0  | Aims and objectives .....                               | 5  |
| 3.0  | Applying for a house.....                               | 5  |
| 4.0  | Common Housing Register .....                           | 6  |
| 5.0  | Housing information and advice .....                    | 6  |
| 6.0  | Your housing choices .....                              | 6  |
| 7.0  | Allocations.....  | 8  |
| 8.0  | What is not considered in assessing housing needs ..... | 12 |
| 9.0  | Dealing with your application.....                      | 13 |
| 10.0 | Housing offers .....                                    | 13 |
| 11.0 | Choice based letting.....                               | 14 |
| 12.0 | Nominations .....                                       | 15 |
| 13.0 | Local Lettings Initiative .....                         | 15 |
| 14.0 | Review of housing list.....                             | 15 |
| 15.0 | Suspending applications .....                           | 16 |
| 16.0 | Cancelling applications.....                            | 17 |
| 17.0 | Provision of false information .....                    | 17 |
| 18.0 | Access to personal information and files .....          | 17 |
| 19.0 | Equal opportunities.....                                | 17 |
| 20.0 | Appeals procedures .....                                | 18 |
| 21.0 | Monitoring and reporting .....                          | 18 |
|      | Appendix 1 .....  | 19 |
|      | Appendix 2.....   | 30 |
|      | Appendix 3.....   | 34 |
|      | Appendix 4.....   | 35 |
|      | Appendix 5.....   | 36 |



## **1.0 Introduction**

- 1.1. It is important to remember that applying for housing does not mean you will receive an offer of housing.
- 1.2. More people apply for housing than the Council has properties that become available. To try to allocate these properties fairly, the Council maintains a housing list, and allocates housing to people on this list in accordance with the points awarded as set out in this policy. We will also give advice on alternatives to council housing that could meet your needs.

## **2.0 Aims and objectives**

- 2.1. The aims and objectives of the policy are that it:
  - Is fair and equitable.
  - Is consistent and transparent.
  - Meets legislative requirements and good practice.
  - Houses those most in need.
  - Prevents Homelessness.
  - Extends choice for applicants.
  - Makes best use of Council Housing Stock.
  - Reflects the objectives of the Clackmannanshire Housing Strategy.

## **3.0 Applying for a house**

- 3.1. We accept applications from anyone<sup>1</sup>, aged 16 years and over. To apply for housing you must complete an application form, whether you are a new applicant or an existing tenant.

- 3.2. You can apply online at:

<https://www.clacks.gov.uk/council/forms/housing/commonhousingregistrationform/>

or contact us to receive a copy of the application form.

- 3.3. There is a separate policy for “mutual exchanges” which allows you to apply to swap your home with another tenant of the Council or a

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<sup>1</sup> Sole or joint applicants who are subject to immigration control in terms of section 118 of the Immigration and Asylum Act 1999 are not eligible for admission to the Council waiting list. European Economic Area nationals are only eligible for admission to the lists if they have the right to reside in the UK – for further details see [Appendix 1](#).



registered social landlord (RSL), or any other Local Authority within the UK.

#### **4.0 Common Housing Register**

- 4.1. We operate a Common Housing Register. This means that you only need to fill in one application form to be considered for properties provided by other registered social landlords (housing associations) in the area, Paragon Housing Association and Ochil View Housing Association.
- 4.2. Each of these landlords will then consider your application in accordance with its own policy.

#### **5.0 Housing information and advice**

- 5.1. We provide a Housing Options service. This means that if you ask for advice our staff will meet with you to discuss all options to help you to find a new home as quickly as possible. The best option for you may not be a council house.
- 5.2. A key aim of our housing options service is to prevent homelessness. Applicants will be given advice on homelessness as part of a housing options assessment, including how to make a statutory homeless application.
- 5.3. Please note that the term “homeless” covers a wide category of housing need and does not mean “*without a home*”. People who have accommodation can be considered homeless if, for example, they are at risk of domestic abuse, cannot afford their current accommodation, or their home is not suitable for their needs. Anyone concerned about their housing circumstances should ask for a housing options assessment.

#### **6.0 Your housing choices**

- 6.1. We want to make sure that we match you with a property that is suitable for you. We will support you in making your housing choices in terms of where you are thinking of living and what type of housing you need.
- 6.2. We will only offer you a home that meets your preferences. When you apply it is important that you set out your preferences clearly so we do not offer you a property that you do not want.
- 6.3. We will tell you honestly what your chances are of being offered housing. This will be based on the current demand on the housing list and stock turnover information. E.g. If an applicant is requesting a 3 bedroom house in Tullibody, we can advise on the number of 3 bedroom houses let over the past 3 years. We can advise how many other applicants are requesting this property type and we can advise on other registered social landlords that have 3 bedroom houses in this area.



## Lettings areas (the place you want to live)

6.4. There are seven main areas as shown in the table below.

| LETTINGS AREAS |              |               |            |        |          |
|----------------|--------------|---------------|------------|--------|----------|
| 1              | ALLOA        |               |            |        |          |
| 2              | SAUCHIE      | FISHCROSS     |            |        |          |
| 3              | CLACKMANNAN  | KENNET        | FORESTMILL |        |          |
| 4              | TULLIBODY    | CAMBUS        |            |        |          |
| 5              | TILlicOULTRY | COALSNAUGHTON | DEVONside  | DOLLAR | MUCKHART |
| 6              | ALVA         | MENSTRIE      |            |        |          |
| 7              | BOWMAR       |               |            |        |          |

6.5. It is very important that you state on your application form only the places you want to live. In addition, if there are areas or particular streets that you do not wish to be considered for we ask that you state this clearly on the application preference form.

6.6. You must tell us as soon as possible if you wish to change your area choices. You can do this at any time.

## Size/Type of housing

6.7. In assessing the size of property that you may be offered, Clackmannanshire Council has adopted the occupancy standards set out in the Welfare Reform Act 2012.

6.8. We will therefore allocate one bedroom for:

- each couple living as part of a household.
- each person who is not a child (aged 16 and over) living as part of the household.
- two children of the same sex (under 16).
- two children who are under 10 (regardless of gender).
- any other child.
- a carer (or group of carers) providing overnight care.

6.9. Depending on availability and circumstances, the Council may allocate a property of a different size to the above.

6.10. Whilst the Council owns a range of properties, only 20% of those that become empty each year are houses. This means that applicants are likely to wait longer for a house as 67.5% of the properties which become available are flatted dwellings. The remaining 12.5% of properties which become available are bungalows.

6.11. There are some properties that have been specially designed or adapted to meet the needs of people with mobility or accessibility issues. Priority



will be given to applicants who have been assessed as requiring this property type.

- 6.12. You will be asked about any particular needs you may have when you apply. The assessment of need will identify the most appropriate house type for you. Due to the lack of ground floor properties, where these become available priority will normally be given to applicants who have an assessed need for ground floor accommodation.
- 6.13. The law states that we should always make adapted properties available to those who can make use of the adaptations. If there is no such person occupying the property then the Council may look to find other suitable accommodation for the occupants. This would then allow us to use the property for an applicant with particular needs.

## **7.0 Allocations**

- 7.1. The law states that we give reasonable preference to homeless people, households who are overcrowded, large families, those living in unsatisfactory housing conditions, those living in a property which is below tolerable standard property, and those living in properties that are too large for them. [Appendix 2](#) sets out the details of what the legislation and guidance is on these reasonable preference categories.

### **Bands and Points**

The housing list is managed using bands and points. This means that when you apply for housing, we will put your application into one of four bands and we will give you the highest number of points based on your housing need.

#### **Bands**

| <b>Bands</b> | <b>Groups</b>  |
|--------------|--|
| Band 1       | <ul style="list-style-type: none"><li>• Applicants requiring to move because of demolition, closing orders or regeneration initiatives.</li><li>• Current Council tenants who by moving will release social rented housing which is urgently needed for other applicants with high needs, for example properties with adaptations.</li><li>• Looked after young people and those leaving residential care. The Council's Corporate Parenting Protocol ensures the appropriate supports are in place and realistic housing choices have been made.</li><li>• Ex forces personnel and their families who are returning to their local area.<br/>In line with the Scottish Government's commitment to</li></ul> |





|        |   |
|--------|---|
|        | <p>ex-services people, and in accordance with the Armed Forces Community Covenant, Clackmannanshire Council will ensure that ex-service personnel returning to this area are not disadvantaged</p> <ul style="list-style-type: none"><li>• Serious Offenders where there may be public safety issues.</li><li>• Direct Lets - The Council may in very limited circumstances choose to make a direct offer of housing to an applicant. In these rare situations applicants may be made a direct offer of housing through powers delegated to the appropriate Senior Service Manager. Consideration of any direct lets will be made in consultation with the Director of Place (or equivalent) and Governance Officer. In these cases we will offer the first suitable home that becomes available. If this offer is refused we will then deal with the application in line with the normal policy.</li></ul> |
| Band 2 | <ul style="list-style-type: none"><li>• Applicants assessed as statutory homeless.</li></ul>  |
| Band 3 | <ul style="list-style-type: none"><li>• Applicants living in insecure accommodation</li><li>• Applicants experiencing financial hardship</li><li>• Applicants in overcrowded accommodation</li><li>• Applicants with health / care points</li><li>• Applicants living in a property that is assessed as being below tolerable condition.</li><li>• Applicants with under occupation points</li></ul>  |
| Band 4 | <ul style="list-style-type: none"><li>• Applicants who are assessed as adequately housed with no recognised housing need.</li></ul>   |

Applicants in bands 2 and 3 are placed in points order. These applicants are also awarded time in need points (see section 7.5). Applicants in bands 1 and 4 are placed in order of date of application.

- 7.2. We look at reasonable preference in terms of total lets across the housing stock and throughout the year, not for each individual let. This allows us to appropriately match the property to the applicant and create sustainable tenancies, at the same time as meeting the requirement to give reasonable priority to the key groups. The aim is to balance the needs of our communities, as well as meeting the needs of those applying for housing.
- 7.3. Therefore, if a property become vacant that matches the needs and preferences of an applicant on Band 1 the property will be offered to them.



- 7.4. If however a property is adapted, ground floor, or in any other way suited for applicants with particular needs, the property will be allocated to an applicant who most needs that adaptation/property type / location.
- 7.5. Points awarded for those in bands 2 and 3 are detailed in the table below. (Applicants can only be awarded one set of points, where two sets apply we will award the highest).

| Type of Need  | Band 2  | Points    |
|---|---|-----------|
| <b>Statutory Homelessness</b><br>within the meaning of Part II<br>of the Housing (Scotland)<br>Act 1987 | All applicants assessed as<br>homeless are placed in this<br>band | 14 points |

| Type of Need                  | Band 3  | Points               |
|-------------------------------|---|----------------------|
| <b>Insecure Accommodation</b> | Households without their<br>own self-contained<br>accommodation<br>e.g. living with friends or<br>relatives.<br><br>Households served with a<br>Notice to Quit from their<br>landlord.<br><br>Insecurity points may also<br>be awarded to applicants<br>who are assessed as being<br>in financial hardship and<br>unable to meet the cost of<br>rent for their property in the<br>private sector. | 8 points             |
| <b>Under Occupation</b>       | Living in a property with 1<br>or more additional<br>bedrooms   | 4 points in<br>total |
| <b>Overcrowding</b>           | Households with insufficient<br>bedrooms for their<br>household size.   |                      |
|                               | 2 or more bedrooms short,<br>or 4 or more persons who<br>have to share one bedroom<br>(severe overcrowding)   | 12 points            |



|  |  |          |
|--|--|----------|
|  | 1 bedroom short<br>(moderate overcrowding) | 6 points |
|--|--|----------|

| Type of Need   | Comments / Band | Points    |
|--|-----------------|-----------|
| <b>Health/Mobility/Care</b>  | Severe          | 14 points |
|  | Moderate        | 6 points  |
| <p>Points can be awarded if an applicant or a member of their household has health, mobility or care needs which will benefit from a move to alternative accommodation.</p> <p>Where the medical condition is not helped by a move, or can be met by alterations to the current property or by additional services, no points will be awarded.</p> <p>Where more than one member of the household has health/mobility/care needs points are only awarded for the person with the greatest need.</p> <p><u>Severe health/care award</u></p> <p>A severe award will be made where the applicant cannot reasonably be expected to occupy their current (or most recent) permanent accommodation as a result of their circumstances. Examples include:</p> <ul style="list-style-type: none"> <li>• The person cannot be discharged from hospital to their current home</li> <li>• The person has severely restricted independence but would not have if in suitable accommodation.</li> </ul> <p><u>Moderate health care award</u></p> <p>A moderate award will be made where the applicant requires to move from their current accommodation but can continue to occupy this accommodation for a further limited period.</p> |                 |           |

| Type of Need                            | Band 3                                   | Points    |
|---|--|-----------|
| <b>Lacking Amenities/Poor Condition</b> | lacking amenities/disrepair<br>- serious | 12 points |



|  |   |          |
|--|---|----------|
|  | lacking amenities/disrepair<br>- moderate | 6 points |
| <p>Applicants will be awarded 12 points for lacking amenities or poor condition of accommodation if:</p> <ul style="list-style-type: none"> <li>• they are living in housing which is below the tolerable standard,</li> <li>• they are living in housing where the property lacks any <i>one</i> of the basic amenities (including evidence of lead piping)</li> </ul> <p>and/or</p> <ul style="list-style-type: none"> <li>• they are living in housing where one of the primary building elements is in serious disrepair (walls, internal floors, foundations, roofs).</li> </ul> <p>Applicants will be awarded 6 points for poor condition of the accommodation if:</p> <ul style="list-style-type: none"> <li>• they are living in housing below the tolerable standard where two or more of the secondary building elements are in serious disrepair (roof covering, chimneys, guttering/downpipes, windows and/or doors)</li> </ul> <p>and/or</p> <ul style="list-style-type: none"> <li>• there is penetrative or rising dampness.</li> </ul> <p>People living in accommodation which is below the tolerable standard are also eligible to apply as statutorily homeless. Further information about basic amenities and the below tolerable standards can be found at <a href="#">Appendix 3</a>.</p> |   |          |

| Time in Need   |                 |          |
|--|-----------------|----------|
| Applicants in Bands 2 and 3 are also awarded points reflecting the time they have had a housing need as assessed by the Council. These are referred to as 'time in need' points and the maximum points that can be accrued are 4 points. | 3 or more years | 4 points |
|  | 2 years         | 3 points |
|  | 1 Year          | 2 points |
|  | 6 months        | 1 point  |

## 8.0 What is not considered in assessing housing needs

8.1. We will not take account of any of the following when we allocate our housing:

- Whether you live in the area you want housing in
- The length of time you have lived in the area
- Any debts that are not related to your current or former tenancy
- Any debts you have already paid



- Debts relating to your tenancy if
  - They are less than one-twelfth of the yearly amount of rent you pay; or
  - You have already arranged a repayment plan, kept to it for at least 13 weeks, and you are still keeping to the repayment plan
- You and your family's income
- Your age, as long as you are over the age of 16 and the home you want to move to has not been specifically designed or adapted for people with particular needs.

## **9.0 Dealing with your application**

- 9.1. We will always provide applicants with advice about their best option if they are assessed as having more than one type of need.
- 9.2. Applicants will receive the points only for the highest assessed need. This means for example that an applicant who is moderately overcrowded but is assessed as having a severe health need for accommodation will be awarded only the severe health points.
- 9.3. A change of circumstances will require the application to be reassessed which may alter the points awarded or a change in band.
- 9.4. The applicant(s) is/are required to provide details of any tenancy that they have held during the last three years. Current and former tenancies will be checked for conduct and related debts. This may involve a visit to the applicant's home. In the case of current council tenants the visit will include checks to ensure that tenancy conditions are being adhered to and the property is in a satisfactory condition – See Section 15 suspension
- 9.5. We will take into account any reliable evidence of previous anti social behaviour, evictions or other unsatisfactory conduct of a tenancy when considering applicants for the allocation of housing.
- 9.6. For some applicants the information provided in the application form and any checks we carry out, e.g. a visit to the applicant, will be sufficient to assess needs. For some there will be a need to undertake further assessment. Depending on the individual circumstances this may involve requests for additional information or interviews with specialist staff.
- 9.7. All Council tenants who apply are also encouraged to register on our online Mutual Exchange system to increase their opportunities for a move.
- 9.8. A summary guide to the housing application assessment process is set out at [Appendix 4](#).

## **10.0 Housing offers**



- 10.1. Once identified, the applicant with the highest priority will be offered the property.
- 10.2. The house will be let either as a Scottish Secure Tenancy (SST) or a Short Scottish Secure Tenancy (SSST). The majority of our tenancies are SST's, and Appendix 5 sets out the details of when we may offer a SSST.
- 10.3. On occasion there may be properties that are classed as low demand and we will letter applicants on the waiting list inviting them to attend an open viewing. The letter will advise applicants to make contact with us if they are not interested in attending the viewing so we can fully review their application. If the applicant fails to make contact then their application will be cancelled, however if they contact us within 6 months we will reopen the application.

### **Refusals of offers**

- 10.4. You must make sure that your application form reflects your wishes. It is also important that you inform us of any changes in your circumstances or preferences (of area to be housed, or type of house) so that we only make an offer that meets your needs and matches what you want.
- 10.5. Homeless applicants who refuse an offer of permanent accommodation may have their case reviewed to determine whether the offer was reasonable. This is in accordance with Section 31(2) of the Housing (Scotland) Act 1987 and the Scottish Government's Code of Guidance on Homelessness. If the offer is deemed reasonable, the Council will consider its statutory duty discharged. In such cases, the applicant will be required to vacate any temporary accommodation provided by the Council.
- 10.6. You have the right to request a review against this decision. The request should be made in writing, **within 21 days** of you being notified of the decision, to your Homeless Case Officer who will then pass it to the appropriate Senior Officer for consideration. If you require advice or assistance with this you can contact Clackmannanshire Citizens Advice Bureau, Glebe Hall, Burgh Mews, Alloa, FK10 1HS or seek independent legal advice.

### **11.0 Choice based letting**

- 11.1. In certain circumstances a form of choice based letting will be used to allocate properties. The details of properties available for letting will be advertised setting out the size of household that will be considered, any special features or requirements, (e.g. adaptations to the property) and the Band or category of need that will be given priority. Applicants will be required to express an interest in properties advertised which match their



requirements and when bids are received, we will offer the property to the most suitable applicant with the highest number of points.

## **12.0 Nominations**

- 12.1. From time to time we are able to nominate applicants from our list to be housed with one of our partner Registered Social Landlords (housing associations). Nominations must satisfy the relevant landlord's allocations policy.

## **13.0 Local Lettings Initiative**

- 13.1. In exceptional circumstances the Council may agree a Local Lettings Initiative for a particular area. A Local Lettings Initiative will require specific approval by Council Committee and will only be agreed where all the following conditions are satisfied:

13.1.1. There is clear evidence, independently verified, that the current allocations policy is exacerbating identified problems within the community concerned. This would require clear, robust and verified evidence from a number of sources of the need for a Local Lettings Initiative

13.1.2. The Local Lettings Initiative demonstrates clearly how the revised policy will address these problems

13.1.3. Outcomes for the Local Lettings Initiative are quantified and given a specific time frame

13.1.4. A monitoring and reporting framework is in place to provide ongoing information on the effectiveness of the Initiative.

- 13.2. Local Lettings Initiatives must be consistent with the principles and objectives of the overall Council allocations policy, relevant legislation and guidance and performance standards. They are also subject to the same principles of scope and flexibility relevant to the allocations policy, eligibility criteria and eligibility for house types/size.

- 13.3. Any Local Lettings Initiative will be reviewed after an agreed period.

## **14.0 Review of housing list**

- 14.1. Information submitted by applicants will be reviewed on an annual basis. This review of applications is taken to ensure that the housing list consists only of those actively interested in housing.

- 14.2. We will write to applicants asking for confirmation that you wish to remain on the list. We will also ask applicants to notify us of any change to their housing circumstances. If we do not hear from applicants within 28 days we will send a reminder letter. If applicants do not reply to the reminder letter within 7 days the application will be removed from the list.



- 14.3. Applicants removed from the list in these circumstances will be re-instated without penalty if they contact the Council within 6 months of the second reminder being issued. After this period a new application will be required.

## **15.0 Suspending applications**

- 15.1. In some clearly defined circumstances we will exercise the right to suspend an application for active consideration of an allocation. In doing so it will act in line with legislation and associated guidance. We will confirm to you in writing the reasons for the suspension, your right of appeal, and how and when your suspension will be reviewed.

- 15.2. We will only suspend your application from active consideration for housing in the following circumstances:

- If you owe more than one month's rent to the Council or a former landlord, and have not agreed and kept to a repayment plan for 13 weeks.
- If you or any member of your household has been evicted for anti social behaviour, has a current ASBO (Anti Social Behaviour Order) or are waiting for a court decision on eviction or an ASBO. Anti social behaviour includes violence, verbal abuse, harassment, vandalism, noise disturbance, arson, carrying an offensive weapon, or using or selling illegal drugs.
- If you have had a 'Notice of Proceedings for Recovery of Possession' served on you because you have broken the conditions of your tenancy.
- When a transfer applicant applies an inspection of the house and private garden area (if applicable) will be carried out. If there are any outstanding repairs, cleanliness, or condition issues that are their responsibility, as described in the Scottish Secure Tenancy Agreement, the Council will inform them in writing and the applicant must complete these before any offer is made.

- 15.3. If we do suspend your application you will be notified in writing and if we think that we need to, or if we think it is appropriate, we will help you to keep to the conditions of your current tenancy. This may involve arranging support for you.

- 15.4. Where appropriate we will work in partnership with others to share information to assist in the decision making regarding suspensions. We will consider each case on an individual basis.

- 15.5. In cases of anti social behaviour, if you can show that an appropriate support package is in place and that you are working with others to improve your behaviour and change your actions, or you think that there





are valid reasons to confirm that your behaviour and actions have changed and we are satisfied that the anti social behaviour is unlikely to recur, we will review your application for active consideration for housing.

- 15.6. Applicants who are offered a tenancy within 3 years of an eviction for anti social behaviour, or applicants and/or any person who will be part of their household who is the subject of an ASBO, will be offered a Short Scottish Secure Tenancy. Appendix 5 sets out the details of when we may offer a SSST.

## **16.0 Cancelling applications**

- 16.1. We will only cancel Housing Applications in the following circumstances:

- The applicant has requested removal from the register.
- The applicant has died and there is no joint applicant.
- The applicant fails to respond to a periodic review of the Housing Register.
- The applicant fails to respond to a 28 day letter requesting contact.
- The applicant has been rehoused.

## **17.0 Provision of false information**

- 17.1. If false information has led to the allocation of a tenancy the Council may take legal action to recover the tenancy.
- 17.2. If an applicant has knowingly provided false or misleading information their application will be suspended until it has been re-assessed with the correct details.

## **18.0 Access to personal information and files**

- 18.1. The Council will act in line with the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002 regarding application information. All information provided by applicants will be held in confidence and will not be released beyond the terms of registration under the Data Protection Act without the express permission of the applicant. Applicants will be asked to sign a mandate in the application form to allow the Council to share any information, although applicants have the right not to do so. All applicants have the right, subject to certain conditions and exemptions, to receive a copy of all information and data held in relation to their application for housing.

## **19.0 Equal opportunities**

- 19.1. Clackmannanshire Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council is actively working towards the elimination of policies and procedures which discriminate. It is opposed to any form of discriminatory practices on



grounds including gender; marital status; religious belief; disability; race; ethnic origin; colour; nationality; political belief; sexual orientation; socio-economic status and age. Anyone with a grievance or complaint that contravenes Equal Opportunities legislation and guidelines can make a complaint in line with the Council's complaints procedures.

## **20.0 Appeals procedures**

### **20.1. Discharge of Duty – Homeless Applicants**

Homeless applicants who refuse a reasonable offer of accommodation have a statutory right of appeal against a discharge of duty. This has to be submitted in writing (this includes email) within 21 days, with reasons for this, to the responsible Senior Housing Officer. A written response will be provided within 10 working days.

### **20.2. Other Appeals**

These are related to suspensions from the waiting list which include rent arrears, former tenant arrears, , and condition of current tenancy. These should be submitted in writing (this includes email) to the responsible Senior Housing Officer. A written response will be provided within 10 working days.

## **21.0 Monitoring and reporting**

### **21.1. The Council is clear about the importance of monitoring the performance of its allocations policy to ensure in particular that:**

- The outcomes are in accordance with the stated objectives
- Those searching for housing are satisfied with the service they receive
- The policy and priorities take account of changing needs within the local community and of any changes in the Council's supply.

### **21.2. The outcomes of this policy will be recorded and monitored in accordance with the Scottish Social Housing Charter.**

### **21.3. The Council will ensure that all aspects of the allocations policy, processes and procedures are regularly reviewed to assess decision making, accurate data entry and validation and monitoring of lets by both the Housing Service and its partners.**

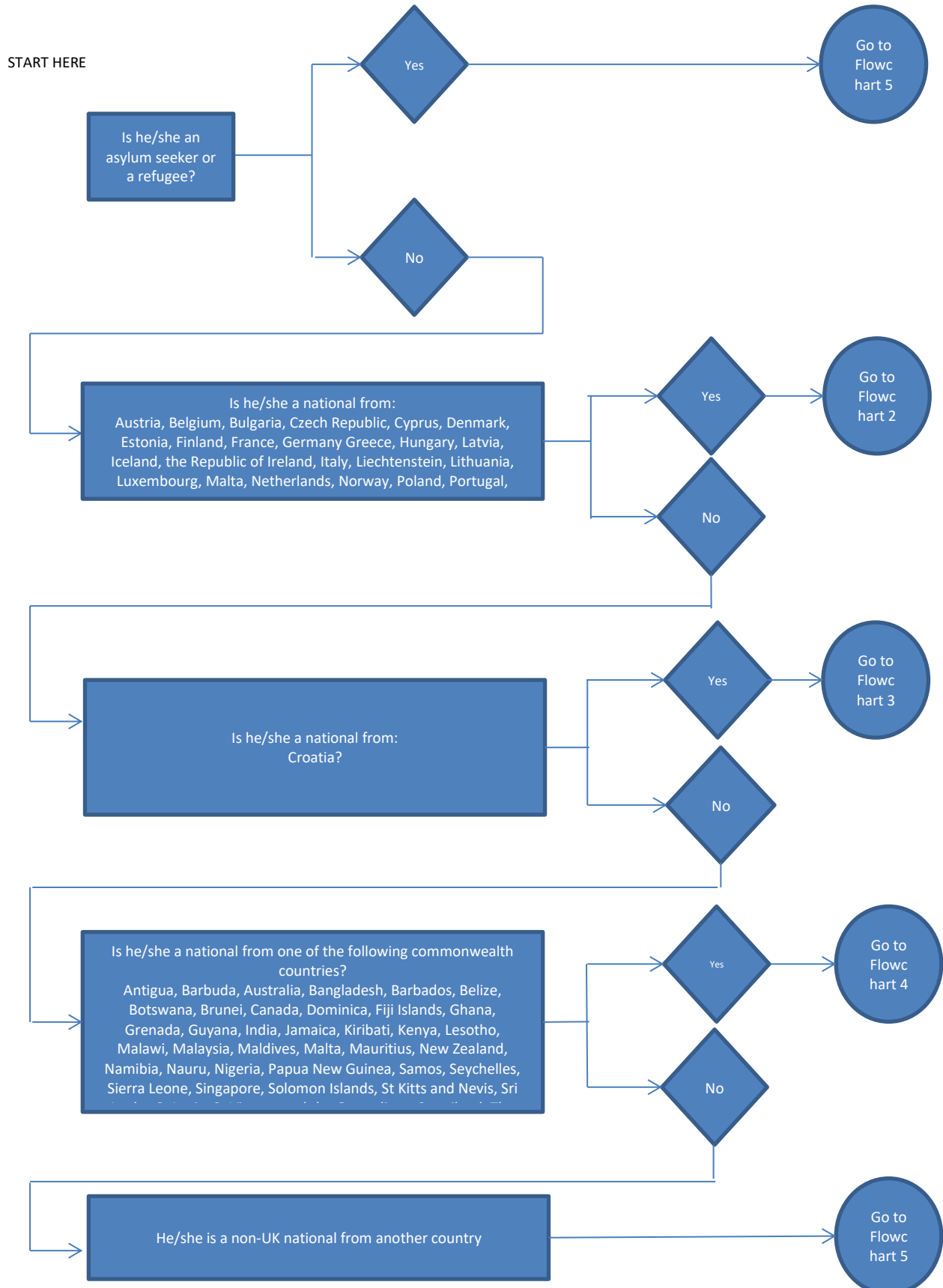
### **21.4. All applicants and tenants have the right to make a complaint using the Council's Complaints Procedure – details can be found online at <https://www.clacks.gov.uk/council/commentsandcomplaints/>.**



## **Appendix 1**

### **Flowchart One:**

#### **Rights of non-UK nationals to housing and assistance with homelessness**





## **Flowchart One definitions**

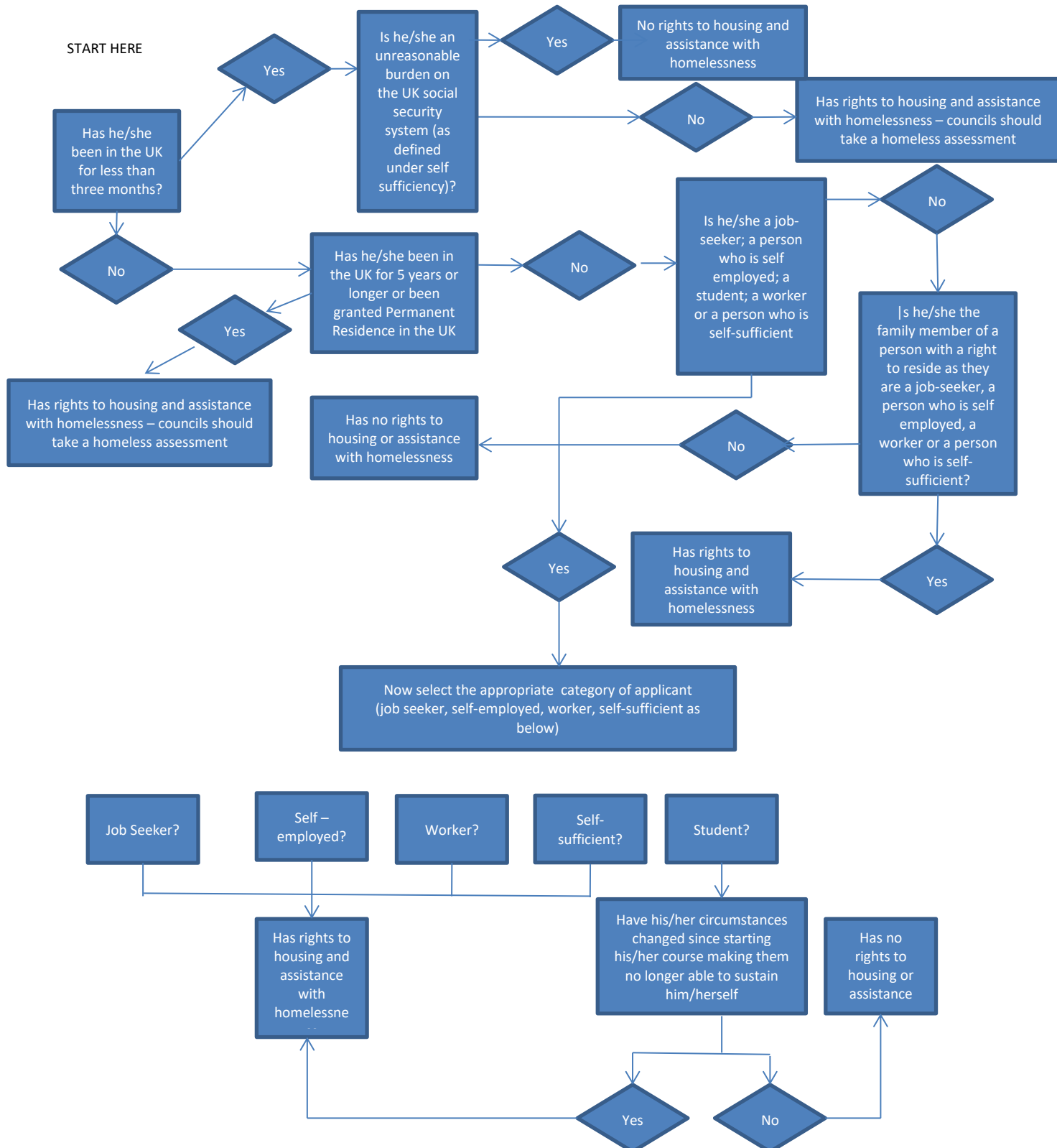
**Asylum seeker:** An asylum seeker is someone who has lodged an application for international protection under the United Nations 1951 Refugee Convention or Article 3 of the European Convention of Human Rights, and is awaiting a decision from the (UK) Government

**Refugee:** A refugee is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country...' (United Nations 1951 Refugee Convention).



## Flowchart Two:

Nationals from particular EEA countries and Switzerland Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, the Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland





## **Flowchart Two definitions**

**Worker:** A person performing work which is 'effective and genuine' and not on such a small scale as to be purely 'marginal and ancillary'. Work does not have to be full-time or permanent, and it does not have to provide a sufficient income for the subsistence of the worker. In order for work to be 'Effective' there must be some sort of employment relationship – although not necessarily a formal contract.

**Job-Seeker:** Someone who is looking for work who has never worked in the UK or someone who has lost her/his status as, for example, a worker or self employed person but is now signing on.

**Self-employed:** Someone with their own business and is engaging in “genuine and effective” self-employed activity. There is no exact definition of this and people do not need to earn enough money to be completely self-sufficient. There are a range of ways that an individual can prove this status for example tax returns, companies house registration, contract for the letting of premises etc.

**Self sufficient:** having sufficient resources so as not to become an unreasonable burden on the social assistance system of the UK. “Social assistance” means income related benefits, i.e. income support, income-based jobseeker’s allowance, employment support allowance (income-related), housing benefit, council tax benefit, or state pension credit. There are no strict evidential standards for this but should be considered on a case-by-case basis.

**Student:** In order to obtain the right to reside, EEA students must enrol in a course of study, have comprehensive medical insurance (this is provided by NHS cover) and declare that they are able to meet their living costs while studying at the time of signing.

**Permanent residence:** can be proved in a number of ways including tenancy agreements, employment contracts or letters from utilities companies.

## **Flowchart Three (Part 1)**



**Nationals from Croatia**  
(NB: restrictions on Croatian nationals working in the UK may be removed from 31<sup>st</sup> December 2018)

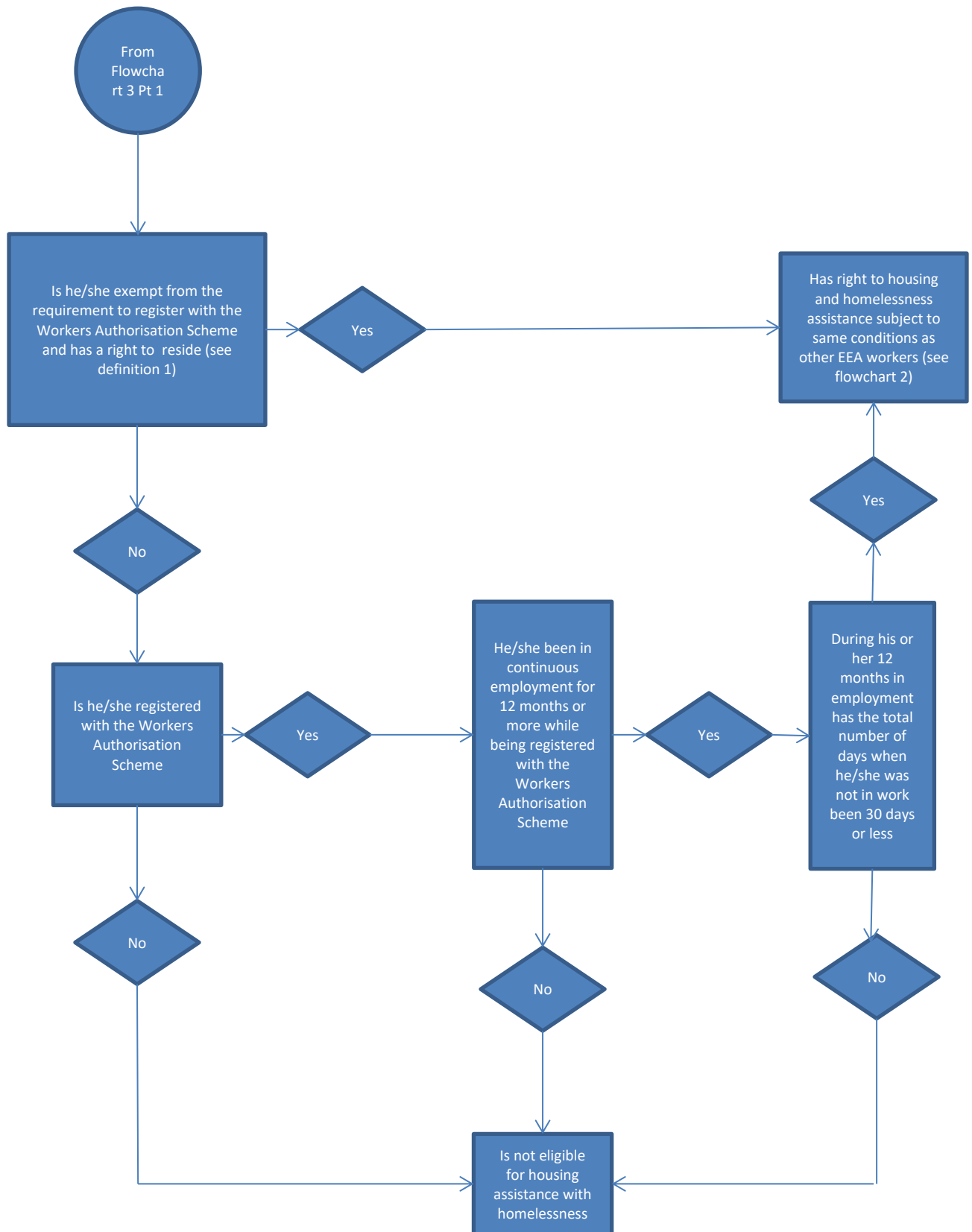
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**Flowchart Three: (Part 2)**



## Workers' Authorisation Scheme Nationals from Croatia







### **Flowchart Three definitions**

The following Croatian Nationals are exempt from the requirement for authorised work:

- people who have already completed 12 months lawful employment in the UK on or after 30<sup>th</sup> June 2013
- Anyone who gained leave to remain in the UK before 30<sup>th</sup> June 2013 with no employment restrictions (for example those with Indefinite Leave to Remain, refugee status, or Discretionary Leave to Remain)
- people who are married to a UK national or a person settled in the UK
- family members of EEA nationals (including Bulgarians, Romanians and Croatians who have full EEA rights or are authorised to work).

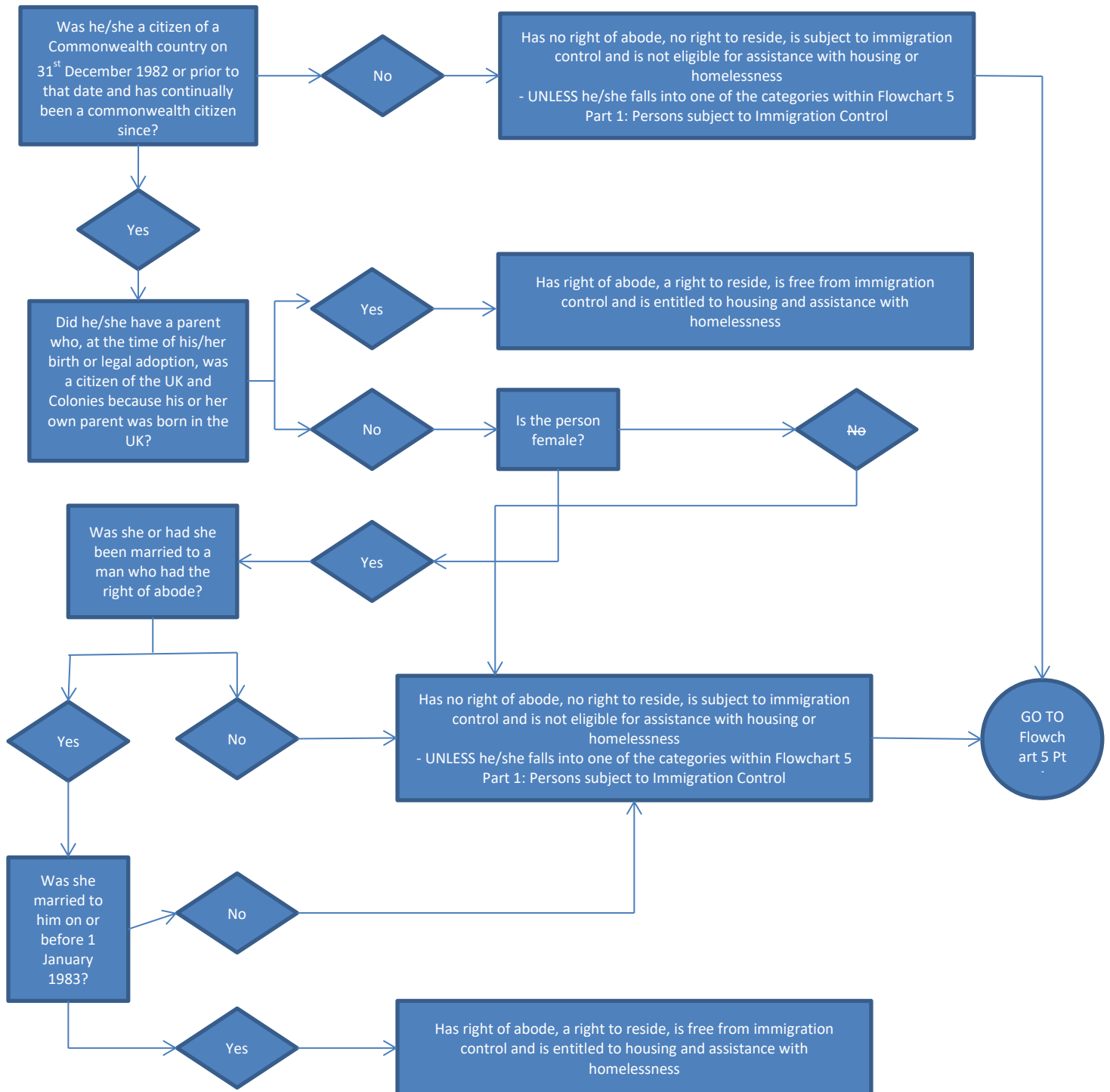
### **Flowchart Four**



Nationals from the following Commonwealth Countries:

Antigua, Barbuda, Australia, Bangladesh, Barbados, Belize, Botswana, Brunel, Cameroon, Canada, Dominica, Fiji Islands, Ghana, Grenada, Guyana, India, Jamaica, Kiribati, Kenya, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, New Zealand, Namibia, Nauru, Nigeria, Papua New Guinea, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, St Kitts and Nevis, Sri Lanka, St Lucia, St Vincent and the Grenadines, Swaziland, The Bahamas, The Gambia, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Zambia and Zimbabwe

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## Persons Who are Subject to Immigration Control





## **Flowchart Five definitions**

Common travel Area: Republic of Ireland, United Kingdom, Isle of Man, Jersey and Guernsey.

Assessed or allocated under homeless legislation: owed a duty under section 29 (interim duty to accommodate); or section 31 (duties to people who have been found to be homeless) or section 32 (duties to people who have been found to be threatened with homelessness) section 34 (people referred to another local authority) of the Housing (Scotland) Act 1987?



## **Appendix 2**

### **Reasonable Preference**

The Council legally must give reasonable preference to certain groups when letting houses. The groups to which reasonable preference must be given are:

- Homeless persons and people threatened with homelessness with unmet housing needs;
- People living in unsatisfactory housing conditions with unmet housing needs; and
- Tenants of houses which are held by a social landlord and we consider them to be under-occupied as defined in this policy.

The Council would consider that a person has unmet housing needs if they have a need which is not capable of being met by their current housing circumstances.

In practice, the Council will explore housing options with all applicants so that they can make informed decisions regarding their housing preferences.

Unsatisfactory housing conditions, as mentioned in the reasonable preference groups, is a wide term which within this policy covers the physical condition of the house, such as the property being below tolerable standard, as well as its unsuitability due to a medical condition or disability of the occupant. Unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse can all also be covered within this the term.

Below tolerable standard is defined as the lowest acceptable standard of housing in any tenure that anyone should be expected to occupy. A house is deemed to be below tolerable standard if it fails any of the 12 criteria as set out by the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) Act 2006.

The Council can also decide what other groups of applicants can also be given priority status in response to local circumstances.

"Tolerable Standard" is as defined by section 86 of the 1987 Act and amended by section 102 of the 2001 Act and section 11 of the Housing (Scotland) Act 2006. A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;



- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

Part VII of the 1987 Act defines "overcrowding". When the number of people sleeping in a house breaches the room standard or the space standard (both of which are set out below) a house is overcrowded.

The space standard determines the number of people who are permitted to sleep in a home based on:

- the number of rooms available as sleeping accommodation. Rooms that are counted are rooms normally used in the locality as a bedroom or living room;
- the size of those rooms. Rooms under 50 square feet (4.645m<sup>2</sup>) are ignored; and
- the ages of people who live there. Children under 1 year old are not counted and children over 1 and under 10 count as a half.

You can calculate the permitted number of people in a property by looking at both of the tables below. Table 1 tells you how many people can sleep in the house according to the number of rooms. Table 2 tells you how many people can sleep in each room according to the size of the room and the total for each room, when added together, tells you how many people can sleep in the house. You need to look at both tables and the smaller of the two numbers produced is the permitted number of people that may live in that house. If the permitted number is exceeded, the house is overcrowded.

| Number of rooms available for sleeping | Number of people who can sleep in the property |
|--|--|
| 1                                      | 2  |
| 2                                      | 3  |



|           |                 |
|-----------|-----------------|
| 3         | 5               |
| 4         | 7 1/2           |
| 5 or more | 2 for each room |

| Floor area of room  | Number of persons who can sleep there |
|---|---------------------------------------|
| 110 sq ft or more (10.219m <sup>2</sup> )                       | 2                                     |
| 90 sq ft (8.361m <sup>2</sup> ) or more but less than 110 sq ft | 1 1/2                                 |
| 70 sq ft (6.503m <sup>2</sup> ) or more but less than 90 sq ft  | 1                                     |
| 50 sq ft (4.645m <sup>2</sup> ) or more but less than 70 sq ft  | 1/2                                   |

The law does not define large families.

The law also does not define "unsatisfactory housing conditions". However the term covers the physical condition of the house as well as its unsuitability as a result of a medical condition or the disability of the occupant. It also covers other aspects of an applicant's circumstances, such as unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse.

Part II of the 1987 Act (as amended) defines "homeless persons". A person is homeless if he or she has no accommodation in the United Kingdom or elsewhere, or if he or she has accommodation, but it would not be reasonable for him or her to occupy it. A person is homeless if he or she has accommodation, but:

- cannot secure entry to it;
- it is probable that occupation of it will lead to abuse;
- it is probable that occupation of it will lead to threats of abuse from someone who previously lived with him or her and who is likely to carry out the threats;
- it is a moveable structure, vehicle or vessel and there is no place where he or she is entitled or permitted to place it and live in it (this has particular relevance for Gypsies/Travellers);
- it is overcrowded and may endanger the health of the occupants; or
- it is not permanent accommodation and the local authority has a duty to provide permanent accommodation. Permanent accommodation includes accommodation owned by him or her or in which he or she is a tenant with a secure or assured tenancy. It also includes a short Scottish Secure Tenancy where such a tenancy has resulted from previous anti-social behaviour or from any prospective tenant or resident under an anti-social behaviour order.





Part II of the 1987 Act (as amended) also defines "persons threatened with homelessness". A person is threatened with homelessness if it is likely that he or she will become homeless within 2 months.



## **Appendix 3**

### **Basic Amenities**

A property would be considered lacking basic amenities if it did not have:

A fixed bath or shower

A wash hand basin

A kitchen sink

An internal w. c.

A hot and cold water supply at three points (bath/shower, w. c. and wash hand basin)

### **Below the Tolerable Standard**

A property will fail the tolerable standard if:

It is not structurally stable

It is not free from rising and penetrating damp

It lacks piped wholesome water

It lacks a sink with satisfactory hot and cold water

It lacks cooking facilities

It does not afford exclusive use of and suitably located WC

It lacks access to external doors

It lacks drainage and disposal of foul and surface water

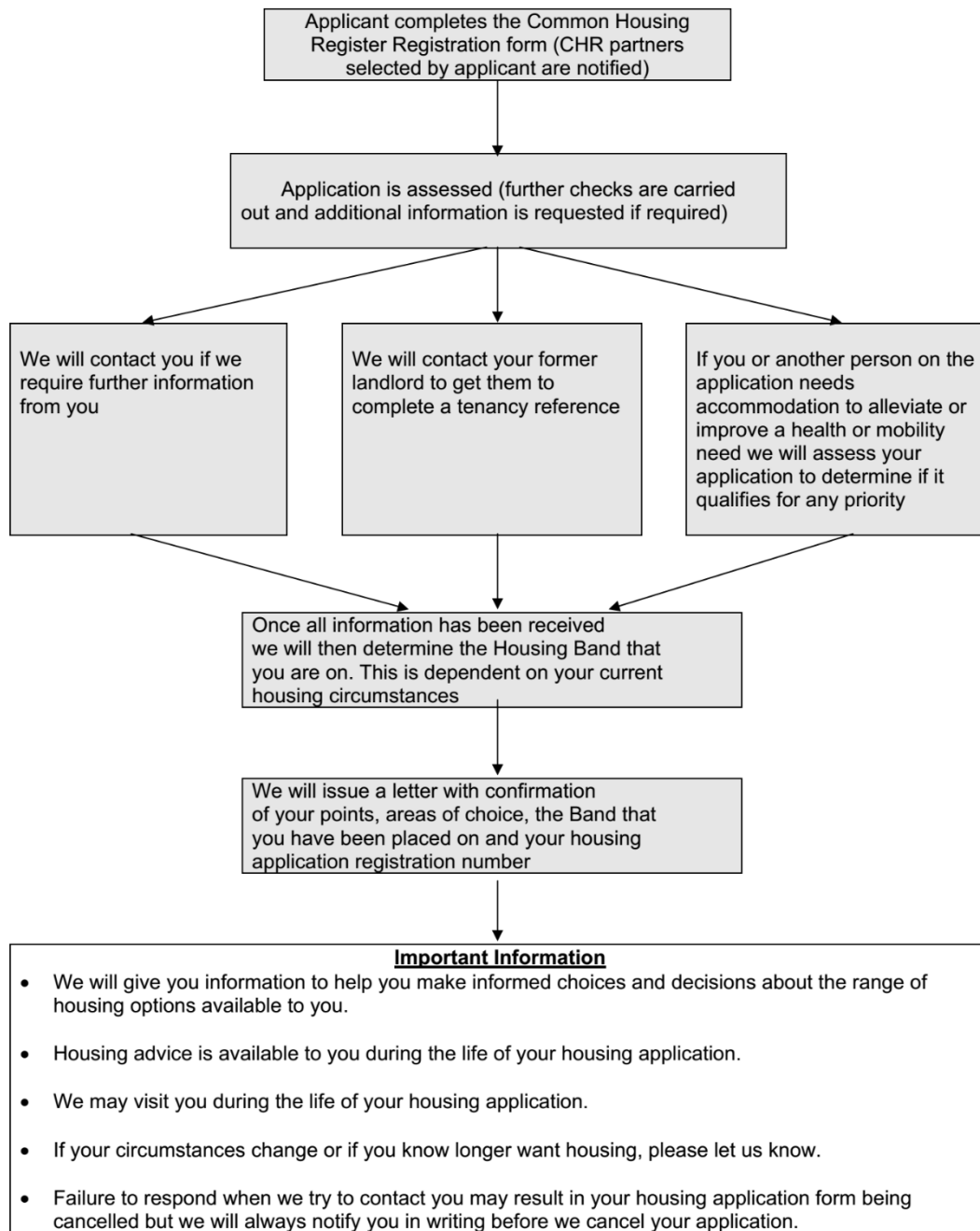
It lacks suitable provision for natural and artificial lighting, ventilation and heating

| Primary Building  | Secondary   |
|---|---|
| Elements - A fail is measured by the requirement for repair or replacement of more than 20% of the component. | Building Elements- A fail is measured by the requirement for repair or replacement of more than 20% of the component. Failure by two or more elements.  |
| Wall structures<br>Internal floor structures<br>Foundations<br>Roof structure                                 | Roof covering<br>Chimney stacks<br>Flashings<br>Rainwater goods<br>External wall finishes<br>Access decks/balustrades<br>Common access stairs/landings,<br>Pathways within the curtilage of the dwelling<br>Individual dwelling balconies/verandas<br>Individual dwelling attached garages, internal stairs<br>Damp Proof Course<br>Windows/doors<br>Common windows/roof lights<br>Underground drainage |



## **Appendix 4**

### **Quick guide to the housing application process**





## **Appendix 5**

### **Scottish Secure Tenancy (SST) and Short Scottish Secure Tenancy (SSST)**

Rights under a short SST are identical to the full SST except that:

- there is no provision for succession; and
- security of tenure is limited.

Rights to assign, sublet, etc. under a short SST are limited to the period of the short SST.

Short SST's are granted for a limited period of time, usually 12 months. They must then be extended, ended, or converted into a full SST

#### **Existing Grounds for granting a SSST:**

1. lets to persons evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a short SST will be offered;
2. lets to persons where they or other members of their household are the subject of ASBO granted on or after 30 September 2002 under s 19 of the Crime and Disorder Act 1998. This also allows for the conversion of an existing secure tenancy to a SSST when a Full ASBO has been granted;
3. temporary lets to persons moving into the area in order to take up employment;
4. temporary lets pending development affecting the house;
5. temporary lets to homeless persons for tenancies of 6 months or over (lets to homeless persons of under 6 months are covered by Schedule 1 to the Act, tenancies which are not SSTs);
6. temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Act (N.B. permanent lets to persons requiring or receiving housing support services should be Scottish secure tenancies);
7. lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

#### **New Grounds for Granting a SSST:**



Antisocial behaviour within the previous 3 years (No need for any criminal conviction or other court proceedings). This can be based on the antisocial behaviour of not just the existing tenant but also –

- Any joint tenant
- Anyone residing or lodging at the property
- Any subtenant
- Any visitors to the property

Homeowner(s) where they have a short term, temporary housing need and require time to sort out their permanent housing arrangements. This is specifically for temporary arrangements and therefore differs from someone who owns property but is looking for a long term, permanent arrangement. It relates not just to the applicant but to someone who is to be living with them so it could be property owned by a spouse or other family member.