

**Wolverhampton**  
City Council



# **WOLVERHAMPTON CITY COUNCIL**

# **HOUSING ALLOCATIONS POLICY**

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## **INTRODUCTION.**

This document contains details of the scheme which Wolverhampton City Council uses in deciding between competing applicants for housing.

This policy records, collects and takes account of individual's needs and requirements in order to allocate housing on the basis of greatest housing need.

This policy does not discriminate against any person on the grounds of race, gender, sexuality, age, class, appearance, religion, responsibility for dependents, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.

This policy applies to:-

- Existing tenants who want to transfer from one tenancy to another
- New applicants
- Nominations to Registered Social Landlords

At the time of writing this policy in 2007, the City Council had a housing stock of 24,000 properties. Approximately 2,000 ( 8.7%) will become available for reletting in a year and at any one time, there are about 8,300 applicants on the housing register. The Council recognises that it can never meet the demand for affordable rented accommodation in the city but it aims to make the best use of the limited vacancies which become available.

The objectives of the Policy are to:-

- Identify those people in the greatest housing need and help them decide where they would like to live.
- Prevent people from becoming statutory homeless.
- Make best use of the housing stock and suggest other housing options to applicants.
- Ensure that the Council's legal duties are met.
- Reduce the number of properties refused by applicants and ensure properties are let as quickly as possible.
- Enable applicants to be informed of vacancies which arise and express an interest.

# 1 BACKGROUND

- 1.1 Wolverhampton City Council's housing stock is managed by six managing agents which are Wolverhampton Homes, an Arms Length Management Company, Heath Town Estate Management Board, Dovecotes Tenants Management Organisation, Bushbury Hill Estate Management Board, New Park Village Tenants Management Organisation and Springfield Horseshoe Tenants Management Organisation.
- 1.2 This Allocations Policy must be followed by all managing agents although some local variations may be allowed but only with the express consent of the Council.
- 1.3 The way that a Local Authority allocates empty properties is largely governed by various Acts of Parliament and also the outcome of cases that have been before the Courts.
- 1.4 Allocations are dealt with in the Housing Act 1996 as amended by the Homelessness Act 2002.
  - I. Section 167 (1) of the Housing Act 1996 as amended requires every local housing authority to have a scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation.
  - II. Section 167 (2) states that the scheme has to include a statement on the authority's policy on offering people who are to be allocated housing accommodation a choice of housing accommodation and the opportunity to express preferences about the housing accommodation that is offered to them.
- 1.5 The scheme must be framed so as to ensure that reasonable preference is given to:
  - a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996) that is they have no accommodation available for their occupation.
  - b) people who have made applications for homeless assistance and have received a decision that a prescribed duty is owed to them.
  - c) people who are occupying insanitary or overcrowded housing or are otherwise living in unsatisfactory housing conditions.
  - d) people who need to move on medical or social grounds including grounds relating to a disability.
  - e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).
- 1.6 An authority does not have to keep a register of those applying for housing but Wolverhampton has chosen to do so in order to be able to respond to statutory and other requirements relating to factors such as the demand for properties in the city. This means that everyone applying must be included on the register except those who are ineligible to join or who have been formally excluded. (see 3 below)

- 1.7 Applicants will be required to re-register annually and advise the Council of any changes in their circumstances. Failure to reply to the re-registration letter may result in an applicant being removed from the Housing Register. Any applicants removed in this way will be notified by letter and will have the opportunity to request a review of that decision. (See section on Reviews below)

## **2 DATA PROTECTION**

- 2.1 Under the Data Protection Act 1998, the Council and its Managing Agents will use the information about its applicants for the purpose of re-housing. It may also be used for issues of safeguarding children and adults, for preventing and detecting fraud and other criminal offences.
- 2.2 Applicants have the right to access the personal information held about them by contacting the Council's Data Protection Officer on 01902 556556.

## **3 ACCESS TO THE HOUSING REGISTER**

- 3.1 As required by legislation Wolverhampton operates an open register (1.6 above) and anyone who applies to Wolverhampton, and is eligible, will be included. It follows from the above that blanket exclusions of particular groups cannot be applied.

### **Exclusions**

- 3.2 Applicants subject to immigration control and those who are not habitually resident in the Common Travel Area (CTA) or only have limited rights of residence in the CTA under European Union rules are not eligible to be included on the housing register unless they are existing secure or introductory tenants. These criteria may be subject to change by the Secretary of State or by Parliament.
- 3.3 Applicants may also be excluded from the Housing Register when the authority is satisfied that the applicant or a member of their household has been guilty of behaviour serious enough to make him or her unsuitable to be a tenant of the authority.
- 3.4 For the purpose of this allocation policy, unacceptable behaviour is be regarded as behaviour by the applicant or a member of his or her household which would, if the applicant had been a secure tenant of the housing authority at the time, have entitled the authority to a possession order under s.84 of the Housing Act 1985. This includes substantial rent arrears cases or persistent non payers.
- 3.5 Persons subject to the criteria set out in 3 & 4 cannot be granted a sole tenancy or participate in a joint tenancy.

### **Lesser preference.**

- 3.6 There are other circumstances where a person can be included on the housing register but their preference is reduced. This is when:-
- the applicant does not reside in the city.
  - the applicant is an owner occupier, or was in the previous 2 years, under 60 years old and where the equity in their property (the difference between the value of the property and the money owed on it) is more than £48,000 or, if under 60 years of age, registered disabled or chronically sick.
  - the applicant is a council tenant who has not been in their property for more than twelve months.
  - applicants who have not lived in the city for at least 6 months before making their application.
  - applicants who owe more than £60 in current or ex tenant arrears or any other debt to Wolverhampton City Council.
  - the applicant is under 18 and is not owed a statutory duty by the authority. (see also section 4 below).
  - applicants who do not have a settled address from where their housing needs can be assessed.

See below under Assessment and Bands for details on how this will be applied.

### **Application process**

- 3.7 Applications can be made on the paper application form available from all housing offices or on line from the Council's web site and can be handed in at any housing office or Civic Centre reception.
- 3.9 Application may also be made on line via the Homes in the City website
- 3.9 Joint applications will be accepted from married or cohabiting couples including same sex relationships providing that each partner is eligible in their own right to access the housing register.
- 3.10 Help with making an application will be made available to anyone who requests it.

## **4 16/17 YEAR OLDS**

- 4.1 Applications to join the housing register will normally be accepted from 16/17 year olds providing they meet the criteria set out in access to the register above, Section 3.

- 4.2 16/17 years olds will not normally qualify for an allocation until reaching the age of 18. See 4.9 below.
- 4.3 However, if appropriate, the application for re-housing before the age of 18 can be referred to Wolverhampton Young Persons Accommodation Forum (WYPAF).
- 4.4 The criteria for this to happen are:
- must be single with no dependents and
  - in need of support to live independently
- 4.5 Additionally the applicant will be either:
- homeless or threatened with homelessness
  - living in an unsuitable environment with a demonstrable, urgent, need to move
  - resident in a hostel or foyer or other supported accommodation and ready to move on
  - a care leaver owed a duty under the Leaving Care Act 2000
- 4.6 Having assessed the case, WYPAF will then make a recommendation as to appropriate accommodation and /or support. This may, or may not, involve a council tenancy.
- 4.7 16/17 year olds with dependents will be routed through either the Council's Homeless Services Unit or the Young Parents Single Referral Panel.
- 4.8 Any tenancy will be held in trust for them until they reach the age of 18.
- 4.9 For under 16 year olds succeeding to a tenancy, see 22 below.

## **5 REVIEWS**

### **Right to a review**

- 5.1 The Housing Act 1996 Part 6 gives applicants the right to request a review of a decision not to award preference on the grounds of unacceptable behaviour, the facts of their case which have, or may be, taken into account when considering whether or not to allocate a property or that they are not eligible to join the Housing Register.
- 5.2 The first and third decisions will be advised to the applicant with reasons for that decision. The second relates to the facts taken into account when taking a decision relating to the applicant's household size, their medical or social needs etc.

- 5.3 In the second case the review can only be on the facts taken into account when making the decision and their correctness not the decision itself.
- 5.4 Letters notifying an applicant that they have been refused access to the Housing Register or that they have been given no preference will state that the applicant has a right of appeal against the decision.
- 5.5 A review should be requested within 21 days of the date of the letter advising of the decision.
- 5.6 Reviews can be in writing or oral.

### **Procedure on review**

- 5.7 When a review is requested, although there are no statutory provisions as to how they should be carried out, good practice dictates that the following procedure is followed:
- ensure letters contain advice on the right to a review, the timescale to request a review and sources of advice and assistance.
  - ensure applicants can request further information about the facts taken into consideration in making the decision.
  - the reviewing officer will not have been involved in the original decision and will be senior to the officer making the original decision.
  - the current circumstances of the applicant will be taken into account not just the circumstances prevailing at the time of the original decision.
  - the applicant should be given at least five clear days notice of the date by which written representation is required or, if oral, the date and time of the hearing again giving at least five clear days notice.
  - ensure that the applicant is aware of their right to be represented by another person if they so wish.
  - ensure that the applicant is notified in writing of the outcome of the review and, if the original decision is confirmed, the reason for it.

## **6 PRIORITISATION OF APPLICANTS**

- 6.1 Applicants circumstances are assessed and placed in one of five bands for allocation purposes.
- 6.2 Where an applicant has two or more needs within a band they will be considered ahead of applicants with fewer needs in that band.
- 6.3 These bands are:

### **Emergency Band**

Cases where

- the applicant has been assessed as being homeless, unintentionally and in priority need.
- there has been a Multi Agency review (e.g. the single referral panels for Mental Health , Learning Difficulties, Young Persons etc) where immediate rehousing is required and an agreed support package is in place.
- a substantially adapted or purpose built property is required.
- a substantially adapted or purpose built property be freed.

### **Band 1**

Cases where

- there is an urgent need to move on medical or social grounds.
- there is a young person leaving care.
- the household is short of three or more bedrooms in their present accommodation or are experiencing overcrowding that results in a child over the age of 10 having to share a room with a child of the opposite sex.
- the applicant is freeing a placement in a specialist housing scheme or hostel and where there is an agreed support plan in place e.g. a Young Parents Scheme, Young Persons Hostel or Foyer Project.
- a tenant of Wolverhampton City Council or a Registered Social Landlord wishes to leave a house and move to a flat, maisonette or bungalow.
- the applicant's home is subject to a Compulsory Purchase Order.
- the applicant has an urgent need to move to a particular area in the City and where not to do so would cause hardship to themselves or to others.
- releasing three or more bedrooms.

## **Band 2**

### Cases where

- the applicant is homeless, unintentionally but non-priority.
- the household is short of two bedrooms in their present accommodation.
- a family, couple or pensioner is sharing any of kitchen, bathroom or toilet.  
(does not apply to owner occupiers or anyone who is a tenant of *any* kind that has their own kitchen, bathroom and toilet )
- there is a high need to move on medical or social grounds.
- the applicant is a tenant of Wolverhampton City Council or a Registered Social Landlord who has children under 12 years of age but does not have access to a private garden.
- releasing two bedrooms.

## **Band 3**

### Cases where

- there is a need to move on medical or welfare grounds but which is less than that required for Bands 1 & 2.
- the household is short of one bedroom in their present accommodation.
- the applicant is a single person sharing any of kitchen, bathroom or toilet  
(does not apply to owner occupiers or a tenant of *any* kind that has their own kitchen, bathroom and toilet )
- releasing one bedroom.

## **Band 4**

### Cases where

- there is no housing need
- people who live outside of Wolverhampton who do not have an urgent, identified need to be in the City.
- people who have not lived in the City for at least six months unless there is an urgent need to move on medical or social grounds.
- owner occupiers not of pensionable age who have more than £48000 equity in their property.

- anyone who owes debts of more than £60 to a Council or Registered Social Landlord.
- tenants of the Council who have been in their property for less than one year.
- tenants of the Council whose property has failed a pre leaving inspection.
- applicants that have refused a direct offer of accommodation following a review of their Emergency Band priority.

## **7 EMERGENCY BANDING TIME LIMIT**

- 7.1 Where an applicant has been placed in the Emergency Band, this priority will apply for three months.
- 7.2 If, after those three months are up, re-housing has not been achieved, the applicant's priority will be reviewed taking into account the availability of suitable properties.
- 7.3 Three options will be considered
- a. renew the priority for a further three months
  - b. remove the priority and place the re-assessed application in the appropriate band
  - c. make one, direct offer of accommodation. If refused then the application will be placed in Band 4
- 7.4 There is a right of review of decisions made under 3 b-c above.

## **8 CHANGE OF CIRCUMSTANCES**

- 8.1 Where there is a change in an applicant's circumstances, their relative degree of preference, and therefore their banding priority, will be reviewed. This may result in the applicant moving up or down within the bands.
- 8.2 For applicants that do not currently live in Wolverhampton if they have a change in circumstances that cannot be met in the area in which they live e.g. to give or receive essential support, their application will be placed in the appropriate band. This will not apply to needs that can be met where they currently live e.g. overcrowding.

## **9 BAND DATE**

- 9.1 This will be the date the applicant registered for re-housing **except** where there has been a change in a housing need e.g. a medical award when the date of the change will be used. The allocation will normally be made to the application with the earliest date.

## **10 MEDICAL GROUNDS**

- 10.1 The Housing Act 1996 states that reasonable preference on the housing register should be given to applicants who have a need to move on medical or welfare grounds.
- 10.2 This category includes an applicant, or member of that applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage
- 10.3 Where it appears that there is a need to make enquiries into an applicant's medical condition the Council will make use of an independent medical advisor.
- 10.4 The applicant can provide their own medical evidence if appropriate which will be sent to the independent advisor to assist with the assessment.
- 10.5 The applicant will be required to complete a medical referral form for submission to the independent advisor. If they decide that reasonable preference should be awarded then they will make a recommendation that the applicant is placed in the appropriate band and, where appropriate, a recommendation as to property type.
- 10.6 Where two or more members of a household would qualify for medical priority and the levels of priority are different, the highest will apply.
- 10.7 Medical priority will be reviewed after six months.

### **Disability Criteria**

- 10.8 In order to qualify for Emergency Band priority the applicant must be in a property that the Council's appointed Occupational Therapist has decided is unsuitable for the applicant's needs and where adaptations would cost in excess of £5000.

## **11 SOCIAL GROUNDS**

- 11.1 Social grounds are factors affecting a person's situation where a move would help in resolving that particular circumstance.

### **Circumstances applicable to a Band 1 award**

- move to enable a disabled/mentally ill/elderly person & carer to be close in order to prevent immediate admission to hospital or a home where essential support is given. Will only apply where applicant is looking to move to the same estate as carer.
- violent injury/death, suicide, rape or attempted rape in or near the home which directly affects the applicant or a member of the applicants household.
- where a neighbourhood dispute/racial harassment incident results in court action and the applicant needs to move away from an area.

- life threatening violence or the likelihood of it.
- child/ren being returned from care but dependent on a change of accommodation
- freeing a hospital bed or residential home placement where present accommodation is deemed unsuitable following professional advice
- change of accommodation required for exceptional social/medical factors where moving would enable the delivery/monitoring of essential support services. Awarded when Housing Support have confirmation that the applicant is engaging with supporting agencies.

### **Circumstances applicable to a Band 2 award**

- burglary: where the applicant is considered vulnerable and is the target of repeat offending.
- neighbourhood disputes/racial harassment incidents resulting in intimidation or serious threats or damage to property which are recurrent.
- to move away from criminal activity and/or drug problems where the applicant would be vulnerable to being drawn back to previous criminality.

### **Circumstances applicable to a Band 3 award**

- accident or bereavement in or near the home which is seriously affecting the applicant or a member of their family.
- neighbourhood disputes/racial harassment resulting in graffiti, gestures, letters.
- where, following the breakdown of a marriage, civil partnership or established common law relationship the former partners are still living in the same property.
- applicant is leaving the armed forces and has a local connection to Wolverhampton.

## **12 LETTINGS VARIATIONS**

### Local Connection.

1. One in four of all lettings will be to an applicant that has local connection to the area in which the property is located.
2. To satisfy this factor the applicant must be able to demonstrate at least one of the following criteria in addition to any housing need criteria:
  - a. Giving or receiving essential support which is evidenced by professional support e.g. hospital, social services etc. Can also be the Council's medical advisor.

- b. Needs to be close to family/child minder for help with child care etc. where the applicant does not have their own transport. Difficulties must be able to be evidenced.
- c. Long term residency - 5 years out of the previous 10.
- d. Working in the area where travelling is difficult e.g. early starts/late finishes.
- e. Children in school in the area which involves using two or more buses.
- f. Cultural reasons e.g. to be near place of worship, community facilities etc. when using public transport.

### Lower Bands

1. To ensure that applicants in Band 2 and Band 3 have an opportunity to receive an offer of accommodation, preference will be given to applicants from these bands for 20% of all lettings made.
2. Properties will be selected randomly by an automated process and will be of any property type in any area.
3. In the event of there being no suitable applicants from Bands 2 & 3 then the offer will be made to another case in accordance with normal allocations policy.

## **13 SELECTION OF OFFERS**

- The Council believes in offering applicants the freedom to select properties in which they are interested by listing those that are available for letting.
- Applicants are then invited to express an interest in suitable accommodation which is available for their particular band. This enables the Council and its Managing Agents to advise applicants of all available properties as well as being able to meet the Council's legal duties to those people who have an urgent statutory need to be housed.
- Applicants will be advised of the outcome of each letting by stating the number of people to express an interest, the band and the banding date of the successful applicant.

### **Support in the Allocations process**

- 13.1 It is recognised that some applicants may require help with applying for properties. Information on available properties is accessible in a number of ways to ensure that applicants with disabilities, such as sight or hearing impairments, can make as informed a choice as able-bodied applicants. Support workers are also trained in the process of bidding to ensure that they can offer positive assistance to applicants requiring assistance.

13.2 Some particularly vulnerable applicants may require additional help to ensure that they have the same opportunity to access accommodation. The Supported Application List is a further enhancement which seeks to provide a number of personalised services for vulnerable applicants, such as ;

- fortnightly contact with applicants to advise of available properties
- referral to the appropriate local agency or support worker to enable proactive support with applying, or applying on the applicant's behalf.
- information to be posted to the individual applicants home.
- regular contact from staff to ensure needs are being met in terms of support.

13.3 Referrals for admitting to the Supported Application List may come from a number of sources, although most would come via the following (not exclusive):-

- a) From the application form – where a badly completed form may indicate literacy or language problems or where the applicant may indicate a particular disability such as a hearing or sight impairment.
- b) Request from a support worker – where a support worker specifically requests additional assistance for one of their clients.
- c) From a non-bidders' report – where it is identified the applicant is not making bids for suitable accommodation.

13.4 The extent of additional assistance

**a) High need**

Applications made on behalf of applicants / applicant contacted fortnightly to advise of available properties/options.

**b) Medium need**

Large print information sent out or advert details offered in appropriate translated format. Regular contact from the support provider regarding application process.

**c) Low need**

Information sent to applicant every fortnight. Less regular contact from the support provider.

### 13.5 List of potentially vulnerable client groups

*Homeless / Rough sleepers*  
*Ex-offenders / those at risk of offending or imprisonment*  
*Physical or sensory disability*  
*Risk of domestic violence*  
*Alcohol / drug problems*  
*Teenage parents*  
*Elderly people*  
*Young people at risk*  
*Living with HIV / AIDS*  
*Learning disabilities*  
*Travellers*  
*Homeless families with support needs*  
*Refugees / Asylum seekers*

## **14 INTRODUCTORY TENANCIES**

- 14.1 Wolverhampton City Council operates introductory tenancies.
- 14.2 All new tenants of the Council will be introductory tenants for the first twelve months of their tenancy. This will not apply to current Council tenants transferring or to new tenants who were previously secure tenants of another authority or an assured tenant of a Registered Social Landlord (Housing Association).
- 14.3 A tenancy will remain introductory however if proceedings for possession have been started but not yet resolved.
- 14.4 The rights of introductory tenants differ from those of secure tenants. Introductory tenants cannot:
- a. take in lodgers.
  - b. exercise the right to buy (although the period spent as an introductory tenant will count towards the qualifying period).
  - c. sub-let.
  - d. carry out a mutual exchange.
  - e. vote on matters concerning changes in policy or practice concerning housing management.
- 14.5 However there may be times when the Council would wish to allow something that is not given as a right e.g. allow a mutual exchange.
- 14.6 Where action is taken to end a tenancy the Council does not have to prove the facts in court only that it has followed the correct procedure particularly with regard to considering any appeal against the decision to go to court.

## **15 REGISTERED SOCIAL LANDLORDS NOMINATIONS**

### **PLEASE NOTE THIS SECTION IS UNDER REVIEW FOLLOWING THE INTRODUCTION OF HOMES IN THE CITY CHOICE BASED LETTINGS**

- 15.1 Registered Social Landlords (RSLs) used to be known as Housing Associations and are non profit making organisations providing homes for people in housing need.
- 15.2 RSLs receive some funding from the Government by way of the Housing Corporation but also obtain funding from institutions in the private sector such as banks and building societies.
- 15.3 Wolverhampton City Council has an agreement with the RSLs that have properties in the city that a negotiated percentage of their lettings will be to people nominated to them from the Council's Housing Register.
- 15.4 Applicants will only be nominated if they have asked to be on their application form.
- 15.5 The nomination will normally be made to the highest banded case that fits the criteria set out by the RSL.
- 15.6 Nominations will only be made where an applicant would be eligible to receive an offer of accommodation as set out in 3 above.
- 15.7 Once an applicant is nominated they will not be considered for other offers until such time as the RSL has advised the Council of the outcome of the nomination.

## **16 RELATIONSHIP BREAKDOWN**

- 16.1 Relationships for the purpose of this policy are defined as marriages, civil partnerships and established common law partnerships.
- 16.2 In general it would be the intention that the partner that has responsibility for any child/ren of the relationship should remain in the home. In this event the allocation of that property will be excluded from the general allocation policy. The other partner will be offered alternative accommodation if they are eligible.
- 16.3 If the breakdown is as a result of domestic abuse it may be more appropriate to rehouse the parent and child/ren away from the matrimonial home.
- 16.4 If 2 above applies and the former partner is left in occupation as a tenant, then action under ground 2A Schedule One of the Housing Act 1996 as amended may be taken to end the tenancy. In these circumstances no offer of alternative accommodation will be made.
- 16.5 In all cases the applicants will be expected to sign, in the presence of a housing officer, a declaration stating the reasons for the relationship breakdown and, where there are children involved, the arrangements for their future care.

16.6 If one partner has left the home and there are no contact details available for them, then the remaining partner will be required to declare that fact in the declaration in 5 above.

## **17 REFERRALS UNDER THE CHILDREN ACT 1989**

17.1 Where Wolverhampton's Children and Young Peoples Services feel that rehousing is required in helping them carry out their functions to a child in need, a full report should be prepared by them.

17.2 The report should detail why, without rehousing, the child is unlikely to achieve or maintain a reasonable standard of health or development.

17.3 The report will then be considered by the Council and, if appropriate, the case will be placed in the relevant band.

## **18 ACCESS TO CHILDREN**

18.1 Where an applicant has a joint residence order in respect of children with a former partner, the eligibilities set out in 27 below may be varied to take account of that order.

18.2 Other demands on the housing stock will be considered along with any potential under-occupancy of the property.

## **19 SUNDRY FACTORS AFFECTING ALLOCATIONS.**

19.1 Worsening situation.

Where an applicant deliberately worsens their living conditions in order to gain benefit under this allocations policy no increase in their priority will be given until they have been in the new circumstances for one year.

19.2 Declaration of interest.

Applicants that work for Wolverhampton Homes, Dovecotes Tenants Management Organisation, Bushbury Hill Estate Management Board, New Park Village Tenants Management Organisation or Springfield Horseshoe Tenants Management Organisation must make this fact known in any application for rehousing. Any offer of accommodation to a member of staff of their organisations must be referred to the Council for approval.

19.3 Major repair, fire, flood or Key Worker.

a). Occasionally allocations will be made under Schedule 1 s79 Housing Act 1985 for example to council tenants whose own property is undergoing major works or has been the subject of a disaster such as fire, flood etc., or to an employee of the Council who is required to occupy a particular property for the better performance of their duties (Service Tenants) or is someone that has been declared by Wolverhampton City Council's Corporate Human Resources Team to be a new member of staff requiring temporary accommodation before completing a full move to the area.

- b). As these are not secure tenancies, this type of letting is not covered by this allocations policy.

#### 19.4 Local Lettings Plans.

- a). From time to time it may be identified by a managing agent that a particular area, block etc. would benefit from a local lettings plan where the needs are not met by way of the main allocations policy .
- b). This could relate to particular age groups, child density, need to manage criminality, essential workers to be near work where high housing costs would otherwise prevent them from being in the community they serve etc.
- c). The managing agent would need to demonstrate to the Council the need for such a policy giving:
- the objective of the policy.
  - the numbers/types of properties affected .
  - the evidence used to support the proposal including existing tenant base, potential tenants and turnover by property type.
  - an assessment of the impact on potential tenants who would possibly be disadvantaged by the implementation of such a policy.
  - evidence of consultation with any other affected persons or organisations such as Tenants Groups, RSLs, Voluntary Sector Groups or other existing forums such as Area Panels.
  - how it is proposed to market the policy so that existing and potential stakeholders are aware of it.
  - how the policy will be monitored particularly with regard to equal opportunities and its success in achieving its objectives.
- d). All requests to implement a Local Lettings Plan must receive Executive approval.
- e). The use of Local Lettings Plans must be balanced against the Council's legal duty to allocate accommodation to people in housing need and must not dominate the Council's lettings policy.
- f). Local Lettings Plans will be subject to review in a timescale agreed between the managing agent and the Council.

#### 19.5 Tolerated Trespassers

Where it has been decided to grant an introductory tenancy to someone who has been determined to be a tolerated trespasser then this allocation will not fall under this allocations policy.

## **20 JOINT TENANCIES**

### **Granting of Joint Tenancy**

- 20.1 Joint tenancies will normally be granted to married couples (including Civil Partnerships) or couples living together as man and wife and where it can be shown that they have done so for 12 months or more
- 20.2 In each case the joint tenancy will only be granted if the other person would be eligible in their own right to receive an allocation.
- 20.3 Where someone joins a tenancy they will be asked to sign to accept the terms of the current tenancy agreement and will receive a specimen copy of that agreement.

### **Ending a Joint Tenancy**

- 21.1 When one party gives notice on a joint tenancy this has the effect of bringing the whole tenancy to an end. (Greenwich LBC v McGrady 1983)
- 21.2 The Council will, having regard to all the circumstances of the case and if so requested, decide whether to grant a sole tenancy to the former joint tenant who remains in the property.
- 21.3 Factors to be considered would include responsibility for children, caring for a relative, the size of the property having regard to the household size of the applicant requesting the property, the demand for that particular property at the time etc.
- 21.4 The Family Court can decide that a joint tenancy be transferred to a sole tenancy in the name of one of partners then this transfer is not subject to this allocations policy.

## **22 DEATH OF A TENANT**

### **Succession**

- 22.1 In certain circumstances there is a statutory right of succession on the death of a tenant which are:
- a. there must not have been a previous succession.
  - b. the potential successor must have lived with the tenant for at least one year ending with the date of the tenant's death and is
    - the spouse of the tenant (or Civil Partnership partner) :
    - or
    - a member of the tenant's family which includes parent, step parent, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece.

- c. if there are two or more potential successors, and where neither or none of them is the spouse of tenant, they should agree amongst themselves which will succeed. If there is no such agreement then the Council will decide which is to succeed.
- d. if the successor is under 16 then the tenancy will be held in trust until they are 18.

22.2 In certain circumstances, following a succession as set out in 1 above, the Council may be entitled to take action to regain the property if:

- a. the property is larger than is reasonably required by the succeeding tenant. This is not statutorily defined but will be regarded as two or more unoccupied bedrooms. The Notice of Seeking Possession cannot be served until 6 months have elapsed from the death of the previous tenant but must be served before 12 months have elapsed. Note that this provision does not apply when the successor is the spouse of the deceased tenant or their Civil Partnership partner.
- b. the property is designed for or adapted for a person with a physical disability and there is no longer such a person living there.
- c. the property is part of a group of properties with special needs and a social service or special facility is provided e.g. a sheltered scheme with a warden, and there is no longer such a person living there.

22.3 Courts will only normally give possession where:

- a. it considers the request reasonable and
- b. there is suitable, alternative accommodation available.

#### **Death of a tenant where there is no legal right of succession**

22.4 Where there is no legal successor but someone is left in the property, consideration will be given to allowing that person to be given the tenancy as a discretionary letting if:

- a. that person has lived with the previous tenant for more than 10 years or
- b. will be taking on the responsibility for the previous tenant's dependants,  
and in both cases
- c. the household is eligible for the property type

22.5 Where the conditions of 4 are not met the person/s left in the property will be treated as lodger/s in possession.

22.6 Lodgers in possession will be placed in the band appropriate to their circumstances.

22.7 4 and 6 above will only apply if the lodger in possession is eligible to receive an allocation under the terms of this Allocation Policy.

22.8 The Family Court can decide that the tenancy be given to the person/s left in the property in which case the transfer is not subject to this allocations policy.

## **23 ASSIGNMENTS**

23.1 A tenancy can only be assigned in three ways

- a. to someone who would qualify as a successor.
- b. by way of mutual exchange under s91 Housing Act 1985.
- c. following an order of the court under a number of provisions concerning family law.

### **Assignment to a potential successor**

23.2 In a. above the proposed assignee would have to satisfy the criteria in s87 Housing Act 1985 as set out in 1 a – c above.

23.3 Assignments to potential successors must be by deed but this necessity may be avoided if the assignment is evidenced in writing.

23.4 The provisions under 2a above do not apply when the tenancy has been assigned.

23.5 Assignments by way of exchange are allowed under s92 Housing Act 1985.

## **24 Mutual Exchanges**

24.1 A secure tenant may assign the tenancy to another secure tenant. Both tenants need the written permission of their landlord. This permission will not be unreasonably withheld except on or more specific grounds.

24.2. The Council will reply to a request to assign by way of mutual exchange within 42 days of receiving the request and will inform the tenant of the outcome and, if permission is not given, the reason for refusal.

24.3 The Council may refuse consent on the following grounds which are set out in Schedule 3 of the Housing Act 1985. These apply to any party to the exchange.

- a. the tenant is, or will be on a specified date, obliged to give up possession following a court order.
- b. proceedings have begun for possession of the property under one or more of grounds in Part 1 Schedule 2 Housing Act 1985 which are:
  - i. rent has not been paid or a tenancy condition has been broken.

- ii. nuisance or annoyance has been caused or the property has been used for immoral or illegal purposes.
  - iii. due to the neglect of the tenant the condition of the property and /or the furniture has been allowed to deteriorate.
  - iv. the tenant obtained the tenancy by knowingly and recklessly making a false statement.
  - v. the tenant or previous tenant who was a member of their family obtained the tenancy by way of mutual exchange and a premium was paid.
- c. the outgoing tenant's property is substantially larger than the incoming tenant needs, this is regarded as two or more bedrooms unoccupied.
  - d. the outgoing tenant's property is not reasonably suitable to the needs of the incoming tenant i.e. the exchange would result in overcrowding.
  - e. the property is used mainly for purposes other than housing and was let to the tenant by Wolverhampton City Council in connection with their employment.
  - f. the property was either purpose built for, or has been adapted to make it suitable for, occupation by a physically disabled person and, if the exchange were allowed, there would be no such person living there.
  - g. the property is one of a group of properties which are let to people with special needs and a social service or special facility is provided nearby i.e. sheltered schemes.
- 24.4. While permission will not be unreasonably withheld by the Council it may impose conditions on the consent for example, clearing rent arrears, making good damage or rectifying any other breach of the tenancy agreement not covered in 15b above.
- 24.5 Whilst a request to exchange with a tenant of a property designated for a certain age group (not sheltered schemes – see 15g above) cannot lawfully be refused, the incoming tenant will be made aware of the designation and the expectations of other tenants. (see 26 for a list of designations)
- 24.6 Once the necessary permissions have been given the exchange will take place on the following Monday.
- 24.7 If a tenant feels that permission has been refused unreasonably or that a condition has been imposed unreasonably they can ask for a review of the decision. (See Reviews and Appeals below)

## **25 APPEALS AND REVIEWS**

25.1 The following procedure will be followed in relation to reviews:-

- all notifications of decisions made under this policy will include advice on the right to request a review, the timescale (21 days) within which the request must be made.
- advise applicants that the review can be in writing or in person.
- whichever method is used the review will be carried out by someone not involved in the original decision and who is of appropriate seniority.
- the review will take into account the present circumstances of the applicant not just those applicable at the time of the original decision.
- the applicant will be given five clear days notice of the date on which the appeals will be considered either orally or in writing.
- if the review is to be carried out in person, the applicant may be represented.
- the applicant will be notified, in writing, of the outcome of the review and, if the decision is to uphold the original decision, the reasons why.

25.2 If the applicant disputes the outcome of the review then they can take action to request a judicial review. This will not look at the outcome of the review but at the grounds that the Council has in some way failed to carry out some matter of administration correctly.

## **26 DESIGNATED PROPERTIES**

26.1 Particular properties, particularly certain blocks of flats, are designated for particular age groups. There should be no person under 16 years of age forming part of the applicant's household.

26.2 Any designation will be included in the advertisement for a property. If no eligible applicants bid for it then the property will be allocated to the applicant that most closely meets the criteria.

26.3 Periodic reviews of designations may be undertaken to ensure that the Council is able to react to changes in supply and demand.

26.4 The current list of designated properties is:

Adey Road 10 - 40	30+
Arthur Greenwood Court	25+
Ash Street	40+
Barley Close 1 – 28	40+
Birch Court	30+
Boydton Close 4 – 60	30+
Bracken Close 1 – 22	40+

Brantley Avenue 30+  
 Broadmeadow Green 35a – 44b 30+  
 Brockfield House 30+  
 Bromfield Court 30+  
 Campion House 30+  
 Cannock Road 7–25a,29–59c, 71-73c Preference to 50+  
 Castlecroft Road 204-206, 256-258a 30+  
 Connaught House 30+  
 Dale Street 30+  
 Dinsdale Walk 30+  
 Eversley Grove (1<sup>st</sup> floor) 40+  
 Fellows Road 14a – 14b 30+  
 Ferguson Street 18 – 60 30+  
 Field Head Place 7–11,25-30, 49-54 30+  
 First Avenue 98 – 141 30+  
 Flaxton Walk 30+  
 Frost Street 69 – 97 30+  
 Graiseley Street 30+  
 Green Lanes 111 – 127 30+  
 Gregory Court 30+  
 Griffiths Drive 336 – 384 30+  
 Grosvenor Court (Graiseley) 30+  
 Hart Road 91 – 97 30+  
 Higgs Road 14 – 28 30+  
 Highfield Court 30+  
 James Street 2 – 16 30+  
 Kinfare Drive 41 – 41a 30+  
 Langdale Drive 46 – 51 30+  
 Lawnside Green 17a,17b,18a,18b,52a,52b 30+  
 Limehurst Avenue 30+  
 Lincoln Street 30+  
 Longfield House 30+  
 Lord Street 40+  
 Lower Street 22 – 44 40+  
 Merridale Court 40+  
 Oak Street 40+  
 Princess Court (1<sup>st</sup> & 2<sup>nd</sup> Floor) 40+  
 Prestwood Road 61 – 91 30+  
 Primrose Avenue 83 – 153 30+  
 Queens Court (1<sup>st</sup> & 2<sup>nd</sup> Floor) 40+  
 Red Oak House 30+  
 Regis Road 37 – 39a 30+  
 Russell Court 30+  
 Sandy Hollow 55+  
 St Josephs Court 30+  
 St Philips Grove 30+  
 Stanley Close 9 – 20 30+  
 Townsend Road 30 – 48 30+  
 Vauxhall House 30+  
 Warstones Drive 150 - 182 30+  
 Wednesfield Road 20 – 118 30+

Weston Court 30+  
Whitmore House 30+  
William Bentley Court 30+

26.5 Additionally the following are sheltered schemes for over 60s

Albert Road  
Brantley Avenue  
Graiseley Court  
Grosvenor Court  
Hampstead Close  
Hayling Grove  
Hugh Gaitskell Court  
Johnson St  
Lincoln House  
Masefield Road  
Patshull Court  
Pond Lane  
Redcotts Close  
Shaw Road  
Swanmore close  
Tong Court  
Tremont House  
The Poynings

## 27 PROPERTY ELIGIBILITIES

- 27.1 Among the stock of Council properties in the City there are a number of types and sizes.
- 27.2 The type of property an applicant is eligible for depends on the size and make up of their household. The eligibility will always be given when a property is advertised.
- 27.3 Eligibilities will be kept under review to ensure that the Council is able to respond to changes in supply and demand.
- 27.4 **WHAT KIND OF HOME CAN I APPLY FOR?**

The type and size of home **you** will be eligible for depends on who is in your household and is determined by the Council's Allocations Policy. Your eligibility will be decided when your Homes in the City application is assessed.

### Household Categories

Please note that **all** household categories could include other people aged 16+ living with them. These members of the household may affect the size of home you can apply for, but will not change the category you are in.

**Singles** Single applicant with no children under the age of 16 living with them.

**Couples** Joint applicants with no children under the age of 16 living with them.

**Families** Single or joint applicants with children under the age of 16 living with them.

**Aged 60+** Single or joint applicants one of whom is aged 60+ and who have no children under the age of 16 living with them.

**Disability** Households with at least one person who has a disability who has been assessed as needing adapted property.

### Property types available

**Flat.** Priority for ground floor flats is given to applicants requiring one level accommodation and access without climbing stairs. Studio flats have a combined living room and bedroom

**Maisonette.** A maisonette is a flat on two levels with its own internal staircase; some maisonettes have a private garden.

**House.** Houses are reserved for applicants with children under the age of 16 living with them. Parlour houses have two living rooms downstairs.

**Bungalow.** Bungalows are reserved for applicants aged 60+ or disabled applicants assessed as needing a bungalow.

**Sheltered.** Sheltered housing is reserved for those aged 60+ or disabled applicants assessed as needing sheltered housing

**Very Sheltered.** Access to very sheltered housing is decided by a multi-agency panel and is based on assessment of support needs

**Adapted.** A home that has been adapted for use by a person with a disability. Priority is given to applicants whose needs best match the adaptations that are in the property.

### Scarce Homes

Some types of homes are in **very** short supply within Wolverhampton City Council housing stock, these are shown below:

- **5 bed house** = 29
- **6 bed house** = 16
- **4 bed bungalow** = 6 (Figures accurate as at November 2008.)

Even if you are eligible for one of these, it may be that there are none available in your preferred areas of the City.

### Bedroom eligibility guide

The size of home you can apply for depends on the number of bedrooms your household needs. Factors including medical need, social need, disability and bedroom release can also affect bedroom eligibility.

- Each single person aged 16+, or adult couple is eligible for 1 bedroom
- Children of the same sex can share a bedroom until they are 16
- Children of opposite sex can share a bedroom until they are 10

### Releasing bedrooms

Council and Housing Association tenants living in Wolverhampton are given additional priority if they are transferring to a smaller property. Their eligibility is based on the size of property they wish to move to and the level of priority they have been given.

**Current eligibilities are given below  
Singles and couples**

<b>Singles and couples</b>	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais.	3 bed mais.
eligible for 1 bedroom	✓	✓	✓		✓	
eligible for 2 bedrooms			✓		✓	
eligible for 3+ bedrooms				✓		✓

<b>Single and couples – bedroom release</b>	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais.	3 bed mais.
eligible for 1 bedroom	✓	✓				
eligible for 2 bedrooms			✓		✓	
eligible for 3+ bedrooms				✓		✓

**Families**

<b>Families</b>	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed house	2 bed parlour	3 bed house	3 bed parlour	4 bed house	4 bed parlour	5 bed house	6 bed house
eligible for 2 bedrooms	✓	✓	✓	✓	✓	✓						
eligible for 3 bedrooms		✓		✓			✓	✓				
eligible for 4 bedrooms								✓	✓	✓		
eligible for 5+ bedrooms										✓	✓	✓

<b>Families – bedroom release</b>	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓		✓		✓	✓		
eligible for 3 bedrooms		✓		✓			✓	✓

## Aged 60+

Applicant 60+	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓	✓		
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms										✓

Applicant 60+ - bedroom release	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓					✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	

## Disabled singles and couples

Disabled single applicant and couples	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓	✓		
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms				✓		✓			✓	✓

<b>Disabled single applicant and couples – bedroom release</b>	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung
eligible for 1 bedroom	✓	✓					✓		
eligible for 2 bedrooms			✓		✓			✓	
eligible for 3 bedrooms				✓		✓			✓

### Disabled families

<b>Disabled families</b>	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed bung	3 bed bung	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓	✓	✓	✓	✓	✓	✓	✓		
eligible for 3 bedrooms		✓		✓		✓			✓	✓

<b>Disabled families</b>	4 bed bung	3 bed parlour	4 bed house	4 bed parlour	5 bed house	6 bed house
eligible for 4+ bedrooms	✓	✓	✓	✓	✓	✓

<b>Disabled families – bedroom release</b>	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed bung	3 bed bung	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓		✓		✓		✓	✓		
eligible for 3 bedrooms		✓		✓		✓			✓	✓

## Disabled aged 60+

Disabled aged 60+	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms				✓		✓			✓	✓

Disabled aged 60+ - bedroom release	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓					✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	

## Allocation of two/three bedroom flats/maisonettes

Where there is a couple or parent/s with children they will be considered for these properties ahead of single applicants.