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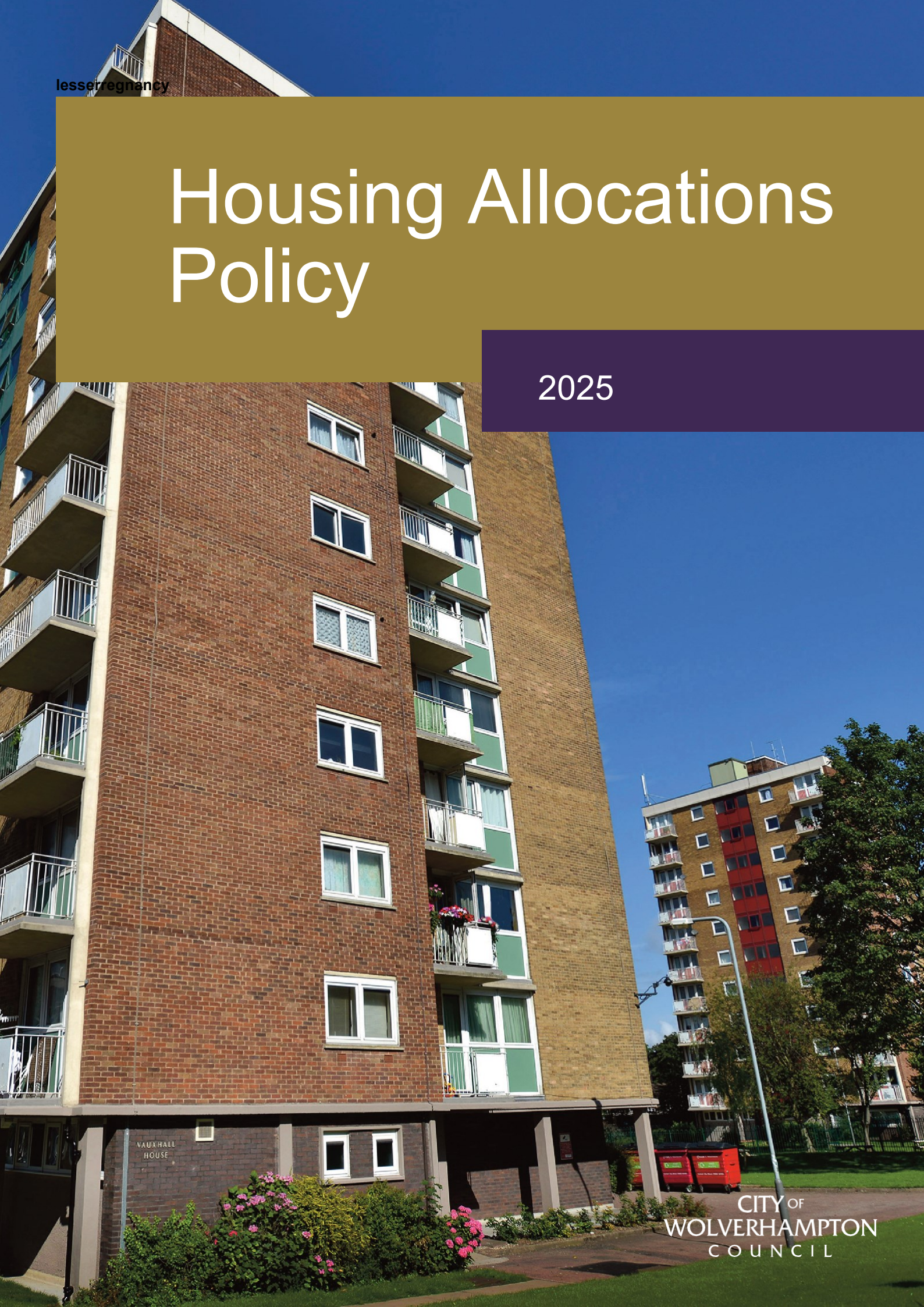
Housing Allocations Policy

2025



CITY OF WOLVERHAMPTON COUNCIL

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Part 1

1.0 Introduction

1.1 This document contains details of the scheme that the City of Wolverhampton Council uses in deciding between competing applicants for housing as required by s166A Housing Act 1996.

1.2 This Policy records, collects and takes account of individuals' needs and requirements in order to allocate housing to those that need it most.

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

1.4 This policy applies to:

- Existing tenants who want to transfer from one tenancy to another.
- New applicants.
- Nominations to Registered Providers.

1.5 At the time of writing this policy, the Council had a housing stock around 22,000 properties

1.6 The Council recognises that it alone will never meet the demand for affordable rented accommodation in the city. The Council also works to encourage applicants to explore all options for housing open to them, but it aims to make the best use of the limited vacancies which become available.

1.7 The objectives of the policy are to:

1) Ensure people in the greatest housing need have the greatest opportunity to access suitable housing that best meets their needs.
2) Make use of a range of housing options and tenures to prevent and relieve homelessness.
3) Make best use of the Council's and partner Registered Providers housing stock.
4) Manage applicants' expectations by being realistic about availability of stock, to support them in making informed choices about their housing options, and the extent to which they are able to make choices
5) Ensure that the Council's legal duties and corporate responsibilities are met and that the policy contributes to delivering the Council's priorities.

2.0 Equality and Diversity

2.1 In producing and operating this policy, we aim to ensure that Council housing is accessible to all sections of the community and provides for a diverse range of housing needs. It should be read in conjunction with the Council's Equality and Diversity Policy, the overall aims of which are to:

a) Eliminate unlawful discrimination
b) Promote equality of opportunity
c) Promote good relations between people of diverse backgrounds

in its employment policies and practices, in its services, and in its engagement with partners and with the communities of the city.

3.0 Data Protection and Freedom of Information

3.1 The Council recognises that applicants for housing provide personal and sometimes sensitive information. The Council undertakes to treat this with care and respect, and in particular it will:

a) Hold, retain, and dispose of all information in accordance with current legislation.
b) Keep personal information secure and restrict access to it.
c) Enable the applicant to have access to their own information unless it is exempt under the Freedom of Information Act 2000, and to correct any inaccuracies.

3.2 The Council's Managing Agents collate personal data primarily for the purpose of assessing applicants, in line with the Allocations Policy, for their eligibility for housing and the priority they will be awarded. Managing Agents including Wolverhampton Homes and the Tenant Management Organisations will share this personal data with the Council for the purposes of reviewing housing decisions, monitoring housing allocations, safeguarding adults and children, preventing and detecting fraud or other criminal offenses.

3.3 Further guidance on how the council uses your personal data can be found on our privacy statement which is located on our website.

3.4 Each Managing Agent will have their own Privacy Statement defining how they use the information provided. Please refer to the Managing Agents' website (or office) to access this. Here you will also find their data protection contact, which are determined by the individual Managing Agent, should you have any specific queries or concerns.

4.0 Statement on Fraud

4.1 The Council will require applicants to produce specified identification documents (including photographs) and may check the accuracy of information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

4.2 Where investigations identify that a housing fraud has been committed, we will take appropriate and proportionate action which may include the following:

a) Application for possession of any property obtained, retained or used fraudulently.

b) Recovery of any monies obtained as a result of the fraud e.g. rent paid by sub-tenants if the property is unlawfully sub-let.
c) Recovery of any financial loss to the Council including, but not limited to, emergency accommodation costs sustained by the act of denying the Council the ability to use the property to house homeless families.
d) Exclusion or, deferral from, or demotion on the waiting list for accommodation.
e) Report to the Police for criminal investigations and action, or where applicable, conduct relevant investigations as potential prosecuting authority.
f) Offer advice and assistance to other victims of the fraud, for example a person who has unknowingly paid rent to a tenant who has unlawfully sub-let their council tenancy to them.

4.3 To deter those who may be considering committing a housing fraud we will publicise details of any actions we take to counter fraud, details of cases where action has been taken and encourage members of the public to report fraud through all appropriate media and communication channels.

5.0 Legal Framework and Scope

5.1 City of Wolverhampton Council's housing stock is managed by four Managing Agents which are:

a) Wolverhampton Homes, an Arms-Lenth Management Company.
b) Dovecotes Tenants Management Organisation.
c) Bushbury Hill Estate Management Board.
d) New Park Village Tenants Management Co-Operative

5.2 All allocations will be made in accordance with this Policy and must be followed by all Managing Agents, although some local variations may be allowed. A local variation will only be allowed with the express consent of the Council in writing. Such local variations in policy will be set out in writing and will be made available on request and form appendices to this Allocation Policy. All Council properties are to be advertised via the Council's Homes in the City choice-based lettings scheme.

5.3 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. Wolverhampton's Tenancy Strategy has also been considered, which commits to the use of introductory tenancies followed by secure tenancies for Council housing across the City. The City Council and its Managing Agents also take account of Government guidance concerning allocations which are published from time to time.

5.4 In the event that new legislation or statutory guidance comes into effect, the Council will implement any required changes to its housing allocations processes from the date such legislation or statutory guidance becomes effective. The Policy will be formally updated to reflect these changes as soon as practicable thereafter.

5.5 Allocations are dealt with in the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.

a) Section 167 (1) of the Housing Act 1996 as amended requires every local housing authority to have a scheme for determining priorities, the procedure to be followed and for allocating housing accommodation.
b) b) 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.

5.6 This policy must be implemented in such a way as to ensure 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; and
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).

5.7 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

5.8 This means that everyone applying must have applied for inclusion on the register except those who are ineligible to join or who have been formally excluded. (Section 8)

6.0 Eligibility and Qualifying Criteria

6.1 Due to an increase in demand for the limited social housing stock within Wolverhampton, the Council's Housing Register is only open to those applicants that are eligible for housing. Residents that aren't eligible for housing may still approach the Council for housing advice and assistance.

6.2 When considering an application, the Council will assess if an applicant is eligible for an allocation and qualifies as being considered in housing need.

6.3 Any applicant assessed as either not eligible or does not qualify as being considered in housing need will not be granted access to the Housing Register.

6.4 All applicants will be required to provide evidence to verify both their eligibility and qualification status if requested at either the point of application or at point of allocation.

6.5 If at any time a person's eligibility or qualification circumstances change, they can be reassessed at any point.

7.0 Applicants Who Are Not eligible or Who Do Not Qualify

The following classes of applicants will not normally be eligible for an allocation:

7.1 Subject to Immigration

The Housing Act 1996, as amended by the Homelessness Act 2002, restricts certain people subject to immigration control, or with limited rights of residence or failing the habitual residence test access to the Housing Register, as well as some European nationals depending on their residency and/or employment status and on any specific exclusions, any applicant who is subject to these controls will not be eligible for an allocation. The regulations are updated by Parliament from time to time, and the Council will consider any housing application under the law as it stands when the application or allocation is made.

7.2 Incapable of Holding a Tenancy in Law

An applicant who is incapable in law of holding a legal tenancy will not be eligible to access the Housing Register, for example under 18 years of age or subject to immigration control.

The following groups of people will however be able to access the register despite otherwise being incapable of holding a tenancy in law:

- A person in the care of the Council, or a care leaver.
- A person defined as a child in need as a result of a s17 Children Act 1989 statutory assessment.
- Is owed a full statutory homeless duty following a s20 Children Act 1989 statutory assessment, or
- Has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends.

The following classes of applicants will not normally qualify for an allocation:

7.3 Applicants with No Recognised Housing Need

Applicants assessed as having no housing need, in that they do not meet any of the qualifying criteria, in any of the bands identified in Section 11 of the policy.

7.4 Applicants with No Connection to Wolverhampton

Applicants without a connection to Wolverhampton will not be eligible. Local connection is established through evidencing one of the following, that:

1) The applicant has lived in the City for the last 2 years. This does not apply to the following groups of people:

    - Refugees who were previously dispersed in Wolverhampton.
    - Members of the Gypsy and Traveller community who do not have a permanent residency.
    - Applicants who are care leavers up to the age of 25, who was cared for by a Local Authority for a total of 13 weeks or more from the age of 14, 1 day of which must have been after their 16th birthday.
    - An applicant who is required to move due to domestic abuse.
    - Eligible homeless applicants that are not subject to a referral to another Local Authority AND they meet the Housing Act local connection criteria.

2) The applicant has evidenced that they are either giving or receiving continuing care to/from a resident within the City which is evidenced by professional support e.g. hospital, social services etc. This can also be confirmed by the Council's medical advisor.

3) The applicant is in employment or has received an evidenced offer of employment within the City.

4) Any applicant with the following connection to the Armed Forces:

    - Those who are currently serving in the regular forces or who were serving in the regular forces at any time preceding their application for an allocation of social housing.
    - Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
    - Spouses or civil partners of those serving in the regular forces where the spouse or civil partner cease to be entitled to reside in Ministry of Defence (MOD) accommodation following a relationship breakdown. The Council will disregard local connection in instances of the first relocation of the spouse or civil partner from MOD accommodation providing evidence of a need to be closer to family and support networks is provided.
    - Existing or former members of the reserved forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.

7.5 Applicants with Income/Assets Above the Set Limit

Applicants with income, levels of assets, or savings that would normally enable them to access market housing within the City will not be eligible.

Income levels will be based upon an annual averagely priced home regionally. The annual level will be set at one-third of the average lower quartile housing price at the end of the previous calendar year.

A full calculation of the set income level can be access using the below link: https/www.ons.gov.uk – dataset 15

The threshold for household assets or savings will be £23,250.

This can be overridden by means of a case conference for specific cases, for example those being supported to move due to domestic violence.

7.6 Exceptional Circumstances

The City of Wolverhampton Council recognises that there may be exceptional circumstances where it is necessary to reconsider the eligibility of an applicant who would not normally qualify. The Council therefore retains the right to reconsider an individual's eligibility in extreme circumstance (e.g. a significant threat to life), subject to the agreement of a delegated Housing Officer within the Council.

8.0 Exclusions

8.1 Unacceptable Behaviour

Applicants may 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 deem them unsuitable to be a tenant of the Authority.

For the purpose of this Allocation Policy, unacceptable behaviour extends to the applicant, household members, lodgers, or visitors. It includes, but is not limited to, the making of a possession order or the use of anti-social behaviour powers given to the Council by law. Or, where the Council believes any person covered by this section has caused harassment, alarm, distress, nuisance, or inconvenience to any other person otherwise engaging in lawful behaviour in the City.

The exclusion only applies to the member(s) of the household who were participative in the unacceptable behaviour with other family members being able to make a separate application for housing.

Unacceptable behaviour also includes but is not limited to substantial rent arrears cases (not caused by factors outside the applicant's control), persistent non-payers, tenancy fraud or other tenancy breaches.

The exclusion will be for a set period of time which will be detailed in the information sent to the applicant informing them of the terms of their exclusion and may include conditions after the exclusion period which an applicant must be able to demonstrate have been fulfilled prior to the exclusion ending.

Persons subject to the criteria set out above cannot be granted a sole tenancy or participate in a joint tenancy.

Following the exclusion ending an applicant must submit a new housing application to re-join the Housing Register.

8.2 Refusal of Offers

Applicants who have refused 2 suitable offers of housing will be suspended from the Housing Register for a 6-month period, after which time their original application will be reinstated.

8.3 Welfare and Safety Exclusions

An applicant may be excluded from being allocated a specific property type or from being housed in a specific area of the City, if it is determined that to house them in such a property or area would be of significant risk to themselves or others. All welfare and safety exclusions must be agreed by an agreed delegated Housing Officer.

8.4 Notification of Decisions and Right to Appeal

In the circumstance of an applicant being deemed ineligible, excluded or not considered to be in housing need they are entitled to request a review. 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.

Applicants will be advised of all decisions in writing along with the reasons for the decision being taken. Applicants will also be advised of their right of review a decision taken if applicable.

Should an applicant wish to exercise their right for a review to be undertaken, they should usually request this review within 21 days of service of the decision. Later requests for a review may be considered if the applicant can demonstrate a genuine and reasonable reason for the delay in requesting the review.

Any request for a review can be made in writing or verbally.

8.5 Procedure on Review

The following procedure will be followed in relation to reviews:

- All communications concerning a decision made under this policy should provide information about the right to request a review.

- A review can be undertaken in writing or verbally in person and must usually be heard within 56 days of the request for a review. (In the case of access to the Housing Register this right to review will be conducted solely as a paper based exercise).
- 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.

9.0 16 and 17 Year Olds

9.1 16 and 17 year olds will not normally qualify for an allocation until reaching the age of 18.

9.2 However, if appropriate, the application for re-housing before the age of 18 can be referred to Wolverhampton Young Person's Accommodation Gateway.

9.3 The criteria for this to happen are:

- must be single with no dependents; and
- in need of support to live independently.

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.

9.4 Having assessed the case, Wolverhampton Young Person's Accommodation Gateway will then make a recommendation as to appropriate accommodation and / or support. This may, or may not, involve a Council tenancy.

9.5 16 and 17 year olds with dependents who make an approach for housing will initially be referred to Children's Services for support.

9.6 Any 16 and17 year olds being granted a Council tenancy will be required to have a trustee.

10.0 Application Process

10.1 Applications will normally only be accepted via the Homes in the City website or by phone. It is the responsibility of the applicant to answer all questions on the housing application truthfully. Failure to answer questions truthfully could be considered fraud. The application must also set out in full all persons who will be residing with them at any property allocated under this policy. Incomplete applications will not be made live until

the Council is satisfied that it has all of the information it requires to complete its assessment.

10.2 The Council may request supporting information from applicants in order to assess an applicant's eligibility or housing need before their application is made live. It is the responsibility of the applicant to provide the Council with any supporting information or documents as requested. Applications will not be made live until any information requested has been provided and assessed.

10.3 In order to assist applicants to explore housing options, receive financial guidance on sustaining a tenancy and understand the rights and responsibilities of being a tenant applicant may be asked to complete a pre-tenancy exercise before their application is made live. Applications may not be made live until applicants have completed the exercises.

10.4 An initial assessment will be undertaken based on the information provided on the application and any further information requested when this has been submitted. All applicants will be required to provide evidence to verify both their eligibility and qualification status at the point of application and again at point of allocation. Prior to any offer of accommodation evidence must be provided of all circumstances and residency details on the application at that time.

10.5 Joint applications will be accepted providing that each partner is eligible in their own right to access the housing register. Joint applications will be accepted from married or cohabiting couples including same sex couples or applicants not in a relationship who are looking to be considered for a 2 or 3 bedroom flat or maisonette.

10.6 Extended household members or others, which covers anyone except parents with children living with them on a full-time basis (see section 28) for those who have access to children, will not normally be included on the application in their own right unless there is parental responsibility or there are medical or social grounds which require that the household needs to live together. Applicants must be able to demonstrate such a need exists and must provide supporting information requested by the Council to assist with this purpose. These checks will also be carried out at the time of allocation to ensure that an applicant's circumstances have not changed.

10.7 Support can be provided to complete the application form if requested; see section 23.

10.8 As a result of this assessment or an applicant's inaction, applications may be:

a) Made live on to the Housing Register.
b) Excluded from the Housing Register.
c) Remain pending until supporting information has been provided.
d) Have their applications closed.

10.9 If further information has been requested from an applicant and has not been provided with 6 months the application will not be made live, and the applicant will need to make a new application if they wish to be rehoused through Homes in the City. All applicants

should note that in such cases the registration date of any future application will not be backdated to the earlier application date.

10.10 If an applicant is rehoused through this policy the application used to house them will be permanently closed at the point they sign the new tenancy. If the tenant, then wishes to be rehoused from the new address via Homes in the City they will need to submit a new application.

10.11 Duplicate applications will not be accepted if an applicant currently has a live application or an application that has been closed within the last 6 months (not through exclusion or being rehoused through this policy). The new application will be treated as a request to update their old application with a change of circumstances and the older application updated.

Part 2

11.0 Prioritisation of Applicants

11.1 Applicants' circumstances are assessed and placed in one of five bands for allocation purposes, with the Emergency + Band having the highest housing priority and band 3 having the lowest priority. Applicants with lesser preference will have their application suspended until the affected criteria has been resolved, please see paragraph 11.5 for more detail.

11.2 Where an applicant has two or more needs within a band they will be considered ahead of applicants with fewer needs in that band.

11.3 These bands are displayed in Table 1.

11.4 Any criterion relating to a rightsizing category refers to the different levels of overcrowding and under occupation, a full breakdown of the rightsizing categories can be seen in Table 2.

Table 1 – Housing Need Banding

Emergency +
Applicants who are homeless and are owed the main duty including when they have become homeless, or the Relief Duty has come to an end AND they have been assessed as being in priority need and unintentionally homeless; plus o A substantially adapted or purpose-built property is required. This category includes those applicants covered by regulations which apply to members and former members of the Armed Forces and having particular regard for those injured or disabled in action. o Armed Forces personnel with families upon the provision of a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation o For children leaving care who were under the care of CWC up to the age of 25
There has been a Multi-Agency Panel review and immediate rehousing is required. Immediate rehousing need is when there is a significant threat to life.

Emergency
Applicants who are homeless and are owed the main duty including when they have become homeless, or the Relief Duty has come to an end, and they have been assessed as being in priority need and unintentionally homeless;
There has been a Multi-Agency Panel review and urgent rehousing is required. Urgent rehousing need is all urgent situations but there is no threat to life.
A substantially adapted or purpose-built property is required. This category includes those applicants covered by regulations which apply to members and former members of the Armed Forces and having particular regard for those injured or disabled in action. o An appointed Occupational Therapist has decided the applicant's property is unsuitable for the applicant or a dependent member of the households needs. Or where adaptations would cost in excess of £15,000 o cannot be carried out due to the construction of the property o deemed to be prevented from leaving hospital without suitable accommodation.
A substantially adapted (£15,000 or more in value, through floor lift substantially adapted bathroom etc) or purpose-built property is being freed;
Existing Council tenants and/or any non-dependent members of the household wishing to live independently of the tenant (split households) required to vacate their property due to extensive estate/property redevelopment.
Category A rightsizing (see table 2, rightsizing categories)
Band 1
There is an urgent need to move on medical or social grounds (see section 14, Medical Grounds);
Applicants who are young people leaving care located within City of Wolverhampton.
Foster Carers and those approved to adopt who require a larger property.
Applicants who are homeless and are owed the Relief Duty and would be owed or likely to be owed the Main duty when the relief duty came to an end, because they are or are likely to be in priority need and unintentionally homeless;
The applicant is freeing a placement in a specialist housing scheme, or subject to a single referral forum decision, and has been assessed as ready to move on;
A tenant of City of Wolverhampton Council or a Partner Registered Provider wishes to leave a house and move to a flat, maisonette or bungalow;
The applicant's home is subject to a Compulsory Purchase Order/Closing 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.
Armed Forces personnel with families upon the provision of a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation
Where a Council service tenants occupying tied accommodation whose contract states that accommodation must be occupied, and their employment is terminated, the service tenant retires or tied accommodation is no longer available. This will not apply to Employees leaving as a result of dismissal.
Category B rightsizing (see table 2, rightsizing categories)
Band 2
The applicant is freeing a placement in a supported housing scheme e.g. hostel / foyer etc. as they have been assessed as ready to move on;
Applicants who are threatened with homelessness and are owed the Prevention Duty and would be likely to be owed the Main duty if both the Prevention Duty and any Relief Duty that followed

on were to end unsuccessfully and they would be, or would likely to be, found to be in priority need and unintentionally homeless;
A family, or pensioner is sharing or lacking a kitchen, bathroom or toilet. Does not apply to owner occupiers or tenants, excluding those living in a House in Multiple Occupation (HMO).
There is a significant need to move on medical or social grounds (see section 14, Medical Grounds)
Category C rightsizing (see table 2, rightsizing categories)
Band 3
There is a need to move on medical or social grounds, but which is less than that required for Bands 1 and 2 (see section 14, Medical Grounds);
Applicants owed a Prevention duty, or Relief duty for as long as that duty is owed but would not be or are unlikely to be owed the Main Duty when any relief duty came to an end and intentionally homeless.
Any applicant owed the Prevention, Relief or Main duty and are or are likely to be in priority need and unintentionally homeless but are refusing to cooperate on task(s) specified within their personal housing plan. A review of this can be requested.
An individual living in Supported/Specialist housing but is not yet ready to move on.
The applicant is a tenant of CWC or RP who has children under 12 years of age but does not have access to a private garden. This does not apply for a like to like property.
Any applicant who needs to move due to domestic abuse
Applicants who are care leavers from outside the area and are under the age of 25.

Table 2 – Rightsizing Matrix

Category	Criteria
Category A – Emergency Band	○ Short of 3 or more bedrooms. ○ Short of 2 or more bedrooms whilst living in a 1-bedroom property ○ Wolverhampton City Council or Registered Provider tenant releasing two or more bedrooms;
Category B – Band 1	○ Short of 2 bedrooms. ○ Children of opposite sex sharing a bedroom over the age of 10 (where there are three or more children, those of the same sex will be expected to share a bedroom) ○ Short of 1 bedroom whilst living in a 1-bedroom property
Category C – Band 2	○ Short of 1 bedroom. ○ City of Wolverhampton Council or Registered Provider tenant releasing one bedroom.

11.5 Lesser Preference

Applicants who meet one or more of the following criteria will be given lesser preference. This means their application will be suspended until the affected criteria has

been resolved or a repayment plan has been adhered to for at least 3 months and continuously thereafter prior to an offer being made.

- anyone who owes debts of more than £400 to a Council or Registered Provider or more than £600 where Universal Credit is a contributing factor.
- 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 who have been involved in unacceptable behaviour such as persistent non-payers, applicant or member of his or her household involved in anti-social behaviour but not serious enough to be excluded from the housing register.

In relation to anyone who applies and owes a debt to a Council or Registered Provider the allocation of alternative accommodation will be dependent on:

- the applicant making continuous agreed payments from the date payment arrangement was made until either the offer date or the debt being clear to show commitment to the repayment plan
- the applicant will be subject to a full income and expenditure exercise by/on behalf of their managing agent where a repayment plan will be agreed with the tenant; and
- the debt owed at the current property being transferred to the new tenancy and any agreement to discharge the remaining debt will become a condition of the new tenancy;

Lesser preference does not apply to:

- Applicants in the Emergency Plus or Emergency bands (excluding lodgers in possession)
- Current Council or Registered Provider tenants who are requesting a transfer to a smaller, more affordable property due to the financial hardships making their rent unaffordable and there is no possession order;
- Eligible homeless applicants that are not subject to a referral to another Local Authority AND they meet the Housing Act local connection criteria.
- When an applicant is being supported as they need to move due to domestic violence or those who qualify for Band 1 Social Grounds.

12.0 Change of Circumstances

12.1 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. It is the responsibility of the applicant to inform the Council of the changes.

12.2 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. It will only be applied where Wolverhampton is the only place where such needs can be met.

12.3 It is the responsibility of the applicant to update their application should there be a change of circumstance.

13.0 Band Date

13.1 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.

14.0 Medical Grounds

14.1 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 social grounds.

14.2 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.

14.3 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 or refer the case to the medical panel.

14.4 The applicant should provide their own medical evidence if appropriate which will be sent to the independent advisor or considered by the medical panel to assist with the assessment.

14.5 The applicant will be required to complete a medical referral form that may be submitted to the independent advisor. If it is decided 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 the property type.

14.6 The medical panel can review the decision made by the independent medical advisor.

14.7 Where two or more members of a household would qualify for medical priority and the levels of priority are different, the highest will apply.

Note: Where a particular circumstance, or set of circumstances, has been taken into account when awarding medical priority, that same circumstance, or set of circumstances, will not be taken into account in any request for social priority or vice versa.

15.0 Social Grounds

15.1 Social grounds are factors affecting a person's situation where a move would help in resolving that particular circumstance. Social need awards will be reviewed after 3 months or on refusal of a suitable offer of accommodation.

15.2 **Circumstances Applicable to a Band 1 Award**

- A move is necessary to enable a disabled/mentally ill/elderly person and carer to be close in order to prevent immediate admission to hospital or a home where

essential support is given. Will only apply where the 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/hate crime incident results in court action and the applicant needs to move away from an area.
- Life threatening violence or the likelihood of it.
- Children 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 has confirmation that the applicant is engaging with supporting agencies.

15.3 **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/hate crime 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.
- Couples/Families/Single people in financial hardship actively looking to downsize from larger accommodation to smaller accommodation and circumstances currently assessed as band 2.
- Applicant is a current or former member of the armed forces, injured serviceman or woman, bereaved spouse or civil partner or existing or former member of the reserved forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service (families).

15.4 **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.
- Couples/Families/Single people in financial hardship actively looking to downsize from larger accommodation to smaller accommodation and circumstances currently assessed as band 3.
- Applicant is a current or former member of the armed forces, injured serviceman or woman, bereaved spouse or civil partner or existing or former member of the reserved forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service (singles).

Note: Where a particular circumstance, or set of circumstances, has been taken into account when awarding social priority, that same circumstance, or set of circumstances, will not be taken into account in any request for medical priority or vice versa.

16.0 Lettings Variations

16.1 Lower Bands

To ensure that applicants in Bands 1, 2 and Band 3 have an opportunity to receive an offer of accommodation; preference will be given to applicants from these bands as follows:

- 5% of all lettings to Band 1.
- 5% of all lettings to Band 2 and 3.

Properties will be selected randomly by an automated process and will be of any property type in any area.

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 section 19.1.

16.2 Making Best Use of Stock

To make best use of the housing stock and to support CWC and Registered Provider (RP) tenants to move from a house, 50% of all suitable bungalows, flats and maisonettes will be given to those tenants. If the property has adaptations applicants will be considered ahead of house release.

To address under occupancy and overcrowding houses that are released by a CWC tenant moving to a Council or RP bungalow, flat or maisonette or a lodger left in possession of a house the property will be advertised with preference to an applicant who is short of bedrooms in their present council or RP home.

16.3 Flats Let to Children's Services

The Council has agreed a supply of flats and studios are made available to Children's Services to assist in the move-on and housing of young people in care and care leavers. Should the current occupant of one of the flats ask to remain in the property instead of moving on at the end of the six months licence they will be allowed to do so.

Part 3

17.0 Bidding

17.1 Properties that are available or about to become available for letting are normally advertised on a weekly basis from 6pm on Tuesdays until 10a.m. on the following Monday. This is known as the bidding period. Adverts can be seen on our website www.homesinthecity.org.uk, Civic Centre and other Housing Offices in Wolverhampton.

17.2 Applicants are invited to express an interest (known as bidding) on up to 3 properties which they are eligible for during the bidding period. 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.

17.3 Bids can be made via the website via a valid Homes in the City account

17.4 Applicants will need to have an active email address to register on Homes in the City in order for bids to be placed.

18.0 Managing the Housing Register

18.1 Applicants with a housing need will be expected to bid on a regular basis, however applicants should only bid on properties they would be willing to accept. Applicants who are not actively looking for accommodation and have not expressed an interest or bid for a property for 6 months will be deferred. This means that the applicant is unable to bid for any further homes until contact has been made with the Council.

18.2 The applicant's application is deferred at the time communication sent explaining the expectations of the applicant and giving contact details should the applicant require any assistance or advice and remains deferred, until contact is made, and the application is reviewed.

18.3 Applications may also be deferred, closed or cancelled in the following circumstances, to ensure that applicant details are kept as up to date as possible:

- We are informed that they are no longer living at the registered address.
- We have reason to believe that an applicant's needs are not recorded correctly.
- We have reason to believe that an applicant has made a fraudulent application or provided incorrect information to increase priority.
- The applicant accepts a home; this could be prior to or following an accompanied viewing.
- Undeclared debts/tenancy issues are found i.e. if applicant has not indicated on application that debts are outstanding or has not kept to agreed payment arrangement.

18.4 Applications may only be re-activated following contact from the applicant and satisfactory investigations have taken place.

18.5 Applicants will be required to re-register annually on the anniversary of joining Homes in the City and to advise the Council of any changes in their circumstances or contact details. Failure to reply to the re-registration communication will result in an applicant being removed from the Housing Register.

18.6 Under normal circumstances if an applicant fails to re-register or requests their deferment to be lifted after a 6-month period, they will be required to make a new application however, a review of this can be requested.

19.0 Selection of Offers

19.1 In the majority of cases properties will be advertised open to all those eligible for the property type and size, except those properties selected to be let with a lettings variation as highlighted in section 16.

19.2 When the bidding period comes to an end a shortlist is produced of all eligible applicants. Contact will be made with the applicant who is in the highest priority band, with the greatest number of housing needs that placed them in that band, who has had that level of housing need the longest and is eligible for that property. The applicant will be contacted to request that they supply evidence of their housing circumstances, their identity and the identity of those moving with them.

19.3 If the applicant fails to provide this evidence within a reasonable amount of time the applicant will be by-passed, and contact will be made with the next applicant on the shortlist.

19.4 Prior to an offer being made the applicant will be subject to an affordability assessment by the managing agent. Where there are affordability concerns the applicant will be referred to a money management service for advice and support on how they will financially sustain a tenancy.

19.5 In exceptional circumstances, following a case conference, the Council and its managing agents reserve the right to withhold (subject to further clarification) or cancel an offer. Circumstances where this could occur include but are not limited to:

- Where there are concerns that the allocation of the property is a risk to the applicant and members of their household or others on management grounds, such as severe antisocial behaviour or where a perpetrator of domestic violence, hate crime or other offences would be rehoused close to previous victims or health and safety grounds.
- Where there is evidence from a medical or social work professional that the property bid for would not meet the applicant's particular needs.
- Where in order to live independently the applicant will require a package of support that has not been confirmed at the point of the bid being placed; or
- Where the Council believes that information provided at the application or allocation stage is false or misleading.

19.6 Where such a situation arises, the applicant will be advised of the offer being withheld/cancelled and informed why this decision has been made and the process should they wish to appeal.

19.7 Many factors affect which applicant is top of the shortlist for each home (detailed in Section 16 - Lettings Variations). In the event of a property being advertised with multiple preferences shortlists will be produced combining all of the preferences. If no applicant matches all of the preferences the property will be allocated as highlighted in 19.1.

20.0 Difficult to Let Properties

20.1 A property will be considered difficult to let if:

- There are no bids received when the property is advertised.
- The property is not let despite bids being made after the shortlist is exhausted due to refusals, withheld offers or withdrawn offers.

20.2 The property will be advertised as an immediate available property and let on a first-come first-served bases. The applicant needs to be eligible for the property type and evidence provided as outlined in Section 19, Selection of Offers.

21.0 Statement of Choice

21.1 Applicants owed a homeless duty will have their applications regularly reviewed to ensure they are bidding on suitable properties or to identify any barriers i.e. where they require an adapted property or large property. Being owed a homeless duty relates to those accepted by The City of Wolverhampton Council as statutorily homeless and owed a duty to house under sections 193 (2) or 189B of Housing Act 1996; or have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996).

21.2 Where this is the case, the Council retains the right to make direct bids on behalf of homeless applicants to help resolve their homelessness into suitable accommodation. This may include removing existing bids placed by applicants and replacing with more appropriate bids to provide a better chance of being rehoused.

21.3 The Council reserves the right to extend this provision to existing Council tenants housed within extensive redevelopment sites in order to reduce the risk of homelessness.

21.4 In both instances, the provision above will only be utilised after a suitable period of unsuccessful applicant bidding. The period of which will be determined by the individual circumstances of the application.

21.5 The Council will try to meet preferences around location, which will be assisted by the ability to make offers within the private rented sector and registered provider stock, however due to the availability of stock that meets a household's needs at any given time, the Council will retain the right to make an offer of accommodation where this becomes available in any area of Wolverhampton that the Council or one of its managing agents has assessed as suitable and safe for the applicant to live in.

21.6 The Council recognises that council accommodation is just one option to resolving a customer's housing need therefore the council may also organise for a direct offer of private rented or housing association accommodation to be made to resolve an applicant's housing need. This is undertaken in line with the City Council's Homeless Strategy.

21.7 The Council will have due regard to where an applicant cannot live in certain areas due to fear of violence, harassment, domestic abuse or similar circumstance.

21.8 Applicants (except those owed a homelessness duty, please see below) who have refused 2 suitable offers of housing will be suspended from the housing register for a 6-month period, after which time their original application will be reinstated. will be advised of this in writing and can request a review of this decision. An applicant's housing application can be reviewed following a refusal of a property.

21.9 Applicants owed a homeless duty will be made one offer of suitable accommodation. If refused this will end the statutory homelessness duty, meaning the removal of a statutory reasonable preference need award. This applies to those households accepted as statutorily homeless and owed a duty to house. Applicants will then be assessed against their remaining housing need and placed in the appropriate Band. Where the applicant has no other reason to be awarded a priority, they will be placed in Band 3. Applicants will have a right to request a review of this decision.

22.0 Feedback

22.1 Applicants will be able to see the outcome of each letting including the number of people to have expressed an interest, and the band priority and the date of application of the successful applicant. This information is available on the Homes in the City website and at Housing Offices.

23.0 Support in the Application and Allocations Process

23.1 It is recognised that some applicants may require help with completing the Homes in the City application form and bidding for properties.

23.2 Support is available to applicants applying for homes through Homes in the City, this includes:

- Support to complete application form if the applicant has no other way of making an application.
- Support to understand the applicants banding and the type of property they are eligible for.
- Bids can be placed on behalf of the customer based on their requests if they have no other way of placing bids.
- Support, and reasonable adjustments will be made for applicants for housing who are disabled.
- Referral to the appropriate local agency or support worker to enable supporting documentation to be provided.
- Access to accredited translation and interpretation services.

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

- 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, sight, physical or mental health impairment etc.
- From a request from the applicant directly
- Request from a support worker – where a support worker specifically requests additional assistance for one of their clients

23.4 The extent of additional assistance will be tailored to meet the needs of the individual applicant.

24.0 Direct Allocations

A direct allocation allows the Council, at its absolute discretion, to allocate a suitable property directly to an applicant. A direct offer is not guaranteed and will be dependent on the facts of each individual case. The circumstances where the Council may directly allocate properties includes:

- In the event of a wide scale City emergency (in such circumstances, it may be necessary to suspend the advertising of available properties).

- Applicants owed the Full Homeless Duty but have not successfully secured permanent accommodation through the bidding process or have not actively bid for accommodation, after 56 days, such applicants may receive a 'final' direct offer for a property that is considered suitable for an applicant's needs and the Council will discharge the homeless duty.

- Existing Council tenants whose homes are subject to major development or regeneration that requires the Council to obtain vacant possession, or where occupants need to be decanted for reasons of safety or where their homes are not fit for occupation, so that works can take place and to reduce the risk of homelessness. For existing Council tenants whose homes are subject to major development or regeneration, the Council reserves discretion to make one suitable and final offer of a direct allocation, which will only be utilised after a suitable period of unsuccessful applicant bidding, and where a suitable alternative accommodation has been refused as part of the bidding process. Where tenants refuse the offer of suitable alternative accommodation, the Council reserves the right to issue notice to seek possession of the property to enable the development or regeneration scheme to progress to completion.

- When an applicant needs a property with substantial adaptations that cannot be met by the current available stock, this applies only to homes that are purpose-built or substantially adapted.

Part 4

25.0 Introductory Tenancies

25.1 The City of Wolverhampton Council operates introductory tenancies.

25.2 All new tenants of the Council will be introductory tenants for the first twelve months of their tenancy. This will not apply to current transferring Council tenants or to new tenants whose preceding tenancy was that they were secure tenants of another authority or an assured tenant of a Registered Providers.

25.3 A tenancy will remain introductory however if proceedings for possession have been started but not yet resolved.

25.4 The rights of introductory tenants differ from those of secure tenants.

25.5 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.

25.6 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.

25.7 Where action is taken to end an introductory 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.

25.8 Introductory tenancies can be extended up to 18 months.

26.0 Registered Provider Nominations

26.1 Registered Providers (RPs) previously known as Registered Social Landlords (RSLs) and Housing Associations, are non-profit making organisations providing homes for people in housing need.

26.2 City of Wolverhampton Council has nomination agreements with RPs 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. A copy of the nomination agreement is available upon request.

26.3 All properties put forward from the RPs for a nomination will be advertised in the same way as council properties so that applicants are offered the widest choice of accommodation available. The advert will distinguish that it is an RP property and display the name the relevant RP.

26.4 The nomination will be made within the Allocation Policy and the household make/family size up as set out by the RP. Occasionally, in certain circumstances, (as

outlined in Section 24) a RP property may be considered for direct nomination by the Council to an applicant on the housing register.

26.5 Nominations will only be made where an applicant would be eligible to receive an offer of accommodation as set out in section 3.

26.6 Once an applicant is nominated, they will not be considered for other offers until such time as the RP has advised the Council of the outcome of the nomination.26

27.0 Relationship Breakdown

27.1 Relationships for the purpose of this policy are defined as marriages, civil partnerships and established common law partnerships i.e. 12 months plus.

27.2 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 able to bid on other properties subject to the banding under Section 11.

27.3 If the breakdown is a result of domestic abuse, it may be more appropriate to rehouse the parent and child/ren away from the matrimonial home.

27.4 If 27.3 above applies and the former partner is left in occupation as a tenant, then action under grounds 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.

27.5 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.

27.6 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 27.5 above.

27.7 The Domestic Abuse Act 2021 states that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

28.0 Referrals for Minors

28.1 Where Wolverhampton’s Children’s 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 in line with statutory requirements.

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

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

29.0 Access to Children

29.1 Children will only be considered part of the applicant's household if both of the following apply:

- The child lives with the applicant as their main residence, and
- The applicant is financially responsible for them, as evidenced by receipt of Child Benefit.

29.2 Applicants must provide proof of Child Benefit, which will include the child's name, the applicant's name, and current address, along with the child's birth certificate.

29.3 Children whose main residence is with another parent or carer will not be treated as permanent members of the applicant's household, even if the applicant has access rights or a joint residence order.

29.4 A person's main residence is the property where they normally live and which is their home. For children, this is the address where they spend the majority of their time and are registered for key services such as education or healthcare. In cases of shared care, the Council may consider additional evidence such as court orders, Child Benefit, or school registration to determine the child's main residence.

30.0 Sundry Factors Affecting Allocations

30.1 **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.

30.2 **Declaration of Interest**

Applicants that work for Wolverhampton Homes, Dovecotes Tenants Management organisation, Bushbury Hill EMB, and New Park Village TMC 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 Director of Housing at CWC for approval.

30.3 **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 are 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.
c) Tenants being out of their home where the works have resulted in the decant period of more than 6 months and the household meets the eligibility criteria for the property, can be offered the choice to stay or return to their original property.

31.0 Local Lettings Plans

31.1 Legal Framework

Section 166A(6)(B) of the Housing Act 1996 enables the Allocation Policy to contain provision to allocate particular housing accommodation to persons of a particular description, whether or not they fall within the reasonable preference categories through a Local Lettings Plan (LLP).

31.2 Purpose of a Local Lettings Plan

An LLP is a key tool for Local Authorities and partners to address circumstances where there is a strong evidence base that letting properties through the main Allocations Policy will compromise community sustainability.

An LLP cannot ever place any tenant into financial hardship or change or affect the following criteria as set out in the full Allocations Policy:

- Eligibility
- Exclusions
- Prioritisation of applicants

31.3 Length and Review

LLPs will be approved for a maximum of 3 years.

The LLP must be reviewed annually by the proposing managing agent in order to reassess the continuing impact and relevance. A copy of the annual review outcomes of the LLP must be provided to CWC for consideration.

31.4 Content

The use of LLP 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.

The managing agent would need to demonstrate to the Council the need for such a policy giving:

- A clear definition of the objective(s) to be achieved, backed up by a clear evidence base.

- The numbers/types of properties affected.
- An Equalities Impact Assessment.
- Clear methodology on how the scheme will be monitored, reviewed and reported on.
- Evidence of consultation with the local community and any other affected persons or organisations such as Tenants Groups, RPs, 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; and
- A clear exit strategy should the LLP not achieve its objectives.

31.5 Approval Process

All requests to implement an LLP must receive Council approval by way of an Individual Executive Decision Notice after being presented at both the Managing Agent's and CWC's relevant leadership meetings.

Copies of any LLP are available on the City of Wolverhampton Council website.

32.0 Joint Tenancies

32.1 Granting of Joint Tenancy

Joint tenancies will normally be granted to married couples (including Civil Partnerships) or couples living together as common law partners and where it can be shown that they have done so for 12 months or more.

Joint tenancies can be granted to applicants not in a relationship for 2 or 3 bedroom flats or maisonettes.

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.

If a tenant has succeeded to a tenancy a joint tenant cannot be added.

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.

32.2 Ending a Joint Tenancy

When one party gives notice on a joint tenancy this has the effect of bringing the whole tenancy to an end.

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.

Factors to be considered include responsibility for children, caring for a relative, the size of the property in relation to the applicant's household size, and the current demand for that particular property.

The Family Court can decide that a joint tenancy is to be transferred to a sole tenancy in the name of one of partners. in which case the transfer is not subject to this Allocations Policy.

33.0 Death of a Tenant Where There Is No Legal Right of Succession

33.1 Where there is no legal successor, but someone is left in the property, consideration will be given to allow that person to be given the tenancy 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

c) The household is eligible for the property type, (for households eligible for a house under occupation by 1 bedroom is permitted)

AND

d) The applicant would be entitled to re-housing under Homelessness Legislation, and the applicant has lived in the City for at least 2 years.

33.2 Where the conditions of 34.1 are not met the person/s left in the property will be treated as possession use and occupation account.

33.3 Lodgers in possession will be placed in the band according to the property type they are residing in i.e. if releasing a house band 1 and the application will be registered to the date of the start of last tenancy.

33.4 33.2 and 33.3 above will only apply if the lodger in possession is eligible to receive an allocation under the terms of this Allocation Policy.

34.5 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.

34.0 Assignments

34.1 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; or

c) Following an order of the court under a number of provisions concerning family law.

35.0 Assignment to a Potential Successor

35.1 In 35.1 a) above the proposed assignee would have to satisfy the criteria in s87 Housing Act 1985.

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

35.3 The provisions under 35.1 a) above do not apply when the tenancy has been assigned.

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

36.0 Mutal Exchanges

36.1 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 one or more specific grounds.

36.2 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.

36.3 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; or
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.
VI. The outgoing tenant’s property is substantially larger than the incoming tenant needs, this is regarded as two or more bedrooms unoccupied.
VII. The outgoing tenant’s property is not reasonably suitable to the needs of the incoming tenant i.e. the exchange would result in overcrowding.

VIII. 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.

IX. 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. OR

X. 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.

36.4 As stated in 36.1 above 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 36.3b above.

36.5 Permission will not be unreasonably withheld for a Council or RP tenant who has accrued rent arrears if their proposed move is due to the financial hardships of Welfare Reform making their rent unaffordable. Tenants must:

a) Be exchanging their property for smaller, more affordable accommodation.
b) Have reduced the debt over a 3-month period and have a signed repayment plan. Council tenants must meet certain criteria:

I. The debt owed at the current property will be transferred to the new tenancy and any agreement to discharge the remaining debt will become a condition of the new tenancy.

II. Will be subject to a full income and expenditure exercise by/on behalf of their managing agent where a repayment plan will be agreed with the tenant.

36.6 Whilst a request to exchange with a tenant of a property designated for a certain age group cannot lawfully be refused, the ingoing tenant will made aware of the designation and the expectations of other tenants. (See Section 36)

36.7 Once the necessary permissions have been given the exchange will take place on the following Monday.

36.8 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)

Part 5

37.0 Designated Properties

37.1 Particular blocks of flats are designated for older households as set out within the ‘Designated Properties Local Lettings Plan’, which is an addendum to the Allocations Policy. The Local Lettings Plan contains the detail on the properties that are age designated, eligibility and the process for selection of offers on these properties.

37.2 Periodic reviews of designations may be undertaken. This can result in changes being made to the local lettings plan to ensure that age designations are fit for purpose and meet their original aim as well as allowing the Council to react to changes in supply and demand.

37.3 For further detail please refer to the 'Designated Properties Local Lettings Plan'.

38.0 Property Eligibilities

38.1 The following table provides a breakdown of what household types are eligible for the different property types:

Property Type	Household Criteria
Studio Flat, General Needs	○ Single person ○ Couple
1 Bedroom Bungalow, General Needs	○ Single person over 60 ○ Couple over 60 ○ Single person or couple assessed as requiring a bungalow due to disabilities
1 Bedroom Flat, General Needs	○ Single person ○ Couple
2 Bedroom Bungalow, General Needs	○ 2 adults over 60 that require a bedroom each ○ Couple over 60 ○ Couple over 60 moving with one adult ○ Single person over 60 ○ Single person over 60 moving with 1 adult ○ Single person, couple or family assessed as requiring a bungalow due to disabilities
2 Bedroom Flat, General Needs	○ 2 adults that require a bedroom each ○ Couple ○ Couple moving with one adult ○ Family that requires a minimum of 2 bedrooms ○ Single person ○ Single person moving with 1 adult
2 Bedroom House, General Needs	○ Family that requires a minimum of 2 bedrooms
2 Bedroom Maisonette, General Needs	○ 2 adults that require a bedroom each ○ Couple ○ Couple moving with one adult ○ Family that requires a minimum of 2 bedrooms ○ Single person ○ Single person moving with 1 adult
2 Bedroom Parlour House, General Needs	○ Family that requires a minimum of 2 bedrooms
3 Bedroom Bungalow, General Needs	○ Couple over 60 moving with 2 adults ○ Single person over 60 moving with 2 adults ○ Single person, couple or family assessed as requiring a 3-bedroom bungalow due to disabilities

3 Bedroom Flat, General Needs	○ Couple moving with 2 adults ○ Family that requires a minimum of 2 bedrooms ○ Family that requires a minimum of 3 bedrooms ○ Family with an adult requiring a minimum of 3 bedrooms ○ Single person moving with 2 adults
3 Bedroom House, General Needs	○ Family that requires a minimum of 3 bedrooms ○ Family with an adult requiring a minimum of 3 bedrooms
3 Bedroom Maisonette General Needs	○ Couple moving with 2 adults ○ Family that requires a minimum of 2 bedrooms ○ Family that requires a minimum of 3 bedrooms ○ Family with an adult requiring a minimum of 3 bedrooms ○ Single person moving with 2 adults
3 Bedroom Parlour House, General Needs	○ Family that requires a minimum of 3 bedrooms ○ Family that requires a minimum of 4 bedrooms ○ Family with an adult/adults requiring a minimum of 3 bedrooms ○ Family with an adult/adult requiring a minimum of 4 bedrooms
4 Bedroom House, General Needs	○ Family that requires a minimum of 4 bedrooms ○ Family with an adult/adult requiring a minimum of 4 bedrooms
4 Bedroom Parlour House, General Needs	○ Family that requires a minimum of 4 bedrooms ○ Family with an adult/adult requiring a minimum of 4 bedrooms ○ Family that requires 5 or more bedrooms ○ Family with an adult/adult requiring a minimum of 5+ bedrooms
5 Bedroom House, General Needs	○ Family that requires 5 or more bedrooms ○ Family with an adult/adult requiring a minimum of 5+ bedrooms
6 Bedroom House, General Needs	○ Family that requires 5 or more bedrooms ○ Family with an adult/adult requiring a minimum of 5+ bedrooms

38.2 Families are defined as a single person or couple with a child under the age of 21 who lives with them on a full-time basis. Families also include applicants who are over 3 months pregnant.

38.3 Please note the following property types will give priority to specific groups of applicants:

- Age designated blocks – In line with the Age Designated LLP
- Bungalows – Applicants over 60 or those with an immediate need for a fully adapted or purpose built property or have a progressive degenerative disease, and their needs are such they will require a fully adapted/purpose built property imminently.
- Ground floor flats – Those with a mobility requirement for level access housing.

38.4 In certain cases, the Council and its Managing Agents will allow the largest families that are significantly overcrowded to improve their housing situation by moving to property where they may still over-occupy but to a lesser extent than before. This would be on a case by basis with the approval of a senior Council housing officer.

39.0 Household Categories

39.1 Please note that all household categories could include other people aged 21+ living with them. These members of the household may affect the size of home that can be applied for, but will not change the category the applicant is in.

- **Singles**: Single applicant with no children under the age of 21 living with them.
- **Couples**: Joint applicants with no children under the age of 21 living with them
- **Families**: Single or joint applicants with children under the age of 21 living with them. Children will be added to an application after evidence of pregnancy greater than 3 months, applicants will need a MATB1 certificate at the point of offer.
- **Aged 60+**: Single or joint applicants one of whom is aged 60+ and who have no children under the age of 21 living with them.
- **Disability Households**: With at least one person who has a disability who has been assessed as needing adapted property.

40.0 Property Types Available

40.1

- **Flat:** Priority for ground floor flats is given to applicants requiring one level accommodation and access without climbing stairs or 1 or 2 steps. Studio flats have a combined living room and bedroom. Families will be considered for 2 bedroom flats and maisonettes ahead of couples and single people. Some flats have a garden.
- **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 21 living with them. Parlour houses have two living rooms downstairs.
- **Bungalow:** Bungalows are reserved for applicants who are 60 plus or with an immediate need for a fully adapted or purpose build property or have a progressive degenerative disease and their needs are such they will require a fully adapted/purpose built property imminently.
- **Adapted:** Homes that have been adapted for use by a person with a disability. Preference will be given to applicants whose needs best match the adaptations in the property in the event that there are no suitable applicants then the offer will be made to another case in accordance with normal Allocation Policy.

41.0 Bedroom Eligibility Guide

41.1 The size of home that can be applied for depends on the number of bedrooms the household needs. Factors including medical need, social need, disability and bedroom release can also affect bedroom eligibility.

- Each single applicant or couple aged 16+ are eligible for 1 bedroom.
- Single parents are eligible for a bedroom and are not required to share with children.
- Children of the same sex can share a bedroom until the oldest child reaches the age of 21, at which point they will be considered as an adult. Children of opposite sex can share a bedroom until they are 9.

- Maximum of 2 children per bedroom.

Part 6

42.0 Glossary

1. **House of Multiple Occupation (HMO)**
A property rented out by at least 3 people who are not from 1 ‘household’ (for example a family) but share facilities like the bathroom and kitchen. It’s sometimes called a ‘house share.’

2. **Intentionally Homeless**
Being 'intentionally homeless' means that your homelessness, or threatened homelessness, was caused by something that you deliberately did or failed to do.

3. **Main Duty**
The main housing duty is a duty to provide temporary accommodation until such time as the duty is ended.

4. **Multi-agency panel**
Multi-agency panel consists of a group of professional people from different organisations e.g. the Council, the Police, Social Care etc. to make a joint decision

5. **Prevention duty**
Where a local authority is satisfied that an applicant is threatened with homelessness and eligible, it must take reasonable steps to help the applicant secure that accommodation does not cease to be available for her/his occupation.

6. **Priority Need**
An individual who would be more vulnerable than other applicants if they were made homeless e.g. families with children.

7. **Relief Duty**
Where the council is satisfied that an applicant is homeless and eligible, it must take reasonable steps to help the applicant secure that accommodation becomes available for at least six months.

8. **Single Referral Forum**
The process of directing or redirecting an individual to the appropriate specialist or agency.

9. **Unintentionally homeless**
Being unintentionally homeless means that your homelessness, or threatened homelessness, was not caused by something that you deliberately did or failed to do.