



Cabinet Meeting

10 December 2014

Report title	Housing Allocations Policy and Nominations Agreement	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Housing Services	
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Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve further changes to the Housing Allocations Policy in response to local housing need, making best use of stock and best practice relating to the Welfare Reform Act and the Localism Act 2011
2. Approve the revised Nominations Agreement
3. Approve the consultation strategy for reviewing the age designation for council flats across the city with Councillors and tenants

4. Delegate authority to the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director for Education and Enterprise to agree revisions to the existing age designations following a review of consultation on a block by block basis.

Recommendations for noting:

The Cabinet is asked to note:

That consultation on further proposed amendments to the Housing Allocations Policy in relation to the age designation of council flats will commence and that further reports will be brought to Cabinet during 2015.

1.0 Purpose

- 1.1 The purpose of this report is to approve further changes to the Housing Allocations Policy and the Nominations Agreement and the new draft of both policies to ensure they are up to date and fit for purpose. Further this report seeks Cabinet approval for the process to review the age designation to council flats across the city to ensure that any age designation is legally compliant with the Equalities Act 2010.

2.0 Background

- 2.1 Local Authorities are required by Part VI Section 167 of the Housing Act 1996 to have a scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation both to first time applicants and transferring tenants including nominations to Registered Providers (Housing Associations) – The Allocations Policy.
- 2.2 The aim of the Allocations Policy, whilst meeting legislative requirements, is to make best use of the limited supply of social and affordable housing becoming vacant each year by providing a simple, transparent priority system based on clear criteria which determines an applicant's place within the allocations scheme.
- 2.3 It is considered to be good practice to regularly review allocations policies. This is done to ensure that they reflect current trends in local housing need and recent changes in legislation. It is particularly important at present to review the Allocations Policy regularly as the impacts of the Equalities Act 2010, Localism Act 2011 and the Welfare Reform Act 2012 are still being considered.
- 2.4 The Council last reviewed its Allocations Policy in July 2014, with Cabinet approving a number of recommendations at its meeting on 23 July 2014.
- 2.5 Due to many amendments to the Allocations Policy over a number of years to keep it up to date with legislative and policy changes, the document itself has become difficult to read in certain sections with some of the terms and wording out of date. A complete rewrite of the Allocations Policy has been undertaken to ensure it meets the Council's corporate document standards.
- 2.6 The Council's Nominations Agreement with social housing providers in the city sets out the mechanism by which the Council will make nominations of people on its waiting list to social housing providers. It also provides the procedures that are to be used to make existing and arising void properties available for nominations by the Council.
- 2.7 The Nominations Agreement has not been reviewed for quite some time and no longer matches the reality of the Council making nominations from its waiting list (via Wolverhampton Homes) to housing association properties. A new revised Nominations Agreement has been consulted on with the Council's housing association partners at Wolverhampton Housing Organisation Consortium (WHOC) and a revised agreement and monitoring process agreed.

3.0 Proposed change to the Allocations Policy

3.1 There is one minor change to the Allocations Policy being proposed to ensure that it remains up to date and fit for purpose. An additional clause has been added to Section 28 “Death of a tenant where there is no legal right of succession” to allow consideration for someone left in a property for a tenancy if they would be entitled to re-housing under the Homelessness Act and they fulfil the Council’s two year residency rule.

4.0 Nominations Agreement

- 4.1 Alongside the review of the Allocations Policy, a review of the Nominations Agreement has been undertaken.
- 4.2 The revised Nominations Agreement has been drafted in consultation with the Council’s housing association partners through the Wolverhampton Housing Organisations Consortium (WHOC) and reflects what happens in practice where applicants from the Council’s waiting list are nominated to housing association properties.
- 4.3 A new monitoring process has been introduced to ensure that all parties work to the agreement.
- 4.4 The Council will need to sign a separate agreement with each of the housing associations who have properties within the city.

5.0 Review of the age designation of flats

- 5.1 During the 2013 review of the Allocations Policy, the Equality Analysis identified that there was no consistency or rationale to the age designation relating to the occupation of some flats. This has led to a number of blocks historically being designated for particular age groups with the reasons why now often difficult to justify. It concluded that a review of the age designation of blocks was required which would develop a rationale and may result in the removal of such designations in some instances. This is in order to comply with equality legislation to prevent applicants potentially being discriminated against because of their age.
- 5.2 The Allocations Policy lists 79 blocks that have an age designation attached to them.

Age Designation	Total number of blocks
25+	1
30+	48
40+	10
50+	10
55+	1
60+	9

This amounts to 2,038 flats across the city, of which 1,141 are high rise flats (currently applicants with children under 18 are not eligible for these properties).

- 5.3 During 2012/13, 1,020 flats became available for letting of which around a fifth (18%) were flats with an age designation. As at 1 August 2014 85% (11,163) of applicants on the housing register needed either a one or two bedroom home. The majority of one and two bedroom council properties are flats.
- 5.4 The number of bids on flats with an age designation tends to be fewer than undesignated flats and in some instances the age designation makes some properties difficult to let, meaning properties are allocated to applicants of lesser priority in Bands 3 or 4 more often than general relets. This has implications in terms of meeting the housing needs of those most in need. In 2012/13 19% of all relets went to applicants in Band 3 in comparison to 33% of relets for age designated flats.
- 5.5 Ineligible bidders for flats with an age designation tend to be younger applicants rather than families, which highlights the demand for such properties from younger people. The 18 – 39 age group account for 61.1% of applicants on the housing register compared to 27.9% for the 40 – 59 age group and 11% for those aged 60+ (as at April 2013).

Proposed Process

- 5.6 In order to change the age designation of a block, all residents within the block will need to be consulted in a sensitive way. Due to the number of blocks this applies to it is suggested a phased approach is adopted. A desktop review to build up the characteristics of each block has been undertaken, this has helped to establish -
- Current demand for the properties as indicated by lettings data
 - Turnover of properties
 - The current age profile of tenants within each block where age restrictions apply.
- 5.7 An Age Designation Operational Group consisting of Council employees and colleagues from Wolverhampton Homes has been established to review the results of the desktop analysis alongside issues specifically affecting flats and flat life. This has included issues such as access, sustainability, anti-social behaviour and complaints as well as local knowledge to identify any reasons why the suggested blocks might retain its designation.
- 5.8 Council and Wolverhampton Homes employees have devised criteria that decisions on age designation will be based upon in order to develop a consistent rationale. Typically where a block meets a number of the suggested criteria listed below it would be considered as appropriate for age de-designation:
- Demand from people satisfying the age restriction has fallen;
 - The block of flats is in a location considered high demand based on Homes in the City (HitC) data;

- There are issues that affect mobility in accessing some/all floors of the block for example there are no lifts within the property;
- There is availability of alternative accommodation in the locality that is suitable for people above the age designation;
- At least 50% of flats within the block are owned by leaseholders. It may be appropriate to remove age designation as there are no age designation covenants in any of the Council leases, thus there is no control over the age of people within sold properties and so the Council could not stop younger people living in the block in any case.

5.9 Wider stakeholder consultation will be undertaken including briefing Councillors. Following the consultation recommendations will be put to the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director for Education and Enterprise, unless the recommendations are considered likely to be controversial, to approve one of three options for each designated block:

- Maintain current age designation – with justification provided
- Amend the age designation – but an age designation will still apply – with justification provided
- Remove the age designation to general needs

5.10 Age designation also applies to a small number of properties managed by tenant management organisations (TMO). Housing Services employees will work with the TMOs in these cases to try and establish a consistent approach across the whole of the Council's housing stock.

5.11 Where it can be reasonably justified based on set criteria that the current age designation should be maintained, no further action is required. This justification will need to be robust enough to stand up to legal challenge and thus an Equalities Analysis will need to be undertaken to ensure obligations under the Equalities Act are satisfied. Any such decisions will be reported through to Cabinet.

5.12 Where the recommendation is to amend or remove the age designation, tenants of those blocks will be informed of the reasons for this and how it will be implemented.

5.13 The Allocations Policy and Northgate system (The Council's housing management software) will be amended to ensure the policy changes are effectively implemented. This process will also be adopted for any future age designations of blocks should it be required.

5.14 Changes to age designation can be an emotive subject. It will therefore need to be managed sensitively and effectively to ensure tenants and prospective tenants are involved in the process, understand why changes are being made and are aware of the support being put in place to manage the transition going forward.

5.15 Once implemented there is potential for increased risk of neighbour disputes if younger people move into flats previously occupied by older people however managing agents have the tools to monitor and manage any issues that arise.

6.0 Financial implications

6.1 This report has no adverse financial implications for the HRA. There is a likelihood that removing or changing age designations will make flats in some blocks easier to let, which will increase occupation rates and therefore increase rental income.
[CF/18112014/Q]

7.0 Legal implications

7.1 The Council as a Local Housing Authority is required to allocate housing accommodation in accordance with Part VI of the Housing Act 1996. Section 167 of the Act requires the Council to have an allocation scheme and to allocate housing accommodation in accordance with the scheme.

7.2 Sections 145-147 of the Localism Act 2011 were brought into force on 18 June 2012 by the Localism Act 2011, which extends the discretion Local Authorities have in relation to their housing allocation policies.
[RP/17112014/N]

8.0 Equalities implications

8.1 A full equalities analysis is being undertaken with the outcomes being addressed as they arise to ensure that any potential adverse implications are identified and mitigated.

9.0 Environmental implications

9.1 In blocks of flats where the age designation has been reduced or removed, there is the potential for an increase in complaints about disturbance from neighbours. However, it is considered that managing agents have the tools to monitor and manage any issues that arise.

10.0 Human resources implications

10.1 No human resources implications have been identified.

11.0 Corporate landlord implications

11.1 This report has positive implications for the Council's position as a corporate landlord it should improve the way that council housing stock is allocated.

12.0 Schedule of background papers

12.1 Re-drafted [Allocations Policy](#)

12.2 Revised [Nominations Agreement](#)

12.3 Report to Cabinet 23 July 2014 - 2014 Housing Allocations Policy Review Part 1

Housing Allocations Policy Revised November 2014

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Introduction

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

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

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 Providers

At the time of writing this policy, the Council had a housing stock around 23,000 properties.

Approximately 1,800 properties will become available for re-letting in a year and, at any one time; there are about 12,500 applicants on the housing register with around 6,500 with a housing need. Many applicants have no realistic prospect of receiving a council home.

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.

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; and
- Enable applicants to be informed of vacancies which arise and express an interest.

Equality and Diversity

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; and
- 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.

Data Protection and Freedom of Information

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.

Statement on Fraud

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.

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 tenants to who the property is unlawfully sub-let;
- c) exclusion or, deferral from, or demotion on the waiting list for accommodation;
- d) report to the Police for criminal investigations and action, or where applicable, conduct relevant investigations as potential prosecuting authority; and
- e) 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.

To deter those who may be considering committing a housing fraud we will publicise details of any actions we will 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.

1 Background

- 1.1 Wolverhampton City Council's housing stock is managed by five managing agents which are:
- a) Wolverhampton Homes, an Arms Length Management Company
 - b) Dovecotes Tenants Management Organisation;
 - c) Bushbury Hill Estate Management Board;
 - d) New Park Village Tenants Management Co-operative; and
 - e) Springfield Horseshoe Housing Management Co-operative.
- 1.2 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. All Council properties are to be advertised via the Council's Homes in the City choice based lettings scheme.
- 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. 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.
- 1.4 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) 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 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).

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 have applied for inclusion on the register except those who are ineligible to join or who have been formally excluded. (See 3 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 Team on 01902 554498 or data.protection@wolverhampton.gov.uk.

3 Access to the housing register

- 3.1 Wolverhampton operates an open register 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. Each application will be reviewed on a case by case basis.

Exclusions

- 3.2 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. 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. Any applicant excluded from the register will receive written confirmation of the Council's decision.
- 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 includes the behaviour of the applicant, a member of their household and/or their lodgers or visitors. This could

include 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 demonstrate have been fulfilled prior to the exclusion ending.

- 3.5 Persons subject to the criteria set out in 3.2, 3.3 & 3.4 cannot be granted a sole tenancy or participate in a joint tenancy.

Applicants have the right on request to a review of the decision to exclude them from the housing register on the grounds of serious behaviour

Lesser preference

- 3.6 There are other circumstances where a person can be included on the housing register but their preference is reduced.

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

Application process

- 3.7 Applications will normally only be accepted via the [on-line application form](#) or by phone. An initial assessment will be undertaken based on the information provided on the application. Prior to any offer of accommodation evidence will need to be provided of all circumstances and residency details on the application at that time.
- 3.8 All applications will be checked to ensure the accuracy of the information provided by an applicant. The application must set out in full all persons who will be residing within any future property allocated under this policy and must provide any proof or documentation requested in order to assist with this purpose. Applicants must also include any former names of any persons included on the application. These checks may also be carried out at the time of allocation to ensure that an applicant's circumstances have not changed. Failure to provide such information or to make bids could lead to an application being closed after 6 months.
- 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 or applicants not in a relationship who are looking to be considered for a 2 or 3 bedroom flat or maisonette.

- 3.10 Extended household members or others 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 any proof or documentation requested by the Council to assist with this purpose. These checks may also be carried out at the time of allocation to ensure that an applicant's circumstances have not changed.
- 3.11 Help with completing the application form will be made available to anyone who requests it.
- 3.12 As a result of this assessment or an applicant's inaction, applicants may be:
- a) accepted on to the housing register;
 - b) excluded from the housing register;
 - c) deferred until suitability or eligibility has been demonstrated to the Council's satisfaction;
 - d) accepted but given less preference than other applicants; or
 - e) have their applications closed.

4 16/17 year olds

4.1 16/17 year olds will not normally qualify for an allocation until reaching the age of 18.

4.2 However, if appropriate, the application for re-housing before the age of 18 can be referred to Wolverhampton Young Persons Accommodation Forum (WYPAF).

4.3 The criteria for this to happen are:

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

4.4 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

4.5 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.

- 4.6 16/17 year olds with dependents will be routed through either the Council's Housing Options Service or the Young Parents Single Referral Panel.
- 4.7 Any 16/17 being granted a council tenancy will be required to have a trustee
- 4.8 For under 16 year olds succeeding to a tenancy, see 22 below.

5 Reviews

- 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:
- a) unacceptable behaviour;
 - b) the facts of their case which have, or may be, taken into account when considering whether or not to allocate a property; or
 - c) that they are not eligible to join the Housing Register.
- 5.2 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.
- 5.5 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.
- 5.6 Any request for a review can be made in writing or orally.

Procedure on review

- 5.7 The following procedure will be followed in relation to reviews:-
- All letters 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 orally in person and must usually be heard within 56 days of the request for a review.
 - 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.

5.8 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.

6 Prioritisation of applicants

6.1 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 4 with lesser preference having the lowest priority.

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 by the Council as being homeless, unintentionally and owed a full housing duty by the Council;
- there has been a Multi Agency Panel review and immediate rehousing is required;
- 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;
- a substantially adapted (2 or more adaptations in the property) or purpose built property is being freed; or
- an appointed Occupational Therapist has decided the applicant's property is unsuitable for the applicant or a member of their household needs and where adaptations would cost in excess of £5,000 or cannot be carried out due to the construction of the property.

Band 1

Cases where:

- there is an urgent need to move on medical or social grounds;
- there is a young person leaving care;
- the applicant has been assessed by the Council as being homeless in priority need and intentionally 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;
- 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;
- a tenant of Wolverhampton City Council or a 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.
- Wolverhampton City Council or Registered Provider tenant releasing three or more bedrooms;
- Armed Forces personnel with families upon the provision of a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation; or
- 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.

Band 2

Cases where:

- the applicant is freeing a placement in a supported housing scheme e.g. hostel / foyer etc. has been assessed as ready to move on;
- 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 significant need to move on medical or social grounds;
- Wolverhampton City Council or Registered Provider tenant releasing two bedrooms;
- the applicant has received a Notice to Quit, Section 8 notice or Section 21 notice (under their respective Acts of Parliament) and there is no reasonable prospect of legal proceedings being successfully defended unless there are rent arrears present at the time of the application. This is subject to section 3.2 to 3.5 of this policy; or
- the applicant is a tenant of WCC or RP who has children under 12 years of age but does not have access to a private garden, this would not apply for a like to like property.

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); or
- Wolverhampton City Council or Registered Provider tenant releasing one bedroom.

Band 4

Cases where there is no housing need and cases with lesser housing preference:

- people who live outside of Wolverhampton who do not have an emergency or band 1 identified need to be in the City;
- people who have not lived in the City for at least two years unless there is an emergency or band 1 need to move on medical or social grounds or the applicant or a member of the household is seeking employment in the City and has a firm offer of employment.

The requirements to be resident in the City do not apply to:

- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing;
- b) 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; or
- c) 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.
 - owner occupiers who have more than £48000 equity in their present property or did so in a property sold in the past two years. Applicants will need to demonstrate that they are proactively marketing their property and regularly update the Council as to the situation regarding the sale;
 - anyone who owes debts of more than £60 to a Council or Registered Provider unless they are a current Council or Registered Provider tenant and 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. The allocation of alternative accommodation will be dependent on:
 - i. the tenant making regular payments (for a minimum of three months) to show commitment to the repayment plan;
 - ii. the tenant 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
 - iii. 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;

- 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 an offer of accommodation following a review of their Emergency Band priority.
- 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.
- applicants who do not have a settled address from where their housing needs can be assessed.
- applicants living in hostel or supported housing until assessed as ready to move on.

7 Emergency banding time limit

- 7.1 Where an applicant has been placed in the Emergency Band, this priority will apply for two months.
- 7.2 If, after those two months are up, re-housing has not been achieved, the applicant's priority will be reviewed taking into account the availability of suitable properties during the previous two months.
- 7.3 Three options will be considered:
- a) renew the priority for a further two months
 - b) remove the priority and place the re-assessed application in the appropriate band
 - c) make direct bids for accommodation on behalf of the applicant. If successful and then refused 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. It is the responsibility of the applicant to inform the Council of the changes.
- 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. It will only be applied where Wolverhampton is the only place where such needs can be met.

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. Two tenancies for one

10.1 Where two Council or Registered Provider tenants are each giving up a property type that is in demand (determined by analysis of the number of bids and availability of type of property) additional preference should be given in the form of an additional need within the band the applicants have been given and only where their circumstances have been assessed to assist them into moving into one property.

11 Medical grounds

11.1 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/social grounds.

11.2 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.

11.3 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.

11.4 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.

11.5 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 property type.

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

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

11.7 Medical priority will be reviewed after 6 months or after refusal of a suitable offer of accommodation.

11.8 **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.

12 Social/welfare grounds

12.1 Social/Welfare 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.

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/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 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/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

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

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.

13 Lettings variations

Local Connection

- 13.1 One in four of all lettings will be to an applicant that has local connection to the area in which the property is located. Applicants need to choose one area in which they claim a local connection.
- 13.2 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 confirmed by the Council's medical advisor.
 - b) Needs to be close to family/child minder for help with child care etc. which is necessary for the applicant to find/remain in work and travelling from one part of the City to leave children at childcare and then travelling on to work/education has cost, time, disruption implications etc. Difficulties must be able to be evidenced.
 - c) Long term residency - 5 years out of the previous 10.
 - d) Working in the area where the job includes early starts/late finishes.
 - e) Children in school in the area.
 - f) Cultural reasons e.g. to be near place of worship, community facilities etc.
- 13.3 Properties will be selected randomly to be advertised with preference to applicants with a local connection to the area by an automated process and will be of any property type in any area. In the event of there being no suitable applicants with local connection then the offer will be made to another case in accordance with section 15.1

Lower Bands

- 13.4 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 10% of all lettings made.

- 13.5 Properties will be selected randomly by an automated process and will be of any property type in any area.
- 13.6 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 16.1.

Making best use of Stock

- 13.7 To make best use of the housing stock and to support Wolverhampton Council and 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.
- 13.8 To address under occupancy and overcrowding houses that are released by a Wolverhampton Council 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.

Flats let to Community Directorate

- 13.9 Should the current occupant of one of the 10 flats let to Community Directorate 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.
- 13.10 The flat will be replaced from the current void pool portfolio with another, similar, property and let to the Community Directorate.

14 Bidding

- 14.1 Properties that are available or about to become available for letting are normally advertised on a weekly basis from 6pm on Tuesdays until 9 a.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.
- 14.2 Applicants are invited to express an interest (known as bidding) in 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.
- 14.3 Bids can be made via the website, by text, via automated phone line, in person at a Housing Office or by phone

15 Managing the housing register

- 15.1 Applicants with a housing need will be expected to bid on a regular basis. 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.
- 15.2 The applicant will receive a letter explaining the expectations of the applicant and giving contact details should the applicant require any assistance or advice.
- 15.3 The applicant's application is deferred, closed or cancelled at the time the letter is sent until contact made. This means that the applicant is unable to bid for any further homes until contact has been made with the Council.
- 15.4 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 applicants 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.
- 15.5 Applications may only be re-activated following contact from the applicant and satisfactory investigations have taken place.
- 15.6 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 letter will result in an applicant being removed from the Housing Register.
- 15.7 Under normal circumstances if an applicant fails to re-register or a 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.

16 Selection of offers

- 16.1 In the majority of cases properties will be advertised open to all except those selected with lettings variations as highlighted in section 13. When the bidding period comes to an end, 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.

- 16.2 If the applicant fails to provide this evidence within a reasonable amount of time the applicant will be bypassed and contact will be made with the next applicant on the shortlist.
- 16.3 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.
- 16.4 In exceptional circumstances, following a case conference, the Council and its managing agents reserve the right to withhold an offer, or close 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 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;
 - where there is evidence from a medical or social work professional that the property bid for would not meet the applicants 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.
- 16.5 Where such a situation arises, the applicant will be advised of the offer being withheld/ refused and informed why this decision has been made.
- 16.6 Many factors affect which applicant is top of the shortlist for each home (detailed in Section 13 - Lettings Variations). In the event of a property being advertised with multiple preferences shortlist will be run combining all of the preferences. If no applicant matches all of the preferences the property will be allocated as highlighted in 16.1.
- 16.7 Applicants in the emergency band and band 1 to 3 will be considered for an offer prior to applicants in band 4.
- 16.8 Applicants in band 4 with no housing need will be considered for an offer ahead of applicants in band 4 with lesser preference.

17 Refusals

- 17.1 Applicants that refuse 3 offers in any 12 month period will be deferred for 3 months. Applicants will be advised in writing of this deferment and can request a review of the decision via the review process (see section 5).
- 17.2 An applicants housing application may be reviewed following a refusal of a property.

18 Feedback

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

19 Support in the allocations process

- 19.1 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.
- 19.2 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:
- 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; or
 - regular contact from staff to ensure needs are being met in terms of support.
- 19.3 Referrals for admitting to the Supported 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 or sight impairment;
 - request from a support worker – where a support worker specifically requests additional assistance for one of their clients; or
 - from a non-bidders' report – where it is identified the applicant is not making bids for suitable accommodation.
- 19.4 The extent of additional assistance will be tailored to meet the needs of the individual applicant.
- 19.5 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

20 Introductory tenancies

- 20.1 Wolverhampton City Council operates introductory tenancies.
- 20.2 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 Providers.
- 20.3 A tenancy will remain introductory however if proceedings for possession have been started but not yet resolved.
- 20.4 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; or
 - e) vote on matters concerning changes in policy or practice concerning housing management.
- 20.5 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.
- 20.6 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.
- 20.7 Extended Introductory tenancies can be extended up to 18 months.

21 Registered provider nominations

- 21.1 Registered Providers (RPs) used to be known as Registered Social Landlords (RSLs) and prior to that as Housing Associations. They are non profit making organisations providing homes for people in housing need.
- 21.2 Wolverhampton City Council has an agreement with the 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.

- 21.3 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.
- 21.4 The nomination will be made within the Allocation Policy and the household make/family size up as set out by the RP.
- 21.5 Nominations will only be made where an applicant would be eligible to receive an offer of accommodation as set out in 3 above.
- 21.6 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.

22 Relationship breakdown

- 22.1 Relationships for the purpose of this policy are defined as marriages, civil partnerships and established common law partnerships i.e. 12 months +.
- 22.2 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 clause 6.3.
- 22.3 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.
- 22.4 If 22.2 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.
- 22.5 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.
- 22.6 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 22.5 above.

23 Referrals for minors

- 23.1 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 in line with statutory requirements.

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

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

24 Access to children

24.1 Where an applicant has a joint residence order in respect of children with a former partner, the eligibilities set out section 34 may be varied to take account of that order.

24.2 Other demands on the housing stock will be considered along with any potential under-occupancy of the property. Children will only be included as part of the household if the child is both dependent upon and resident with the applicant. A child shall be deemed to be resident with the applicant if it is their principal place of residence. Proof may be required to ensure that evidence provided in this respect is correct to the Council's satisfaction.

25 Sundry factors affecting allocations

25.1 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.

25.2 Declaration of interest

Applicants that work for Wolverhampton Homes, Dovecotes Tenants Management Organisation, Bushbury Hill EMB, New Park Village TMC and Springfield Horseshoe HMC 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 Wolverhampton Homes for approval.

25.3 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.

- 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 the tenant can be offered the choice to stay or return to their original property.

25.4 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, the number of children in locality, 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, the economically active 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, 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
 - how the policy will be monitored particularly with regard to equal opportunities and its success in achieving its objectives.
- d) 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.
- e) Local Lettings Plans will be subject to review in a timescale agreed between the managing agent and the Council.
- f) All requests to implement a Local Lettings Plan must receive Council approval by way of an Individual Executive Decision Notice.
- g) Copies of any Local Lettings plans are available on request.

26 Joint tenancies

Granting of Joint Tenancy

- 26.1 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.
- 26.2 Joint tenancies can be granted to applicants not in a relationship for 2 or 3 bedroom flats or maisonettes.
- 26.3 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.
- 26.5 If a tenant has succeeded to a tenancy a joint tenant cannot be added.
- 26.6 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.

Discretionary lettings

The below lettings can be made at the sole discretion of the Council. They fall outside of the main policy above, however are an integral part of the Council's Allocation Policy.

27 Ending a joint tenancy

- 27.1 When one party gives notice on a joint tenancy this has the effect of bringing the whole tenancy to an end.
- 27.2 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.
- 27.3 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.
- 27.4 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.

28 Death of a tenant where there is no legal right of succession

- 28.1 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 in both cases
- c) the household is eligible for the property type, (for households eligible for a house under occupation by 1 bedroom is permitted) or
- d) the applicant would be entitled to re-housing under the Homelessness Act and the applicant has lived in the City for at least 2 years.

28.2 Where the conditions of 29.1 are not met the person/s left in the property will be treated as possession use and occupation account.

28.3 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.

28.4 28.2 and 28.3 above will only apply if the lodger in possession is eligible to receive an allocation under the terms of this Allocation Policy.

28.5 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.

29 Assignments

29.1 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.

30 Assignment to a potential successor

30.1 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.

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

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

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

31 Mutual exchanges

- 31.1 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.
- 31.2 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.
- 31.3 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.

- 31.4. As stated in 32.1 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 32.3b above.
- 31.5 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 reduce 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
- 31.6 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 34.4 for a list of designations)
- 31.7 Once the necessary permissions have been given the exchange will take place on the following Monday.
- 31.8 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 Appeals and Reviews below)

32 Designated properties

- 32.1 Particular properties, particularly certain blocks of flats, are designated for particular age groups. If a joint application only 1 of the applicants need to meet the age designation. Applicants with children under the age of 18 years as part of their household will not be considered for age designation properties. No allocation of a property in a former sheltered scheme will be made to an applicant with children of any age.
- 32.2 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.
- 32.3 Periodic reviews of designations may be undertaken to ensure that the Council is able to react to changes in supply and demand.

32.4 A list of current designations is available on request.

33 Property eligibilities

33.1 The Council and RPs in Wolverhampton have a variety of homes of different types and sizes available.

33.2 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.

33.3 Eligibilities will be kept under review to ensure that the Council is able to respond to changes in supply and demand.

33.4 Current eligibilities are:

- The type and size of home an applicant is eligible for depends on who is in the household and is determined by the Council's Allocations Policy.
- Eligibility will be decided when the Homes in the City application is assessed.

Household Categories

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.

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.

Property types available

Flat Priority for ground floor flats is given to applicants who are over 55 years old or 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 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.

33.5 Bedroom eligibility guide

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 person aged 16+, or adult couple is 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 they are 15. Children of opposite sex can share a bedroom until they are 9
- Maximum of 2 children per bedroom

Current eligibilities are given below

Singles and Couples

Singles and couples	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				✓		✓

Single and couples – bedroom release	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

Families	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										✓	✓	✓

Families – bedroom release	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				✓		✓			✓	✓

Disabled single applicant and couples – 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
eligible for 1 bedroom	✓	✓					✓		
eligible for 2 bedrooms			✓		✓			✓	
eligible for 3 bedrooms				✓		✓			✓

Disabled Families

Disabled families	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 families	4 bed bung	3 bed parlour	4 bed house	4 bed parlour	5 bed house	6 bed house
eligible for 4+ bedrooms	✓	✓	✓	✓	✓	✓

Disabled families – bedroom release	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				✓		✓			✓	

AGREEMENT OF NOMINATION ARRANGEMENTS

BETWEEN

WOLVERHAMPTON CITY COUNCIL AND

SOCIAL HOUSING PROVIDERS

1. Purpose of Agreement

- 1.1 This agreement sets out the mechanism by which the Council will make nominations to social housing providers. It also provides the procedures that are to be used to make existing and arising void properties available for nominations by the Council.

2. Scope of Nominations

- 2.1 The nomination arrangements in this agreement apply to all social housing providers with property within the city, even if they are not Registered Providers.
- 2.2 This agreement shall apply to new build properties, improved properties, conversions, and relets. This includes housing which is built or adapted for people with special needs and accommodation for the elderly. This excludes schemes directly funded by other statutory agencies, where 100% nomination rights for the funder are a condition of funding.
- 2.3 The properties offered for nominees shall be a cross section of the quality and type of accommodation owned by the social housing providers and take into account, size, type, location and whether social or affordable rent. Adapted properties will be included and properties that are accessible though not adapted will also be identified as such when seeking nominations, in order to assist customers with disabilities to choose suitable homes.

3. Percentage of Nominations

- 3.1 Social housing providers shall offer the Council the right to nominate tenants for a minimum of 50% of net lettings. Net lettings are defined as total lettings.

No account shall be taken of:

- Transfers (to re-lets only)
- Mutual exchanges
- Succession allocations to lodgers left in occupation
- Tenanted acquisitions.
- Decants to facilitate major repairs, where the tenant will be returning

- 3.2 This Nominations Agreement requires that every new build scheme (irrespective of the number of units) and every conversion producing three or more units that has received public subsidy or is funded by a Section 106 agreement should give the Council 100% nominations on first lettings, and 50% nominations to subsequent lettings. This principle will apply unless it is superseded by an agreed specific Local Lettings Plan.
- 3.3 If a social housing provider has funded a new build scheme entirely through their own resources, they will give the Council 50% of nominations on first and subsequent lettings.
- 3.4 Where appropriate, the agreement for nominations will be written into the development agreement or a Section 106 agreement between the Council and the social housing provider.

4. Local Lettings Plan (LLP)

- 4.1 From time to time a social housing provider may identify that a particular area, housing block, new development, etc. would benefit from a local lettings plan. As the Strategic Housing Authority, the Council will be consulted, at least six months prior to expected completion, upon local lettings plan proposals and Cabinet approval will be sought for their application. LLPs will be subject to review in a timescale agreed between the Council and the social housing provider.
- 4.2 The social housing provider will need to demonstrate to the Council the reasoning behind a LLP giving:
- The objective of the LLP.
 - The numbers/types of properties affected.
 - The evidence used to support the proposal.
 - An assessment of the impact on potential tenants who would possibly be disadvantaged by the implementation of an LLP.
 - Evidence of consultation with any other affected persons or organisations such as Tenants Groups, RPs, Voluntary Sector Groups or other existing forums.
 - How it is proposed to market the LLP so that existing and potential stakeholders are aware of it.

- How the LLP will be monitored particularly with regard to equal opportunities and its success in achieving its objectives.

5. Requesting a Nomination

- 5.1 All nomination requests will be made to the Council via Wolverhampton Homes Lettings Team (WH) and WH will be responsible for the making of all nominations.
- 5.2 For first lettings of new build or newly refurbished or converted properties, the provider shall request nominations three months prior to handover of the properties. Where a property has been adapted or developed to meet a specific need, it may be appropriate for the provider to request nominations six months prior to handover.
- 5.3 For re-let properties, providers shall inform the WH when vacancies occur through a nominations request..
- 5.4 All properties for which a nomination is requested will be advertised through Homes in the City (HitC), the Council's choice based lettings scheme.
- 5.5 WH will respond within three working days following closure of the adverts either to make a nomination or to inform the provider that it has no nominations to make. If WH is unable to identify a suitable nominee, or has failed to meet target timescales, a failure to nominate can be recorded.
- 5.6 To make a nomination request:
- a) The Provider completes a nomination request pro-forma when a vacancy occurs and emails it to the Nomination Officer. A photograph in jpeg format of the property in landscape, resized to 200 x 150 is required.
 - b) The nomination request pro-forma must be received by Friday at 12.00 noon in order for Wolverhampton Homes to create the property record and add it to the following week's adverts.
 - c) Properties are advertised weekly on Tuesday, opening at 6.00 pm and closing on Monday at 1.00 pm. On bank holidays a two week advertising cycle may be required. Providers will be notified by Wolverhampton Homes when this will occur.
 - d) Once the shortlist of bidders has been sent, the provider undertakes not to let that property other than to the person who is successful with their bid and therefore the nomination, unless there are no bids or eligible bidders for the property.

6 Making and Accepting Nominations

- 6.1 A shortlist of bidders is run when the Homes in the City advertising cycle closes each Monday. Wolverhampton Homes will send the provider a shortlist of bidders within three working days. This shortlist will include any information about the applicant that has been collected at registration stage.
- 6.2 If a restriction was selected when the property was advertised, for example, preference given to bands 2/3 applicants; these applicants will be at the top of the shortlist.
- 6.3 The shortlist will name bidders in priority order. The provider will offer the property to the first bidder on the shortlist, if refused they will move down the shortlist until the property is accepted. Providers will need to record the reasons why an applicant refused the offer of a property for monitoring purposes. If there are no interested bidders, the provider will indicate this on their monthly Lettings Log returns to the Council. The provider may request that the property is re-advertised. If the Council fails to nominate the provider will allocate the property from their own register and this would be classed as a nomination

Whilst a nomination is generally made in accordance with the Council's Allocation Policy, the nomination will meet the Registered Providers occupancy criteria. A nomination that does not meet a RP occupancy criteria can be rejected.

- 6.4 Applications are not verified at registration; providers will need to undertake their own checks for ID and proofs of residency. If the applicant is unable to provide the relevant information within 48 hours the provider can move on to the next bidder. The Council will share any information they have gathered at registration stage

7 Housing Homeless People

- 7.1 Social housing providers fully accept their responsibility to assist the Council in its duty towards homeless people. Providers shall inform WH immediately whether the household has accepted or refused the property offered.
- 7.2 Providers will accept the Council's assessment that a nominee is homeless and in priority need, but the decision to offer will be in line with the providers occupancy criteria.

8 Number of Offers

- 8.1 The Council restricts the number of offers a person can receive in respect of letting its own dwellings to three offers in any twelve month period.
- 8.2 Applicants with a Homeless Priority status are normally restricted to two reasonable offer.

- 8.3 Reasonable offers made by a social housing provider will count towards the maximum offers that a person could receive.

9 Dispute Resolution

- 9.1 If a dispute arises between the Council and a social housing provider with regard to the obligations or processes that are set out in this Nominations Agreement, the dispute will be escalated to the Head of Housing at the Council and the relevant senior officer at the provider for consideration. They may decide to delegate to nominated person(s) agreed by both parties.

10 Monitoring

- 10.1 Wolverhampton Housing Organisations Consortium will review performance on nominations, develop new initiatives, working practices and the arrangements set out in this agreement..
- 10.2 The Council will fully consult WHOC on any proposed changes to the Nominations Agreement.
- 10.3 The Council and social housing providers shall notify each other of any changes in their lettings policy and criteria which may affect this agreement.
- 10.4 Providers will submit lettings log to the Council on a monthly basis. Logs should be emailed to housing.strategy@wolverhampton.gov.uk .
- 10.5 A summary of lettings log returns will be presented at WHOC to allow all parties to monitor this agreement and lettings made by providers.
- 10.6 The Council will review each social housing provider's Lettings Log and compare this with lettings data held by the Department for Communities and Local Government on its CORE database on a six monthly basis. This information will be reported to WHOC.
- 10.6 Where a provider has failed to offer the appropriate percentage of nominations within a six month period, it is expected that this percentage will be made up by an increased number of properties being made available for the Council to nominate to in the following six months.
- 10.7 If, after 12 months, and following verification of a provider's lettings data using CORE, the appropriate percentage of nominations still has not been offered to the Council, the Council will refer the matter for dispute resolution, as set out in section 9 of this agreement.
- 10.8 The Council will make an annual report on the nominations process to Housing Operations Group (HOG). HOG will report any issues arising to the Housing Executive Board (HEB) as appropriate. This annual report will then be reported to the Council's Cabinet (Performance Management) Panel

11 Data Protection

- 11.1 All data must be collected, stored and used in Accordance with the Data Protection Act 1998.

12 Equalities

- 12.1 Social housing providers and the Council shall ensure that all groups are given equal opportunities in access to social housing provider properties via nominations. All agree to abide by the requirements of the Equalities Act 2010.
- 12.2 Equality monitoring will be undertaken by the Council on an annual basis and reported to WHOC.
- 12.3 An annual information report on nominations will be provided to the Equalities Advisory Group by the Housing Strategy and Development Team.

.....
Signed on behalf of:
(Name of social housing provider)

.....
Signed on behalf of:
Wolverhampton City Council

APPENDIX A

Refusing nominations and failure to nominate

1. Circumstances in which a social housing provider can refuse a nomination

1.1 The purpose of this agreement is to ensure that the Council makes appropriate nominations to social housing providers. It is hoped therefore, that the number of nominations returned to the Council will be small. It is however, recognised that circumstances may change following the making of a nomination and that there will be some circumstances when it is appropriate for a provider to refuse a nomination.

1.2 These are where:-

- the nominee is already housed by another agency
- the nominee has moved away
- there is no response from nominee after three contacts
- the nominee does not fit the Provider's published eligibility criteria
- the nominee has refused reasonable offer
- information given about a nominee is substantially incorrect, in which case Wolverhampton Homes must be informed in order to amend the application.
- information given by a nominee is substantially incorrect, in which case Wolverhampton Homes must be informed in order to amend the application.
- the nomination is not received within timescale
- the nominee is found to have made a fraudulent application, in which case Wolverhampton Homes must be informed in order to take appropriate action

1.3 In all cases where details about an applicant are found to be incorrect, the provider will inform the WH Lettings Team of this.

2. Circumstances in which a social housing provider can record a failure to nominate

2.1 There are two reasons why the Council may fail to nominate.

- i. No bids were placed on the property when it was advertised on Homes in the City.
- ii. The Council failed to make a nomination within the target of three working days from the end of the advert period as prescribed by the Nominations Agreement.

2.2 In either of the cases above, a provider may record a failure to nominate and may allocate the property in accordance with their lettings policy, or they may ask

Wolverhampton Homes Lettings Team to re-advertise the property through Homes in the City.

- 2.3 Properties which have been categorised as 'Failed to Nominate' will be allocated a reference number by the Council which must be quoted by Providers on their monthly Lettings Log to be returned to the Council. The Council will cross-check their record of failures to nominate against the providers Lettings Log and any discrepancies discussed with the designated officer of the Provider concerned.
- 2.4 The number of properties included in this category form part of the social housing providers target to offer 50% of net lettings to nominees, for example; if a Provider houses 42% it will have achieved its target if a further 8% are categorised as 'Fail to Nominate'.

APPENDIX B

Glossary

Social housing providers

- Providers of all types of affordable housing, including, but not limited to both social rented and affordable rented properties

Transfer

- Where a tenant moves to another property within the same providers property portfolio.