

Housing Allocation Policy

CONTENTS

1	Access to Housing List	...	...	...	...	...	...	...	...	...	...	4
2	Groups	...	...	...	...	...	...	...	...	...	...	5
	2.1 Interpretation Notes	...	...	...	...	...	...	...	...	...	...	6
3	Pointing/Weighting for Housing Lists	...	...	...	...	...	...	...	...	...	...	6
	3.1 Householders	...	...	...	...	...	...	...	...	...	...	6
	3.1.1 Interpretation Notes	...	...	...	...	...	...	...	...	...	...	7
	Bedroom Deficiency	...	...	...	...	...	...	...	...	...	...	7
	Under-occupation	...	...	...	...	...	...	...	...	...	...	7
	Below Tolerable Standard	...	...	...	...	...	...	...	...	...	...	7
	Management Transfer	...	...	...	...	...	...	...	...	...	...	7
	Extenuating Circumstances	...	...	...	...	...	...	...	...	...	...	8
	3.2 Non-Householders	...	...	...	...	...	...	...	...	...	...	8
	3.2.1 Interpretation Notes	...	...	...	...	...	...	...	...	...	...	8
	Bedroom Deficiency	...	...	...	...	...	...	...	...	...	...	8
	Waiting Time	...	...	...	...	...	...	...	...	...	...	8
	Extenuating Circumstances	...	...	...	...	...	...	...	...	...	...	9
	Shared/Lacking Facilities	...	...	...	...	...	...	...	...	...	...	9
	3.3 Medical	...	...	...	...	...	...	...	...	...	...	9
	3.3.1 Interpretation Notes	...	...	...	...	...	...	...	...	...	...	9
	3.4 Homeless/Children's Act.	...	...	...	...	...	...	...	...	...	...	9
	3.5 Miscellaneous	...	...	...	...	...	...	...	...	...	...	9
	3.5.1 Key Workers	...	...	...	...	...	...	...	...	...	...	10
	3.5.2 Homes (National Mobility Scheme)	...	...	...	...	...	...	...	...	...	...	10
	3.5.3 Tenants in Tied Houses	...	...	...	...	...	...	...	...	...	...	10
4	Merging Applications	...	...	...	...	...	...	...	...	...	...	11
5	Selection	...	...	...	...	...	...	...	...	...	...	11
6	Sheltered Housing	...	...	...	...	...	...	...	...	...	...	12
7	Permanently Adapted Properties	...	...	...	...	...	...	...	...	...	...	12
8	Management Discretion	...	...	...	...	...	...	...	...	...	...	12
9	Accommodation Size	...	...	...	...	...	...	...	...	...	...	13
	9.1 House Sizes that Applicants may apply for	...	...	...	...	...	...	...	...	...	...	13
	9.2 Local Lettings Initiatives	...	...	...	...	...	...	...	...	...	...	13
10	Choice Letting Areas	...	...	...	...	...	...	...	...	...	...	13
11	Homeless Applicants	...	...	...	...	...	...	...	...	...	...	14
12	Applicants With Critical Medical Status	...	...	...	...	...	...	...	...	...	...	14

13	Succession to /Transfer of Tenancy	...	...	...	...	...	...	...	...	...	14
	13.1 Statutory Succession To Tenancy	...	...	...	...	...	...	...	...	...	14
	13.2 Non Qualified Persons Making Application for Tenancy	...	...	...	...	...	...	...	...	...	15
	13.3 Transfer Of Tenancy	...	...	...	...	...	...	...	...	...	15
14	Right Of Appeal	...	...	...	...	...	...	...	...	...	16
15	Mutual Exchanges	...	...	...	...	...	...	...	...	...	17
16	Penalties	...	...	...	...	...	...	...	...	...	18
17	Letting Areas	...	...	...	...	...	...	...	...	...	19

1 Access to Housing List

1.1. Applications for housing must be made on the appropriate official form and will be accepted only from persons who are 16 years of age and over, who:

- (a) are currently resident within East Ayrshire
- (b) are employed within East Ayrshire
- (c) have been offered employment within East Ayrshire
- (d) wish to move into East Ayrshire and can provide evidence that his/her purpose in doing so is to seek employment
- (e) are aged 60 or over and wish to move into East Ayrshire to be near a younger relative
- (f) have special social or medical reasons for requiring to be re-housed within East Ayrshire.
- (g) are serving members of H.M. forces, and are either natives of East Ayrshire or , whose parents or partner's parents reside in the area.
- (h) are being discharged from long term care (or being released from long term imprisonment); applicants will be admitted to the waiting list after full consultation with the Educational and Social Services Department. An agreed Community Care package should be provided prior to the allocation of a property in respect of such applicants accepted onto the housing list.

An individual can not be registered on more than one application simultaneously.

Applicants must keep their application up to date by informing the Homes Division (via their local housing office) of all changes in their circumstances immediately these occur. Should an applicant fail to do so, or should they falsely declare their circumstances, or knowingly provide any other false information or deliberately withhold relevant information, the Head of Homes may, subject to a sound, well grounded and well documented investigation into the circumstances, cancel the application, remove the applicant's name from the Housing List, or, where appropriate, raise a legal action to terminate the let of any accommodation which may have been allocated, provided this action is reasonable and proportional in the circumstances.

1.2 Restrictions on Access to the Housing List.

Any applicant who owes:

- (a) arrears from a former tenancy
- (b) arrears from a current tenancy
- (c) any other debt owing to East Ayrshire Council,

will not be admitted to the list, if a sound, well-grounded and well documented enquiry establishes that a rejection of the application would be justified. Any decision not to admit an applicant to the list will be reasonable and proportional in the circumstances. Any decision to exclude an applicant from the list will be subject to annual review at the request of the applicant. Where there is clear evidence at the time of review that the applicant has

established and maintained satisfactory repayment arrangements, the Head of Homes may at his discretion, re-instate the applicant to the list. Any discretion exercised by the Head of Homes will be applied consistently and in a manner which treats comparable applicants equally.

Any applicant who has been evicted from a previous Council Tenancy under grounds 1 to 5 and 7 as detailed in housing list for a minimum period of 5 years on the reasonable and proportional grounds of public safety, or for the prevention of disorder or crime, or for the protection of health and morals or for the protection of the rights and freedoms of others.

The minimum period of exclusion from the housing list will be subject to annual review and may be reduced at the discretion of the Head of Homes where he is satisfied on sound, well-grounded and well documented evidence that it is no longer necessary to exclude the applicant on the grounds of public safety, or for the prevention of disorder or crime, or for the protection of health and morals or for the protection of the rights and freedoms of others. Any discretion exercised by the Head of Homes will be applied consistently and in a manner which treats comparable applicants equally.

Grounds: (In terms of Schedule 3, Part 1 of the Housing (Scotland) Act 1987)

- 1 Breach of obligations of Tenancy Agreement.
- 2 A conviction for using, or allowing the tenancy to be used, for illegal or immoral purposes, or for an offence punishable by imprisonment committed in, or in the locality of the tenancy.
- 3 Allowing the tenancy to be neglected due to the action or inaction of the tenant, joint tenant, any sub-tenant. In the case of the waste or neglect being the fault of a sub-tenant, etc., not taking reasonable steps to remove the lodger or sub-tenant.
- 4 Mistreating or allowing a lodger, sub-tenant, etc., to mistreat furniture provided with the tenancy and as in 3 above not taking reasonable steps for removal of such a lodger or sub-tenant
- 5 The tenant or any sub-tenant or any other person lodging with the tenant or any sub-tenant was guilty of conduct in or in the vicinity of the tenancy and it was not felt appropriate that the landlord should make alternative accommodation available to them.
- 7 Anti-social Behaviour in or in the locality of tenancy.

2 Groups

Applicants are grouped according to the following classifications which determine the allocation of points and are used in respect of the selection process:-

- **Householders** - all tenures including existing Council Tenants
- **Non-Householders** -all applicants without a home of their own

- **Medical** - applicants whose present accommodation is unsuitable for medical reasons.
- **Homeless/Children Acts** - applicants qualifying under Part II of the Housing (Scotland) Act 1987 or under the Children (Scotland) Act 1995
- **Miscellaneous** - All other applicants including:
 - Incoming Key workers
 - Tied tenants
 - National Mobility

2.1 Interpretation Notes

Householders

Anyone who has title to a house or part of a house, who has a tenancy agreement or a lease will be considered to be a householder, regardless of tenure type. This will apply to the partner of such a person, unless that partner has no legal rights to occupy the property of the householder.

Non Householders

Anyone who does not have title to, tenancy agreement or lease of a house, or part of a house. The group will include aged 16 and over living with their parents as well as lodgers, and persons in bed-sit accommodation.

Medical

All applicants, regardless of tenure, who have been awarded a medical priority for housing by the Community Medical Officer (CMO).

3 Pointing/Weighting for Housing

3.1 Householders

In the case of householders the following aspects of housing need have been identified as i meriting consideration and the awarding of 'points'.

- Bedroom deficiency/overcrowding
- Under-occupation (Points for under-occupancy will only be awarded where an applicant requests accommodation smaller than he/she currently occupies -for the purposes of assessment it shall be assumed that the maximum size of accommodation presently occupied is a 4 bed roomed property)
- Below Tolerable Standard (BTS). property
- Waiting time on list.
- Management Transfers e.g. to enable development work
- Extenuating Circumstances (Special Cases -applicants whose specific circumstances are not dealt with within the general pointing framework, e.g. witness protection, requiring support from relatives in another part of district following death of a partner. Priority to be determined by the Head of Homes or other nominated officer.)

Aspects of Need

Points

Bedroom Deficiency	15 points per room
Under-occupation	15 points per room (N.B. 4 bed roomed "Ceiling")
Waiting Time	2 points per year to a maximum of 20 points
B. T .S. Property	15
Management Transfer	995
Extenuating Circumstances	1-20 relative to the degree of need and urgency to be rehoused

3.1.1 Interpretation Notes

Bedroom Deficiency

For the purpose of assessment of need, the entire household will be taken into consideration. Children over the age of 10 are entitled to occupy a bedroom of their own. Couples (including same sex couples) are entitled to one bedroom.

Under-occupation

Points for under-occupation will only be awarded where an applicant requests accommodation smaller than he/she currently occupies -for the purpose of assessment it shall be assumed that the maximum size of accommodation presently occupied is a 4 bed roomed property.

Below Tolerable Standard (BTS)

This is determined in accordance with the Housing (Scotland) Act 1987 as amended which defines houses below the "tolerable standard" and "basic amenities". Points will be accorded if any of the basic amenities are lacking.

Management Transfer This applies:-

- (1) where tenants whose property is, within a reasonable time, scheduled for demolition or for substantial work to be carried out on the building or part of the building, which comprises or includes the house and such demolition or work cannot reasonably take place without the Council obtaining possession of the house.
- (2) where a person is displaced from residential accommodation in a number of defined circumstances including compulsory purchase and the making, passing or acceptance of a housing order resolution or undertaking in respect of a house or building on the land.

- (3) in acute anti-social/harassment cases, where there is a degree of urgency in effecting a transfer .

Such cases will be referred to the Head of Homes (or nominee) for assessment. Each case will be decided on its individual merits.

The decision making process will be fair, open and well documented to ensure that any assessment is consistent and is in a manner which treats comparable applicants equally. Management Transfers will generally be to equivalent accommodation, subject to the availability of stock.

Extenuating Circumstances

The principle in applying this option is that the circumstances to be assessed should be based on unmet needs, outwith the normal need assessment of the Policy, e.g. witness protection, family support, etc. Such cases will be referred to the Head of Homes for assessment. Each case will be decided on its individual merits. The decision making process will be fair, open and well documented to ensure that any assessment is consistent and is in a manner which treats comparable applicants equally.

3.2 Non-Householders

In the case of non-householders points for the following aspects of need have been identified as meriting consideration and the awarding of points:

<u>Aspects of Need</u>	<u>Points</u>
Bedroom Deficiency	15 points per room
Waiting Time	2 points per year (maximum 20 points)
Extenuating Circumstances	1-20 relative to the degree of need and urgency to be rehoused
Shared/lack of facilities:	
Bath/shower	2
Internal W .C.	2
Cooking facilities	2

3.2.1 Interpretation Notes

Bedroom Deficiency

Award of points on same basis as for Householders.

Waiting Time

Points will be awarded automatically on the anniversary of the application.

Extenuating Circumstances

As for Householders, above.

Shared/Lacking Facilities

This award will apply to applicants who do not have exclusive use of facilities for themselves and their immediate family.

3.3 Medical

Applicants receiving consideration on medical grounds will be awarded points by the Chief Medical Officer on a sliding scale based on the unsuitability of their present accommodation in light of their medical condition. When two or more members of a household have requested assessment the priority shall be based on the applicant awarded the higher points value. An enhanced medical priority 'Critical Medical' is intended to be applied to those whose need to move is immediate.

General Medical - an award of between 1 and 3 points from the Chief Medical Officer

Critical Medical - an award of 4 points from Chief Medical Officer

Applications will be determined on the basis of the number of points and, in the case of equal points, the date the points were awarded.

3.3.1 Interpretation Notes

The Chief Medical Officer may make a recommendation as to a suitable house type for an applicant. This will, subject to stock availability, be taken into account at the point of allocation. However, the Head of Homes has discretion to consider other appropriate house types. Any such discretion will be applied consistently and in a manner which treats comparable applicants equally.

3.4 Homeless/Children's Act

Applicants will be dealt with in terms of the Council's Homeless Persons' Policy and the Youth Homelessness Policy.

Applications will be considered in order of date of their submission.

3.5 Miscellaneous

The following types of application will be included in those dealt with through this list. The list is not meant to be exhaustive or prescriptive and all applications which do not fall within the above categories 3:1 to 3:4 will be included.

3.5.1 Key Workers

For an applicant to qualify for this group the following criteria must be satisfied.

- (a) that the applicant currently resides outwith a twenty five mile radius of their place of employment.
- (b) that the company employing the applicant can confirm that they are unable to appoint someone locally who possesses the necessary skills.
- (c) that the employment of the applicant is likely to lead to increased job opportunities.

Tenancies allocated to Key Workers will in the first instance be temporary for a period not exceeding six months. (Note: Under Schedule 2 of the Housing (Scotland) Act 1987: a tenancy shall not be a secure tenancy if the house is let by the Council expressly on a temporary basis to a person moving into an area in order to take up employment there, , and for the purpose of enabling him/her to seek accommodation in the area).

Applicants will be selected in order of date of application.

3.5.2 Homes (National Mobility Scheme)

The Council participates in this scheme which facilitates the movement of applicants between local authority areas.

Applicants will be selected in order of date of application.

3.5.3 Tenants in Tied Houses

Applications will be considered in order of date of submission

However, an application will not be activated until confirmation of the date of termination of employment is received, a maximum of three months advance notice being accepted. Those applicants in the category who leave their accommodation for any reason other than retiral or ill-health will be listed as non-householders

Applicants may, if they wish, choose to be placed on the non-householders list, upon application, and rehousing will be made available when the necessary points have been accrued.

Applicants who have to leave tied accommodation as a result of bereavement and who do not have a priority under Part II of the Housing (Scotland) Act 1987 will be re-housed as soon as suitable accommodation is available, in accordance with the general terms of the allocation policy.

4. Merging Applications

Applicants wishing to be considered jointly may merge their applications. Waiting Points in such circumstances shall be determined by the date of the earlier application. Applicants wishing to withdraw from a joint application will have their individual application reinstated in accordance with their respective circumstances.

5. Selection

Where the following circumstances are applicable, allocation of accommodation will only be made subject to:

- (a) a clear rent account
- (b) a satisfactory house condition report; and
- (c) a satisfactory tenancy report.

In making this assessment the Head of Homes will have regard to whether his assessment is reasonable and proportional in the circumstances as determined following a sound well grounded and documented investigation.

Houses, will be let on a quota basis to applicants on the Medical, Householders, Non-Householders, Homeless and Miscellaneous lists. The quotas are based on historic letting patterns and are designed to reflect the balance of waiting list composition and relative need. The quotas for each category are:

Medical	-	15%
Householders	-	30%
Non-Householders	-	40%
Homeless/Children Acts	-	12%
Miscellaneous	-	3%

Area Managers will produce a weekly report to the Head of Homes to ensure that quotas are being met and monitored and a regular report will be submitted to the Housing Committee.

The order of properties available for let will be determined by the date the notification of termination of tenancy is received from the outgoing tenant (the rota system).

Whilst the principle of quotas will be applied, there is discretion to the selecting officer to override the rota system in order to match need to stock availability and accelerate through-put. Any decision by a selecting officer to use his/her discretion to override the rota system must follow a sound, well-grounded and well documented investigation and be reasonable and proportional based on the individual case.

Where appropriate all tenancies will be offered on a joint basis, unless the applicant states a preference for the tenancy to be offered on an individual basis. All such applications will

be considered to ensure that respect is given for an applicant's private and family life. Any decision arising from this consideration will be reasonable and proportional in order to avoid as far as possible discrimination between applicants on the grounds of status.

To further assist in the selection process special arrangements have been adopted for the allocation of **Sheltered Housing, Permanently Adapted Properties** and for **some Designated Types or Groups** of accommodation for single and elderly persons. (Note: The addresses of Designated **Types or Groups will be listed by the Homes Division and will be made available to the public on request. Such lists will be regularly reviewed and updated**).

6. Sheltered Housing

All applicants who have reached the age of 60 years will be admitted to the list. Admission to the list for new applicants will be determined by established need for this type of supported accommodation. The level of dependency will be determined in the assessment process, as well as the priority of the applicant for rehousing. The assessment process should also be used to identify any unaddressed "community care" needs applicants may have, in order to ensure that those who are housed receive appropriate support services. Assessment of applicants and allocation of houses will be made after full consultation with the Educational and Social Services Department.

7. Permanently Adapted Properties

These properties will be identified as a specific property type and will include those purpose built for the disabled as well as those which have been significantly adapted. Applications indicating a requirement for an adapted property will be checked against properties which have already been adapted and are available. Where appropriate referral for assessment will be made in order that the specific requirements of individuals may be established, and the suitability of properties becoming available gauged. Accordingly, suitability of the applicant for the property will be the determining factor in the allocation process, which will be carried out after full consultation with the Educational and Social Services Department.

Due to the limited availability of resources to carry out adaptations, persons requiring adapted properties will be allocated properties which are already suitably equipped to meet their needs, subject to availability.

8. Management Discretion

Where the allocation of a property to a particular applicant could result in distress or undue nuisance to that individual or existing tenants in the area the Head of Homes shall have discretion to depart from the agreed selection process. The exercise of any such discretion shall be founded on a sound, well-grounded basis and will be well documented in order that it is reasonable and proportionally justified.

9. ACCOMMODATION SIZE

9.1 House Sizes that Applicants May Apply For

The house size that applicants can be allocated is as noted below.

Household	Size of Property
One adult	Bed-sit, 1 or 2 Bedrooms
Couple	1 or 2 Bedrooms
Family with one child	2 Bedrooms
Family with 2 children	2 Bedrooms
Family with 2 children (either or both 10yrs or over)	3 Bedrooms
Family with 3 children	3 or 4 Bedrooms
Family with 4 or more children	4 Bedrooms

9.2 Local Lettings Initiatives

The Head of Homes may, in appropriate circumstances, vary the house size that applicants can be allocated in order to more accurately match the supply of housing with local demand. Other relaxations to the general policy can also be introduced at the discretion of the Head of Homes. Any discretion exercised will be applied consistently in a manner which treats comparable applicants equally.

10. Choice of Letting Areas

East Ayrshire is divided into 101 letting areas (shown at Paragraph 17), and applicants may choose a total of three areas at anyone time. There are also composite areas which include all letting areas within individual settlements. Selecting a composite area will count as a single choice.

Each applicant will only be permitted three amendments to their areas of choice in any period of six months.

11 Homeless Applicants

Applicants qualifying under the Housing (Scotland) Act; 1987 Part II as homeless will be placed on the appropriate waiting list and may choose three areas within which they would wish to be housed. The Council may allocate homeless applicants accommodation outwith their areas of choice, where it is reasonable to do so. The term reasonable will be construed in line with the Scottish Executive's Code of Guidance on Homelessness i.e. in considering what is a reasonable offer, the Council shall take into account the particular circumstances of the applicant, for example the need to avoid domestic or external violence, or the applicant's physical or learning disabilities or mental health problems.

12 Applicants With Critical Medical Status

Applicants awarded Critical Medical Status, in light of their medical circumstances will be placed on the appropriate waiting list and may select three areas of preference for rehousing.

Should the Council be unable to offer a property suitable to their needs in the areas requested within a period of three months, the applicant will be permitted to select a further two areas. A further review will be carried out after an additional three month period. At this stage applicants will lose their Critical Medical Status unless the Head of Homes is satisfied that it would be unreasonable to do so or the Council would not have been in a position to make an offer in any other area. The Head of Homes will decide each case on its individual merits. The decision making process will be fair, open and well documented to ensure that any assessment is consistent and is in a manner which treats comparable applicants equally.

13 Succession to/Transfer of Tenancy

13.1 Statutory Succession to Tenancy

Statutory Succession to a Tenancy is governed by Section 52 of the Housing (Scotland) Act 1987 as amended and provides:

- (1) that on the death of a tenant, the tenancy must, by law, pass to a qualified person, unless:
 - (a) there is no qualified person, or the qualified person declines the tenancy; or
 - (b) the tenancy is terminated by operation of subsection (5) below.
- (2) A qualified person is:
 - (a) a person whose only or principal home at the time of the tenant's death was the house in question and who was at that time, either

- (i) the tenant's spouse; or
 - (ii) living with the tenant as husband and wife; (including same sex partners) and
- (b) where the tenancy was held jointly by two or more individuals, a surviving tenant where the house was his only or principal home at the time of the tenant's death; or
- (c) where there is no person falling within paragraph (a) or (b) above, a member of the tenant's family who is 16 years or over, where the house was his or her only principal home throughout the period of 12 months immediately prior to the tenant's death.
- (3) Where there is more than one qualified person, the benefit of subsection (1) or, as the case may be, of subsection (6) (described below) shall accrue:
- (a) to such qualified person; or
 - (b) to such two or more qualified persons as joint tenants

as may be decided by agreement between all the qualified persons or, failing agreement within 4 weeks of the death of the tenant, as the Head of Homes shall decide. **(Note: Any such decision will be sound, well-grounded and well documented and will be reasonable and proportional in the circumstances).**

- (4) A qualified person who is entitled to the benefit of subsection (1) may decline the tenancy by giving the Council notice in writing within 4 weeks of the tenant's death, and:
- (a) he/she shall vacate the house within 3 months thereafter;
 - (b) he/she shall be liable to pay rent due after the said death only in respect of any rental period (i.e. a period in respect of which an instalment of rent falls to be paid) during any part of which he/she has occupied the house after the said death.
- (5) A secure tenancy which has passed under subsection (1) to a qualified person shall not, on the death of the tenant (or one of joint tenants) so pass on a second occasion and accordingly the secure tenancy shall be terminated when such a death occurs; but the provisions of this subsection shall not operate so as to terminate the secure tenancy of any tenant under a joint tenancy where such a joint tenant continues to use the house as his/her only or principal home.
- (6) Where a secure tenancy is terminated by operation of subsection (5) and there is a qualified person, he/she shall be entitled to continue as tenant for a period not exceeding 6 months, but the tenancy shall cease to be a secure tenancy.

13.2 Non-Qualified Persons Making Application for Tenancy

Where on the death of a tenant, there is no person who qualifies for Statutory Succession to Tenancy in terms of the Act as described in 13.1, a tenancy may be granted at the discretion of the Head of Homes to another person who resided within the household at the date of the tenant's death subject to a 12 month residency period having been

established. This timescale may be varied at the discretion of Head of Homes following a sound, well grounded and well documented investigation. Any discretion exercised will be applied consistently in a manner which treats comparable applicants equally.

13.3 Transfer of Tenancy

Approval may be granted at the discretion of the Head of Homes to transfer a secure tenancy from one household member to another household member by mutual agreement.

The Head of Homes will be empowered to offer the original tenant suitable alternative accommodation if:

- (a) the tenant would be more conducive to transferring the secure tenancy and a protracted court action would be avoided; and
- (b) the applying member would qualify to be dealt with as a Homeless Person in priority need under Part II of the Housing (Scotland) Act 1987.

The Head of Homes, in deciding whether to grant Transfer of Tenancy will consider:

- (a) the length of time the applicant has been residing in the property (normally 12 months residence will be required).
- (b) the housing prospects and housing need of the applicant, if they applied on the Waiting List.
- (c) the demand for the property for which they are applying.

Any discretion exercised will be applied consistently in a manner which treats comparable applicants equally.

Applicants who are granted a tenancy under any of the above procedures will be encouraged to apply for a transfer to another property if the property to which they have been granted a tenancy is not suitable to their needs, i.e. it is too large or too small.

14 Right of Appeal

Applicants have a right of appeal about any aspect of the Allocation Policy which they feel has been wrongly interpreted or has been wrongly applied to them. The initial appeal will be considered by the appropriate Area Housing Manager. Applicants dissatisfied with the outcome of this initial appeal may appeal to the Head of Homes (who will deal with the appeal or delegate this to another officer). Applicants have a further right to appeal to the Housing Appeals Sub-Committee. At every stage of the appeal procedure the person or persons appointed to consider the appeal must be able to demonstrate in a fair and open manner that their decision was sound, well-grounded, well documented and was reasonable and proportional in all the circumstances. Unsuccessful appellants will be provided with full written details as to why their appeal was refused and advice on how to proceed to the next stage of the appeal procedure.

15 Mutual Exchanges

Council tenants may apply for a mutual exchange either with:

- (a) another tenant of the Council; or
- (b) a tenant of another local authority; or
- (c) a tenant of a registered social landlord.

Applications should be made only on the appropriate form, one such form completed by each party applying.

Where an application is approved applicants should sign new leases at the same time. In the case of exchanges with tenants of other landlords, every effort should be made to ensure that both applicants have signed leases prior to exchanging properties.

No exchange shall proceed without the written permission of the Head of Homes.

Permission for a mutual exchange will normally only be granted subject to the following conditions which can be varied at the discretion of the Head of Homes:

- (a) the tenant has a clear rent account;
- (b) there is a satisfactory house condition report; and
- (c) there is a satisfactory tenancy report.

Permission for a mutual exchange will not normally be granted in the following circumstances except at the discretion of the Head of Homes following a sound, well grounded and well documented investigation:

- (a) if overcrowding or under-occupancy in either property will be exacerbated by the exchange.
- (b) if the effect would be to worsen either tenant's housing circumstances.
- (c) if the Head of Homes has reasonable cause to consider that management problems may occur.
- (d) if the Head of Homes has reasonable cause to consider that the mutual exchange application is a device to circumvent the normal rules of eligibility under the Housing Allocation Policy.

Any discretion exercised by the Head of Homes shall be applied consistently and in a manner which treats comparable applicants equally.

Permission for a mutual exchange will be on condition that both parties take up residency within 2 months of the exchange being approved, and remain for a minimum period of 12 months in their respective properties. In the event of either tenancy being terminated, the Head of Homes may, if appropriate following a sound, well grounded and well documented investigation raise a legal action to terminate the let of the other party.

Applications for mutual exchange, made under the HOMES (Homeswap), shall be considered in accordance with the above rules.

16 Penalties

Any applicant who deliberately worsens his housing conditions, without reasons satisfactory to the Head of Homes, will not be considered for rehousing for 1 year dating from the date upon which the previous tenancy or occupation was terminated, and will not accrue points during this period.

In the event of an applicant refusing two offers of suitable accommodation within a period of six months their application may be suspended for a period of twelve months, unless the Head of Homes determines that extenuating circumstances prevail. The penalty will commence from the date of the refusal of the second offer. No points shall accrue during this suspension.

If an applicant fails to respond to the offer of tenancy within three working days, the property may be re-offered to the next applicant on the appropriate list. A failure to contact without good reason will be counted as a refusal.

After 3 refusals have been recorded against a particular vacant property, the Head of Homes may depart from the general terms of the Allocation Policy and offer the property to the first person on an appropriate list for that area who is willing to accept it on a permanent basis. All applicants who previously refused the tenancy will have the refusal removed from their records.

Where a resident in non-Council property is being re-housed due to a closing or demolition order only one offer of suitable accommodation will be made on priority basis. In the event of the offer being refused without a reason satisfactory to the Head of Homes, the person concerned will require to submit a Non-Householder application and to make their own arrangements with regard to housing until an offer is made in the normal manner, unless they qualify for priority under Part II of the Housing (Scotland) Act 1987.

Applicants awarded Critical Medical priority who refuse one offer of suitable accommodation suitable to their medical needs in an area of their choice will forfeit their critical medical status and be transferred to the waiting list appropriate to their circumstances, i.e. Householder/Non-Householder. The imposition of any of the above mentioned penalties, shall only be made on the basis of sound, well-grounded and well-documented reasons, which are reasonable and proportional in the circumstances. Furthermore these will be applied consistently and in a manner which treats comparable applicants equally.

An appeal against any decision made, in this connection, can be made through the appeal procedure (See Paragraph 14).

17 Letting Areas

East Ayrshire is divided into the following letting areas:-

KILMARNOCK

- Area 1 . Shortlees
- Area 2. Bellfield (including Kirkstyle)
- Area 3. Riccarton East (including Ayr Rd/Townend)
- Area 4. Riccarton West
- Area 5. Scott Road
- Area 6. London Road
- Area 7. Bonnyton
- Area 8. Longpark
- Area 9. Altonhill
- Area 10. Knockinlaw
- Area 11. Onthank
- Area 12. New Farm Loch
- Area 13. Central South (Richardland PL, Gallion Wik, Springhill, Sth. Hamilton Court)
- Area 14. Central North (i.e. North of the Railway Line, Hill St, High St, Boyd Ct. etc.)
- Area 15. Woodstock (Grange St, Park St, Morton Pl., Nth Hamilton St and Pl.).
- Area 16. Kilmarnock - any Area

- Area 17. **CROOKEDHOLM**

HURLFORD

- Area 18. Galston Road
- Area 19. Drumleyhill
- Area 20. Blair Avenue
- Area 21. Hurlford -any Area

GALSTON

- Area 22. Gauchalland, Gateside, Portland Road
- Area 23. Western Road, Park Road, Chapel Lane
- Area 24. Maxwood and Castlevie
- Area 25. Galston - any Area

NEWMILNS

- Area 26. Gilfoot, Masonholm, Queens Crescent and Strath Crescent
- Area 27. Nelson Street, Greenside, Ladeside and Borebrae
- Area 28. High Street, King Street, Isles Terrace
- Area 29. Newmilns - any Area

DARVEL

- Area 30. Central, Causeway, Drumlog Crescent
- Area 31. Dublin, W. Edith Street, Lochore Terrace
- Area 32. John Morton Crescent, Glen Crescent
- Area 33. Darvel - any Area

- Area 34. **PRIESTLAND**

- Area 35. **MOSCOW**

- Area 36. **CROSSHOUSE**

- Area 37. **GATEHEAD**

- Area 38. **KNOCKENTIBER**

- Area 39. **KILMAURS**

- Area 40. **FENWICK**

- Area 41. **WATERSIDE**

STEWARTON

- Area 42. Lainshaw, Rigghead
- Area 43. Ravenscraig, Dean Street, The Crescent
- Area 44. Robertland
- Area 45. Stewarton - any Area

- Area 46. **DUNLOP**

- Area 47. **LUGTON**

CUMNOCK

- Area 48. Netherthird
- Area 49. Craigens
- Area 50. Skerrington
- Area 51. Car Road/Cairn Road
- Area 52. Glenlamont Areas
- Area 53. Wylie Crescent Area
- Area 54. The Glebe Area
- Area 55. Keir Hardie Hill Area
- Area 56. Drumbrochan Road and Townhead Street Area
- Area 57. Barshare Area
- Area 58. Cumnock - any Area

MUIRKIRK

- Area 59. Village Area
- Area 60. Smallburn Housing Scheme Area
- Area 61. Muirkirk - any Area

CATRINE

- Area 62. Village Area
- Area 63. Shawwood Housing Scheme
- Area 64. St. Cuthbert Street Area
- Area 65. Catrine - any Area

- Area 66. **SORN**

NEW CUMNOCK

- Area 67. Pathhead Area
- Area 68. Village - i.e. Castle
- Area 69. Afton Bridgend, Mason Avenue,
the Holm Areas and Afton Road Area
- Area 70. Cairnhill Housing Scheme
- Area 71. The Leggate Area/Dalleagles
- Area 72. New Cumnock - any Area

LOGAN

- Area 73. Logan Village
- Area 74. Lugar Village
- Area 75. Logan - any Area

AUCHINLECK

- Area 76. Stoner Crescent, Glenshamrock Drive Areas
- Area 77. Sorn Road and Coal Road Areas
- Area 78. Auchinleck - any Area

MAUCLINE

- Area 79. Welton Road Scheme
- Area 80. Jean Armour Drive Scheme
- Area 81. West Park Avenue/Barskimming Road Area
- Area 83. Mauchline - any Area

PATNA

- Area 83. Doonbank Crescent
- Area 84. Jellieston Terrace Area
- Area 85. Polnessan
- Area 86. Carskeoch Drive/Main Street Area

- Area 87. Dalvennan Avenue/Keirs Crescent Area
Area 88. Patna - any Area

DALMELLINGTON

- Area 89. Village Area
Area 90. Bellsbank Housing Scheme
Area 91. Dalmellington - any Area

- Area 92. **OCHILTREE**

DRONGAN

- Area 93. Mill 'O'Shield Road Area
Area 94. Barbieston Avenue Area
Area 95. Drongan - any Area

- Area 96. **RANKINSTON**

- Area 97. **DALRYMPLE**

- Area 98. **HOLLYBUSH**

- Area 99. **SKARES**

- Area 100. **HAYHILL**

- Area 101. **DRUMSMUDDEN**

AGENDA