

**East Ayrshire Council
Housing Services
Council Offices
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Housing Allocation Policy

CONTENTS

1 Aims and Objectives	3
2 Legal Requirements	3
3 Access to Housing List	3
4 Groups.....	4
5 Pointing	4
5.1 Householder and Non Householder Groups	4
5.2 Medical Group	5
5.3 Homeless and Miscellaneous Groups	5
5.4 Table of Points an Applicant May be Awarded	6
5.5 Interpretation Notes	6
Bedroom Deficiency.....	6
Under-occupation.....	6
Waiting Time	6
Below Tolerable Standard (BTS).....	7
Management Transfer.....	7
Extenuating Circumstances.....	7
Medical.....	7
Homeless.....	8
Miscellaneous.....	8
6 Assessment	9
7 Merging Applications	10
8 Application Review.....	10
9 Allocation	10
9.1 Sheltered Housing	11
9.2 Permanently Adapted Properties	11
9.3 Designated Blocks or Groups of Accommodation.....	11
10 Local Lettings Plans.....	12
11 Monitoring and Review.....	12
12 Accommodation Size	12
12.1 House Sizes that Applicants May Apply For.....	12
13 Choice of Letting Areas	13
13.1.1 Applicants with Critical Medical Status	13
13.1.2 Homeless Applicants	13
13.1.3 Nomination Agreements.....	13
14 Right Of Appeal.....	14
15 Penalties.....	14
16 Letting Areas.....	15

1 Aims and Objectives

The aims and objectives of the Allocation Policy are as follows;

- To promote fair and equal access
- To give priority to people in need
- To contribute to the prevention of homelessness
- To make best use of housing stock
- To help sustain communities

2 Legal Requirements

The framework for the Allocation Policy is provided by:

- The Housing (Scotland) Act 1987 as amended
- The Housing (Scotland) Act 2001
- The Homelessness etc. (Scotland) Act 2003
- The Leasehold Reform, Housing and Urban Development Act 1993
- The Human Rights Act 1998
- The Data Protection Act 1998
- The Equal Opportunities Legislation

3 Access to Housing List

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

An individual cannot be registered as active on more than one application simultaneously.

Applicants must keep their application up to date by informing Housing Services (via their local housing office) of all changes in their circumstances immediately they 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 Homes¹ 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 Hereinafter where Head of Homes is cited this may be Head of Homes or nominated officer

4 Groups

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

- **Householders** - all applicants including existing council tenants who have a tenancy agreement or a lease regardless of tenure type and those who have title to a house or part of a house.
- **Non-Householders** - all applicants without a home of their own, who do not have a tenancy agreement or a lease of a house or do not have title to a house or part of a house.
- **Medical** - applicants whose present accommodation is unsuitable for medical reasons who have been awarded a priority for housing by the Clinical Medical Officer.
- **Homeless** - applicants qualifying under Part II of the Housing (Scotland) Act 1987 as amended.
- **Miscellaneous** - Applicants irrespective of whether they are householders or non householders whose need merits inclusion within this group, To include: -
 - Incoming Key workers
 - Tied tenants
 - Homes Applicants (National Mobility)
 - Community care service users

5 Pointing

5.1 Householder and Non Householder Groups

The following aspects of housing need have been identified as meriting consideration and the awarding of 'points' to applicants placed on the Householder and Non Householder Groups as appropriate: -

- Bedroom deficiency/overcrowding (linked to family size and assessed need)
- Under-occupation (linked to family size and assessed need)
- Below Tolerable Standard (BTS) property
- Waiting time on list
- Management Transfers
- Extenuating Circumstances

Aspects of Need

Points

Bedroom Deficiency	-	15 points per room
Under-occupation	-	15 points per room (N.B. 4 bedroom "ceiling")
B.T.S. Property	-	15 points
Waiting Time	-	2 points per year to a maximum of 20 points
Management Transfer	-	500 points
Extenuating Circumstances	-	1-20 points relative to the degree of need and urgency to be rehoused

5.2 Medical Group

Applicants placed on the Medical Group will be awarded points according to the degree and nature of their medical condition

General Medical	-	awarded grade 1 -3 by the Clinical Medical Officer
Critical Medical	-	awarded grade 4 by the Clinical Medical Officer

5.3 Homeless and Miscellaneous Groups

Points are not awarded to applicants placed on the Homeless and Miscellaneous Groups.

5.4 Table of Points an Applicant May be Awarded

GROUPS	Bedroom Deficiency	Under Occupation	Sharing	Below Tolerable standard	Waiting Time	Management Transfer	Extenuating Circumstances	Medical
Householder	✓	✓	✗	✓	✓	✓	✓	✗
Non-Householder	✓	✓	✓	✗	✓	✗	✓	✗
Medical	✗	✗	✗	✗	✗	✗	✗	✓
Homeless	✗	✗	✗	✗	✗	✗	✗	✗
Miscellaneous	✗	✗	✗	✗	✗	✗	✗	✗

5.5 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 bedroom property.

Waiting Time

2 Points will be awarded each year on the anniversary of the date of application up to a maximum of 20 points.

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 council 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 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, inappropriate or unsatisfactory housing conditions 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.

Medical

Applicants receiving consideration on medical grounds will be awarded points by the Clinical Medical Officer on a sliding scale based on the unsuitability of their present accommodation in light of their medical condition. When 2 or more members of a household have requested assessment the priority shall be based on the applicant awarded the highest 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 Clinical Medical Officer

Critical Medical - an award of 4 points from the Clinical Medical Officer

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

The Clinical Medical Officer may make a recommendation as to a suitable house type for an applicant. This will be subject to stock availability and 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 all applicants equally.

Homeless

Applicants will be dealt with in accordance with the relevant legislation and the Council's Homelessness Policy.

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

Miscellaneous

The following types of application will be included within this group. The list is not meant to be exhaustive or prescriptive and any applications which do not fall within the above categories may be included within this group.

- ***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.

Applicants will be selected in order of date of application.

- ***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.

- ***Tenants in Tied Houses***

Applications within this category will not be activated until confirmation of the date of termination of employment as a result of retirement, ill health or redundancy is received, a maximum of three months advance notice being accepted. Applicants initially placed in this category who leave their accommodation for any other reason will be placed on the appropriate group relevant to their circumstances. Applicants may, if they wish, choose to be placed on the non-householder group upon application and rehousing will be made available when the necessary points have been accrued.

Applicants will be selected in order of date of application.

- ***Community Care Service Users***

Applications received from people who meet the following criteria will be admitted to the miscellaneous group; -

- People who are being discharged from long term hospital care
- People who are leaving residential care to move into the community
- People who are at risk of reception into care homes
- People who are at risk of being admitted to hospital

Assessment for inclusion within this group will be carried out jointly by staff from the Housing and Social Work Departments. If a suitable house type in a suitable location becomes available to let then the Protocol for Accommodating Service Users with Community Care Needs and Service Users Discharged from Acute Health Care Services will apply to those individual applicants irrespective of date of application.

6 Assessment

All applications will be assessed to determine their status on the housing list and the size and type of property that they would qualify for.

Any applicant who owes:

- (a) arrears from a current tenancy
- (b) arrears from a former tenancy
- (c) any other tenancy related debt

will be admitted to the list but the application will be deferred until such time as a suitable arrangement to clear the debt has been entered into and maintained for 3 months or more. A sound well grounded and well documented enquiry will be established to ensure that deferment of the application would be justified. Any outstanding arrears/ charges will be weighed up against the applicants housing need.

An applicant who has demonstrated a history of anti-social behaviour relating to a tenancy or involving community safety or has been served with an Anti Social Behavioural Order or decree for eviction as a result of behaviour will have their application deferred until

evidence of their current behaviour has been sought and the Head of Homes is satisfied that the applicant would no longer provide a threat to the safety of the community.

When allocating properties applicants with a deferred status will not be considered.

Any decision made regarding applications will be reasonable and proportional in the circumstances. The Head of Homes may at his discretion, re-instate a deferred 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.

7 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.

8 Application Review

Applications will be reviewed on an annual basis on the anniversary of the date of application. Applicants who fail to return their review response within the allotted timescale will have their application cancelled.

9 Allocation

All active applicants will be considered when allocating houses. Applicants selected for housing will in the majority of cases be offered a Scottish Secure Tenancy. The Council does have the right in a number of defined circumstances to offer an applicant a Short Scottish Secure Tenancy or a temporary let. If the tenancy offered is to be other than a Scottish Secure Tenancy the applicant will be notified of this at the time of offer of accommodation. 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 will be subject to an annual review and published in the local press and the Council's website.

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 Head of Homes to override the rota system in order to match need to stock availability and accelerate through-put. Any decision by the Head of Homes 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**.

9.1 Sheltered Housing

Applicants will be assessed 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 will 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 Education and Social Services Department.

9.2 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. Applicants 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.

9.3 Designated Blocks or Groups of Accommodation

The council may, on occasion designate particular blocks for a specific client group such as housing for the elderly, single persons or those in need of identified housing support.

10 Local Lettings Plans

The Head of Homes may, in appropriate circumstances, vary the selection criteria and house size that applicants can be allocated in order to more accurately match the supply of housing with local demand, thus making best use of available stock. Other amendments 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.

11 Monitoring and Review

The Area Manager within each area team is responsible for ensuring that the Allocation Policy is being implemented correctly. Monitoring of the policy allows for: -

- Adherence to the Policy
- Effective implementation
- Performance measurement
- Informing future reviews

Performance is reported on a 4 weekly basis to the Homes Senior Management Team and will be reported to the Housing Committee bi-annually.

This information informs a regular review of the Service.

12 Accommodation Size

12.1 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

13 Choice of Letting Areas

East Ayrshire is divided into 101 letting areas (as shown on page 15), and applicants may choose a total of three areas at any one time. There are also composite areas which include all letting areas within individual settlements. Selecting a composite area will count as a single choice. Specific rules apply to those applicants placed on the medical group with critical medical status and the homeless group.

13.1.1 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.

13.1.2 Homeless Applicants

Applicants qualifying as homeless under the Housing (Scotland) Act 1987, as amended, 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.

13.1.3 Nomination Agreements

The Council has arrangements in place with a number of Registered Social Landlords whereby suitable applicants can be nominated for vacant properties arising within RSL stock.

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. 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. Should applicants be dissatisfied with any aspect of the council's decision following this procedure they have a right to appeal to the Scottish Public Services Ombudsman who may investigate their complaint.

15 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 deferred for 1 year, 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.

Applicants who have been awarded management discretion points and are being housed due to a closing or demolition order unreasonably refuse one offer of accommodation shall lose the management discretion points.

Applicants awarded Critical Medical priority who unreasonably 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.

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 Page 14).

16 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 Wlk, 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 Castleview
- 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. **KNOCKINTIBER**

- 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
CUMNOCK (Continued)

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

MAUCHLINE

- 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**

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