

## **GLOSSARY OF TERMS**

This glossary is in alphabetical order and contains definitions of the terms printed in **bold** in the Housing Allocations Policy document. If any of the definitions here is unclear, you may contact the Neighbourhood Housing Offices for advice.

### **Adaptations**

Adaptations are changes to a home, usually funded by the council, that make it accessible or suitable for a tenant with physical challenges or disabilities. These may be very specific to the needs of person currently living there, but the council will always seek to re-use such facilities where possible.

### **Anti-Social Behaviour**

This is behaviour which causes nuisance, alarm or distress to one or more persons not of the same household as the perpetrator.

### **Banding**

Banding is the method we use to award priority to applicants. There are five bands and these reflect the comparative urgency of applicants' need to move.

### **Bidding**

This is the process by which applicants register their wish to be considered for a particular property, for which they are eligible. No money changes hands in this process.

### **Communal Facilities**

These are facilities within a block or complex to which all residents have access, such as laundry, common rooms, kitchens and entrance halls.

### **Communal Facilities Charge**

This is a small charge made by the Council for its sheltered properties. It is charged regardless of whether the scheme manager provides support or not. It is not payable by housing benefit.

### **Composite Housing Need**

Applicants with Composite Housing Need will be placed in Band B. Composite Housing Need is a term given to applicants who have been assessed as either High Medical Priority or lacking two bed spaces (or more) plus at least one other factor from the list under Band C.

### **Compulsory Purchase Order (CPO)**

A CPO is a legal tool used in the United Kingdom and also in the Republic of Ireland. It allows certain bodies to obtain land or property without the agreement of the owner, if they need to. For example, a CPO may be used when building a motorway if a land owner

does not want to sell. Similarly, if a town council wants to develop a town centre, it may issue one or more CPOs.

### **Decommissioned/Decommissioning List**

Some council-owned/Trust properties are designated for use by elderly residents and will only be offered to applicants over the age of sixty. These addresses will generally be subject to the **communal facilities charge**.

Where demand is low, these addresses may be decommissioned, or re-designated for general use by applicants of any age. We do not take this decision lightly and will look to let recently decommissioned properties sensitively.

### **Dependent Child**

A dependent child is a person in a household aged 0 to 15 (whether or not in a family) or a person aged 16 to 18 who is a full-time student in a family with parent(s).

### **Exceptional Social Circumstances**

The **Housing Advice Manager** can consider applicants with *exceptional* social circumstances. These will be factors or events that are outside of the provisions of the Allocations policy. For example, where the Police recommend that we move someone for their own safety, or where a Court orders that we do so. In assessing such cases, the Housing Advice Manager will consider how an applicant's current living arrangements affect the situation, and whether a change of accommodation is *necessary* to improve the situation.

### **Financial Resources**

We will assess all applicants to decide if they have enough money to reasonably afford to buy or privately rent a property that is suitable for them. Each application will be considered on its own merits, taking in account the type of property needed and any special circumstances.

When we are deciding what an applicant can afford we will look at their household income, savings, investments, inheritance and so on. We will also consider any existing interest in an owned property or money received from the sale/transfer of an owned property.

We will look at things that may affect an applicant's ability to secure their own housing, such as their household size, age and health. We will also look at any existing financial commitments, such as child maintenance, and things that may affect an applicant's ability to secure a mortgage – for example, a county court judgement.

Those applicants whom we consider to have sufficient resources to buy in the private market will be placed in Band E if they are over 60.

### **Households in priority need**

The priority need groups include households with dependent children and pregnant women. It also includes people who are vulnerable in some way - for example because of old age, mental illness, physical disability, or another special reason.

In 2002, an Order made under the 1996 Act extended the priority need categories to include:

- applicants aged 16 or 17;
- applicants aged 18 to 20 who were previously in care;
- applicants vulnerable as a result of time spent in care, in custody, or in HM Forces,
- applicants vulnerable as a result of having to flee their home because of violence or the threat of violence.

Where a main duty is owed, the authority must make sure that suitable accommodation is available for the applicant and his or her household. The duty continues until a settled housing solution becomes available for them, or some other circumstance brings the duty to an end.

Where households are found to be intentionally homeless or not in priority need, the authority must assess their housing needs and give assistance and advice to help them find accommodation for themselves.

### **Homeless at home**

Homeless at home applicants are those to whom the council has accepted a main homelessness duty but who do not need re-housing at the present time. They are applicants who have somewhere to live but do not have a home of their own, for example an adult child living with their parents.

### **Home Owners (and Former Home Owners)**

We define **home owners** as:

- People who have any freehold or leasehold interest (whether in joint or sole names) in a property. This includes:
  - Interests in properties abroad
  - Interests in properties that have been sublet
  - Interests in shared equity or part rent part buy properties.
- People acquiring a freehold or leasehold interest in a property (whether in joint or sole names). This includes the Right to Buy and Shared Ownership schemes.
- People who own or part own a sited mobile home or houseboat.

**Former Home Owners** are:

- People who, in the past seven years, have had any freehold or leasehold interest in a property, whether in joint or sole names.
- People who still have their names on the title deeds of a property that has been repossessed, but not yet sold.
- People who still have their names on the title deeds of a property that is for sale and the proceeds are likely to go to an official receiver following bankruptcy.

Former home owners who have owned a property in the last seven years will normally not be entitled to join the housing needs register unless they can demonstrate financial hardship.

However, a former home owner may be able to join the housing needs register if they can show they did not make a significant financial gain from the sale of the property, and also have a valid local connection.

### **Gifting of Properties**

Owner occupiers who gift properties will normally be excluded from the register until seven years have passed from the time of the gift.

### **Homeseeker**

A Homeseeker is an applicant who does not currently hold a secure or assured tenancy with any council/Trust or RSL within the Herts Choice Homes area.

### **Immediate Danger**

Applicants who tell us they are unable to remain in their present home because it is dangerous to do so will be assessed by the council's officers and a decision made as to which banding would best reflect the applicant's circumstances this could involve a housing options appointment or a decision made at senior officer housing panel to determine what band they should be awarded.

### **Immigration Control/Status**

Some people have restrictions placed on them owing to their immigration status. On this basis, they may not be eligible to join the Housing Needs Register (HNR). Although applicants who are subject to immigration control are not eligible for the HNR, other members of the household may be eligible if they are not subject to control.

If a housing application is accepted, and a member of the applicant's household is subject to immigration control, we will treat the application exactly as we would any other in terms of priority banding. However, we cannot offer a joint tenancy to include anyone subject to control.

### **Joint Residency Orders**

A court may make a residence order under the Children Act 1989. This specifies who the child lives with and gives the carer parental responsibility.

In some circumstances a court will make a joint residence order, specifying that the child will live with both parents at their separate homes.

## **Local Connection**

To have a valid local connection an applicant must:

- ❖ Have lived in the area for more than five years  
**or**
- ❖ Work in the area on a permanent basis for a minimum of 16 hours a week and have done so for 5 years or over.  
**or**
- ❖ Have a member of close family (i.e. parent, adult child or sibling) living in the area for ten years or more
- ❖ Exceptional circumstances to be considered by Senior Officer Housing Panel
- ❖ Any household who is accepted as having a 'Right to Move' from social housing in another Local authority area. (Please refer to the Glossary of terms which outlines the Right to Move in detail)

Only applicants with a local connection can join the housing needs register

## **Local Residency**

Local residents are defined as people '*normally resident*' in the Welwyn Hatfield Borough. This includes people whose only or main home is in the Welwyn Hatfield borough and also:

- People living permanently in local Social Services group homes.
- Students living and studying inside or outside this borough so long as they were normally resident in the borough for at least one year before starting their studies.
- Students with dependent children who normally live with them.
- People temporarily living outside of the Welwyn Hatfield borough whilst receiving medical or respite care, or serving a prison sentence.

People not considered to be normally resident within the Welwyn Hatfield borough are those living here temporarily. This includes:

- Anyone who is living in the Borough whilst on holiday or for hospital treatment.
- Anyone who is living in the borough due to being temporarily housed here by another authority. This will include people who are in care who are the responsibility of another local authority.
- Anyone who is living in the borough as a student, if they were not normally resident here for at least a year before starting their studies and/or they have no dependant children living with them.

## **No Fixed Abode Applicants**

These applicants must normally show they have lived here for five years.

## **Local Employment**

This means being employed in the Welwyn Hatfield Borough as the normal place of work, for at least 16 hours a week. Unless the applicant is self-employed, there must be a current contract of employment for a permanent job.

If an applicant is self-employed, they must have an office in the borough. If they are a contractor working locally for an extended period (one year or more) we will ask for a letter confirming this from their employer.

**Note:** Students are not considered to have a valid local connection through local employment, even if they work over 16 hours a week.

## **Local Lettings Policies (LLPs)**

Local Lettings Policies are normally short term measures put in place to address specific local issues, with the aim of creating balanced and sustainable communities. Priority for particular properties is varied and the normal short listing rules for specific neighbourhoods may be overridden, for a specific period of time, in order to achieve a better tenant mix.

LLPs may address issues such as:

- Increasing the number of people in employment
- Reducing child density in an area
- Reducing anti-social behaviour or the incidence of crime in an area.

Properties may be allocated on the criteria of age or household composition (for example) taking into account factors such as supply and demand.

We may recommend an LLP for properties in Welwyn Hatfield Council's own stock, or in partnership with Registered Providers. Policies are monitored, developed and amended in response to local circumstances.

## **Main Duty (Statutory homelessness)**

Each local housing authority has to consider housing needs within its area, including the needs of homeless households whom they have a statutory duty to help.

The Housing Act 1996 (amended by Homelessness Act 2002), places a statutory duty on local housing authorities to make sure that advice and help for households who are homeless, or threatened with homelessness is available free of charge.

A "main homelessness duty" is owed where the authority is satisfied that the applicant is:

- eligible for help;
- unintentionally homeless; and

- falls within a specified priority need group.

### **Medical priority**

If there is a link between a serious medical problem and an applicant's housing conditions they can apply for a medical assessment. To do this the applicant must fill in a medical assessment form.

Medical priority varies according to circumstance and is assessed by the council's independent medical advisor. Priority can be awarded where applicants, or people included on their application, have a health problem made worse by their present living conditions or where their home is unsuitable for medical reasons.

The most pressing medical circumstances will be placed into the higher bands. There are three medical categories: **Urgent** Medical Priority, **High** Medical Priority and **Recognised** Medical Priority.

We will consider all medical circumstances of the household, where there is more than one. The application will be placed in a band appropriate to their combined need.

Where medical priority is given to an application, this may be for a particular type of accommodation, for example accommodation on the ground floor or with a certain number of bedrooms. In such circumstances, we will only allow the applicant to queue for type of accommodation specified.

### **Mutual Exchange**

A mutual exchange is where one tenant swaps properties with another tenant. Only tenants with **security of tenure** are allowed to mutually exchange their homes, and this must be with the permission of the landlord (for example, the council or RP). If you are a secure tenant you can apply to mutually exchange with a tenant from any other council. You may also be able to swap with a tenant of a RP.

### **Non Active Applications**

If an application is made non-active, the applicant will not normally be considered for offers of accommodation but will stay on the Housing Needs Register. Applications are usually made non-active either for a set period of time or until an action has been completed.

Applications can be made for non-active for a range of reasons - see the main policy document for details.

### **Non-Statutory Overcrowding**

Some people can be living in overcrowded conditions but not be statutorily overcrowded. Different priority is awarded to applicants who are living in overcrowded conditions, depending on how many bed spaces they lack.

### **Notice to Quit**

This is a written notice from a landlord to a tenant, giving them a deadline by which they must leave their home. The letter should be personally served (delivered) where possible, and a statement made to that effect.

### **Reasonable preference**

Under the Homelessness Act of 2002, housing providers must give priority to those most in need by giving them 'reasonable preference'. This includes:

- **All** homeless people.
- People living in unsanitary, overcrowded or otherwise unsatisfactory housing.
- Those who need to move on medical or welfare grounds.
- People who need to move to a particular area to prevent hardship (to themselves or others).

Additional priority can be given to people within these groups with particularly urgent housing needs.

### **Registered Providers**

A Registered Provider (RP) is an independent, non-profit making organisation that provides affordable homes for people in need. Many RPs are also known as housing associations.

### **Right to Move**

**In order for the usual local connection criteria to be waived under Right to Move the following criteria must be met:**

- The applicant must be a social housing tenant.
- They must be a transferring social housing tenant who has reasonable preference under Section 166A(3)(e). (explain)
- They must be a tenant(s) whom the local authority is satisfied have to move to the local authority's locality because failure to do so would cause hardship to themselves and/or others.
- The work must not be short-term or marginal in nature, nor ancillary to work in another district (i.e. the tenants works in two districts, or may need to return to work in the original district. .
- The work must not be voluntary.
- The work should not be less than 16 hours per week. (For 15 hours or less the tenant must prove that the work is regular and the remuneration is substantial).
- The household must be able to prove their employment status. Appropriate evidence must provided, to include contract of employment, wage/salary slips, tax and/or benefits information, a formal offer letter.

If these criteria are met, the following test will be applied:

- The local authority must be satisfied that the tenant needs, rather than wishes, to move for work-related reasons.

In deciding whether a tenant needs rather than wishes to move, the following will be considered:

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account levels of earnings.
- The nature of work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move.
- The length of the work contract
- Whether employees are serving a Probationary period at work and permanent employment has not yet been confirmed.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances.

The following applicants will not be eligible under the Right to Move:

**a) Social Housing Tenants where their landlord is in the process of taking any formal legal action against the tenancy or if they have arrears or rent.**

We will not consider Social Housing Tenants who are about to be evicted. This will apply to any tenants who have a current Notice of Seeking Possession (NOSP)

**b) Households are living in Hertfordshire**

These households should not be eligible for Right to Move as the Public transport links between Welwyn Hatfield and all other Hertfordshire local authority areas are very good.

**c) Households who live outside of Hertfordshire but where:**

The quality, accessibility and affordability of public transport is considered to be sufficient to enable the applicant to travel to work from outside the area.

Where public transport links or the travel to work time/ability is considered to be poor, the nature of the work will be considered and whether it is short-term, marginal, ancillary or voluntary.

**Households who either already work in Welwyn Hatfield or have been made an offer of employment in Welwyn Hatfield.**

The work must be exceptional to Welwyn Hatfield e.g. for essential services such as clinical employment in the QE2 Hospital or teaching at the University of Hertfordshire. This will be decided on a case-by-case basis.

**Priority banding for households who are accepted to have their lack of local connection waived through Right to Move –.**

The priority of the household on the housing register will be decided on a case-by-case basis as per our Allocations Policy.

### **Security of Tenure**

This is the right of a tenant to live in a property unless or until the landlord obtains a court order to end the tenancy and/or regain possession of that property.

### **Senior Officer Panel**

- This is a group of senior officers who meet every two weeks to discuss and make decisions on matters concerned with housing allocations. The Panel has powers to make decisions outside of the usual terms of the Allocations Policy, in cases where there are very exceptional circumstances.

Any officer may refer a case to the Panel.

- Each meeting elects its own chairperson, and at least three Senior Officers must be present for a meeting to be held.

### **Sharing Facilities**

This is where an applicant has to share cooking, sleeping or bathroom facilities with people who are not in their own household.

### **Statutory Overcrowding**

The Housing Act 1985 lays down two legal definitions of overcrowding. If either or both apply then the dwelling is statutorily overcrowded.

#### **The room standard (Section 325)**

This is based on the number and sex of the people permitted to sleep in one room. “

#### **The space standard (Section 326)**

This is based on the number of people who may sleep in a property of a particular size. Property size is calculated according to the number of rooms and their floor area.

### **Successor/Succession**

If a tenant dies, their husband, wife, or civil partner has the right to take over their tenancy. This is called succession and can only occur once.

If there is no spouse or civil partner, the tenancy may only pass to a:

- parent
- grandparent
- child
- brother
- sister
- uncle
- aunt
- nephew or
- niece

This includes step-relatives.

The home must have been that relative's main home for at least 12 months before the death of the tenant. If more than one relative asks to take over the tenancy, the council will decide who should take it over.

There is only one right of succession. If a tenant takes over a tenancy and then dies, other relatives cannot take over the tenancy from that tenant. But we may offer other housing to a family member who has lived in the property for many years.

Unless a husband, wife, or civil partner has taken over the tenancy, we may ask the relative to move to another home. We will do this if the home would be more suitable for a larger household or for an elderly or disabled person. If the relative turns down an offer of other suitable accommodation, we may seek possession of the property.

### **Temporary Accommodation**

This is accommodation – which may or may not be in the council's ownership – offered to applicants who the council has a duty to provide accommodation for under homeless legislation. It is not provided on a long term basis.

### **Tenancy Assignment**

This describes a situation where a secure tenancy is passed from a tenant to someone else. There are very strict rules about when this can happen, and tenants cannot assign their tenancy without the permission of either their landlord (for example, the council) or a Court – depending on circumstances.

### **Tied Tenant**

This is a resident who lives in a property that is needed in order that they can better perform the duties of their job - and who would lose their home if that job ended. Examples include some resident wardens and school caretakers.

### **Time Limited Bidding**

Under time limited bidding applicants are given a time frame in which they must make bids. When this expires, we will bid on behalf of the applicant – and if the applicant refuses a reasonable offer his or her priority may be changed as a result. In some situations the time frame may be extended (for example, if a suitable property has not become available).

Examples of circumstances in which time limited bidding applies are given in the main document.

### **Transfer Applicant**

A transfer applicant is any applicant who holds a secure or assured tenancy with a council/RP within Welwyn Hatfield area.

### **Vacant Possession**

When a council or RP tenant moves home, they must make sure that **everyone** leaves the property when the tenancy ends. They must also return the keys to their landlord on an agreed date. This is called giving back vacant possession. The tenant(s) must also leave the property clean, tidy, and clear of all belongings and rubbish.

**Neighbourhood Housing Offices**

Housing Offices, White Lion House, Hatfield, AL10 0JL

The Campus, Welwyn Garden City, AL8 6AE

**The telephone number for all these offices is 01707 357000**

See our website: [www.welhat.gov.uk](http://www.welhat.gov.uk)

You may e-mail us at: [wgc.housing@welhat.gov.uk](mailto:wgc.housing@welhat.gov.uk)  
[hatfield.housing@welhat.gov.uk](mailto:hatfield.housing@welhat.gov.uk)  
[housingadviceteam@welhat.gov.uk](mailto:housingadviceteam@welhat.gov.uk)

**Access to information**

We want our customers to be able to access information and services as easily as possible, in ways that suit them. We can provide information in different formats or other help where this is needed. The type of help we can provide includes:

- Translations into:
  - Different languages
  - Braille
  - Easy Read
  - Large Print
  - Audio
- Accessible pdf documents
- Telephone interpreting
- Face-to-face interpreting (including sign language)

Please contact your local Housing Office if you need help accessing any information about our services.