

Cancellations, suspensions & exclusions



**Guidance
notes**



Contents

Cancelledations

When will we cancel your application for housing? 3

Suspensions & Exclusions 4

What are exclusions? 4

What are suspensions? 4

Can I appeal against an offer of housing being reasonable? 7

Home ownership 7

Rent arrears 7

Antisocial behaviour 8

Local connection to East Lothian 8

False or fraudulent information 9

Asylum seekers 9

Scottish Secure Tenancy terms 9

How will I know if I have been suspended? 9

Can I appeal against a suspension? 10

What should you do if you think the reason for your suspension is no longer valid? 10

Suspension reviews 10

Data Protection

East Lothian Council uses the personal data you provide for purposes associated with the delivery of our services. For more information see

www.eastlothian.gov.uk/communityhousingpn

Personal data will be retained in line with East Lothian Council retention policies.

Data Protection Officer, East Lothian Council,
John Muir House, Haddington, EH41 3HA
Email: dpo@eastlothian.gov.uk

Cancellations

When will we cancel your application for housing?

A housing list application will be automatically cancelled for the following reasons:

- At the request of the applicant
- Because the applicant has died
- Because the applicant has failed to respond to application review letters

However, we also ask for your agreement that we cancel your housing list application for the following reasons:

- when you have accepted an offer of housing and therefore become adequately housed or
- When you have carried out a successful mutual exchange

You can, of course, re-apply to the housing list at anytime. You would be pointed on your current housing circumstances and be given a new date of application.

Can I appeal against a decision to cancel my housing application?

You can appeal against a decision to cancel your housing application. Information is available in our Appeals Leaflet available on our website www.eastlothian.gov.uk or on request from your local housing office.

Suspensions and Exclusions

What are exclusions?

Exclusions happen if an applicant is not allowed to register on a housing list. The Housing (Scotland) 2001 Act states that landlords cannot exclude anyone aged 16 years or over from applying for Council housing. We accept applications from anyone aged 16 years or over, who is a United Kingdom or European Union citizen.

What is a Suspension?

A suspension means that we have accepted your application for housing and placed it on the housing list, but we will not consider you for an offer of housing.

New Application Suspensions

In certain circumstances, we may suspend your application for a period of time from the point you apply. We will do this if you or someone on your application

- has a history of anti-social behaviour or
- where someone has been convicted of a crime that has been committed in or near the property where you were a tenant or
- there are outstanding rent or tenancy related debt
- you have previously abandoned or neglected a tenancy
- you have provided false information on your application for housing
- there has been an Order for Recovery of Possession made against you or someone on your application.

The length of suspensions will depend on the circumstances of the individual. You have the right to appeal against a suspension by applying to the Sheriff Court.

Other Suspension Reasons

We may also suspend your application at a later stage for one of the following reasons:

- you have requested that your application be suspended
- you have refused two reasonable offers of housing
- you are a homeowner
- you have rent arrears
- you, or someone who lives with you, has a history of anti-social behaviour
- you do not have a local connection to East Lothian
- you have given false or fraudulent information
- you are an asylum seeker
- you have broken the terms of your tenancy agreement (transfer applicants)
- You have requested that your application is suspended
- You have requested that we suspend your application for a period of time due to a change in your circumstances* (see below).

You must let your local housing office know when you wish to return your application to 'active' status.

* Change of circumstances

The Council will make an offer of housing based on the information provided by the applicant. If the applicant's circumstances change then it is important that your local housing office or the Review Team are told of the change straight away. We need accurate information on the applicant's circumstances to make reasonable offers of housing.

You have refused two reasonable offers of housing

East Lothian Council make two reasonable offers of housing to applicants at the top of the housing list. A reasonable offer is one that meets your requirements in terms of property type, area of choice and is suitable for your family size and any assessed health needs. We limit the number of offers we make due to the high demand on our stock.

After an applicant has refused two reasonable offers of housing, we will suspend their application for a period of twelve months.

Applicants who have been accepted for rehousing under homelessness legislation will be made one offer of housing and if this is subsequently refused, will have their homeless priority removed. The applicant, however, has the right to appeal against this. Please speak to your Housing Options Officer.

Can I appeal against an offer of housing being reasonable?

You can appeal against any offer you feel is unreasonable. Please refer to the Appeals Leaflet for more information. The leaflet is available on our website www.eastlothian.gov.uk or on request from your local housing office.

However, you cannot appeal against an offer of housing being unreasonable if you have failed to inform your local housing office or Review Team about a change in your circumstances.

You are a homeowner

The Council are now able to take home ownership into consideration when assessing an applicant's priority for housing. We are also able to take the proceeds from a previous sale of property into account. This will apply to everyone who is to be rehoused with you. The Housing (Scotland) Act 2014 considers homeowners to have lower housing needs than other applicants and more housing options available to them. However, there are circumstances when we will disregard homeownership.

Please speak to a Housing Officer if you cannot remain in your home or refer to our Allocations Policy available on line at www.eastlothian.gov.uk

You have rent arrears

The Council reserves the right to suspend applications for housing where there is a certain level of rent arrears owed; this is usually arrears of more than one month's rent or equal to one-twelfth of the annual amount due. The Council will also consider carefully cases of genuine hardship and financial difficulty before implementing a suspension. Where there is an agreement in place to pay off debt and it has been adhered to by the tenant for a period of three months or more then they will not be suspended.

- **A landlord cannot suspend for mortgage arrears, council tax arrears or other unpaid debts not directly relating to a tenancy.**

If the applicant feels that they have been suspended unfairly due to rent arrears then they have the right to appeal that decision by contacting the Community Housing Manager at their local housing office within 21 days of receipt of the suspension letter.

You have a history of anti-social behaviour

The Council considers the use of suspensions appropriate when an applicant has previously harassed or been violent towards neighbours, the general public or East Lothian Council staff.

- **Suspensions for anti-social behaviour should only happen when there is clear evidence of anti-social behaviour and it is related to the tenancy.**

The Council will consider the nature of the anti-social behaviour, its frequency and duration of conduct before implementing a suspension. Anti-social behaviour can include actions by members of the applicant's household. Should an applicant wish to appeal against a suspension for anti-social behaviour they should appeal in writing to the Community Housing Manager within 21 days of receipt of the suspension letter.

You do not have a local connection to East Lothian

There is a high level of demand for housing in East Lothian and we have a limited supply of houses. We will suspend your application from the housing list if you have no local connection with the area, unless:

- **you are employed or have been offered employment in East Lothian**
- **you are moving to East Lothian to find employment**
- **you are moving to East Lothian to be closer to a relative or carer**
- **you have special medical or social reasons for wanting to be rehoused in East Lothian**
- **you have experienced harassment or are at risk of domestic abuse in another area, and want to come to East Lothian to escape these risks.**

You have given false or fraudulent information

We rely on people on the housing list to give us correct and up-to-date information about their circumstances. We have a limited housing supply and we have to make sure that people in the greatest need receive housing first. If we think you have given false or fraudulent information, we will suspend your application from the housing list while we investigate. Your application will be cancelled if it is established that you have given false or fraudulent information. Should this information have resulted in an offer of housing being made and accepted by you, the Council will take legal action to recover the property.

You have broken the terms of your Scottish Secure Tenancy (SST) (Transfer/RSL applicants only)

If you have broken the terms of your Scottish Secure Tenancy agreement, we may suspend you from the housing list. Please read your Scottish Secure Tenancy agreement carefully.

You are an asylum seeker

If you are an asylum seeker placed in East Lothian, you can apply to the housing list. We will process your application but suspend you from the housing list until the Government gives you permission to stay in the United Kingdom. If your request for asylum is rejected and you are asked to return to your country of origin, your application will be cancelled.

How will you know if we have suspended you from the housing list?

We will write to you to let you know and to tell you why your housing application is being suspended. We will tell you when we will review your suspended application and, where appropriate, what information you need to provide in order to have your application placed on the active housing list.

Can you appeal against suspension?

You can appeal against a decision to suspend your application for all of the reasons detailed in this leaflet except a suspension for refusal of two reasonable offers of housing. Information about appealing against a suspension is available in our Appeals Leaflet on our website www.eastlothian.gov.uk or upon request from your local housing office.

What should you do if you think the reason for your suspension is no longer valid?

If you feel the reason for your suspension is no longer valid, for example, because you've paid off your rent arrears, you must tell your local housing office straight away. If you have been asked to provide evidence of local connection, the sooner you do this, the sooner the suspension may be lifted.

Will the Council review your suspension?

We review all suspensions on a regular basis. We will review your suspension at any time if you can provide us with evidence that suggests we should lift it (with the exception of a suspension for refusal of two reasonable offers of housing). We will write to you and inform you of the outcome of this review.

Your rights

Your rights to Council services and to fair and courteous treatment will not be affected by submitting an appeal. If you feel this has happened, please let us know.

Complaints

The appeal decision is final. However, if you are unhappy with how your appeal was handled (rather than the decision itself) you can submit a formal complaint to the Chief Executive.

Information is available from local Council offices or on our website www.eastlothian.gov.uk

For example, you can make a complaint if you feel we haven't:

- applied our policies or procedures properly
- met our Customer Care standards
- provided accurate advice and information

If you continue to feel you have been unfairly treated then you can contact the Scottish Public Services Ombudsman (SPSO). The SPSO will only normally consider complaints that have completed the internal complaints procedure.

The SPSO is the final stage for handling complaints about public services in Scotland and can investigate complaints about maladministration or service failure.

You should contact the SPSO within 12 months of the date you first noticed the problem you are complaining about. In special circumstances, the Ombudsman may consider matters that have gone on longer than 12 months.

Scottish Public Services Ombudsman (SPSO)
FREEPOST EH641,
Edinburgh, EH3 0BR

Freephone: 0800 377 7330
www.spsso.org.uk/online-contact

Get in Touch



AREA OFFICES

Call **01620 827 827**, email us or visit your nearest housing office.

| | |
|----------------------|--|
| MUSSELBURGH | The Brunton, Ladywell Way musselburgharea@eastlothian.gov.uk |
| PRESTONPANS | Aldhammer House, High Street prestonpansarea@eastlothian.gov.uk |
| TRANENT | George Johnston Centre, Sanderson's Wynd tranentarea@eastlothian.gov.uk |
| HADDINGTON | John Muir House, Brewery Park haddeast@eastlothian.gov.uk |
| NORTH BERWICK | Library & Customer Services, School Road housingnorthberwick@eastlothian.gov.uk |
| DUNBAR | Bleachingfield Centre, Countess Crescent housingdunbar@eastlothian.gov.uk |

To make a comment, suggestion or complaint about a council service, visit our website at **www.eastlothian.gov.uk**



Versions of this leaflet can be supplied in Braille, large print, audiotape or in your own language. Please phone customer services if you require assistance on 01620 827 199