

# Housing Allocations Policy

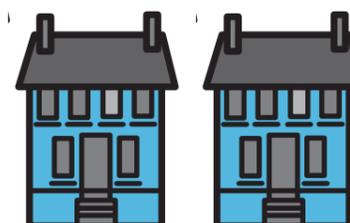
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## Housing Allocations Policy

### 1. Introduction and Policy Context

This policy outlines Falkirk Council's key aims, objectives and processes in relation to the allocation of its housing stock.

#### 1.1 Strategic Context

This Allocations Policy supports the Council's wider corporate aims as outlined in Falkirk Council's Corporate Plan 2012-2017 "One Council One Plan". These are to:

- continue to improve the health, safety and wellbeing of our citizens and communities
- increase our efforts to tackle disadvantage and discrimination
- further develop a thriving, sustainable and vibrant economy
- enhance and sustain an environment in which people want to live, work and visit.

#### 1.2 Policy Statement

Falkirk Council provides a range of good quality affordable housing to help meet the needs of local people, including those with specific needs.

The Allocations Policy aims to make best use of the Council's housing stock and to develop and maintain sustainable communities. It gives priority to those in the greatest housing need while being as sensitive as possible to the circumstances and the housing aspirations of other applicants. To do this, the Council prioritises the differing needs of applicants and operates a choice based letting system where applicants can bid for the properties advertised and bids received are ranked according to applicant priority.

#### 1.3 Policy Principles

The following principles underpin Falkirk Council's approach to allocating its houses:

**Legality** - the Council strives to ensure that the Allocations Policy reflects the legal framework and good practice.

**Consistency** - the Council applies the Allocations Policy in a consistent manner in dealing with all applicants.

**Openness** - the Council provides explanatory leaflets on the Allocations Policy and information on the operation and outcomes of the Allocations process.

**Responsiveness** - the Council aims to have a policy which is capable of responding to a wide range of complex individual needs and circumstances and which embodies an appeals process.

**Local Co-operation** - the Council works with other housing providers in the area to best meet housing needs in the Falkirk Council area.

**Confidentiality** - the Council is registered under the Data Protection Act 1998 and is duty bound to comply with the conditions set out in this legislation regarding personal information relating to applicants and their households.

**Equal Opportunities** - the Council aims to ensure that the Policy does not discriminate between applicants on the grounds of: age, disability, race, religion or belief, marriage and civil partnership, sexual orientation and gender reassignment.

#### 1.4 Policy Objectives

The Allocations Policy aims to meet the following key objectives:

- To address housing needs in the area and where possible, to take into account applicants' housing aspirations.
- To assess applications for housing in an objective, consistent and fair manner.
- To promote balanced and sustainable local communities; by "balanced communities" we mean communities that contain a broad range of households from all sections of society.
- To make best use of the available housing stock.
- To monitor performance and outcomes, and respond to changing patterns of need as they may arise by reviewing the Allocations Policy of the Council on a regular basis, at least every three years.
- To inform the Council's strategic planning processes.
- To ensure that the Allocations Policy and practice is accessible to all applicants by producing information in plain language that is clear and understandable.

## Housing Allocations Policy

### 2. Legal and Regulatory Context

#### 2.1 Legal Context

The primary legislation governing the allocation of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003. This legislation allows the Council to develop the allocation and local letting policies at their discretion in line with local priorities.

The legal rules about social housing lists and allocations are set out in Sections 19 and 20 of the Housing (Scotland) Act 1987 as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001.

Landlords also have a duty to make rules covering priority of allocation of houses, transfers and exchanges and to publish these rules (section 21 of the 1987 Act, as amended by section 155 of the Leasehold Reform, Housing and Urban Development Act 1993 and the 2001 Act).

In addition, the following legislation regulates the legal framework for the Allocations Policy:

- The Human Rights Act 1998
- The Data Protection Act 1998
- The Access to Personal Information (Housing) (Scotland) Regulations 1993
- Equality Act 2010
- The Immigration and Asylum Act 1999 (as amended)
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981

The Housing (Scotland) Act 2014 was passed into Scottish law in August 2014 but much of the implementation of the Act is subject to subsequent guidance. At the time of reprinting this policy document the Act had not come into force and there is no timescale or set date for implementation. This policy will be reviewed again when we know more about the timescales for implementing this legislation.

#### 2.2 Regulatory Context

The Council must meet the outcomes of the Scottish Social Housing Charter. The Charter sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The standards and outcomes are:

Housing Options - Social landlords work together to ensure that:

- people looking for housing can get information that helps them make informed choices and decisions about the range of housing options available to them
- tenants and people on housing lists can review their housing options at anytime.

Social landlords ensure that:

- people at risk of losing their homes get advice on preventing homelessness.

Access to Social Housing - Social landlords will ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

The policy must also meet the Charter standards in relation to Equalities and Tenancy Sustainment.

#### 2.3 Access to the Housing Register

Any person sixteen years or over is entitled to access the housing register. However the right to be admitted to the register is not a right to be allocated a house.

Registration forms are available at the Access to Housing Team, our Neighbourhood Offices/One Stop Shops and other Council offices across the area. A contact list of addresses and telephone numbers for Access to Housing Team and our Neighbourhood Offices/One Stop Shops is provided at the end of this document. A registration form is also available online.

On request, this information can be made available in a variety of formats (other languages, Braille, large print or audio tape) from Access to Housing Team or any of our Neighbourhood Offices/One Stop Shops.

## 2.4 Information and Advice

The Council will provide applicants with information and advice about their housing application. This may include guidance on the availability of Council housing throughout the Falkirk area or details of alternative accommodation in the area such as housing from other social landlords, the private rented sector and low cost home ownership.

The Council aims to provide easily understood advice leaflets on the Allocations Policy.

Also when needed staff can help applicants to fill in the registration form.

## 2.5 Reasonable Preference

In accordance with legal requirements (section 20(1) of the 1987 Act as amended), Falkirk Council gives reasonable preference to applicants who are:

- a) - living in housing below the tolerable standard or
  - living in overcrowded houses or in large families or
  - living in unsatisfactory housing conditions

and

- b) to applicants who are homeless or threatened with homelessness.

In addition to these groups, we also recognise that the Allocations Policy should address other needs and aspirations. All the housing needs and circumstances that we take into account to assess priority are detailed in Section 4 of this policy document.

## 2.6 Factors which must not be taken into account

In accordance with legislation, Section 20 (2) of the Housing (Scotland) Act 1987 (as amended by section 10 (3) of the 2001 Act), in allocating housing the Council will not take into account:

- the length of time applicants have lived in the Falkirk Council area
- any housing debt such as rent arrears or repair charges, that is not owed by applicants
- housing debt that has since been paid
- non-housing debt such as council tax owed either by applicants or another household member

- the age of the applicant provided that the applicant is 16 years of age or over except where we have designed or specifically adapted houses for people of a specific age, for example, Housing with Care
- the income of the applicant and the family
- rent arrears that are less than one month's rent. In such cases, however, we would agree a reasonable repayment arrangement with the applicant to clear the arrears in line with our arrears policy.

This rule also applies in respect of housing debt that is more than one month's rent, if applicants:

- make an agreement with the Council to repay the debt
- make payments for at least three months and
- continue to make payments.

## 2.7 Residence

We must take no account of whether applicants live in our area if they:

- are employed or have been offered employment in the area
- want to move into the area to seek employment and we are satisfied that this is the case
- want to move into the area to be near a relative or carer
- have special social or medical reasons for requiring to be re-housed in the area
- want to move into the area to escape harassment
- want to move into the area to escape the risk of domestic violence.

## 2.8 Specific Restrictions

The law specifies a further three restrictions that are unlawful. Therefore when an applicant is being considered for housing, Falkirk Council takes no account of:

- the length of time an applicant has been registered on the housing register
- whether or not an applicant has obtained a divorce or judicial separation or
- whether or not an applicant is living with some other person.

## 2.9 Information for Applicants

The policy is available to view on the Council's website at [www.falkirk.gov.uk](http://www.falkirk.gov.uk) or a copy of the full policy can be made available free of charge on request.

There is also a summary of the policy which is available in the HomeSpot Information Booklet.

A Housing Options Guide Booklet is available. This provides information about the range of housing options within Falkirk, as well as advice on how to contact other housing providers in both the private and social rented sector.

## 2.10 Confidentiality

Falkirk Council is registered under the Data Protection Act 1998. Records concerning personal details of applicants and tenants are processed strictly in line with legal requirements. All information provided by applicants is treated in confidence. We will seek permission from applicants to discuss their details with other agencies as and when appropriate. For instance, we may contact previous landlords to confirm details of other tenancies.

Applicants are entitled to access information that they have supplied about their housing application. They are also entitled to view other personal information related to them. Personal information can only be withheld on specific grounds detailed in the Data Protection Act 1998. On request we will provide this information within forty working days. We do not charge for this service.



## Housing Allocations Policy

### 3. Application Registration

This section summarises the key points involved in recording applicants on the housing register.

#### 3.1 Registration

All applicants can access our housing register by completing the standard registration form. Registration forms are available from the Access to Housing Team, Neighbourhood Offices/One Stop Shops, local supported accommodation projects, local libraries and in Registered Social Landlord (RSL) partners' offices. Forms can also be downloaded from the Council's website at [www.falkirk.gov.uk](http://www.falkirk.gov.uk) or from a freephone service.

We offer applicants help to fill in this form when needed.

On request the registration form can be provided in a number of other languages. We can also provide interpreters or signers as appropriate. We do not charge for this service.

#### 3.2 Applicant Choices

HomeSpot is Falkirk Council's choice based way of letting houses. Houses available for let are advertised and applicants can decide which houses they want to be considered for (see section 5.3, 5.4 & 5.5).

Applicants are asked to indicate on the registration form the allocations areas where they would prefer to live. Applicants can choose as many of the ten allocations areas across our Council area as follows:

- Bo'ness
- Braes
- Bonnybridge/Banknock
- Dawson
- Denny
- Falkirk Central
- Falkirk East
- Falkirk West
- Grangemouth
- Larbert/Stenhousemuir

Once a completed registration form has been received by us, it is processed within 5 working days. Provided applicants are eligible to apply and have given all the information needed, applications are assessed and priority awarded to reflect

their housing situation. We aim to complete any further assessment of applicants' circumstances within 28 days of registration. After that we will advise applicants of the priority they have been awarded.

### 3.3 References

The applicant or anyone named on the application must provide the names and addresses of current and past landlords for the previous 5 years. We will need to contact any current or previous landlord, including a council tenancy for a reference. The applicant may not be considered for an offer of a house until they can show that they have managed their current and/or past tenancies in a satisfactory way.

### 3.4 Suspension from the Housing Register

In some cases, applicants may be suspended from the housing register. We aim to minimise suspensions from the housing register and to make sure that we do not unreasonably suspend applicants.

Applicants are told of the decision to suspend their application in writing and are given a clear explanation of the action they need to take to have the suspension lifted.

Applicants are told of their right to appeal against the decision.

Suspended applications are regularly reviewed and monitored.

### 3.5 Grounds for Suspension

The table opposite outlines the reasons why we might suspend an application. It also states the length of time an application will be suspended and what the applicant must do in order that the suspension is lifted so that their application can be re-instated on the housing register.

### 3.6 Review of Applications

In order to keep the housing register up to date, the Council reviews applications every 12 months. We will write to applicants on the anniversary of the date of their application and ask them to complete a re-registration form to confirm that they want to stay on the housing register. Failure to respond to this request will result in the application being cancelled. The applicant will be informed of this.

Reason for Suspension	Period of Suspension	Criteria for Ending Suspension
If an applicant has failed to reply to us when we have tried to contact them about their registration.	28 days	Applicants are re-instated if they reply within 28 days. Where applicants do not respond, their registration is cancelled.
If we need to get a reference from your current or previous landlord.	Up to 6 months.	When a satisfactory reference is received or, when you can show that you can maintain a tenancy in a satisfactory way, whichever is the sooner.
Current or previous housing debt (rent arrears / rechargeable repairs).	Until a payment arrangement has been made and payments have been maintained for 3 months.	You can ask to be reconsidered for housing when you can show that you have made an arrangement to pay the unpaid debt and have made payments for 3 months in a row and are continuing to make payments.
Clear evidence of anti-social behaviour associated with the occupancy of a house or with local community safety.	Minimum period of 1 year.	You can ask to be reconsidered for housing when you can show that your behaviour has been satisfactory for the last 12 months.
Conviction or eviction related to anti-social behaviour associated with the occupancy of a house or with local community safety.	Minimum period of 2 years.	You can ask to be reconsidered for housing when you can show that your behaviour has been satisfactory for the last 24 months.
Your home, including any garden or common close, is in an unsatisfactory condition.	Until we are satisfied that your house/ garden is in an acceptable condition.	You can ask to be considered for housing when you can show that your house/garden is in a satisfactory condition.
Giving false information which gave you an unfair advantage when your application was being assessed.	6 months.	Your registration will be automatically reinstated after 6 months.
Have applied to buy your house under the 'Right to Buy' legislation.	From the date you applied to buy your house until the sale is concluded (application then cancelled) or you withdraw from the sale.	Your registration will be cancelled when the sale is completed. You can register again once the sale is complete. If you withdraw from "Right to Buy", your housing application will be reinstated.
Asylum seekers.	From the date of registration until your rights to a tenancy have been confirmed.	You will be considered for housing when the Home Office have confirmed your rights to remain in the country.

## Housing Allocations Policy

### 4. Assessment of Needs and Award of Priority

The Council will assess all applicants for housing on a fair and consistent basis.

#### 4.1 Applicant Type

The registration form records basic details about the applicant, their household and their housing circumstances. From this information, applicants are grouped into three applicant types:

##### Home Seekers

- all applicants who have been assessed as homeless in terms of homeless legislation
- applicants living in supported interim accommodation e.g. hostels
- applicants where the Council has additional responsibilities with regard to accommodation i.e. applicants who fall within the terms of the Management of Offenders etc (Scotland) Act 2005 and the Children (Scotland) Act 1995.

##### Home Movers

- tenants of Falkirk Council or tenants of an RSL living in the Council area.

##### Home Starters

- all other applicants.

#### 4.2 Assessment of Priority

Where the registration form indicates that the applicant has particular housing needs, a further assessment may be needed to assess the priority which should be awarded to the applicant. Depending on the nature of the housing need identified, the assessment of priority is carried out using the methods below:

##### Homelessness Assessment -

Homelessness is determined by a Homeless Assessment carried out in accordance with the terms of Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 and 2003 Acts) and the Code of Guidance on Homelessness 2005. There is a statutory right of appeal for applicants who do not agree with an assessment decision.

##### Functional Needs Assessment -

If an applicant has applied for housing because their house is unsuitable for them due to a medical condition and/or disability, a Functional Needs Assessment will be carried out. A trained Housing Visitor will visit the applicant at home to discuss the problems they are having and look at options for meeting their housing needs. The Housing Visitor may make a recommendation in conjunction with an Occupational Therapist within the NHS or Falkirk Council. Where a recommendation for a specific house type is provided as part of the assessment, the priority awarded to an applicant will be taken into consideration only for bids for housing which match this recommendation.

##### Move-on Assessment -

This is a recommendation made by Review Officers for Home Seeker applicants that have been provided with supported accommodation. The Review Officer, in conjunction with support providers, will monitor the progress of applicants in supported accommodation with regard to their ability to move into independent living.

##### Leaving Care Pathways Plan -

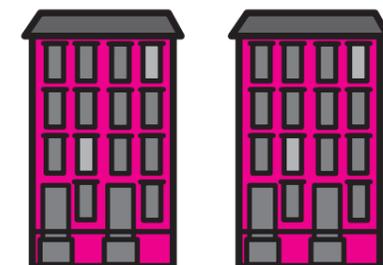
This is a recommendation made by Social Work Services for applicants who are 'looked after and accommodated' by Falkirk Council and are now leaving their placement.

##### MAPPA Assessment -

Where a recommendation is made by Falkirk MAPPA. MAPPA is a multi-agency which has been established in response to the requirements of the Management of Offenders etc (Scotland) Act 2005.

##### Overcrowding -

In accordance with the household size criteria (see section 4.4) an applicant's circumstances regarding overcrowding are assessed from the information provided by the applicant on their registration form. A house visit may also be carried out to confirm the applicant's circumstances.



**Under-occupation** - In accordance with the household size criteria (see section 4.4) an applicant's circumstances regarding under-occupancy are assessed from the information provided by the applicant on their registration form. A house visit may be carried out to confirm the applicant's circumstances.

**Exceptional Housing Need** - The allocations policy covers the majority of housing situations that an applicant may experience. However, it is recognised that there will be some situations not covered by the policy. Examples where this may apply are:

- traumatic life event making it impossible to continue to live in current property
- extreme neighbour problems where the only solution left is to move one party due to risk
- serious harassment not covered under the current policy
- Extreme situation where the current property is not suitable or adaptable
- Witness Protection

This priority is only awarded after a multi agency case conference has taken place and the professionals involved have recommended that a move of house is necessary e.g. at a child protection case conference.

As the award of this priority reflects an urgent need for housing, applicants that are awarded this priority will be directly matched to a property. In making this offer of housing, the Council will take into account the particular circumstances, the needs of the applicant and their household and the sustainability of the accommodation.

Only one reasonable offer will be made and if this is refused then the application will no longer be treated as urgent and will revert back to the normal allocations policy. This priority may be time limited for example, if the circumstances of the applicant change the priority may be removed (see section 5.14).

These lets are authorised by the Head of Service through delegated powers to ensure transparency and governance.

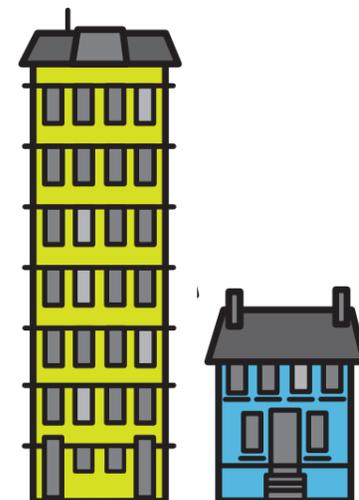
**Social Housing Need** – If an applicant has to move house due to social needs the applicant will need to provide further details of these social needs and these will be assessed by an officer panel.

**Children In Flats** - An applicant's circumstances with regard to children living in tenement flats are assessed from the information provided by the applicant on their registration form. Confirmation may also be requested from their landlord.

**Parental Responsibilities** - If the applicant has on-going parental responsibilities for children whose principal home is elsewhere, the Council will take reasonable steps to verify the information provided by an applicant. This may include asking the applicant to provide a letter from their solicitor or the child's school or a joint statement completed by both parents where informal arrangements are in place.

**Sharing Amenities** – Sharing amenities considered for this priority are kitchen, toilet and bathroom. This will be assessed from the information provided by the applicants on their registration form. A house visit may also be carried out to confirm the applicant's circumstances.

**Unsatisfactory Housing Assessment** - Where an applicant needs to move house due to the property lacking standard amenities or is in a state of serious disrepair a report will be requested from an Environmental Health Officer or Private Sector Housing Officer (see Appendix A)



**Housing Management Assessment** - When an applicant needs to move due to regeneration or redevelopment within the Falkirk Council area the relevant Neighbourhood Manager or Senior Partnership Officer will have to confirm details of regeneration or redevelopment proposals.

**Security of Tenure Assessment** - If the applicant is living in a property which does not have a secure tenure the applicant will be asked to provide confirmation of the conditions of the lease for their current accommodation. This does not include applicants that live care of relatives, friends or lodgers.

### 4.3 Award of Priority

Following assessment, applicants are awarded one of our four Bands of priority depending on their circumstances. The highest level of priority is Band 1 and the lowest level of priority is Band 4. Applicants are awarded only one level of priority based on their most urgent housing need. The bands are as follows:

#### Band 1

Band 1 priority is awarded to the following applicants:

- who are found to be unintentionally homeless following a homeless assessment
- that are assessed to be threatened with homelessness within the next two months following a homeless assessment
- living in hostel, supported or temporary accommodation provided by Falkirk Council or a partner RSL and have been assessed as ready to move on to more independent living
- who have been "looked after and accommodated" by Falkirk Council and are leaving their care placement
- who are leaving the Armed Forces and their right to occupy service accommodation is coming to an end and a certificate of Cessation of Entitlement to occupy Service Living Accommodation has been issued
- where MAPPA has made recommendations regarding accommodation

- who are unable to be discharged from hospital because their home is no longer suitable for them
- whose home is causing significant problems due to a medical condition or disability e.g. applicants living in a house where the bedrooms and bathroom are on the first floor and they cannot manage stairs
- who are living in a overcrowded house where two or more additional bedrooms are required to meet their needs according to the household size rules (see section 4.4)
- who are living in a one bedroom property and have two children under the age of 8 years sharing a bedroom with them
- who have two teenage children of different genders sharing a bedroom
- who are Falkirk Council tenants or RSL tenants living in the Council's area that are living in a house which is too big for their needs according to the household size rules (see section 4.4)
- living in a house which lacks standard amenities or is in a state of serious disrepair as specified in Appendix A
- who need to be re-housed as a result of regeneration or redevelopment within the Falkirk Council area
- who are Joint applicants currently both tenants of Falkirk Council and/or an RSL and living in the Falkirk Council area, who wish to move so that they can live as a family unit. Priority will only be awarded if both families moving into either of their current properties would cause overcrowding (see section 4.4)
- with exceptional housing needs where a multi-agency case conference has made recommendations regarding accommodation e.g. a child protection case conference.

#### Band 2

Band 2 priority is awarded to the following applicants:

- Home Starters living in accommodation within the Falkirk Council area where they have no security of tenure. This does not apply to applicants living care of relatives, friends or lodgers

- who are overcrowded according to the household size rules (see section 4.4) and are currently sharing amenities with another household who they are not applying to be housed with
- who are living in a overcrowded house where one additional bedroom is required to meet their needs according to the household size rules (see section 4.4)
- living in bed-sit accommodation
- with social housing need such as:
  - the applicant needs to move to give or receive care and support
  - the applicant's accommodation is unsuitable due to severe harassment.

### Band 3

Band 3 priority is awarded to the following applicants:

- with children under 10 years living in tenement flats with no access to shared or individual gardens
- with frequent and regular overnight contact with children where the children's principal home is elsewhere and the applicant does not have a home of their own e.g. sharing facilities with another household with whom they are not applying to be housed
- who are living in accommodation where their independence is limited due to a medical condition or disability e.g. an applicant living in a first floor flat who has difficulty managing the stairs
- who wish to move to the Falkirk Council area due to a local connection e.g. employment, family reasons
- who are not Falkirk Council tenants or RSL tenants living in the Council's area that are living in a house which is too big for their needs according to the household size rules (see section 4.4)
- living in the private sector with a short assured tenancy agreement
- currently sharing amenities with another household with whom they are not applying to be housed

### Band 4

Band 4 priority is awarded to all other applicants.

#### Secondary Housing Needs

Where an applicant has more than one housing need, they will be awarded the category of priority for the highest ranked

need factor e.g. if an applicant is living in the private rented sector with a short a short assured tenancy (Band 3) and they are also lacking one bedroom (Band 2) they would be awarded Band 2 for their highest ranked need.

Secondary housing needs are only taken into account where they relate to a medical condition or disability and following a functional needs assessment (see section 4.3). On these occasions an indicator (F) is added to the banding e.g. an applicant whose household is overcrowded and requires one additional bedroom (see section 4.4) and who has a recommendation for ground floor housing their priority award will be Band 2(F) or B2F. This (F) indicator will allow the applicant to bid for properties advertised as "Adapted".

If an applicant is unhappy about a decision that has been made with regard to the award of priority, they can make an appeal using the Allocations Appeals process (see section 8).

#### 4.4 Household Size Criteria

Couples and single applicants will be considered for one or two bedroom properties.

Couples are expected to share a room. However, it is recognised that there may be circumstances where each individual requires a room of their own e.g. due to a medical condition. Where there is a recommendation for an individual to have their own bedroom, this will be taken into account in determining the house size appropriate for the household's needs.

Each household member over 8 years of age is entitled to a bedroom of their own. No priority for overcrowding is awarded where two children under 8 of either sex share a room which is larger than 110 square feet (10 square metres).

Applicants do not qualify for overcrowding priority if they want to move to a house the same size as their existing house.

However due to the lack of larger accommodation, applicants will be considered for accommodation outwith the above parameters if the move would still reduce overcrowding for example an applicant may wish to allow two children of the same sex aged 8 years or over share a bedroom.

The Council aims to make the best use of its housing stock and will indicate the optimum occupancy level for each available property, based on the criterion that two people can share a bedroom which is over 110 square feet (10 square metres) in size. In letting houses, the Council will seek to select applicants whose household size makes best use of the property.

An applicant's circumstances regarding overcrowding are assessed from the information provided by the applicant on their registration form in accordance with the household size criteria set above. Included are applicants whose households contain "looked after" children, whether through formal or informal caring arrangements. Where an applicant's household contains "looked after children", confirmation of caring arrangements is required from appropriate agencies. A house visit may be carried out to confirm the applicant's circumstances. An applicant's circumstances regarding under-occupation are also assessed from the information provided by the applicant on their registration form. An applicant has to be giving up at least two bedrooms to qualify. A house visit may be carried out to confirm the applicant's circumstances.

#### 4.5 Priority Date of Award

For applicants who are assessed as homeless and are awarded Home Seeker status, the award of priority will be from the date of presentation.

For all other applicants, the date of award of priority is the date the relevant assessment was completed or 28 days after the date of application for priority, whichever is sooner.

Applicants may make an appeal using the Allocations Appeals process (see section 8) if they consider that the priority they have been awarded does not reflect their needs.



## Housing Allocations Policy

### 5. Letting a Property

#### 5.1 Void (empty) Properties

When a house becomes void it is recorded on the allocations database which indicates if the property is:

- a mainstream house (see section 5.2 & 5.3)
- adapted and would meet the needs of an applicant with a medical condition or disability (see section 5.4 & 5.5)
- Housing with Care (Sheltered Housing) (see section 5.5 - 5.8).

#### 5.2 Sequencing Mainstream Properties

Mainstream properties are assigned for allocation to Home Seekers, Home Movers and Home Starters through an automatic sequencing process.

This sequencing process takes into account the allocation area the property is in, the size of the property, the property type and the date the property became void.

#### Allocation Area:

Properties are sequenced for each of the following areas:

- Bo'ness
- Braes
- Bonnybridge/Banknock
- Dawson
- Denny
- Falkirk Central
- Falkirk East
- Falkirk West
- Grangemouth
- Larbert/Stenhousemuir

#### Groups:

Within each Allocation Area listed above, the sequencing process will then stream properties into three groups and assign to voids in the following sequence:

- Void 1 – Home Seekers
- Void 2 – Home Movers
- Void 3 – Home Starters

#### Property Size:

With regard to property size these are grouped as follows:

- 0 - 2 bedrooms
- 3 bedrooms
- 4 bedrooms or more

#### Property Type:

Within each Allocation Area and each house size group, properties are then sequenced according to property type:

- houses
- four-in-a-block
- flats

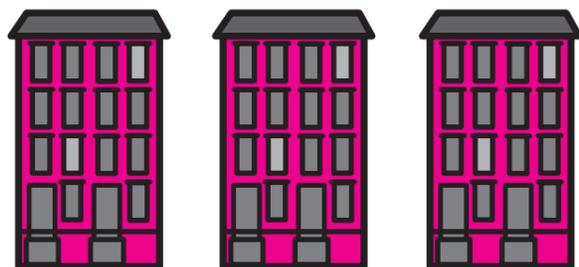
The objective of this process is to allocate 33% of available properties to Home Seekers, 33% to Home Movers and the remaining 33% to Home Starters.

The outcome of the allocations process is routinely monitored and is reviewed annually. This provides an opportunity for the targets for allocations to each applicant group to be adjusted to reflect changes in the nature of the housing register and local housing demands.

### 5.3 Advertising Mainstream Properties

To ensure efficiency in managing void turnover and to minimise voids rent loss, properties are advertised as soon as a termination of tenancy is notified. Properties are advertised weekly.

Applicants can only bid for properties that are advertised for the applicant group that they are in. For example, a Home Seeker applicant can only bid for properties that are advertised for Home Seekers. The same applies to Home Movers and Home Starters. Most properties are let the first time they are advertised however if there are no eligible bids for a property under its advertised applicant group it will be re-advertised for ALL Groups. This means that any applicant group can apply for these properties. Or it will be offered to a Home Seeker applicant that has not been bidding (see section 5.14)



Properties are advertised on the Council's website through Homespot and in a weekly property newsletter. This newsletter is available from the Access to Housing Team, Neighbourhood Offices/One Stop Shops, local supported accommodation projects, local libraries and in RSL partners' offices. Applicants can also contact a freephone telephone service to find out what properties are being advertised.

Applicants are also able to indicate on their registration form if they require particular arrangements to be made to alert them to available properties and opportunities to bid. Such applicants will be supported by an outreach worker and will be routinely notified of any vacancies which may be of interest to them.

### 5.4 Adapted Properties

An adapted property is one that is suitable for a person with a medical condition or disability and has one or more of the following:

- a walk-in shower or wet room
- an external ramp or altered steps
- a fully adapted and accessible kitchen.

The Council aims to allocate properties which are adapted to applicants with a medical condition or disability and who have a need for such facilities. This way the council seeks to make the best use of its housing stock and meet the particular needs of some applicants or members of their household,

Where a void property has a ground floor bedroom and bathroom and access that can be ramped, consideration may be given to adapting the property where this would meet the needs of applicants on the housing register.

### 5.5 Allocating Adapted Properties

When an adapted property becomes available for letting, it is advertised through HomeSpot. The advert will say that the property is "Adapted" and what facility or adaptation is in the property. All applicants that have been awarded priority (F) following a Functional Needs Assessment (see section 4.3) are able to bid for these properties irrespective of whether they are Home Seeker, Home Mover or Home Starter. Preference will be given to applicants that need the particular adaptation in the property.

### 5.6 Housing with Care

Housing with Care is housing for older people who are physically frail and need care and support services at home. Many Housing with Care properties have been designed or adapted to make living easier for older people. There are three types of Housing with Care:

- Level 1 (formerly called "very sheltered housing")
- Level 2 (formerly called "sheltered housing")
- Level 3 (formerly called "amenity housing")

To qualify for Housing with Care, applicants must normally be aged 60 or over and have support needs. In the case of joint applicants, one person must be aged 60 or over with support needs. Exceptions can sometimes be made, where a younger applicant suffers from ill health or a disability and they would benefit from the features of the housing or services provided in Housing with Care properties.

### 5.7 Assessment of Applicants' Needs for Housing with Care

When an applicant applies for Housing with Care, an assessment is carried out to determine their care and support needs as well as their housing needs. The assessment may involve family, carers or other professionals.

The assessment will look at how the applicant manages activities in and out of their home e.g. making a cooked meal, walking around the house, doing laundry and shopping. It will take into account the help the applicant has at home and the social activities they are able to take part in.

The assessment allows applicants to be prioritised according to both their personal and housing needs by taking account of the following:

- the frequency and type of care and support that the applicant needs
- any risk factors that the applicant may face
- the urgency for re-housing
- the applicant's preferences.

### 5.8 Allocating Housing with Care

When a Housing with Care Level 1 or Level 2 property becomes available for letting it is matched to the applicant on the housing register for that property who has the greatest care, support and housing needs, and whose needs match the characteristics of the property and the level of care provision.

When a Housing with Care Level 3 becomes available for let it is advertised through HomeSpot as per mainstream properties (See section 5.3).

### 5.9 Local Lettings Initiatives

The Council may from time to time consider the use of local lettings initiatives for specific lettings areas.

Local lettings plans provide an open and transparent framework which set out any variation to the Allocation Policy needed to take account of and address local needs and circumstances. Local lettings plans are used to develop letting arrangements that:

- respond to local housing need and demand
- help to suitably match applicants to properties
- help them to achieve a balance housing mix within a particular area.

The main aim of a local lettings plan is to build a strong and sustainable community.

Any local lettings initiatives must accord with the overall principles and objectives of the Allocations Policy.

A local lettings plan may have the effect of introducing additional criteria in the allocations process which may result in allocations not being determined in accordance with Allocations Policy. However, any local lettings initiatives must accord with the overall principles and objectives of the Allocations Policy.

### 5.10 Existing Local Lettings Initiatives

The following are our current or proposed Local Letting Initiatives:

**Group Settings** - When a house in a grouped setting e.g. within a block of flats, is vacated Neighbourhood Co-ordinators may consider the profile of the other households living within the grouping and, where appropriate, specify further eligibility criteria for lettings within the block or grouping.

**High Flats** - Traditionally the High Flats in Falkirk and Camelon have tended to be let to applicants over the age of 60 years. As a result of consultation carried out in 2014, it is recommended that the Council should review this Local Letting Initiative to ensure it meets legislation and good practice guidance, seeking to promote suitable, sustainable and sensitive lets, while striving to sustain this settled community and minimise any housing management issues. In taking this forward the Service is required to carry out further consultation with the residents in the high flats.

#### Allocation of New Built Council Houses

- There is also a lettings initiative for the initial allocation of new Council houses built under the new house building programme. Where the Council has built general needs housing, preference will be given to existing Falkirk Council tenants.

The purpose of this lettings initiative is to maximise the opportunity for meeting housing needs that the additional supply of new Council housing offers. For example, rehusing existing tenants will result in more Council properties becoming available for letting to other housing applicants. In this way, more applicants can be rehoused. In effect, two households can benefit from each new build property.

Existing Council tenants that bid for new build general needs housing will be prioritised according to their Band of priority and their date of award of priority.

In the event that there are no suitable bids for these properties from existing Council tenants then other applicants will be considered.

Within the new build programme, ground floor properties are designed to barrier-free standards and are suitable for wheelchair users. These properties will be let as Adapted Properties (see section 5.4)

**Low Demand Properties** - Some properties are not as popular and can be difficult to let such as larger tenement flats with three bedrooms or some properties in outlying areas. If no bids are received for a property it is then advertised for ALL Groups however some properties can lie empty for some time. In an attempt to stimulate demand for these properties it is proposed to develop a Local Letting Initiative in specific areas. In taking this forward the Service is required to carry out further consultation with the residents in these areas.

### 5.11 Making Bids

If applicants wish to be considered for an advertised property, they must make a bid before the closing date. Bids are made by noting interest at our:

- Access to Housing Team
- Neighbourhood Offices/One Stop Shops
- through the Council's website
- by phoning a freephone service.

### 5.12 Matching Bids for Mainstream Properties

Once the bid list closes, a short-list of suitable applicants is prepared. Suitable applicants are those who:

- meet the criteria in the advert
- meet the household size criteria for the property
- are not affected by the policy on suspensions (see section 3.3)
- have a recommendation for a property type which matches the property advertised (where applicable).

Suitable applicants are then ranked according to their level of priority. The order of priority is as follows, with Band 1 the highest priority and Band 4 the lowest.

When assessing bids from applicants with Band 1, Band 2 and Band 3 priority, the successful bidder will be the applicant that has had their priority the longest.

Applicants with Category 4 priority will be ranked by the date of their application i.e. the successful bidder will be the applicant with Category 4 priority who has been on the housing register longest.

As mentioned in 5.3 if there are no eligible bids for a property when it is advertised for a specific applicant group it will either be re-advertised for ALL Groups, this means that any applicant group can apply for these properties or it will be offered to a Home Seeker applicant that has not been bidding (see section 5.14)

### 5.13 Matching Bids for Adapted Properties

As with mainstream properties, once the bid list closes, bids for adapted properties are shortlisted according to eligibility in terms of house size and are ranked according to Band of priority.

The property will be offered to the applicant with the highest priority with the "F" suffix e.g. band 1(F) being the highest.

Where there is more than one applicant, the property will be offered to the applicant with the recommendation longest.

If there are no suitable applicants for a particular adapted property, the property will be readvertised for ALL Groups.

### 5.14 Time Limited Priority (Home Seeker Applicants)

Priority is awarded to Home Seeker applicants to reflect their urgent need for housing. As such, Home Seekers are expected to bid for properties which meet their household needs, regardless of house type.

Home Seekers are required to register with Link Housing Association's HomeHunt scheme. Following a homelessness assessment by the Council, Home Seekers are awarded Priority Passes within the HomeHunt scheme and are able to bid for any suitable properties that become available. In addition, Home Seekers will be nominated for appropriate vacancies in accordance with Falkirk Council's Section 5 protocols and/or nomination agreements with other RSL partners.

Where a Home Seeker with Band 1 priority has not used the priority reasonably within three months i.e. the Home Seeker has not made bids likely to result in re-housing (including suitable Link properties) an offer of accommodation will be made outwith the choice based lettings scheme. Where possible we will aim to make this offer of housing within the areas the Home Seeker has selected at registration. However, this will be dependent on the availability of properties. This offer of accommodation will formally discharge the Council's duty under the homelessness legislation.

If the Home Seeker refuses the offer made by the Council in discharge of its statutory duties, the Band 1 (homeless) priority will be removed. The Home Seeker will continue to be registered for housing with their application status changing from "Home Seeker" to "Home Starter" and their circumstances being reassessed. Where the Home Seeker is living in temporary accommodation provided by the Council, they will be given notice to leave the temporary accommodation.

Where it has not been possible for Home Seekers to bid for a property within the three month period because no suitable properties were advertised, their Band 1 priority will continue. If they are living in temporary accommodation provided by the Council, this will also continue. The application will be reviewed after a further three months.



### 5.15 Number of Bids

Applicants can only bid for properties that are advertised for the applicant group that they are in. However, within the applicant group, there is no limit to the number of properties applicants can bid for during each advertising cycle.

### 5.16 Offering a Property

The successful bidder will be contacted when they are to be offered the property they have bid for.

Unsuccessful bidders will not be notified individually. However information on Allocation Outcomes is available on a monthly basis on the Council's website. This information includes how many applicants bid for the property, the priority of the successful applicant and the date of award of priority. Staff will provide housing options advice to applicants whose bids have been unsuccessful.

### 5.17 Refused Properties

All applicants can be made up to two offers of housing. Given that applicants have the opportunity to choose which houses they bid for, there is an expectation that successful applicants will accept the properties offered.

If a Home Mover or Home Starter applicant refuses two properties they will lose any priority for housing need and move to Band 4. After 12 months they can ask to have their situation re-assessed.

Home Seeker applicants that bid for properties on a regular basis can be made up to two offers. If they refuse the first offer this will not affect their priority however, if they refuse two offers their priority for homelessness will be removed as the Council will have discharged its duty to them in terms of homeless legislation. The application group will change from Home Seeker to Home Starter and the applicants housing situation will be reassessed. If they are living in temporary accommodation provided by the Council, they will have to leave this.

Applicants also have a right to appeal if they consider that they have been offered a property which is in an unacceptable condition (see section 8).

### 5.18 Mutual Exchanges

Tenants of Falkirk Council have the right to apply for permission to carry out a mutual exchange with another public sector or Registered Social Landlord tenant. Permission to exchange will not be unreasonably withheld. All parties to an exchange must receive permission from their landlord to carry out an exchange and all landlords must be satisfied that the properties concerned are suitable for all parties concerned.

A guidance note explaining the rules about carrying out a mutual exchange are available from Neighbourhood Offices/One Stop Shops and on the Council's website.

Falkirk Council is also registered with HomeSwapper which is a web-based database of social housing tenants looking to exchange homes. Applicants can apply for a mutual exchange on the HomeSwapper website.

### 5.19 Nominations to Registered Social Landlords

Falkirk Council has nomination arrangements in place with Registered Social Landlords (RSLs) who have housing stock in the Council's area.

These arrangements provide the Council with the right to nominate applicants from the Council's Housing List for vacancies arising within the RSLs housing stock (generally 50%).

Where there is agreement between the Council and the RSL, the Council will advertise these properties in HomeSpot so that applicants can bid for them rather than nominate from the housing register.

Where there is no agreement between the Council and the RSL to advertise properties in HomeSpot, the Council will nominate an applicant from the housing register i.e. someone needing Housing with Care or other specialised accommodation.

### 5.20 Section 5 Referrals

The Council has Section 5 protocols in place with RSLs in Falkirk. Section 5 of the Housing (Scotland) Act 2001 provides a statutory mechanism for local authorities to refer applicants assessed as homeless to RSLs for allocation of any forthcoming empty houses.

Nominations to RSLs of Home Seeker applicants with Band 1 priority are considered referrals under Section 5 of the Housing (Scotland) Act 2001. Referrals are made on the basis of the date Band 1 priority is awarded and the suitability of the available property e.g. size and RSLs eligibility criteria. Section 5 Referrals to RSLs may also be made outwith the normal nomination arrangements in particular circumstances. This helps to address the contribution that RSLs can make to tackling homelessness in the area.

### 5.21 Nominations for New Build Properties

New build properties will be advertised in Homespot by agreement with the Council and the RSL.

Where the new build is general needs housing and a number of nominations are requested at the same time, nominations will be identified in accordance with our sequencing process (see section 5.2) so that Home Seekers, Home Movers and Home Starters have the opportunity to be considered for a property. If the new build is an adapted property, applicants that have been awarded priority (F) following a Functional Needs Assessment will be given priority for bidding (see section 5.5).

If the new build is Housing with Care Level 1 and Level 2, nominations are made using the separate housing and support needs assessment process (see section 5.8).

### 5.22 Exceptions

While this document outlines the policy and method which is used to allocate the majority of the Council's houses, there are exceptions and some properties are allocated outwith the choice based process:

- Housing with Care Level 1 and Level 2 are allocated following a housing and support needs assessment (see section 5.2).
- When a property is required by the Service to provide temporary accommodation as a result of an emergency situation.
- When a property is identified that would meet the needs of an applicant with particular needs e.g. someone who cannot leave hospital due to their own home being unsuitable, we may re-house another applicant to allow their property to be let to the applicant with particular needs.
- When there are multi-agency concerns that the offer of a property to an applicant would create an unacceptable risk to either the applicant or the local community, we may refuse to offer a property to that applicant. Applicants have a right to appeal this decision (see section 8).
- When a property is required by the Service to discharge its statutory duty in terms of homelessness legislation.
- When a property is required by the Service to house an applicant that has been awarded priority due to exceptional circumstances.



## Housing Allocations Policy

### 6. Cancellation of Registration

There are a number of situations when an applicant's registration on the housing register is cancelled. These are when the applicant:

- is successful in their bid for a Falkirk Council property
- accepts an offer of housing from another housing provider and has security of tenure e.g. RSL or another council
- moves through a mutual exchange
- buys their existing home under "Right to Buy" legislation or buys any other property for their principal home
- becomes a joint tenant/owner or succeeds to a tenancy
- fails to respond within 28 days to communication from Falkirk Council regarding their application for housing.

Where an application is cancelled for failure to contact the Council and the applicant contacts Falkirk Council within 3 months of their application being cancelled, re-instatement of the registration will be considered. Where agreed, re-instatement will be from the original date of registration. Where an applicant contacts the Council after 3 months, they will be required to re-register and their circumstances will be assessed.

If an applicant's registration has been cancelled, they can register again at any time and their situation will be assessed based on their housing circumstances at that time.

Where applicants consider that their registration has been cancelled unreasonably, they can appeal against this decision (see section 8).

## Housing Allocations Policy

### 7. Complaints

We aim to provide a high quality housing allocation, housing advice and information service to applicants. However, if an applicant is not satisfied with the way in which their application has been dealt with they may wish to use Falkirk Council's complaints procedure. The leaflet "Falkirk Council's Complaints procedure" explains the complaints process and is available from the Access to Housing Team, One Stop Shops/Neighbourhood Offices, other Council offices and from the Council's website. Staff can assist service users to make formal complaints if required. An applicant can use the Complaints Procedure to address the following situation:

- delays in responding to enquiries and requests
- failure to provide a service
- our standard of service
- Council policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.



## Housing Allocations Policy

### 8. Appeals

Separate from the Complaints Procedure, there is an Appeals Process within the Allocations Policy to deal with instances where an applicant is unhappy about a decision made about their application.

An applicant can appeal if they think that:

- the priority they have been awarded does not reflect their needs
- they have been unfairly suspended from the housing register or their application has been cancelled unreasonably
- their priority has been removed unreasonably because they have refused two offers of housing
- the house they have been offered does not match the choices on their application
- they have been offered a house that is in an unacceptable condition
- the Council has refused to make an offer of housing.

The timescale for submitting an appeal is up to 21 days from the date:

- an application has been suspended or cancelled
- priority has been removed because an applicant refused two offers of housing
- a property was offered that did not match the choices on their application
- a property was offered that the applicant felt was not in an acceptable condition.

An appeal will be investigated by the Allocations Coordinator or Neighbourhood Coordinator who will respond to the applicant within seven working days of receiving the appeal.

If the applicant remains dissatisfied with the response the applicant may request that the case is considered by a Senior Neighbourhood Coordinator. This is the final stage of the Appeals process.

Where the grounds for appeal are related to the condition of a house and it is not possible to resolve the matter successfully at the initial stage, the house will be offered to the next eligible applicant.

## Housing Allocations Policy

### 9. Quality, Assurance, Performance, Management and Reporting

#### 9.1 Quality Assurance

A quality assurance mechanism operates to ensure the integrity and accuracy of allocations processes. Each month:

- A check is made of 5% of new registrations processed to ensure the relevant information has been recorded properly. The checks are undertaken by a supervising officer
- A supervising officer also carries out a check of 10% of all allocations made to ensure they have been carried out in accordance with this policy.

#### 9.2 Performance Management and Reporting

In addition to publishing the results of the bidding process we monitor performance and provide an annual report to the Council's Executive on Allocation Outcomes.

This also assists strategic planning so that the Council is able to respond to changing patterns of need as they arise. We report on:

#### Accessing the housing register

- Number of new registrations, including processing within the target timescale of 5 days
- Number of assessments of applicants' needs e.g. medical, homeless, including processing within the 28 day timescale

#### Suspensions

- Suspensions from the housing register including grounds for suspension

#### Offers and refusals

- The total number of properties allocated
- The total number of bids per property allocated
- Any refusal reasons

### Houses let

- Houses let by applicant type (Home Seekers, Home Movers and Home Starters)
- Houses let by Band of priority (1,2,3 or 4)
- Nominations and Section 5 Referrals to partner RSLs
- The number of applicants re-housed using HomeSwapper i.e. mutual exchanges

### Appeals and complaints

- Number of homeless appeals made including outcomes
- Number of housing allocation appeals made including outcomes
- Number of complaints made including outcomes
- Number of requests for Exceptional Housing Need and outcomes

### Equality information

- Information on the age, disability, ethnic and national origins, race and gender of applicants on the housing register and applicants who make successful bids for properties.

## Housing Allocations Policy

### Appendix A

#### Unsatisfactory Housing

A house is considered to be unsatisfactory if it does not meet the following criteria as set out in Section 86 of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2006:

- is structurally stable
- is substantially free from rising or penetrating damp
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating
- has an adequate piped supply of wholesome water available within the house
- has a sink provided with a satisfactory supply of both hot and cold water within the house
- has a water or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water, suitably located within the house
- has an effective system for the drainage and disposal of foul and surface water
- has satisfactory facilities for the cooking of food within the house
- has satisfactory access to all external doors and outbuildings
- in the case of a house having a supply of electricity, comply with the relevant requirements in relation to the electrical installation (i.e. electrical wiring and associated components and fittings) for the purposes of that supply
- has satisfactory thermal insulation.



### Access to Housing Team / Neighbourhood Offices / One Stop Shops.

#### Access to Housing Team

Callendar Square, Falkirk FK1 1ZF  
Tel: 01324 503600  
Freephone 0800 587 4440  
Email: ath@falkirk.gov.uk

#### Bo'ness One Stop Shop

24 East Pier Street  
Bo'ness EH51 9AB  
Tel: 01506 778899  
Fax: 01506 778900  
E-mail: housing.boness@falkirk.gov.uk

#### Falkirk One Stop Shop

Callendar Square, Falkirk FK1 1ZF  
Tel: 01324 506868  
Fax: 01324 506881  
E-mail: housing.falkirk@falkirk.gov.uk

#### Camelon One Stop Shop

256 Main Street, Camelon  
Falkirk FK1 4DY  
Tel: 01324 503640  
Fax: 01324 503641  
E-mail: housing.camelon@falkirk.gov.uk

#### Denny One Stop Shop

Carronbank House,  
Carronbank Crescent  
Denny FK6 6GA  
Tel: 01324 504050  
Fax: 01324 504051  
E-mail: housing.denny@falkirk.gov.uk

#### Grangemouth One Stop Shop

5 York Lane,  
Grangemouth FK3 8BD  
Tel: 01324 504550  
Fax: 01324 504551  
E-mail: housing.grangemouth@falkirk.gov.uk

#### Stenhousemuir One Stop Shop

398 Main Street  
Stenhousemuir FK5 3JR  
Tel: 01324 503340  
Fax: 01324 503341  
E-mail: housing.stenhousemuir@falkirk.gov.uk

#### Dawson Centre

David's Loan  
Falkirk FK2 7RG  
Tel: 01324 501450  
Fax: 01324 501451  
E-mail: housing.dawson@falkirk.gov.uk

Have your say on how your Housing Service is run, or how it could be improved. To find out more, contact Inspector Tenant on 01324 590796, email [inspector.tenant@falkirk.gov.uk](mailto:inspector.tenant@falkirk.gov.uk) or visit us at [www.falkirk.gov.uk/inspectortenant](http://www.falkirk.gov.uk/inspectortenant) for more information.



**Falkirk Council**

[www.falkirk.gov.uk/homespot](http://www.falkirk.gov.uk/homespot)

If you would like this information in another language, Braille, large print or audio tape please contact one of our Neighbourhood Offices or One Stop Shops.

April 2015

