

Bridgend Social Housing Allocation Policy

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This Policy is available in other formats e.g. in large print or in welsh.

Bridgend Social Housing Allocation Policy

1.0 General Principles

- 1.1 This Allocation Policy sets out how Bridgend County Borough Council and the four main Housing Associations that operate within the Bridgend County Borough: Hafod, Linc-Cymru, Valleys to Coast (V2C) and Wales & West will allocate the majority of social housing.
- 1.2 These four organisations together with the Council constitute the ‘Partners’ referred to in this document and whose details are available from the Council.
- 1.3 The table below shows the percentage of vacancies of social rented housing allocated through this Policy:

Housing Association	% of Vacancies
Wales & West	100
Hafod	100
Linc-Cymru	100
Valleys to Coast	75

Valleys to Coast may allocate up to 25% of their vacancies through their own allocation policy.

- 1.4 This Policy sets out how the Partners deal with new applications for social housing, applications from existing tenants wishing to transfer to other social housing and how housing is allocated. This Policy does not apply to mutual tenancy exchanges or transfers initiated for management purposes.
- 1.5 The Partners are committed to promoting equal opportunities and all applicants will be treated equally and without any discrimination. This Policy aims to give people in the greatest housing need the highest priority for being housed or rehoused in an area of their choice.
- 1.6 The Policy aims to achieve a balance between assisting those in greatest need and ensuring that there are opportunities for re-housing for those who require it. It is designed to reflect a range of need factors and enable applicants to clearly understand their prospects for re-housing given their particular needs, circumstances and preferences.
- 1.7 This Policy has been written to comply with the legal requirements of the Housing Act 1996, Housing (Wales) Act 2014, and the Welsh Government’s Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness.

- 1.8** The Council appreciates the importance of offering applicants as much choice as possible regarding their housing options, both to recognise their individual wishes and to build sustainable communities where residents have chosen to live. Applicants are encouraged to express preferences about the housing accommodation to be allocated to them but the Council and its Partners' ability to meet these expressed preferences may be severely limited.
- 1.9** For applicants who are owed a duty under section 66, 73 and 75 of the Housing (Wales) Act 2014, the Council will be entitled to make an offer of suitable accommodation anywhere within the Council's borough.
- 1.10** Applicants are placed in Bands according to housing need and those Bands determine the applicant's priority for re-housing.
- 1.11** The Policy is based on:
- The recognition of reasonable preference categories which are set by law i.e. who must be given reasonable preference in comparison with other applicants;
 - The principle that social housing properties should be let on the basis of an applicant's housing needs;
 - The requirement that Local Authorities provide information to applicants as to their rights under the Allocation Policy.
- 1.12** Reasonable preference for housing must be given to:
- All categories of homeless people;
 - People occupying insanitary, overcrowded or otherwise unsatisfactory housing;
 - People who need to move on medical or welfare grounds;
 - People who need to move to a particular locality within the Borough to avoid hardship to themselves or others.
- 1.13** In addition the Council will give reasonable preference to reflect the housing needs of those applicants within the following categories, specifically but not exclusively:
- i. Those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including:
 - Victims of domestic or other violence;
 - Victims of racist incidents;
 - Same sex couples who are victims of harassment amounting to threats of violence or violence;
 - Victims or witnesses of crime who are at risk of intimidation amounting to threats of violence or violence.
 - ii. Those who need to move because of urgent medical reasons.

- iii. Applicants who suddenly lose their existing home as a result of a disaster e.g. fire or flood.

1.14 It is important to note that even if an applicant falls under one of the above categories they may still be awarded a lesser priority or no preference compared to others in that category as a result of their circumstances or actions.

1.15 In compliance with the Data Protection Act 1998, no information will be disclosed about an applicant either without their express consent or where disclosure without consent is provided for by the Act. An applicant is entitled to examine information which is held about them whether the information is held on paper or on a computer database. This may exclude information provided by a third party which may not be disclosed. A single disclosure consent form will be provided to applicants as part of the housing application process and will provide authorisation for information to be shared between the Partners.

1.16 This Policy will be subject to periodic review.

2.0	Introduction
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2.1 Everyone can apply to be considered for housing under this Policy. Not every applicant will be eligible for housing under this Policy. The Council maintains a Housing Register of housing applicants for itself as well as for its Partners who have chosen to adopt this Policy.

2.2 As there is insufficient social housing within the County Borough to accommodate all housing applicants, the Council maintains a Register only of those applicants who are in housing need according to this Policy. The Council however retains the records of all applicants who are eligible and have not been excluded from allocation for the purposes of allocation and future admittance to the Register.

2.3 The Council will consider all applications for social housing that are made in accordance with the procedural requirements of this Policy. In considering applications, however, the Council must ascertain if an applicant is eligible for accommodation or whether he or she is excluded from allocation.

2.4 For further details about eligibility and exclusion please refer to Section 5. It should be noted that the law in relation to eligibility is complex and subject to change: The Council and its Partners will provide up to date information and advice to applicants as part of the application process.

3.0	Making an Application
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3.1 An application to join the Housing Register is subject to an initial housing assessment being completed. Whilst the Council will consider all Housing

Enquiries for help with housing not all applicants are eligible under this Policy to join the Housing Register.

- 3.2** The outcome of the housing assessment will have regard to the reasonable preference categories (see section 1), suitability of the applicant's current accommodation including overcrowding (see glossary of terms) and specific housing needs. All relevant additional information provided by the applicant or by other agencies on the applicant's behalf will be considered during the assessment.
- 3.3** Existing social housing tenants (see glossary of terms) can apply for housing allocation with another Housing Association and will be assessed and prioritised the same as all other applicants.
- 3.4** Following completion of a housing assessment, applicants will be notified immediately of the outcome in writing. Applicants who are identified as not being in housing need as per the criteria set out in the Bands in section 3.17 of the Policy will be offered housing options advice, including details of any review and complaints process (see sections 6 and 7).
- 3.5** The Council retains the details of all applicants who are eligible for an allocation, but not to join the housing register, for the purposes of allocation and future admittance to the Register (see section 2.2).
- 3.6** For applicants who are unable to attend the Housing Solutions Interview at the Council Offices, a home or hospital visit may be offered.
- 3.7** Advice and help will be given to vulnerable applicants and those with specific needs in order that they can complete a Housing assessment.
- 3.8** The Council will also retain details of all applicants who are not eligible for an allocation but qualify for other forms of accommodation (see section 3.9).
- 3.9** All applicants may be registered for other forms of accommodation e.g. low cost home ownership, intermediate rent housing, Extra Care (see section 3.28), Sheltered Housing (see section 3.27). More information about these housing options can be obtained from the Council and its Partners.
- 3.10** In order to ensure that the Council is treating all applicants fairly, applicants who are Council Members, Council Employees or a member of their family, 'Partners' Employees or a member of their family should disclose this fact on any application for housing. These applications will be assessed in the normal way but registrations and any allocation of accommodation will require the approval of a Senior Officer of the Council and will be considered in accordance with the Partner Housing Association's rules.

Housing Solutions Interview

- 3.11** The Housing Solutions Interview will be carried out by an officer at the Council and will help applicants determine if social housing is the best option for them. If appropriate, the Council's housing officer will complete the application for the Housing Register. In all circumstances applicants will be required to produce evidence of their eligibility and supporting information. Failure to provide information within the required time period may result in their application being withdrawn.
- 3.12** Where more than one eligible applicant wishes to have a shared application they will be joint applicants. The Council and its Partners will not allocate housing accommodation to two or more people jointly if any one of them is a person from abroad who is ineligible or is a person who is being treated as ineligible because of unacceptable behaviour.
- 3.13** The applicant will be notified in writing either in which Band their application has been placed and the "effective date" of registration or notified of the outstanding information required in order to complete the housing registration.
- 3.14** The date on which the applicant contacts the Authority for a housing assessment is the "effective date" of the application. Allocations will normally be taken in effective date order, from the highest Band, subject to the target arrangements.
- 3.15** It is the responsibility of every applicant to ensure that their application details are correct at the time of registration and are subsequently updated when any circumstances change (see section 4). Failure to do this may either lead to the application being cancelled, the applicant being placed in the wrong Band, or a subsequent offer of accommodation being withdrawn because application details were incorrect.
- 3.16** Applicants will be required to re-register their housing application once a year in order to confirm that they still want to be considered for housing. On the anniversary of the date their Housing assessment was registered, applicants will be required to renew their application. Applicants will be notified in writing of the arrangements for completing this renewal. Failure to complete the renewal within the time period specified will result in the applicant being removed from the Housing Register.

Banding

- 3.17** Applicants will be placed in a Band depending on their housing need identified through the Housing Solutions Interview and according to the following criteria:

Banding	System Target (%)
<p>PRIORITY CASES Those applicants falling within the reasonable preference categories set out in sections 1.11 and 1.12 whom the following also apply:</p> <ul style="list-style-type: none"> ▪ a number of statutory agencies are involved; or ▪ there is a statutory requirement to intervene; or ▪ Immediate provision of housing will alleviate intense agency input ▪ Immediate provision of housing is needed because of a critical medical or welfare need including emergencies ▪ Under occupation of social housing and need to transfer to a smaller property in order to avoid loss of tenancy <p>Will be regarded as having exceptional need of housing and will be prioritised</p>	As needed

<p>BAND A</p> <p>Those applicants assessed as having urgent housing need:</p> <ul style="list-style-type: none"> ▪ You have an urgent need to move because of your disability and the need for an adapted property; or ▪ You are unintentionally homeless, in priority need and owed a duty by the Council; or ▪ You need to move on from supported housing; or ▪ You are owed a homelessness duty and as a result of violence or threats of violence likely to be carried out you require urgent rehousing; or ▪ You need to move because of urgent medical or hardship reasons; or ▪ You need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which you, or a member of your household has sustained as a result of service in the Armed Forces; or ▪ You need accommodation as a result of leaving the Armed Forces and the loss of military accommodation; or ▪ You are under occupying social housing and want to transfer to a smaller property in order to avoid financial hardship 	75%
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<p>BAND B</p> <p>Those applicants assessed as having non urgent housing need:</p> <ul style="list-style-type: none"> ▪ You need to move for medical or hardship reasons; or ▪ You need to move because of overcrowding conditions or insanitary conditions; or ▪ You need to move because you are disabled and your property is not suitable and cannot be easily adapted; or ▪ You are homeless but do not qualify for Band A; or ▪ You need to move for reasons of employment, meeting needs in the local area; or ▪ You meet the criteria set out in these Bandings but you have no local connection with the area; ▪ You have a substantiated threat of homelessness within 56 days where housing will prevent your homelessness; ▪ You are homeless and housing will relieve your homelessness. 	<p>25%</p>
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<p>NO PREFERENCE</p> <p>Those applicants assessed as having no preference:</p> <ul style="list-style-type: none"> • You have a history of unacceptable behaviour which would not have entitled the authority to a possession order under section 84 of the Housing Act 1985; • You have a recoverable property related debt of between £300 and £999 in your current or former home; • You have a recoverable property related debt in your current or former home of less than £300 but have failed to enter into an immediate repayment plan with the Council/RSL. 	<p>0%</p>
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3.18 The system target percentages in the above table indicate the proportion of vacant properties which will be allocated to that particular Band averaged across a year. These targets will be reviewed annually taking into account change in local circumstances.

3.19 An applicant will normally remain in the allotted Band until an offer of housing is made, except in the following circumstances:

- i. The applicant's circumstances deteriorate to such a degree that promotion to a higher Band is warranted. In this case the date on which they are promoted becomes the new effective date.
- ii. The applicant's circumstances improve to such a degree that demotion to a lower Band is warranted. In this case they will move to a lesser Band and their original effective date will stand.
- iii. Applicants will always have the choice of remaining within a lower Band rather than being promoted. For example, it may be to an applicant's advantage to remain in Band B in date order rather than join Band A at a lesser point.
- iv. An applicant who has no preference completes a course of action determined by the Council or, reduces their debt to below £300 and has entered into an immediate repayment plan, will be moved into one of the Bands according to housing need.
- v. Applicants who deliberately worsen their situation to gain advantage will be assessed on the basis of their situation immediately prior to this taking place.

Offer of Accommodation

- 3.20** One reasonable offer of accommodation will be made based on the information gathered as part of the Housing Solutions Interview. The offer will be regarded as reasonable if it meets the needs of the applicant in terms of size and type of accommodation and is in the applicants preferred area of choice. Those applicants that are homeless and in priority need may be offered suitable accommodation outside of their preferred area which may result in no further homelessness duty being owed.
- 3.21** Further offers of accommodation may be made to the applicant outside the applicant's preferred area of choice where it appears to the Council that the size and type of accommodation is suitable to the needs of the applicant. As it is not in the applicants preferred area of choice, any refusal of these 'further offers' will not result in automatic removal from the register. This will not apply to applicants that are homeless and in priority need (see section 3.21).
- 3.22** Applicants will be withdrawn from the Housing Register for up to 12 months following one reasonable offer of accommodation being refused without good reason. Within the 12 month period applicants are eligible to make an application under the Policy but will not normally be accepted onto the Housing Register until such time as their suspension has lapsed or a review has concluded that a new application can be submitted. At such time a new Housing Solutions Interview will be required to be completed.
- 3.23** For applicants who are eligible to join the Housing Register the applicant's requirements in relation to property size will normally be determined

according to the standard indicated in the household table below. Exceptions may occur (subject to the applicant demonstrating ability to afford rent) which will include, but not exclusively:

- When the housing provider needs to consider the sustainability of an area;
- Where there is limited stock or low demand;
- Where a household member has a disability or health related condition which requires an additional bedroom. This must be supported by information from a relevant medical professional and subject to an affordability assessment;

Household	Bedrooms
Single person	1 or bedsit
Couple	1
Single pregnant woman	2
Single parent or couple with one child	2
Single parent or couple with two children of same sex	2
Single parent or couple with two children of opposite sex under 10 years	2 or 3
Single parent or couple with two children of opposite sex where at least one child is over 10 years	3
Single parent or couple with three children	3
Single parent or couple with four children	3 or 4
Single parent or couple with five children	4
Single parent or couple with more than five children	4

3.24 The following should be read in conjunction with the table above:

- i. For the purposes of sharing bedrooms the following apply:
 - Under 10 years old, mixed sexes may share a bedroom however, where a child is within twelve months of being 10 years old, an additional bedroom may be provided
 - Under 16 years old, same sexes may share a bedroom however, where a child is within twelve months of being 16 years old, an additional bedroom may be provided
 - Over 16 years old, own bedroom required
- ii. Parlour type properties can be considered as having an additional bedroom to assist where necessary with housing larger families where larger accommodation is not available
- iii. In all cases child refers to dependent child (see glossary of terms)

- 3.25** Individual assessments will be required for applicants whose household comprises of more than two adults or for other households who do not fit within the standards in the table.
- 3.26** Properties particularly suitable for people with a medical need or following an Occupational Therapist Assessment will normally be allocated to people where the adaptations will meet their needs or where the property can be easily adapted to meet their needs, e.g. adapted properties, bungalows and ground floor flats.
- 3.27** Sheltered housing will normally be offered to people over 60 or people over 55 who are physically disabled and eligible to receive Supporting People funding. In addition to the Housing Register the Council will, in accordance with section 3.5 and 3.6 retain the details of all those applicants for sheltered housing not meeting the criteria set out in the Bands at section 3.18 of the Policy.
- 3.28** The Extra Care and Support Scheme is a partnership between V2C and Bridgend County Borough Council (BCBC). Extra Care Housing Schemes offer the opportunity for older residents to have care available over a 24 hour period according to need, but to retain their own 'front door'.

4.0	Change of Circumstances
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- 4.1** Applicants should notify the Council in writing of any change in their circumstances, for example:
- i. A change of address, for themselves or any other person on their application; or
 - ii. Any additions to the family or any other person they would wish to join the application (N.B. it is for the Council to decide whether they will allow a person/s to join the application); or
 - iii. Any member of the family or any other person on the application who has left the accommodation; or
 - iv. Any change in income or savings
- 4.2** A change of circumstances may require a further Housing Enquiry and / or Housing Solutions Interview.

5.0	Eligibility and Exclusions
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- 5.1** The following is a summary of the main categories of applicants to whom the Council and its Partners may allocate accommodation taking account of nationality and immigration status:
- Existing tenants
 - British Nationals habitually resident in the Common Travel Area

- European Economic Area Nationals habitually resident in the Common Travel Area
- Persons subject to immigration control prescribed as eligible:
 - i. Refugees
 - ii. Persons who have been granted Humanitarian Protection
 - iii. Persons who have been granted Discretionary Leave
 - iv. Persons who have been granted exceptional leave to enter or remain
 - v. Persons who have been granted Indefinite leave to enter or remain
 - vi. Former residents of Montserrat who have left that territory because of volcanic eruption
- Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance or the European Social Charter (ESC).

Exclusion

- 5.2** The Council has the discretion to treat applicants as ineligible for an allocation of housing on the basis of their unacceptable behaviour. The Council's use of this sanction will be kept to a minimum, the Council will wherever possible use support mechanisms to maximise opportunities for people to secure social housing.
- 5.3** Where the Council has reason to believe that an applicant may be ineligible for an allocation of housing on the basis of their unacceptable behaviour, it will apply a three stage test:
- i. Where there is evidence of unacceptable behaviour was it serious enough to have entitled an authority to obtain a possession order?
 - ii. Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
 - iii. Is the behaviour unacceptable at the time of application?
- 5.4** Where the Council is satisfied on all three aspects, it will consider exercising its discretion to decide if the applicant is to be treated as ineligible for an allocation. In reaching its decision, the Council will consider each application on its own merits. Having regard for each applicant's personal circumstances (and the personal circumstances of the applicant's household), including his or her health and medical needs, dependants and any other factors relevant to the application. A decision to treat an applicant as ineligible must be underpinned by compliance with the law and the Code of Guidance.
- 5.5** The Council may decide to allow the applicant to proceed with the application and be accepted on to the Register but decide to give the applicant no preference for allocation due to their unreasonable behaviour. The applicant

or a member of his/her household, will be required to co-operate with support agencies and complete a course of action determined by the Council if required to do so.

- 5.6** If an applicant, who has, in the past, been deemed by the Council and its Partners to be ineligible, now considers his/her unacceptable behaviour should no longer be held against him/her as a result of changed circumstances; he/she can make a fresh application. Unless there has been a considerable lapse of time it will be for the applicant to show that his/her circumstances or behaviour has changed. What constitutes a considerable lapse of time will depend upon the individual circumstances of the case and in particular the nature of the unacceptable behaviour.
- 5.7** If an applicant, or someone on the applicant's behalf, knowingly provides false information or withholds information that is relevant to their application for housing (which is a criminal offence under the Housing Act 1996 and liable on summary conviction to a fine not exceeding £5000) then the applicant may be removed from the Register. The Council will inform the applicant in writing of their removal from the register and the notification will include the reasons for removal and the review procedure.

6.0	Complaints
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- 6.1** Any applicant who is unhappy with the service with which they have been provided by the Council may complain. It is best for everyone if complaints are dealt with as quickly as possible. Applicants should contact the office or individual they usually deal with first who will try to solve the problem quickly. If a complaint is not resolved at an informal level the applicant may make a formal complaint. A copy of the Council's Corporate Complaints Policy, including details of how to complain, is available on the Council's website or from the Council's Offices.

7.0	Right of Review
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- 7.1** Any applicant has the right to request a review of any of the following decisions:
- i. That they are not eligible under the Allocation Policy. This includes decisions where an applicant is deemed ineligible due to unacceptable behaviour; or
 - ii. To remove an application from the Housing Register following unreasonable refusals of offers of accommodation; or
 - iii. About the facts of an applicant's case which have been, or are likely to be, taken into account in considering whether to make an allocation to him or her;
 - iv. The assessment of an application, including the Banding; or
 - v. The cancellation or withdrawal of an application.

- 7.2** Any applicant wishing to request a review of a decision must do so by contacting the Council in writing within 21 days of the date of the letter that informed them of that decision.
- 7.3** Homeless applicants may also have a statutory right of review on certain homelessness decisions, including decisions on the suitability of accommodation offered and any discharge of duty.
- 7.4** A Review Officer who was not involved in the original decision will deal with the review within 14 days of the request. All decisions following reviews will be notified to the applicant in writing giving the reasons for the decision. The decision letter will be sent out within 21 days of the original request. The review decision cannot be appealed at the County Court and the only available legal challenge to review the decision is by means of Judicial Review.

8.0 Glossary of Terms

Code of Guidance	The document issued by Welsh Government, and periodically updated which provides direction and further explanation on the way in which Housing Legislation should be implemented
Dependant child	A child who depends on a parent or guardian for financial, emotional or other support and where there is no alternative (one parent or guardian will usually be regarded as providing the principal home)
Existing social housing tenants	Existing tenants of one of the four Partner Housing Associations
Hardship	Difficulty which is beyond mere inconvenience causing the applicant suffering or deprivation which is likely to be endured over a long period.
Household	The applicant and any persons who will be moving with the applicant, whether they currently live with the applicant or not
Housing Association	Independent organisations that provide low cost social housing on a not for profit housing basis for those in need of housing
Overcrowding	A housing situation is considered to be overcrowded if it fits one of the following situations: <ul style="list-style-type: none"> i. Two adults of opposite sex not living together as partners, who have to share a bedroom; ii. Three or more people of any age are sharing a bedroom where one or more is over 10 years of age; iii. Anyone sleeping in a room that is not a bedroom or a

	<p>room that could reasonably be used as a bedroom;</p> <p>iv. For medical reasons a separate bedroom is necessary;</p> <p>v. For reasons of ethnicity, culture or religious belief it is not possible to share a bedroom.</p>
Sheltered housing	Rented housing for older and/or disabled or other vulnerable people
Social housing	Social housing is housing that is let at low rents and on a secure basis to people in housing need. It is generally provided by Councils and not-for-profit organisations such as Housing Associations
Supporting people	The framework, funded by the Welsh Government, to deliver non-statutory housing related support services to vulnerable people aged 16 years and upwards who live in the community
Unacceptable behaviour	<p>Behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8) (see Annex 1) or,</p> <p>Behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order (see Annex 1)</p>

ANNEX 1

UNACCEPTABLE BEHAVIOUR

Under s. 160A(8) of the 1996 Act, the following discretionary grounds (s.84 and Part 1 of Schedule 2 of the Housing Act 1985) are relevant to determining whether an applicant (or a member of his/her household) is guilty of unacceptable behaviour to make him/her unsuitable to be a tenant.

Rent lawfully due has not been paid or an obligation of the tenancy has been broken or not performed.

The tenant or a person residing in or visiting the dwelling house has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of the dwelling or has been convicted of using the dwelling or allowing it to be used for immoral or illegal purposes or of an indictable offence committed in or in the locality of the dwelling house.

The dwelling was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other or a couple living together as husband and wife, or a couple living together as if they were civil partners and one or both the partners is a tenant of the dwelling, one partner has left because of violence or threats

of violence by the other towards that partner or member of the family and the court is satisfied that the partner who has left is unlikely to return.

The condition of the dwelling or any common parts has deteriorated owing to acts of waste, neglect or default by the tenant or by anyone living with him or her, and where a lodger or sub-tenant is responsible for the deterioration, the tenant has not taken steps to remove that person.

The condition of furniture provided by the landlord for use in the dwelling or in common parts has deteriorated owing to ill treatment by the tenant or by anyone living with him or her, and in the case of ill treatment by a lodger or sub-tenant, the tenant has not taken steps to remove that person.

The landlord was induced to grant the tenancy to the tenant as a result of a false statement made knowingly or recklessly by the tenant or a person acting at the tenant's instigation.

The tenancy was exchanged by an assignment under Section 92 and the tenant paid or received a premium in return for the exchange.

A tied tenant of a property which forms part of or is within the curtilage of a building held for non-housing purposes who is guilty of conduct that make it inappropriate for him or her to remain in occupation.

A tenant, or an adult residing at the property, is convicted of an indictable offence which took place during, and at the scene of, a riot in the UK