



# COMMON HOUSING ALLOCATION POLICY

SARTH



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This document is available in Welsh and can be provided in other formats on request. March 2018.



## The Allocation Policy for Social Housing in Conwy, Denbighshire and Flintshire.

The major social landlords operating in Conwy, Denbighshire and Flintshire have come together, with the Local Authorities, to form a Partnership to manage applications for and allocations of social housing.

The partners in the scheme are

- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Cartrefi Conwy
- North Wales Housing Association
- Grŵp Cynefin
- Wales and West Housing Association
- Clwyd Alyn Housing Limited

All partners agree that there is a high demand for rented homes in the region and too few vacancies to meet demand. We must be realistic about this. It requires us to do two things:

Firstly we will provide the best, most useful, consistent and accessible advice and information to everyone who comes to us looking for housing. We aim to help customers make the most informed choice about how to find a home to meet their needs. This advice must cover the whole range of affordable housing options, including social housing, private rented accommodation, home ownership and other alternatives.

Secondly, we will allocate our housing stock in a transparent, fair, consistent and accessible way, which prioritises the people in our communities according to their housing needs and which meets our legal requirements

Working together to these ends, we can share our strengths and good practice and place the customer at the heart of everything we do. We will simplify the access route to advice and to housing with one clear purpose: to help people find a home to meet their needs.



## PART 1- POLICY STATEMENT

### 1. Introduction

#### 1.1 Aims & Objectives

This document states how all applications for social housing will be prioritised for allocations in Conwy, Denbighshire and Flintshire.

Social housing is housing provided by some local councils and registered, not for profit, organisations. Rent levels, property standards and management standards are regulated by government.

This allocation policy has been adopted by the major social landlords operating in the counties of Conwy, Denbighshire and Flintshire.

The partners in the scheme are

- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Cartrefi Conwy
- North Wales Housing Association
- Grŵp Cynefin
- Wales and West Housing Association
- Clwyd Alyn Housing Association
- Ty Glas Housing Society, part of the Pennaf Group

The Partners agree to prioritise applicants and allocate social housing in the same way. Each County will hold its own register of applicants. Applicants can apply for housing in different Counties, but applicants will not necessarily have the same priority in all areas, because they may not have a local connection to all areas.

The key objectives of the policy are that it-

- helps meet housing need in Conwy, Denbighshire and Flintshire
- gives priority to those in greatest housing need and with the strongest connection to the area to which they are applying
- is easy for applicants and staff to understand
- consistently prioritises applicants in similar circumstances
- enables all applicants to be considered by all social housing providers with just one application
- accommodates applicants preferences as far as possible
- makes best use of housing stock
- takes into account local circumstances
- provides all applicants with advice about all their housing options
- provides support for applicants to make an application as required



## 1.2 Legal Context

The allocation policy is principally governed by The Housing Act 1996 and the Code of Guidance for Homelessness and Allocations 2016 and Welsh Statutory Instruments 2014 No. 2603 (w. 257) — Housing Wales — The Allocation of Homelessness (Eligibility) (Wales) Regulations 2014.

Other relevant legislation includes

- Freedom of Information Act 2000
- Equalities Act 2010
- Social Care and Well Being Act 2014
- Anti-social Behaviour, Crime and Policing Act 2014
- Wellbeing of Future Generations Act 2015

## 1.3 The roles of the partners

- Councils

The Councils in the Partnership are local Housing Authorities required by law to carry out housing related duties and functions. They have a role to ensure that Social Housing is an effective housing option for people on low incomes or who cannot rent or buy privately. Each Council in the partnership must ensure social housing properties in their area are allocated according to this policy.

The Councils must ensure that the allocation policy is fair. Fairness will include treating all applications in a consistent manner, ensuring all applicants have an equal opportunity to apply, and in a way which suits their personal needs.

So that everyone can see that allocations are made fairly, information about how properties have been allocated will be published on Council websites, and there will be regular checks to ensure the procedures are giving fair results.

Councils work in partnership with social housing providers to plan new housing developments and the best use of housing stock. Councils monitor the activity of social landlords to make sure standards are maintained and allocations are fair.

A Council can delegate the task of administering the housing register. The organisation acting as the register administrator will be monitored by the Council to ensure banding and allocation decisions meet the standards required. The register administrator can be a social housing provider.

- Housing Providers

Non-council social housing providers have a duty to co-operate with Local Authorities to support the delivery of certain housing objectives e.g. to prevent and relieve homelessness. The housing providers have agreed to allocate their vacant property in line with the policy.

## 1.4 Equality

All Partners are committed to serving all applicants fairly and work positively to avoid discrimination on the grounds of age, gender, sexual orientation, religion, nationality, disability or ethnic origin.

In order for us to monitor allocations for fairness, applicants are asked to provide details: age, disability, gender and race.



All policies and changes in policy are assessed to ensure there is no unjustifiable negative impact on sections of our community.

All partners are required to meet the Welsh Language Standards 2015. Applicants are encouraged to use either Welsh or English. Applicants can express a preference for correspondence or service in either language.

For applicants requiring information in an alternative format, e.g. large print, audio versions etc. arrangements will be made to meet their needs on request.

Prospective applicants who require support to complete the application process will be assisted, according to their needs, on request.

The application process does not require an applicant to complete a form. Applicants will be spoken to over the telephone, or face to face at our offices, or in exceptional circumstances, at another place, e.g. hospital, by appointment.

### 1.5 Management of Information

Information provided by applicants will be confidential and kept securely.

However, applicants will be asked to allow their application information to be shared so that all partners can consider their application.

Applicants may request a copy of information held by partners about their application, which will include information provided by third parties unless there are exceptional circumstances where it is necessary to protect the identity of the third party concerned. In such exceptional circumstances, every effort will be made to convey to the applicant the information that has been obtained from a third party in a reduced form.

### 1.6 Monitoring and Review of Allocations policy

The Allocations Policy is adopted and subject to the approval of Council members in the individual Local Authorities.

The Boards of partner Housing Associations have signed up to the policy. The Boards ensure the policy meets with the social objectives of their organisations. Each Housing Provider must report its activities to its governing Boards and government regulator.

Senior officers of both the Council and housing provider organisations meet together as required to form the Steering Committee. This Committee formally approves planned adjustments to the policy recommended by the Operational Panel. The Operational panel meets regularly to discuss any aspect of the implementation and delivery of the allocation policy.

Should the policy require major adjustment, the adjustment will not be made without consultation.

Regular meetings with all partners are held to discuss operational decisions, information management systems, and complex cases to ensure effective communication across the providers.

Statistical Information will be reported annually and published on the Local Authority websites.



## 1.7 Local Letting Policies.

The policy recognises that partners may wish to include policies designed to tackle local housing issues through the use of local letting policies. All local lettings policies will be based on a sound evidence base. Examples of local housing issues which may require local lettings policies include:

- Tackling localised anti-social behaviour
- Correcting under occupation or overcrowding
- Facilitating tenant employment through job related moves
- Creating a sustainable community on new housing developments
- Helping people to stay close to their own rural communities

Local lettings policies will be approved by the appropriate Local Authority and will be assessed for fairness and equality of opportunity. Local letting policies may allow transfers for existing social tenants even where they do not have priority under the allocation scheme.

Some properties, usually in defined locations, can only be let subject to additional occupation criteria as they are subject to a Planning Obligation under s106 of the Town and Country Planning Act 1990, for example in regeneration areas or, rarely, on new developments.

A list of housing schemes with Local Letting Allocations Policies is available on Council Websites

## 2. The Housing Register

### 2.1 The Register

The housing register is a list of households who require housing. Each Local Authority has a register. The register is ordered in accordance with this policy. Households on the register are prioritised in bands according to need and local connection, and within bands by waiting time. Housing providers with a vacancy go to the register to see who in the greatest need has been waiting the longest.

Decisions about where a household is placed on the register are taken by the register administrators.

The register is kept up to date. Households on the register will be reviewed every 6 months, or upon a change in circumstances. New applicants join the register when their application is complete. Applicants may move between priority bands. The date on which an applicant moved into a band with greater priority will be the relevant date to determine their priority in that band. If an applicant moved to a band with lower priority, the date of their original application will be the relevant date.

Applicants are responsible for keeping their application up to date. Failure to do so may result in a reduction in priority.

If applicants in urgent housing need are not rehoused within 3 months, consideration will be given to whether current housing stock will be able to meet the household's needs. In cases where the housing requirements are complex or not catered for in current stock, Partners will consider options to procure, adapt or commission property to meet a need.

Prospective tenants not accepted onto the register because they are not in housing need, may apply for vacancies where there is no demand from applicants on the register. Such vacancies are advertised by the housing providers on the open market, e.g. at housing solutions using on-line property rental sites or Council websites. Applicants not accepted onto the register can reapply at any time if their circumstances change.



## 2.2 Who can Apply?

Anyone over 16 can apply for social housing, either as a sole or joint tenant. Households of more than one person will have a lead applicant. Part of the application process will be to check that the applicant household does not contain someone ineligible due to their immigration status or because they are unsuitable to be a tenant because of serious unacceptable behaviour. All applicants will need to show that they intend to occupy any social housing allocation as their only or principal home.

## 2.3 Who can be included in the applicant's household?

An applicant household can include:

- a) members of the applicant's family who normally resides with them,
- b) any other person who might reasonably be expected to reside with them.

The circumstances of a child who is dependent both on the applicant and someone who does not live with the applicant, will be looked at. For example, where there is a shared parenting arrangement, a child who is reasonably accommodated with another parent will not be included within the applicant's household.

## 2.4 Transfer Applications

This policy applies to existing tenants seeking to transfer accommodation. Existing tenants who want to move, will need to apply for a new allocation through the register. The same rules about housing need will be applied to determine their priority.

## 2.5 Applications from Employees of Partner Organisations, Elected Members and their close family relatives

Applicants must declare if they (or anyone in their household) are, or are close relatives of

- Employees of partner local authorities or housing providers;
- Elected Council Members; or
- Members of a Tenants' or Residents' Associations.
- The following are close family member for the purpose of this policy:-
  - Spouse or civil partner
  - Co habiting partners (including same sex partners)
  - Parent
  - Son/Daughter
  - Brother/Sister
  - Grandparent/Grandchild
  - Aunt/Uncle
  - Step & Half Relations

Where 2.5 applies, the allocation policy will not treat applicants differently, but their applications will be subject to review to ensure the policy is followed in all cases.

## 2.6 Applications to amend existing social housing tenancies

This allocation policy does not cover situations where an existing tenant needs to amend their existing social housing tenancy agreement. For example, adding a partner to the agreement.



### 3. Applying for Accommodation

#### 3.1 Making an Application

Information about how to contact the housing register administrators in each County will be publicised on the Council website and in other public areas.

There is no form to complete when applying for housing under the Common Allocation Policy.

Enquirers can attend Council offices in person, or discuss their needs by telephone. In exceptional circumstances, arrangements can be made to visit prospective applicants, e.g. in hospital.

All enquirers will be asked about their household circumstances. We call this process 'Triage'. Where an applicant may be homeless or threatened with homelessness within 56 days, their application will form part of the service offered by the Local Authority to prevent and relieve homelessness.

The administration of the social housing allocation and the delivery of services to those threatened with, or who are faced with, homelessness are closely related. Staff from either the homelessness and/or housing provider teams may be involved with a case

#### 3.2 Housing Options

All enquirers will receive advice about all the housing options which might be suitable for them. This may include advice about

- Affordable ownership schemes
- Intermediate rent schemes
- Private renting
- Schemes to help people move out of the district
- Home improvement schemes or adaptation services which enable people to stay in their existing home
- Supported housing or support at home
  - Sheltered housing or extra care housing
  - Gypsy and Traveller sites with permanent pitches

Enquirers will receive information about the application process and how homes are allocated. Those

who wish to make an application for social housing will be advised about

whether they are likely to have a priority for housing and whether housing suitable for their needs is likely to be available for them in the areas of their choice and

- how long until such housing is likely to be available

#### 3.3 Eligibility

All applicants and their household members will be verified to ensure they are eligible for an allocation of social housing.

The Housing Act 1996, as amended by more recent legislation (Housing Act (Wales) 2014) states that a Local Authority must not make an allocation of social housing to an ineligible person.



Applicants can be ineligible due to their immigration status or due to unacceptable behaviour. See Box A.

Applicants will need to provide evidence of their identity and former conduct.

The Register administrators will act reasonably and consider each application on its merits. Decision makers will take into account the applicant's personal circumstances (and those of the applicant's household), including health and medical needs, dependent's needs and any factors relevant to the application. In particular, the partners will consider any mitigating circumstances relating to mental or physical disability, or mental health.

Previous seriously unacceptable behaviour may not justify a decision to treat the applicant as ineligible where the applicant can show that the behaviour has improved.

Applicants whose unacceptable behaviour does not meet the criteria to make them ineligible, will be able to apply for housing, but their household may be given a reduced priority until the register administrator is satisfied that their behaviour has improved to the extent that it will no longer have a detrimental impact on their conduct of a tenancy.

Applicants deemed ineligible for housing will be provided with advice and guidance regarding their housing options from the Housing Options Team when they contact the service.

Applicants deemed ineligible for housing will be notified of the decision and the reason(s) in writing. They will also be informed of their right to request a review and their further right to appeal any decision made after the review.

Applicants found ineligible because of unacceptable behaviour can reapply at any time, but will not be eligible until they can show that their behaviour is now satisfactory.

### 3.4 Choice and Preference

Applicants will be asked to express a preference for the area they wish to live in, and the type of property. Not all areas have social housing. Not all areas can provide properties of the preferred type. Applicants will be advised about the potential availability of properties when they apply, and on request. Applicants can change their preferences. However, when considering the suitability of vacant properties for an applicant, it may not be possible to accommodate all an applicant's preferences. Applicants' preference for areas where there is currently no social housing provision will be noted and considered when planning new developments.

### 3.5 Support to make an application

Partners will ensure that applicants with support needs are provided with appropriate support to make their application. Where necessary, partner housing providers will work with social care, Supporting People, health services and other agencies to agree how to support the applicant.

### 3.6 Decision timescales

Once all the necessary supporting information has been received by the register administrator the decision about whether the applicant will be placed on the register and in which priority band will be taken within 20 working days,

### 3.7 Notification of decision

Applicants will be informed in writing of acceptance onto the register and their priority banding.



### 3.8 Applicant's rights to be informed, to request a review and make a complaint

An applicant has the right to be informed, upon request, of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

### 3.9 Requesting to see what information is held on a housing application

Applicants may request a copy of all information held by partners about their application as a 'Subject Access Application'. This will include information provided by third parties (unless there are exceptional circumstances and the identity of the third party must be protected). Should third party information require protection, every effort will be made to convey information in a reduced form. A Subject Access Application will normally be free. Unwarranted, unfounded or repetitive requests may incur an administration fee.

### 3.10 Requesting that a decision relating to an applicant's priority on the housing register, or any allocation of housing, is reviewed.

An applicant has the right to request a review of any decision made in relation to their housing application, including any decision:

- a) about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them;
- b) as to their eligibility for the allocation of social housing;
- c) as to the assessment of their application in relation to the banding scheme;
- d) made in relation to removing an applicant from the register
- e) made in relation to reducing priority;

Applicants will have 14 days to request a review, during which time they shall be suspended from the register.

The decision to be reviewed will be considered by a different or senior officer from the relevant register administrator. The reviewing officer has 28 days to consider the circumstances and respond.

If the applicant is not satisfied by the decision of the reviewing officer, the matter can be considered by the Operational Panel which meets at least monthly. The panel have up to 28 days to consider the circumstances and respond.

### 3.11 Requesting a review of a decision made in relation to a decision outside of the scope of this policy

Decisions made by a local authority partner in relation to an application for assistance because an applicant is homeless or threatened with homelessness, are subject to different review procedures. Applicants will be told about how to request a review of these decisions in the decision notification letter.

### 3.12 Making a Complaint about how an application has been handled

An applicant who is unhappy about the way their application has been handled, or the behaviour of staff, should make a complaint using the complaints procedure of the organisation handling their application. Information about how to do this will be available from the organisation concerned. If an applicant is not satisfied by the response to a complaint they can take the matter to the Local Authority



Ombudsman (details of making such a complaint are available from the relevant Local Authority).

### 3.13 False or misleading information

Applicants who give false or misleading information may have their application rejected or their tenancy terminated. In some cases this may also result in criminal prosecution, substantial fines and even imprisonment.

### 3.14 Keeping an application up to date

It is the responsibility of the applicant to keep their information up to date.

Applicants must contact their local Authority if, for example,

- they change their contact information: telephone numbers or email address
- if they move house,
- a person leaves or joins their household;
- their financial circumstances change
- Their immigration status changes

### 3.15 Keeping the register up to date

When applications are reviewed by the Register Administrator, applicant households will be contacted to confirm they are still in housing need. Those still in housing need will have their details checked and their priority banding reviewed.

Applicants who fail to respond to letters asking about their current needs may be removed from the register.

### 3.16 Removing applications from the register.

Applicants may be removed from the register if

- they have provided false or misleading information or not told the Partnership about relevant information
- they have refused 2 reasonable offers
- they don't reply to application review letters within 14 days

Applicants will be advised in writing of a decision to remove them from the register. They have a right to request a review of the decision, and details of how to do so will be noted in the decision letter. After 14 days, if no request for a review is received, the applicant will be removed from the register.

Applicants will be able to reapply but may be subject to reduced priority. Their application date will be the date of the new application.



## BOX A Eligibility for a social housing allocation

### Ineligible applicants

There are two classes of ineligible person.

#### 1) Persons from abroad

Unless the applicant is already a secure, introductory or assured tenant of housing allocated by a Welsh housing authority, applicants will be ineligible if they are

subject to immigration control, unless they belong to a group granting them eligibility e.g.

- those with refugee status; those granted Humanitarian Protection; and those with Discretionary or Exceptional Leave to Remain.
- persons from abroad who are not subject to immigration control and who are not habitually resident in the Common Travel Area (i.e. The UK, Channel Islands, Isle of Man and the Republic of Ireland) (Exceptions apply)
- excluded from entitlement to Universal Credit or Housing Benefit by the Immigration and Asylum Act 1999.

Further Information for applicants and advisors can be found in

Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014, and

Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2017

#### 2) Persons who have engaged in serious unacceptable behaviour

If applicants, members of their household, or their visitors have engaged in serious unacceptable behaviour that renders them unsuitable to be a tenant of a partner landlord.

The only behaviour that can be regarded as unacceptable is behaviour by the person that would have entitled a local authority to an outright possession order, if the person had been a secure tenant of the local authority at the time.

In assessing whether an applicant is ineligible due to unacceptable behaviour, the partner landlord will consider:

1. Where there is evidence of unacceptable behaviour, was it serious enough for a possession order to have been granted (which includes consideration of the statutory discretionary grounds for possession and questions of reasonableness)?
2. Was the behaviour serious enough to render the applicant or household member unsuitable to be a tenant (which involves consideration as to whether an immediate possession order was made or might have been made as opposed to a suspended order)?
3. Does the behaviour continue to be unacceptable at the time of application?



## PART 2 - THE BANDING SCHEME

This policy is founded on the principle that vacancies will be allocated to eligible applicants in housing need, with priority going to applicant households who have a local connection.

### 4.1 Priority Bands

The policy uses a banding scheme to prioritise applicants according to their circumstances.

The priority bands and local connection

Band	Degree of Housing need	Local Connection
1	Urgent housing need according to the criteria in Box C	Yes (unless homeless as a result of abuse)
2	Housing need according to the criteria in Box D	Yes
3	Urgent housing need according to the criteria in Box C	No
4	Housing need according to the criteria in Box D and Reduced priority cases	No  Yes

Priority can change as circumstances change, so applicants may move between bands. Applicants within each band will be prioritised according to the date order of their application or the date on which they moved from a lower to a higher band.

### 4.2 Local Connection

Eligible applicants with a local connection to the Council area to which they are applying, will be prioritised above those with no local connections (unless an applicant is fleeing abuse and relocation is required to keep them safe).

An applicant may have a local connection to one partner local Authority, but not to another, resulting in a different banding decision on the different housing registers.

An applicant's local connection can change over time. Applicants must keep their applications up to date.

Housing Provider partners are able to specify additional local connection criteria for certain vacancies in line with Local Lettings policies.



## BOX B Local Connection

A local connection is created when the applicant or a household member

- Has been resident in the Local authority area for the previous 12 months.
- Has been resident in the local Authority area for 3 out of the previous 5 years.
- Has family associations in the area. Family association normally arise when the applicant or household member has either a parent, adult child, brother or sister who live in the local Authority area, and have done so for at least 5 years, at the date of application. Both the applicant and locally residing relative must indicate a wish to be near each other.
- Provides support for or receive support from some person or specialist provision in the local authority area.
- Has been in employment in the local authority area for the last twelve months.
- Has been offered a job in the local authority area but have a disability and are unable to take up the job offer because of the difficulty of finding adequate accessible housing in the area.
- Needs to move to the local authority area so that a member of their household with a disability can attend a school or receive specialist support, but are unable to do so because of the difficulty in finding adequate accessible housing in the area. The need must be as a consequence of the disability and the need to move to that local authority area must be evidenced.
- Is serving in the Armed Forces and is either employed or resident in the local authority area.
- Is serving in the Armed Forces or is a former members of the Armed Forces, not currently employed or resident in the local authority area but has previously been resident in the local authority area, including residency as a result of a former posting in the area while serving in the Armed Forces.

### 4.3 Housing Need Reasonable Preference

The allocation policy bases an applicant's priority on their housing need.

The law states that the following applicants must be given 'reasonable preference' under any allocation scheme:

- a) those who are homeless within the meaning of part 2 of the Housing (Wales) Act 2014.
- b) those owed any duty by a Local Authority under s 66; s 73 or s 75 of the Housing (Wales) Act 2014 or  
(if they applied for help because they were homeless before 27 April 2015),  
those owed a duty by a housing authority under section 190(2), 192(3), 193(2), or 195(2)  
of the Housing Act 1996)
- c) those occupying insanitary or overcrowded conditions or otherwise living in  
unsatisfactory housing conditions
- d) those who need to move on medical or welfare grounds, including grounds relating to disability



- e) those who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others.

A local authority can identify other types of household in housing need so long as such classes of household do not dominate.

#### 4.4 Urgent housing need

A Local Authority can determine households with urgent needs. Additional priority will be given where the applicants have an urgent housing need. Applicants with an urgent housing need and a local connection to the area will be in Band 1. Applicants in urgent housing need but lacking a local connection will be in Band 3. Examples of an applicant in urgent housing need are given in Box C.

#### 4.5 Housing need

Households with a housing need that is not urgent will include those in the reasonable preference categories, except those subject to reduced priority, and displaced agricultural workers. They will be placed in Band 2 if they have a local connection and Band 4 if they lack a local connection. Examples of households in housing need are given in Box D.

#### 4.6 Reduced priority

The Register Administrator can reduce priority for a social housing allocation in certain circumstances, for example

- Applicants deemed to be unsatisfactory tenants or those who may have deliberately worsened their housing circumstances;
- Applicants with sufficient financial resources to meet their housing needs in the housing market.
- Homeless applicants who are deemed intentionally homeless. Examples of where priority is reduced are given in box E.

When deciding whether to reduce priority, the register administrator will act reasonably and consider each application on its merits. It must have regard to the applicant's personal circumstances (and those of the applicant's household), including health and medical needs, dependents and any other factors relevant to the application. The decision maker must consider any mitigating circumstances relating to mental or physical disability, or mental health.

When considering applicants with previous poor behaviour, a decision to reduce priority may not be justified, if the applicant's conduct can now be shown to have improved.

Applicants who have their priority reduced because of unacceptable behaviour, who can present satisfactory evidence of an improvement in their behaviour can have the reduction in priority removed. In this situation, the date of the application for determining priority within the new band will be the date they are placed into the new band.

Decisions to reduce priority must be approved by a senior officer of the administering organisation. Cases of reduced priority will be monitored and the process held under review.

Where a decision to reduce the priority of an application is taken, the applicant will be placed in Band 4. Applicants already in Band 4 cannot have their priority reduced.

In circumstances where an applicant has their priority reduced, applicants will be provided with appropriate advice, guidance, and support.



Applicants will be notified in writing of any decision to reduce the priority of their application and the reasons for it. If an applicant wishes to appeal the decision, applicants have the right to ask for the decision to be reviewed. The applicant will be informed about the outcome of a review.

#### 4.7 No priority

Applicants who are not in housing need according to the reasonable preference criteria (examples of which are given in Box C or D), will not be given any priority. They will not be placed in an allocation band or recorded on the housing register.

Should any vacancies not be filled from housing applicants on the register, properties will be advertised on the open market. Applicants with no priority will be able to apply for these tenancies but will need to satisfy the eligibility and local connection criteria.



## BOXC Urgent Housing Need

Applicant households with Urgent housing need will be in  
BAND 1 (with a local connection) or BAND 3 (with No local connection)

### Examples of URGENT housing need

1) **Urgent medical, welfare or disability related need.** Applicants whose household includes someone who

- a) has a medical condition which is life threatening or likely to become so, and which is directly linked to their housing conditions and is likely to improve with re housing.
- b) has been assessed by the relevant practitioner as having a need to move urgently to an accessible property.
- c) has a serious physical or mental illness, disability or medical condition or behavioural disorder which is causing serious dysfunction to themselves or the family unit such that they are completely unable to cope at their present accommodation and re housing would alleviate the problem. For example a terminal illness or advanced progressive condition.
- d) is hospitalised and is unable to return to their home as it is totally unsuitable for their long term needs by way of design, location and/or is unsuitable for disabled adaptations.
- e) is disabled and unable to access essential facilities within the property e.g. bathing or WC, or access to the property itself is totally unsuitable. The property cannot be economically adapted to meet their needs.
- f) needs to move to provide support to a relative or person with serious illness, disability or medical condition and that person can only cope in their present accommodation with the applicant's support.
- g) is living in overcrowded accommodation which leaves a person vulnerable to serious infection.

### 2) Leaving the Armed Forces

- A member of the applicant's household needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Armed Forces.
- An applicant needing accommodation because of leaving the armed forces and the loss of military accommodation, who has had no settled accommodation in the last 12 months. People who have left the armed forces under Discharge as of Right.

3) Applicants accommodated by the local authority in accredited supported housing where the applicant is able to sustain a tenancy independently and there is an urgent need.

4) Young people leaving the care of the Local Authority.



5) Urgent Cases where the household needs access to social housing to prevent a child from being taken into/remaining in care.

Examples include

- Foster parents who urgently need accommodation to take a child
- Where a child care plan identifies the need for accommodation to prevent the child being looked after by the Authority.

6) Existing tenants who are either under occupying by one or more bedrooms and wish to transfer to a smaller property, or who are occupying an adapted property which they do not need provided that one of the following applies:

- They are suffering financial hardship as a result of welfare reform;
- Their moving would release a property for someone in urgent need who would otherwise have to wait an unreasonably long time to be re-housed.

7) Homeless due to abuse or probable abuse requiring urgent re-housing

Those deemed homeless as a result of abuse as defined by s 58(1), Housing (Wales) Act 2014 and owed a duty under s 75 of the Act. This includes those who have experienced abuse at, or outside, the home; and those who, if they remained in their accommodation, would probably experience abuse. This includes instances of hate crime and threats arising from acting as a witness.

8) Exceptional cases of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme

Such cases may include transfer tenants. Cases will be decided on an individual basis. Exceptional cases will be monitored.



## BOX D Housing Need

Applicants with a Housing need will be placed in BAND 2 if they have a local connection (see Box A) or BAND 4 if they do not have a local connection (except homeless households requiring rehousing due to abuse) or despite their housing need, have had their priority reduced.

### 1) Applicants who are homeless

Households who have been assessed by a Local Authority Housing Options Team and found to be homeless within the meaning of s.55 Housing (Wales) Act 2014. The Housing (Wales) Act 2014 defines a person as homeless if they have no accommodation in the UK or elsewhere which is available for his or her occupation and which that person has a legal right to occupy.

Accommodation is available for a person to occupy only if it is available for occupation by them together with:

- a) any other person who normally resides with them as a member of the family, or
- b) any other person who might reasonably be expected to reside with them.

A person is also homeless if

- they have accommodation but cannot secure entry to it, or
- the accommodation is a moveable structure, vehicle or vessel adapted for human habitation (such as a caravan or house boat) and there is nowhere where it can be placed legally in order to provide accommodation.
- A person who has accommodation is to be treated as homeless where a Local Authority determines it would not be reasonable for them to continue to occupy that accommodation

### 2) Applicants who are threatened with homelessness

Applicants owed a duty by a local Housing Authority under s66, of the Housing (Wales) Act 2014, for whom an application for social housing has been deemed an appropriate 'reasonable step' in their personal housing plan by the Local Authority.

### 3) Applicants living in unsatisfactory conditions

Applicants whose current property:

- lacks a bathroom with facilities or the facilities are located in an insanitary location e.g. within kitchen.
- lacks a kitchen and/or appropriate facilities; or lacks an inside W/C.
- lacks a hot or cold water supply to the property due to defect with the property;
- lacks an electrical supply due to defect with property;
- lacks a gas supply due to defect with property where such a supply is required to operate existing or necessary services, such as heating.
- Applicants who share facilities with other persons who are not part of their household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower or toilet.



- Applicants living in overcrowded housing. A housing situation is deemed to be overcrowded if it lacks at least one bedroom. This must be on a permanent basis. Please see the table 'Bedroom requirements by household type' below.

- Applicants who have been referred by Environmental Health for re-housing because they are living in accommodation where category 1 hazards exist.

Note: All applicants residing in insanitary or hazardous housing will be referred to environmental health in order to resolve the problem and enable the applicant to remain in their home. The applicant would only be referred for re-housing if, despite their best efforts, it is the opinion of Environmental Health that the problem cannot be resolved within a reasonable period of time.

#### 5) Medical or welfare grounds (including grounds relating to disability)

- Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where rehousing is necessary to significantly improve their health.
- Current accommodation presents access problems to a member of the household which have a detrimental impact on their welfare, which cannot be resolved in the current property and would be significantly alleviated if they were suitably re-housed. Such cases would be assessed by the relevant practitioner as requiring a move to an accessible property.

- Applicants whose household includes someone who has social care needs which are not being met and re-housing is necessary to significantly improve their care.

#### 6) People who need to move to a particular locality, where a failure to do so would cause hardship For example

- It is unreasonable for the applicant to stay in their current property due to exceptional financial hardship.
- The applicant or member of their household is at risk of being admitted to residential care or hospital if they cannot be rehoused.
- The applicant needs to move due to a relationship breakdown and there is a need to safeguard and promote the welfare of children.
- The applicant is a vulnerable care leaver, and it is determined that their housing is best met by the provision of long term settled housing. Applicants must be a former 'relevant child' as defined by the Children Leaving Care Act 2000.
- The applicant or member of their household has permanent employment which cannot continue unless they live in a specific locality within the area and are otherwise adequately housed.
- The applicant is giving or receiving essential support, which can only be delivered if they live in a specific locality within the area.

#### 7) Displaced Agricultural Workers

The applicant is a displaced agricultural worker where the farmer cannot provide suitable alternative accommodation for the displaced worker. The register administrator must consider all relevant factors and any advice from the Agricultural Dwelling-House Advisory Committee.



The dwelling from which an agricultural worker is displaced is needed to accommodate another agricultural worker and they need to re-house the displaced worker in the interests of efficient agriculture.

9) Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme

Such cases may or may not be existing tenants seeking a transfer. Each case will be judged, authorised and recorded according to the agreed procedure and regularly monitored.



## BOX E Reduced Priority

Applicants with reduced priority will be placed in Band 4

### 1. If an applicant household's behaviour affects their suitability to be tenants. For example

Applicants who have engaged in anti-social behaviour and who have not maintained a satisfactory undertaking to address that behaviour

Applicants who have been convicted of using their home for illegal or immoral purposes

Current tenants who have been subject to action for a breach in the terms of their tenancy agreement.

When current tenants are wishing to transfer, but their current property is in such poor condition, that it cannot be re-let within a reasonable timescale

Applicants who have rent arrears owing to a current or previous landlord and who have not maintained a satisfactory arrangement to repay the debt.

- Applicants who have deliberately provided false or misleading information or failed to disclose information relevant to their application. In these cases applicants will be asked to complete a new application. The date of this new application will be taken and they may be given reduced preference for the new application.
- Applicants who have refused two reasonable offers. In this case, applicants will be removed from the register and if they re-apply may be given reduced priority.
- Applicants who are deemed to have deliberately worsened their housing circumstances. For example, this may apply where an applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation.
- Applicants who have behaved in a way which affects their suitability to be a tenant (or whose household contains a member who has done this).

### 2. If an applicant household has sufficient financial resources to meet its own housing need;

- this will be assessed on a case by case basis.
- Applicants with sufficient financial resources to meet their housing needs. This may apply, for example, when the person has legal or financial interests in a property, or sufficient income or savings.

### 3. If an applicant household is found to have deliberately worsened its own housing circumstances

For example

- by deliberately moving to a property they know will make them overcrowded;
- by deliberately damaging their accommodation to make it uninhabitable or resulting in eviction;



- by not prioritising affordable rental payments, resulting in eviction; Asking a landlord to start procedures to repossess property with the intention of becoming homeless;
- Deliberately doing something (or not doing something) they knew could lead to the loss of their accommodation.

#### 4. Homeless applicants found intentionally homeless

Partner Local Authorities have decided to have regard to whether households have become homeless intentionally for all classes of applicant households when considering their duty to the household under s 75 of the Housing (Wales) Act.

A homeless applicant can be found intentionally homeless if they deliberately do or fail to do anything, in consequence of which, they cease to occupy accommodation which is available for their occupation, and which it would have been reasonable for them to continue to occupy.

Acts done in good faith by someone who was not aware of any relevant fact does not amount to a deliberate intention to become homeless. Applicants' circumstances at the time they acted or failed to act will be taken into consideration.



## PART 3 - ALLOCATIONS

### 5. Allocating Properties

#### 5.1 Allocating Properties according to banding priority and waiting time

Vacant properties will be offered first to applicants in Band 1. Of all applicants for whom the vacant property is suitable, the household who has been waiting in that band the longest will be offered the property. The applicant has an opportunity to refuse the offer, but if accepted, subject to circumstances being verified, will be allocated the property.

If the property is not suitable for any household in Band 1, the property will be matched with suitable applicant households in Band 2.

Only if there is no suitable household in Band 2 will households in Band 3 be considered and so on.

#### 5.2 Matching applicants to properties

Properties will be matched according to the household's preferences for location and household make up.

#### 5.3 Confirming the members of the household

The housing provider will ensure that the household members are reasonably part of the household. This would normally include:

- c) a member of the applicant's family who normally resides with them,
- d) any other person who might reasonably be expected to reside with them.

The circumstances of a child who is dependent both on the applicant and someone who does not live with the applicant, will be looked at. For example, where there is a shared parenting arrangement, a child who is reasonably accommodated with another parent, will not be included within the applicant's household.

Applicants will need to provide evidence that family members normally reside with them, or that it is reasonable for a person to reside with them.

An applicant will be able to ask for a review of any decision about who is in their household.

#### 5.4 Duplicate applications

Individuals can only be included on one application at a time.

#### 5.5 Household make up and entitlement for bedrooms

The table below details the property size suitable for each household type. However, each property will have variations in layout and bedroom sizes which may impact on how many people it can accommodate.



### Bedroom requirements by household type.

Household make up	Number of Bedrooms
Single person	1 or bedsit
Pregnant Woman (in couple or single)	1 or 2
Couple	1
Couple or single person with baby under 12 months	2
Couple or single parent with 1 child under 16	2
Two person household (not in a couple)	2
Couple or single parent with 2 children under 16 of the same sex.	2
Couple or single parent with two children of the opposite sex under 10	2
Couple or single parent with 2 children under 16 of opposite sex, with at least 1 child over 10	3
Couple or single parent with 3 children under 16	3
Couple or single parent with 4 children under 16 if the children are: -all same sex  -2 boys and 2 girls  -3 one sex and 1 of the other where 2 children of different sex are under 10.	3
Couple or single parent with 4 children under 16 comprising  3 of one sex and 1 of the other sex, where either the 3 of one sex are all over 10 or the child of the other sex is over 10	4
Couple or single parent with 5 children under 16	4
Couple or single parent with more than 5 children under 16	4

- Families with a child due to turn 10 within 12 months, where there is currently a boy and girl sharing, may be considered for an additional bedroom, or where pregnancy, or the age of household members mean that the household would qualify for a larger property within a reasonable period of time. In such circumstances, applicants may be allowed to register for properties which they would currently under-occupy.



- Due to the shortage of 4 bedroomed properties, households requiring 4 bedrooms may be considered for larger 3 bedroomed properties with a second reception room. E.g. a separate dining room, that could reasonably be used as a bedroom.
- Same sex family members over 16 years (not couples) are entitled to their own room.
- Applicants who require an additional bedroom for a non-resident carer will normally be registered for properties with an additional bedroom
- Where there is a limited supply of properties with fewer bedrooms relative to demand, and a reasonable supply of properties with more bedrooms relative to demand, applicants may be considered for, and offered, properties with more bedrooms than they require;
- Where an applicant is in urgent need, but the supply of suitable properties is limited, they may be considered for, and offered, properties with more bedrooms than they require;
- Where an applicant is homeless, but the supply of suitable properties is limited, they may be considered for and offered properties with more bedrooms than they require.

NOTE: should applicants be considered for a property with more bedrooms than they require, the applicant's ability to afford the rent would be taken into account in determining whether to offer the property.

### 5.6 Homeless Applicants to whom a statutory homeless duty is owed.

Offers of accommodation made to homeless applicant households to discharge a duty under the Housing (Wales) Act need to be suitable taking into account all the relevant circumstances of the applicant household. Homeless applicants will be advised in a letter at the time the offer is made that the accommodation offered is considered suitable, and the consequences of unreasonably refusing the offer.

### 5.7 16 and 17 year old applicants

Applicants of 16 or 17 years of age cannot hold a tenancy in their own right. They will need to provide a Guarantor. The Guarantor agrees to ensure that the responsibilities of the tenant are met and legally holds the tenancy 'on trust' for the young person. If the young person does not pay the rent, or other charges arising from the tenancy, the Guarantor will be responsible. When the young person turns 18, the tenancy will become their full responsibility. The housing provider will need to check that a prospective Guarantor (a person or an organisation) can afford to take that role. If the applicant is unable to provide a Guarantor, the housing provider may refuse to offer a tenancy. Young applicants will be advised about this at their housing options interview.

### 5.8 Older applicants

Applicant households who meet criteria for schemes designated for older persons will be considered for vacancies as they arise and according to their priority. In some circumstances a younger applicant may be considered if an allocation to them would not detract from the purposes of the housing scheme. Warden and tenancy support services may be available to applicants in general needs properties.

Social Housing Providers operate 'Extra Care' Housing schemes for older households needing social care support. Allocation of Extra care housing is not through the Common Allocation Policy.

Prospective applicants apply directly to the housing provider. Applicants for social housing for whom Extra Care schemes are appropriate will be advised about them at the Housing Options interview.



### 5.9 Gypsy and Traveller applicants

Applicant households who are Gypsies, Irish Travellers or other Travellers can, in addition to the Housing Register in their Local Authority, apply to be included on the register for Gypsy and Traveller pitches on designated permanent sites. Information about the services available in an Authority area will be provided at the Housing Options interview.

### 5.10 Applicants accommodated in care or approved supported housing

Applicant households who are in local authority care or accredited supported housing will be advised about all suitable housing options. Social housing cannot meet the needs of all persons leaving care or accredited supported housing. Applicants may apply before they are ready to move on.

### 5.11 Applicant households requiring adapted or accessible properties

Applicants on the housing register with a disability will be assessed by an Occupational Therapist to determine their needs. Wheel chair users and those with restricted mobility or other conditions requiring adaptations will be identified on the register.

The existing home of applicants may be assessed for the suitability of adapting it for the applicant.

Where a property has been adapted for wheelchairs, when it becomes vacant, suitable applicants on the register who need a wheel chair accessible home will be considered first.

Where a property has features which would suit those with restricted mobility such as level entry, stair lifts, grab rails, a decision to override an allocation to a household not requiring such adaptations may be made with the approval of a senior officer, in order to offer the property to a household with a need for the adaptations.

Where a general needs property becomes vacant and it can be adapted, it will be offered to the household highest on the register. Any adaptations required will be planned at that point if it is feasible for the housing provider to carry them out.

Current tenants not requiring an adapted property, where someone requiring an adapted property is in urgent housing need and would otherwise wait an unreasonably long time to be rehoused, can apply to be rehoused and placed in Band 1 to facilitate freeing up the adapted property.

Arrangements are in place in each local Authority to consider the response to applicants whose needs are not currently being met by the local housing stock see 5.14.

### 5.12 Verification

Applicants are required to inform the register administrator of any relevant changes in their circumstances, and the register is reviewed regularly to check that applicants on the register are still in housing need. Every applicant household will also have their circumstances verified by housing a provider before an allocation is made. Verification checks may include a visit to an applicant's current home, and making enquiries of third parties such as former landlords and health professionals.

### 5.13 Receiving an offer

Applicants who receive a suitable offer of housing will have that offer in writing, but this does not mean they will not also be contacted by telephone or email to discuss the offer and arrange for viewings.



Changes in circumstances rendering an offer unsuitable, discovered at the offer stage, will be referred back to the Register Administrator.

#### 5.14 Accepting an offer

Applicants will be asked to respond to the offer and before the deadline provided in the offer letter.

Applicants will be given a reasonable time to consult with all household members and consider the offer. Applicants will have 3 working days before the offer is withdrawn, and the next applicant is considered.

#### 5.15 Refusing an Offer

Applicants can refuse an offer of housing but there may be serious consequences in doing so. A refusal may affect the applicant's banding or eligibility to remain on the register.

The applicant will be asked the reason(s) for declining the offer. The housing provider will consider if the reason for refusal is reasonable or not.

Applicants who have unreasonably refused 2 offers will be removed from the register on the grounds that the applicant's requirements are unlikely to be met from the housing register

The applicant will be able to request a review of the decision that any offer has been unreasonably refused or to remove them from the register.

#### 5.16 Specialist housing provision

The vast majority of applicants' housing need will be met from the available housing stock.

Some applicant households require properties to meet needs arising from disability or household size: for example, to accommodate wheel chairs, fit bed hoists, stair lifts and accessible bathing rooms and some households require with more than 4 bedrooms. Such housing is in particularly short supply within the social housing stock.

Where an applicant's household's needs cannot be met from the available stock or they have been in Band 1 for 3 months, their case will be considered by the Local Authority housing and social care teams and partner landlords to explore, if cost effective and appropriate,

- whether any available, or soon to be available, properties can be adapted,
- Whether a suitable property in the private sector could be secured for the applicant, either directly with the private landlord or indirectly through a social lettings service; leased and sublet by a social landlord or (rarely) purchased by a Housing Association to use for a specific household or household type.
- Whether opportunity exists to plan specific adaptations for a household when building new properties.
- Whether the applicant household could form separate households facilitating the timely accommodation of a member requiring adaptations with no detriment to the wider household.

However, it is possible that some households will not be able to be housed by a social landlord. Housing Options staff will assist these households.



### 5.17 Applicants subject to public protection agreements

Housing applicants with an offending background may be subject to Multi Agency Public Protection Agreements (MAPPA). In these cases, allocations will be informed by appropriate risk management requirements to the Community and individuals.

### 5.18 The Involvement of Council Members

Elected Council Members are not allowed to be directly involved in decisions to allocate properties.

They may act as advocates or advisors to constituent applicants making an application, only if the applicant has given written authority for them to do so. Information about applicants on the register is not shared with Council Members.

Council members and Housing Provider Board Members have the opportunity to scrutinise the policy prior to its adoption.

### 5.19 Allocations made by the Housing Provider

In exceptional circumstances, a housing provider may allocate properties to facilitate the management of its stock, for example, to move a household whose current home needs major work, or to protect a vulnerable household. The number and reasons for such moves are recorded and scrutinised by the Local Authority to ensure that they are kept to a minimum and do not impact on the fairness of allocations overall.