

## **Common Allocations Policy**

### **A Single Access Route to Housing for north east Wales**

All the major social landlords in the local authority areas of Conwy County Borough, Denbighshire and Flintshire have come together to design a single access route to housing. The partners in this collaboration are:

- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Cartrefi Conwy
- Clwyd Alyn Housing Association
- Cymdeithas Tai Clwyd
- North Wales Housing
- Wales & West Housing

All partners recognise that there is 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 social 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.

## Overview of the Common Allocations Policy

This Common Allocations Policy (CAP) has been developed by all partners in collaboration and sets out how partners will achieve the following aim:

- To allocate our social 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.

### Legal Context

This policy is fully compliant with the Housing Act 1996 as amended by the Homelessness Act 2002 which provides the legislative policy for allocations policy. The following aspects of this Act have guided the development of this policy:

- Section 167(2) of the Housing Act 1996, as amended by the Homelessness Act 2002, requires that this policy ensures that housing is allocated so that reasonable preference is given to people who fall within certain categories (as defined in section 8 below).
- Section 167(2) also provides that additional preference may be given to people falling within these categories who have urgent housing needs.
- Section 167(2A) provides that within the group of applicants who must be given reasonable preference, priority may be given to applicants who have a local connection with the local authority area as defined in section 10 below.
- Section 167(2A) provides that within the group of applicants who must be given reasonable preference, priority may be reduced where there is evidence of any behaviour by an applicant (or a member of their household) which effects their suitability to be a tenant or because of financial resources available to the person, which it would be reasonable for them to use to meet their housing needs.

The partners to this policy have also taken into account the contents of the “Code of Guidance for Local Authorities: Allocation of Accommodation and Homelessness 2012”, published by the Welsh Assembly in August 2012.

### Consistency combined with a local approach

The common allocation policy delivers a uniform assessment of housing need across the region, providing fairness and consistency to the customer, taking into account people’s individual needs and expressed preferences.

The policy has been designed so that each partner is able to target the housing stock in each county at the people in their own communities who are most in housing need.

There is a consistent application process for customers. Each partner with properties in an area chosen by an applicant will be aware of the application and able to give the applicant the appropriate priority in the allocation process.

The common approach delivers both choice and ease of access to customers and an efficient means for partners to consistently meet housing need.

## **The Housing Register and the Banding Scheme**

The policy is founded on the principle that reasonable preference in the letting of housing accommodation will be given to those persons who fall within the statutory categories set out in section 8 below. The relative priority given to applicants within these categories is determined by the banding scheme, according to whether they have an urgent housing need, whether they have a local connection and the date order of their application.

Applicants who are not in the categories entitled to reasonable preference will generally not be given any priority in the banding scheme and will not be recorded on the housing register. This is because of the limited supply of social housing and the responsibility to prioritise those in housing need. However, the advice and information offered to all customers will allow them to seek alternatives which will give them a greater chance of finding new accommodation.

## **Realistic Housing Options Advice**

An enhanced housing options advice service will be provided for everyone who contacts any of the partners looking for somewhere to live.

When they first contact us, all customers will be asked where they would like to live and what their needs and preferences are. They will be advised of the full range of options open to them in their chosen areas and can then decide where their best options lie, whether via social housing or another alternative, taking into account supply and demand.

Advice and information on how to make an application and how houses are allocated will be available free of charge. Any assistance that a person may need to apply for housing will also be free of charge.

An applicant shall also be entitled, upon request, to such general information as will enable them to assess:

- How their application is likely to be treated under this policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference).
- Whether housing accommodation appropriate to their needs is likely to be made available to them and, if so, how long it is likely to be before such accommodation becomes available for allocation to them.

## **Fair and Equal Access**

All partners are committed to providing equality of opportunity to all applicants who apply for housing and this policy has been subject to an equality impact assessment. This policy does not discriminate against any person on the grounds of race, gender, sexuality, age, disability, class, appearance, religion or religious beliefs, responsibility for dependents, unrelated criminal activity, being HIV positive or having AIDS, or any other matter which might cause a person to be treated with injustice.

All partners will comply with the statutory requirements relating to equal opportunities and all relevant codes of practice. The monitoring of allocations under the policy will take place to ensure that everyone is treated fairly and equitably. All applicants applying for social housing across the authorities will have their housing need assessed in a uniform way. Whenever we communicate with customers we will do so in the most appropriate language for the customer and will employ alternative forms where appropriate.

### **Scope of the Policy**

This policy applies to all allocations of social housing made by partner landlords in the local authority areas stated in the introduction. However, this policy does not cover exchanges arranged between existing council and RSL tenants.

## Part One: Introduction

### 1. Guiding Principles

The policy is based on the following guiding principles:

- To ensure that preference for social housing is given to those in housing need and that those in greatest need are given the highest priority.
- To give higher priority to applicants with a local connection to the area for which they are making an application than to those who have no such connection
- To ensure that the system is fair, confidential and accessible to all potential applicants.
- To make the best use of all the available housing stock
- To ensure consistency in the way in which applicants are treated by all the partner organisations
- To provide a responsive service that treats everyone as an individual
- To empower applicants and support them to make informed and realistic choices about where they want to live
- To provide appropriate, accurate and realistic advice relating to the availability of affordable housing at the point of application
- To maximise applicant satisfaction and improve the applicant service

### 2. Choice

Applicants can exercise choice in relation to social housing. They will be asked to indicate the types of property they wish to be considered for in terms of location, property type and floor level. The property type they are eligible for will be determined not only by their preference but also by their household, as described in section 13 below.

### 3. Applications from people with support needs

Partners are committed to ensuring that applicants with support needs are provided with the correct level of support to enable them to access housing and to maintain their tenancy. To this end partners will be working with the relevant statutory and voluntary partners in order to agree an appropriate model for ensuring that support needs are addressed.

### 4. Confidentiality

- 4.1. Members operating the policy will take reasonable steps to verify information provided by applicants in support of their applications. This may include undertaking a home visit and making enquiries of third parties such as health professionals or previous landlords.
- 4.2. Information provided by applicants will be retained securely and confidentially by all partner organisations.
- 4.3. 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 the third party in a reduced form.

- 4.4. Partners will share relevant information with other partners prior to an offer of housing.

## 5. False 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.

## Part Two: Eligibility

### 6. Eligibility for allocation of social housing

6.1. Unless an applicant falls within one of the specified ineligible groups referred to below, applications for social housing will be considered from any person or persons over the age of 16, including existing tenants.

6.2. In compliance with the provisions of the Housing Act 1996 (as amended by the Homelessness Act 2002) the following categories of applicant are ineligible for the allocation of social housing:

- Applicants subject to immigration control, unless they have been granted a status which renders them eligible, e.g. persons with refugee status, persons who have been granted Humanitarian Protection, persons who have been granted Discretionary Leave to Remain and persons who have been granted Exceptional Leave to Remain.
- Applicants 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 to this are outlined in Regulation 5 of the Allocation of Housing (Wales) Regulations 2003.

6.3. As provided by section 160A(7) of the 1996 Housing Act (as amended by the 2002 Homelessness Act), the following category of person may be deemed to be ineligible for the allocation of housing accommodation:

- Applicants, or members of their household, who have been guilty of unacceptable behaviour serious enough to render 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?

Partner organisations will act reasonably and consider each application on its merits. We will take into account the applicant's personal circumstances (and those of the applicant's household), including his or her health and medical needs, dependents and any other factors relevant to the application. In particular, the partners will consider any mitigating circumstances relating to mental or physical disability, or mental health. Previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible where the applicant can show that the behaviour has improved.

- 6.4. 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.
- 6.5. Applicants deemed ineligible for housing will be notified of the decision and grounds of this in writing. They will also be informed of their right to request a review and their further right to appeal any decision upon review.
- 6.6. Where the assessing partner has reason to believe that the applicant may have difficulty in understanding the decision, arrangements will be made for the information to be explained in person, with appropriate support or translation where necessary. Furthermore, in cases where the partner has reason to believe that the applicant cannot be sent written notification or has not received it, the partner will make available at their offices a written statement of the decision and the reasons for it, so that the applicant or someone who represents the applicant may collect it within a reasonable time.

## Part Three: The Allocations Scheme

This policy uses a banding scheme in order to prioritise applicants. The scheme is described in this section. It follows housing law regarding reasonable preference, additional preference and local connection. It also makes provision for reducing priority under certain circumstances. These concepts are explained in the following sections.

### 7. The shared housing register

- 7.1. As set out in the introduction, each customer contacting a partner organisation will be given housing options advice to enable them to consider their best options for finding accommodation. The advice will be tailored to individual circumstances, including whether the customer is in housing need. All customers may make an application for social housing.
- 7.2. The banding scheme is designed to give priority to applicants in housing need. The categories of housing need in the scheme are based on the reasonable preference categories set out in section 167 of the 1996 Housing Act, which are stated in section 9 below. Applicants who are given a banding will be recorded on the housing register, whose purpose is to manage applications from people in housing need.
- 7.3. Applicants who do not fall into any of the categories in the banding scheme will be given no preference for housing and will not be recorded on the housing register. Other housing options available to them will be made clear.
- 7.4. Customers who are eligible for the allocation of social housing but not given any priority in the scheme and not recorded on the register are still eligible to apply for social housing in situations where a vacancy occurs which cannot be let to anyone in any of the bands. In such situations, partner landlords may seek to let the property via other means, for example by advertising. In this case, any customer eligible for the allocation of social housing (including those not on the register), would be able to apply to live in the property and have their application considered.

### 8. Reasonable preference

The banding scheme ensures that reasonable preference is given to those applicants who fall within on or more of the following categories:

- 1) those who are homeless within the meaning of Part 7 of the 1996 Act; this includes people who are intentionally homeless, and those who are not in priority need;
- 2) those who are owed a duty by any housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- 3) those occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- 4) those who need to move on medical or welfare grounds including grounds relating to a disability; and



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

## 9. Additional preference

The allocation policy gives additional preference to people who fall within the reasonable preference categories and who are deemed to have urgent housing needs.

## 10. Local Connection

- 10.1. For determining priorities in allocating housing accommodation to people who fall within the five reasonable preference categories, any local connection (within the meaning of section 199 of the 1996 Act, as amended by section 315 of the Housing and Regeneration Act 2008) that an applicant has with a relevant local authority area, or in rural areas with a community council area, will be taken into account, in the manner set out in this section.
- 10.2. In this policy, by the phrase “local connection” is meant a connection between a person and a local authority area, i.e. Conwy, Denbighshire or Flintshire.
- 10.3. An applicant may have a local connection to a local authority area if the applicant or a member of their household has a connection for any of the following reasons:
  - They have been resident in the local authority area for the previous 12 months.
  - They were resident in the local authority area for 3 out of the previous 5 years.
  - They have family associations in the area. Family associations normally arise when someone has a parent, adult child, brother or sister who has resided in the area for a period of at least 5 years at the date of application and both the person and the locally residing relative in question indicate a wish for them to be near them.
  - They either provide support for or receive support from some person or specialist provision in the local authority area.
  - They have been in employment in the local authority area for the last twelve months.
  - They have 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
  - They need 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.

- They are serving in the Armed Forces and are either employed or resident in the local authority area.
  - They are serving in the Armed Forces or are former members of the Armed Forces who are not currently employed or resident in the local authority area but have 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.
- 10.4. In the situation where a local authority partner has accepted a full duty towards an applicant under homelessness legislation, the applicant will be deemed as having a local connection to the relevant local authority area for the purposes of this allocation policy.
- 10.5. An applicant may have a local connection to one local authority area within the north east Wales region but not to another. As a result, if an applicant applies to more than one county, they may be placed in different bands with respect to different local authority areas.
- 10.6. Partners will retain the capacity to refine local connection criteria in particular circumstances via the use of local lettings policies, as per section 17 below.

## 11. The banding scheme

- 11.1. The banding scheme consists of four bands, from one to four in descending order of priority.
- 11.2. The band which an applicant can be placed in depends on whether they fall within one or more of the reasonable preference categories (as defined in section 8), whether they have an urgent housing need (as defined in section 9) and whether they have a local connection (as defined in section 10). When a property becomes available for letting, all applicants for whom the property is suitable (see section 13 below on the allocation of vacant properties) will be ranked in order of priority as follows. Applicants in band one will be given highest priority and then applicants in band two and so on. Within each band, applicants will be ranked by order of the date of their application for housing or the date of their application to transfer, with the applicant waiting the longest given highest priority.
- 11.3. The banding scheme is described in the appendix to this policy. The bands are summarised as follows:
- Band 1 is for applicants who fall within one or more of the reasonable preference categories, have an urgent housing need and have a local connection
  - Band 2 is for applicants who fall within one or more of the reasonable preference categories, do not have an urgent housing need and have a local connection. The only exception is that applicants who are intentionally homeless and entitled to reasonable preference will not be placed in band two even if they have a local connection, unless they fall within one of the other reasonable preference categories (i.e. categories 3, 4 or 5 in section 8).
  - Band 3 is for applicants who fall within one or more of the reasonable preference categories, have an urgent housing need but do not have a local connection.

- Band 4 is for:
  - a. applicants who fall within one or more of the reasonable preference categories but do not have an urgent housing need and do not have a local connection and;
  - b. applicants who are intentionally homeless and have a local connection, but do not have an urgent housing need and, aside from being intentionally homeless, do not fall within any other reasonable preference category.

11.4. Exceptional circumstances may arise in which a partner landlord determines that a management move is necessary for one of their tenants. This may only be done when the circumstances or the urgency of the circumstances are not adequately covered by the banding scheme. In this situation, the partner landlord may allocate a property to the particular resident in preference to applicants on the common register, irrespective of the banding scheme or date of application. Such management moves must be authorised and will be audited.

## 12. Reduced priority

12.1. In compliance with provisions set out in the 1996 Housing Act, section 167 (2A), this policy allows that certain applicants who are entitled to reasonable preference may have their priority within the allocations scheme reduced because of any behaviour of the applicant (or a member of their household) which effects their suitability to be a tenant. This definition is distinct from that which entitles landlords to deem an applicant ineligible for social housing, as set out in section 6 above.

12.2. Categories of behaviour which may result in applicants being given reduced priority are as follows (in each case the behaviour may be on the part of any member of the household):

- 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 immoral or illegal purposes.
- Current tenants who have been subject to action for breach of tenancy.
- Tenants wishing to transfer where 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 made and 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).
- 12.3. In compliance with provision set out in the 1996 Housing Act, section 167 (2A), this policy also allows that certain applicants who are entitled to reasonable preference may have their priority within the allocations scheme reduced because of financial resources available to the person, which it would be reasonable for them to use to meet their housing needs. This may apply for example when the person has legal or financial interests in a property and/or sufficient income or savings.
- 12.4. In deciding whether to reduce priority, the administering organisation 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 his or her health and medical needs, dependents and any other factors relevant to the application. In particular, it must consider any mitigating circumstances relating to mental or physical disability, or mental health.
- 12.5. When considering cases of behaviour, previous behaviour may not justify a decision to reduce preference where that behaviour can be shown by the applicant to have improved.
- 12.6. All decisions regarding reducing priority must be approved by a senior officer of the administering organisation. Cases of reduced priority will be monitored and the process reviewed as part of the annual review.
- 12.7. The sanction imposed on an applicant if a decision is taken to reduce priority will be to reduce priority to band 4. Applicants who are already in the lowest band cannot have their priority reduced.
- 12.8. In circumstances where an applicant has their priority reduced they will be provided with appropriate advice and guidance and support.
- 12.9. Applicants who are given reduced priority will be notified of the decision and the grounds of this in writing. They will have the right to appeal and to ask for the decision to be reviewed. If a decision is reviewed, the applicant will be informed of the decision of the review and the grounds for it.
- 12.10. Applicants who have their priority reduced because of unacceptable behaviour will be informed that if they change their behaviour and present satisfactory evidence of this, they will have the sanction removed. In this situation, the date of application for the purposes of ranking of applicants in any shortlist will be the date when the reduction of preference was removed.
- 12.11. Rehousing of some applicants with an offending background may be subject to Multi Agency Public Protection Agreements (MAPPA). In such circumstances housing allocation arrangements will be based on the appropriate risk assessment criteria with the relevant agencies concerned.

### 13. Allocation of vacant properties

13.1. At the point of application, applicants are asked about their choice of area and property type. However, each property type is usually only let to particular categories of household. The guidelines for this matching are given below.

13.2. Some types of property are designated for specific categories of applicant. The main examples of this are:

- Designated sheltered housing schemes have age restrictions which apply to tenants and members of their households.
- Homes that have been purpose built, adapted or are considered accessible by people with mobility needs will be offered first to people whose physical needs are suited to the property.
- Houses will normally only be let to families with children, where this is the children's principal home.
- Some flats and maisonettes will have restrictions regarding pets

DRAFT

13.3. Applicants will normally be registered for property types on the basis of the table below. Note that a household would be eligible for an additional bedroom for each child or other member of the household over 16, where they are not members of a couple. Couples are expected to share a bedroom.

Household make up	Number of bedrooms
Single person	1 bedroom or bedsit
Pregnant women (in couple or single)	1 or 2 bedroom
Couple	1 bedroom
Couple or single parent with one child under 16	2 bedrooms
Two person household not in couple	2 bedrooms
Couple or single parent with two children under 16 of same sex, or with two children of opposite sex, both under 10	2 bedrooms
Couple or single parent with two children under 16 of opposite sex, with at least one child over 10	3 bedrooms
Couple or single parent with three children under 16	3 bedrooms
Couple or single parent with four children under 16, in any of the following cases: <ul style="list-style-type: none"> <li>- all of same sex;</li> <li>- 2 boys and 2 girls</li> <li>- 3 of one sex and 1 of the other sex, where at least 2 children of different sex are under 10</li> </ul>	3 bedrooms
Couple or single parent with four children under 16, 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 bedrooms
Couple or single parent with five children under 16	4 bedrooms
Couple or single parent with more than five children under 16	4 or more bedrooms

The table above is a general guide only and procedure may vary in areas due to local demand, supply, special circumstances or any local letting policies. Situations which may require a variation from the table include:

- Where there is a limited supply of properties with a small number of bedrooms relative to demand and there is a reasonable supply of properties with a large number of 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.
- Where pregnancy or the age of household members mean that the household would qualify for a larger property within a reasonable period of

time, applicants may be allowed to register for properties which they would currently under-occupy.

In each case an affordability assessment will be made and the applicant's ability to afford the rent would be taken into account in determining whether to offer the property.

- 13.4. Applicants who require an additional bedroom for a non-resident carer will normally be registered for properties with an additional bedroom.

## 14. Who Can Be Considered As Part of The Household

- 14.1. When assessing an application the partners will consider the circumstances of the household. A household is considered to be:

- Persons who are part of the household at the date of registration, or at the start of the tenancy in the case of existing tenants, and are still in occupation
- Partners who are living together in a relationship
- Children born since the registration date, or the start of the tenancy, or other dependent children joining the household where the applicant or tenant is the principal carer of the child. Evidence will need to be produced to confirm dependent relationship(s). Tenants must inform the organisation of any change to their household
- An adult relative who has become a member of the household because they are in need of support and cannot live independently. (this also applies to transfer applications)
- Housing applications from partners who are not living together due to lack of space in either of their accommodations will be considered as a household with both accommodations being taken into account when assessing the application

## 15. Offers and refusals

- 15.1. Applicants have a choice as to whether to accept an offer of a property. If a property is refused without good reason, housing options will contact the applicant to discuss their reasons. If as a result of two unreasonable refusals, it is considered that the applicant's requirements are unlikely to be met, the applicant will be removed from the register, subject to right to review. They will be notified of this decision and the grounds in writing and of their right to review. Where necessary, this notification will be done in an alternative language or form. Any re-application may be given reduced priority.

- 15.2. Applicants owed a duty under homelessness legislation may be offered a property which falls outside their preferred options. Such offers will be made in line with the relevant statutory procedures. If such a reasonable offer is refused, then the applicant may have their priority within this policy reduced, in line with the section on reduced priority. In these circumstances applicants are entitled to a time limited review and if this found in their favour, they would be reinstated.

## 16. Removal from the register

- 16.1. Under certain circumstances, applicants may be removed from the register. These are as follows:
- 16.2. Applicants who have 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 application will be taken and they may be given reduced preference for this new application, as stated above
- 16.3. Applicants who have refused two reasonable offers. In this case they will be removed from the register and if they re-apply may be given reduced priority.
- 16.4. Applicants who fail to respond to correspondence including offer letters within the set response times. These applicants will be removed from the register through a formal notification and appeal process.

## 17. Local Lettings Policies

- 17.1. The policy recognises that partners may wish to include policies designed to tackle local housing issues through the use of local letting policies.
- 17.2. All local lettings policies will be based on a sound evidence base and will be developed after a robust assessment of this evidence base has been carried out.
- 17.3. Examples of local housing issues which may require local lettings policies include:
  - concentrations of deprivation
  - under occupation
  - overcrowding
  - facilitating tenant employment through job related moves
  - the needs and sustainability of rural communities, for example where affordability of housing is an issue.
  - allowing transfers for existing social tenants even where they do not have reasonable preference.
  - 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.
  - Regeneration areas
  - Large new developments
- 17.4. The development of local lettings policies will follow the protocol which accompanies this policy and may be modified from time to time. This protocol and local lettings policies will be reviewed and monitored via a mechanism set up by the partner organisations.

## 18. Monitoring and review of Allocations policy

- 18.1. The operation of the policy will be monitored on an on-going basis. It will also be subject to an annual review. Where appropriate, recommendations for alterations



will be submitted for approval. These would then have to be ratified by each partner before being adopted.

## 19. Reviews and appeals

- 19.1. 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.
- 19.2. An applicant has the right to request a review of any decision made in relation to their housing application, including:
- (a) 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;
  - (b) any decision as to their eligibility for the allocation of social housing;
  - (c) any decision as to the assessment of their application in relation to the banding scheme;
  - (d) any decision made in relation to removing an applicant from the register in accordance with section 16;
  - (e) any decision in relation to reducing priority in accordance with section 12;
  - (f) any decision made by one of the local authority partners in relation to whether there is reason to believe that they are homeless or threatened with homelessness and, if so, any consequent decisions relating to eligibility for assistance, to any duties owed, to notifying or referring to another authority, to the suitability of accommodation offered or any other matter relevant to their housing application.
- 19.3. On a request for a review being duly made, the partners shall review the decision.
- 19.4. Applicants will be informed of the decision of the review and the grounds for it.

## Appendix: The Banding Scheme

The criteria for determining which band an applicant is placed in are set out below. All decisions taken will be consistent with this scheme.

### **BAND 1**

**This band applies to those applicants who meet the following criteria:**

- 1. They fall within one or more of the 5 reasonable preference categories set out in section 8 of this policy; AND**
- 2. They have an urgent housing need (as in the examples below); AND**
- 3. They have a local connection as defined in section 10 of this policy**

#### **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 likely to improve with rehousing
- (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 in their present accommodation and re-housing would alleviate the problem. For example, 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 the person vulnerable to serious infection, for example where they are suffering from late stage HIV.

Evidence will be required in these cases to support the validity of the claim

##### **2. Loss of home as result of a disaster:**

Awarded to applicants with a reasonable prospect of an accommodation offer within a relatively short period who suddenly and permanently lose their existing

home as a result of a disaster.

**3. Leaving armed forces or serious injury whilst serving in armed forces:**

- (a) Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
- (b) People needing accommodation because of leaving the armed forces and the loss of military accommodation. People who have left the armed forces under Discharge as of Right (DAOR) are excluded from this provision and will not be given band one status under this category.

**4. People accommodated by the local authority in care or approved supported housing who are deemed ready to move on**

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

Examples include:

- (a) Foster parents who urgently need accommodation to take a child..
- (b) Cases where a child care plan has identified the need for accommodation to prevent the child being looked after by the authority (e.g. for child in need/looked after child/child protection).

**6. Existing tenants who are either under-occupying by one or more bedroom 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 because of welfare reform;
- Their moving would release a property for someone in urgent need who would otherwise probably have to wait an unreasonably long time to be re-housed.

**7. Homeless due to violence or threat of violence :**

Those owed a full homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent re-housing including:

- (a) Victims of domestic or other violence;
- (b) Victims of hate incidents (including crimes and non-crimes in policing terms and this will cover victims of hate violence, threats of violence and hate harassment of any kind;

Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.

**8. Exceptional case of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme.**

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

**BAND 2**

**This band applies to those applicants who meet the following criteria:**

- 1. They fall within one or more of the 5 reasonable preference categories set out in section 8 of this policy; AND**
- 2. They have a local connection as defined in section 10 of this policy; AND**
- 3. They do not have an urgent housing need**

The only exception is that applicants who are intentionally homeless and entitled to reasonable preference will not be placed in band two even if they have a local connection, unless they fall within one of the other reasonable preference categories (i.e. categories 3, 4 or 5 in section 8)

**Examples of those who will fall within this band are as follows:**

- 1. Applicants who are homeless within the meaning of Part 7 of the Housing Act 1996, with the exception of applicants who have become homeless intentionally under the definition of intentionality contained in section 191 of the 1996 Act.**

This category includes homeless applicants both in priority need and not in priority need, provided they have not become homeless intentionally.

The definition of homelessness used is contained in sections 175-177 of the Housing Act 1996 Part 7. Under this definition a person who does not have accommodation which is legally and physically available to them to occupy and which is reasonable for them to occupy would be classed as homeless. This includes the following:

- Applicants who have no accommodation available to them where they can live with other people who normally live with them as a member of their family or other people who might reasonably be expected to live with them.
- Applicants who have accommodation available to them but the partners agree that it would not be reasonable for them to continue to occupy it.
- Applicants who have accommodation but they cannot secure access to it or, in the case of a moveable structure such as a caravan, there is no lawful place they can live in it.

People will be accorded this status depending on an assessment by the relevant

local authority's homelessness team or the team of a contracted out service as applicable. Applicants who refuse a reasonable offer made to them under homelessness legislation may have their priority reduced.

**2. Applicants who are owed a duty by a local housing authority under section 193(2) or 195(2) of the Housing Act 1996, who are occupying accommodation secured by any such authority under section 192(3) of the 1996 Act, or who are unintentionally threatened with homelessness within 56 days and are in priority need.**

This category includes applicants who are:

- (a) unintentionally homeless and in priority need and who have been accepted as being owed a full duty under section 193(2);
- (b) unintentionally homeless and not in priority need but for whom accommodation has been made available by the authority under section 192(3);
- (c) unintentionally threatened with homelessness in the next 56 days and are in priority need (this includes those unintentionally threatened within 28 days, in priority need and owed a duty under section 195(2) of the 1996 Act).

This category does not include applicants who have become homeless, or are threatened with homelessness, intentionally.

People will be accorded this status depending on an assessment by the relevant local authority's homelessness team or the team of a contracted out service as applicable. Applicants who refuse a reasonable offer made to them under homelessness legislation may have their preference reduced.

**3. Applicants suffering from unsatisfactory housing conditions**

This category includes the following:

- (a) Applicants whose current property:
  - (a) lacks a bathroom with facilities or the facilities are located in an insanitary location e.g. within kitchen;
  - (b) lacks a kitchen and/or appropriate facilities;
  - (c) lacks an inside W/C;
  - (d) lacks a hot or cold water supply to the property due to defect with the property;
  - (e) lacks an electrical supply due to defect with property;
  - (f) lacks a gas supply due to defect with property where such a supply is required to operate existing or necessary services such as heating.
- (b) Applicants who share facilities with occupiers who are not part of the applicant's household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower or toilet.

- (c) 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. The following are taken to be minimum bedroom requirements:
- a. A married couple or couple living together need one bedroom.
  - b. A married couple or couple living together with a child under 12 months need one bedroom.
  - c. A single person over the age of 16 or a single parent needs one bedroom (applicable to a single parent with a child under 12 months).
  - d. A child 10-16 can only share a bedroom with a child of the same sex.
- (d) Applicants who have been referred by environmental health for re-housing because they are living in accommodation where category 1 hazards exist. Note that all customers residing in insanitary or hazardous housing will be referred to environmental health in order to resolve the problem and enable the customer to remain in their home. The person 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.

**4. People who need to move on medical or welfare grounds (including grounds relating to disability)**

The following categories of applicant would qualify:

- a) Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where re-housing is necessary to significantly improve their health.
- b) 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.
- c) 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.

**5. People who need to move to a particular locality, where a failure to do so would cause hardship**

Cases include:

- a) It is unreasonable for the applicant to stay in their current property due to exceptional financial hardship.
- b) The applicant or member of their household is at risk of being admitted to residential care or hospital if re-housing is not made.
- c) The applicant needs to move due to relationship breakdown and there is

- a need to safeguard and promote the welfare of children associated.
- d) The applicant is a care leaver, vulnerable and has a high housing need that 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.
  - e) 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.
  - f) The applicant is giving or receiving essential support, which can only be delivered if they live in a specific locality within the area.

**6. Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme.**

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

**BAND 3**

**This band applies to those applicants who meet the following criteria:**

- 1. They fall within one or more of the 5 reasonable preference categories set out in section 8 of this policy; AND**
- 2. They have an urgent housing need; AND**
- 3. They do not have a local connection as defined in section 10 of this policy**

**Examples of urgent housing need are as follows:**

**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 likely to improve with rehousing
- (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 in their present accommodation and re-housing would alleviate the problem. For example, 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 adapted to meet their needs.
- (f) is living in overcrowded accommodation which leaves the person vulnerable to serious infection, for example where they are suffering from late stage HIV.

Evidence will be required in these cases, in line with the agreed procedures, to support the validity of the claim

## **2. Loss of home as result of a disaster**

Awarded to applicants with a reasonable prospect of an accommodation offer within a relatively short period who suddenly lose their existing home as a result of a disaster.

## **3. Leaving armed forces or serious injury whilst serving in armed forces**

- (a) Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
- (b) People needing accommodation because of leaving the armed forces and the loss of military accommodation. People who have left the armed forces under Discharge as of Right (DAOR) are excluded from this provision and will not be given band one status under this category.

## **4. People accommodated by the local authority in care or approved supported housing who are deemed ready to move on**

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

### **Examples include:**

- (a) Foster parents who urgently need accommodation to take a child.  
Cases where a child care plan has identified the need for accommodation to prevent the child being looked after by the authority (e.g. for child in need/looked after child/child protection).

## **6. Exceptional case of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme**

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



**BAND 4**

**This band applies to those applicants in either of the following cases:**

- a. **They fall within one or more of the 5 reasonable preference categories set out in section 8 of this policy AND they do not have a local connection as defined in section 10 of this policy AND they do not have an urgent housing need;**
- b. **They are intentionally homeless and have a local connection, but do not have an urgent housing need and, aside from being intentionally homeless, do not fall within any other reasonable preference category.**

**Examples of those who will fall within this band are as follows:**

- 1. Applicants who are homeless within the meaning of Part 7 of the Housing Act 1996.**

**This category includes homeless applicants both in priority need and not in priority need, and who are homeless either unintentionally or intentionally.**

The definition of homelessness used is contained in sections 175-177 of the Housing Act 1996 Part 7. Under this definition a person who does not have accommodation which is legally and physically available to them to occupy and which is reasonable for them to occupy would be classed as homeless. This includes the following:

- Applicants who have no accommodation available to them where they can live with other people who normally live with them as a member of their family or other people who might reasonably be expected to live with them.
- Applicants who have accommodation available to them but the partners agree that it would not be reasonable for them to continue to occupy it.
- Applicants who have accommodation but they cannot secure access to it or, in the case of a moveable structure such as a caravan, there is no lawful place they can live in it.

People will be accorded this status depending on an assessment by the relevant local authority's homelessness team or the team of a contracted out service as applicable.

- 2. Applicants who are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3) of the 1996 Act.**

This category includes applicants who are:

- (a) unintentionally homeless and in priority need and who have been accepted as being owed a full duty under section 193(2);
- (b) unintentionally homeless and not in priority need but for whom accommodation has been made available by the authority under section 192(3);
- (c) threatened with homelessness in the next 28 days and owed a duty under section 195(2) of the 1996 act (i.e. have not intentionally become so threatened and are in priority need);
- (d) are owed a section 190(2) duty, have been assessed as being in priority need, but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation.

People will be accorded this status depending on an assessment by the relevant local authority's homelessness team or the team of a contracted out service as applicable.

### **3. Applicants suffering from unsatisfactory housing conditions**

This category includes the following:

- (a) Applicants whose current property:
  - a. lacks a bathroom with facilities or the facilities are located in an insanitary location e.g. within kitchen;
  - b. lacks a kitchen and/or appropriate facilities;
  - c. lacks an inside W/C;
  - d. lacks a hot or cold water supply to the property due to defect with the property;
  - e. lacks an electrical supply due to defect with property;
  - f. lacks a gas supply due to defect with property where such a supply is required to operate existing or necessary services such as heating.
- (b) Applicants who share facilities with occupiers who are not part of the applicant's household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower or toilet.
- (c) A housing situation is deemed to be overcrowded if it lacks at least one bedroom. This must be on a permanent basis. The following are taken to be minimum bedroom requirements:
  - a. A married couple or couple living together need one bedroom.
  - b. A married couple or couple living together with a child under 12 months need one bedroom.
  - c. A single person over the age of 16 or a single parent needs one bedroom. (applicable to a single parent with a child under 12 months).
  - d. A child 10-16 can only share a bedroom with a child of the same sex.

- (d) Applicants who have been referred by environmental health as residing in insanitary or hazardous housing posing a category 1 hazard, where it has been impossible for the environmental health department to satisfactorily resolve the issue.

Note that all customers residing in insanitary or hazardous housing will be referred to environmental health in order to resolve the problem and enable the customer to remain in their home. The person 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.

**4. People who need to move on medical or welfare grounds (including grounds relating to disability)**

The following categories of applicant would qualify:

- a) Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where re-housing is necessary to significantly improve their health.
- b) 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 occupational therapy as requiring a move to an accessible property. These cases will be managed through an accessible housing register.
- c) 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.

**5. People who need to move to a particular locality, where a failure to do so would cause hardship**

Cases include:

- a) It is unreasonable for the applicant to stay in their current property due to exceptional financial hardship.
- b) Applicants who need to downsize because they are unable to afford their current property due to welfare reform.
- c) The applicant or member of their household is at risk of being admitted to residential care or hospital if re-housing is not made.
- d) The applicant needs to move due to relationship breakdown and there is a need to safeguard and promote the welfare of children associated.
- e) The applicant is a care leaver, vulnerable and has a high housing need that 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.

**6. Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme.**

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

DRAFT