

**Denbighshire County Council**

**Community Housing Services**

**Allocations Policy**

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## **1.0. ALLOCATION POLICY - Introduction**

Ensuring access to good quality housing is a corporate priority for Denbighshire County Council. This means that the housing market in Denbighshire will offer a range of types and forms of housing in sufficient quantity and quality to meet the needs of individuals and families. This will be through a mix of council, social landlord, private rent and owner occupied property.

The Council is committed to providing a fair and comprehensive service to all persons in need of housing.

Denbighshire aims to ensure that social housing within our own stock and that of local registered social landlords is allocated to those households with the greatest underlying need for long term settled accommodation.

The aims of the Allocations Policy are:

- To ensure applicants in housing need are given preference.
- To contribute to strong and sustainable communities where people want to live and feel safe.
- To ensure that no group or individual is discriminated against as a result of this policy and to create fair access to our services.

This policy has been developed with regard to the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness

## **2.0. EQUALITY AND DIVERSITY**

Denbighshire County Council is committed to equality in service provision. The Council recognises the diverse nature of the county and endeavor's to ensure that customers are treated with dignity and respect.

The Council opposes all forms of discrimination and undertakes not to discriminate unfairly on the grounds of age, disability, gender, race or ethnic origin, religion or belief, sexual orientation, health, marital status, responsibility for dependents, social or economic status or criminal record.

Every possible step will be taken to take into account the diverse nature of individuals and ensure that they are treated fairly and decisions are based on objective criteria.

An Equality Impact Assessment has been carried out for this policy and an action plan developed to ensure that groups with protected characteristics are given fair access to housing and that this is monitored effectively.

### **3.0. THE HOUSING WAITING LIST**

#### **3.1 Points based system**

Denbighshire County Council Housing Waiting List contains details of all those persons who are in need of housing. Allocations for Council properties and nominations for Housing Association accommodation will only be made to those persons who qualify and have applied to be placed on the waiting list.

Denbighshire County Council currently operates a points based system. Points are awarded based on the housing need of the applicant. Details on how points are awarded is given to all applicants for housing.

The point's scheme is detailed in appendix 2.

The Council will therefore allocate the housing available within a framework which reflects its legislative duty and which ensures that offers of accommodation are made to those with the greatest need and which maximises the use of limited resources.

#### **3.2. SARTH - Single Access Route to Housing**

The council is committed to adopting SARTH and this current Allocations policy and points system will remain in operation until SARTH, which includes a move to a banding system, is implemented.

#### **3.3. Who can apply for housing?**

Denbighshire County Council holds an open register to which anyone over 16 who is entitled to apply as determined by section 160A Housing Act 1996 "Allocation to Eligible persons (Wales)".

The council will adhere to the "Code of Guidance for Local Authorities on the Allocation of Accommodation" published by Welsh Government in April 2015 in order to determine if an applicant is deemed to be ineligible for accommodation.

Appendix 1 details who is ineligible for housing accommodation.

#### **3.4. Prospects advice**

The Council provides information when practicable and reasonable, to explain the position and priority on the waiting list and when an offer of suitable accommodation might be made. An indication is given as High, Medium or Low priority based on the number of points awarded and based on the supply of suitable accommodation in the desired area.

An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to

them.

#### **4.0. ASSESSMENT OF HOUSING APPLICATIONS**

Applications are received via the standard housing application form. All applicants will receive a letter detailing the areas they have selected, their points total and type of property for which they have been considered within 28 days of receiving all information and a fully completed application form.

##### **4.1. Reasonable Preference**

The Housing Act 1996, Homelessness Act 2002 and Housing (Wales) Act 2014 state that the following categories of applicants in housing need be given reasonable preference in determining allocations of Council housing and nominations to Housing Associations.

- People who are homeless (within the meaning of Part 7 of the 1996 Act or Part 2 of the Housing (Wales) Act 2014)
- People who are owed any duty by a local housing Authority under section 66, 73 or 75 of the Housing (Wales) Act 2014
- People who are living in unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- Applicants who need to move on medical or welfare grounds
- Those who need to move to a particular locality in the district where failure to meet that need would cause hardship to themselves or others.

##### **4.2. Additional Preference**

The points system includes management awards for 'additional preference' in exceptional cases providing they have assessed urgent housing needs. The code of guidance states that the following should be considered for additional preference:

Those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including :

- Victims of domestic or other abuse
- Victims of hate incidents.

- 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.

Those who need to move because of urgent medical reasons. Including where an applicant's (or a member of their household's) -

- Condition is expected to be terminal and re-housing is required due to unsuitable accommodation or to provide a basis for the provision of suitable care.
- Condition is life threatening and the applicant's existing accommodation is a major contributory factor.
- Planned discharge from hospital is imminent and there is no accommodation available to them that it is reasonable for them to occupy.

An applicant with a reasonable prospect of an accommodation offer within a relatively short period who suddenly loses their existing home as a result of a disaster.

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.

People needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation.

People under-occupying social housing and wanting to transfer to a smaller property, particularly in light of Welfare Benefit changes and the under-occupancy charge.

## **5.0 STATEMENT OF CHOICE**

Applicants are able to specify up to 3 community areas within Denbighshire where they would accept an offer of accommodation. Areas of choice may be changed at the request of the applicant.

Properties are allocated on the appropriateness of the size and type of accommodation which is available according to the needs of the household. The criteria for this is provided to all applicants for housing.

The Council reserves the right to not offer a property which could potentially cause financial hardship to a household due to factors such as the housing benefit under occupation reduction.

The Council is committed to extending choice to applicants for housing including considering other housing options. However there is exceptional high demand for most

types of property available especially family houses.

In these circumstances it is not possible to extend free choice to every applicant and homeless applicant owed a duty under Section 75 of the Housing (Wales) Act 2014 will be made one reasonable offer which may not be in their preferred locality unless there are special circumstances.

## **6.0 RENEWAL OF APPLICATIONS**

Each application on the waiting list will be renewed annually near to the anniversary of its entry on the list. Failure to return the renewal form within the specified reasonable period will result in the application being removed from the list.

## **7.0. SUSPENSIONS FOR UNACCEPTABLE BEHAVIOUR (REDUCED PREFERENCE)**

This will apply if the applicant (or joint applicant) or a member of the household has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council and for which the Council could have obtained (if the applicant was a secure tenant of the Council) an outright order to obtain possession of the property.

This behaviour can include:

- Rent arrears outstanding.
- Nuisance or annoyance caused by applicants, family members or visitors.
- Conviction for using the property for illegal or immoral purposes.
- Making a false statement to get a tenancy.
- Conviction for an indictable offence
- Nuisance or annoyance caused by the applicant, family members or visitors, to the landlord or person employed by the landlord in exercise of their housing management functions, and that is directly related to or affects those functions.
- The conditions contained in the new absolute ground for possession as per section 94 of the Anti-Social Behaviour Crime and Policing Act 2014 which inserted the new 84A into the Housing Act 1985. These conditions refer to an earlier court deciding that the individual concerned is in breach of a Criminal Behaviour Order or an Injunction or has been convicted of a serious offence, breach of an abatement notice or order or, a closure order has been in force for over 48 hours.

The Council does not operate a blanket exclusion policy on categories of applicants. Each application will be assessed on its own merits and a decision regarding eligibility

will be made accordingly. Anyone subsequently excluded from the register will be able to appeal against the decision. Decisions on cases will be made by a panel of officers. Decisions can include outright suspension or time-limited, or conditional, reduced preference.

If at any time, the Council obtains information that leads us to believe that an applicant who is already on the waiting list is ineligible we will write to the applicant. The applicant will have 21 days to prove eligibility. If they do not reply during this period, or if they do reply but the Council remains of the view that they are ineligible, they will be removed from the list.

## **8.0. APPEALS**

If a decision is made to suspend an applicant from the waiting list on the grounds of being ineligible they will be informed in writing giving the reasons for the decision. The letter will include an opportunity for the applicant to request a review on the decision.

The appeal will be conducted during a 21 day period and a written decision, including the grounds for the decision will be made to the applicant.

## **9.0. COMPLAINTS**

An applicant who is not satisfied with the quality of service they receive, may register a complaint with the Council's complaint procedure. All complaints will be acknowledged and investigated in accordance with the procedure.

A complaint may also be made to the Local Government Ombudsman if he / she believe maladministration has taken place.

## **10.0. MAKING AN OFFER**

The Lettings Officer will select applicants who may receive an offer in accordance with the points system and suitability for the vacant property. A short list will be drawn up and applicants will receive a home visit at this or an earlier stage in the process.

All offers will be made in writing to the prospective tenant.

## **11.0. NOMINATIONS TO HOUSING ASSOCIATIONS**

Denbighshire works closely with Housing Associations working within the area. The Council usually has at least 50 per cent nominations to new schemes and vacancies arising. Nominations are made on the basis of highest housing need in accordance with the points scheme.

## **12.0. HOMELESS OR THREATENED WITH HOMELESSNESS**

Denbighshire takes a preventative and options based approach to applicants who are potentially homeless.

All homeless applications will be thoroughly investigated and decisions made in accordance with the Housing Act 1996, Homelessness Act 2002 and Housing (Wales) Act 2014).

Where a duty to assist a household is accepted under homelessness legislation the household will be placed on the Housing Waiting List and appropriate points awarded.

Homeless applicants who are owed a final housing duty by the Council will be made one reasonable offer of either a council, RSL or private tenancy.

If the offer is unreasonably refused the Council will discharge its homeless duty and the applicant will be given notice to leave their temporary accommodation. All applicants have the right to request a review of this decision.

Whether or not a Homeless Applicant accepts an offer of permanent accommodation they have the right to request a review of the suitability of the accommodation they have been offered within 21 days. If the review is successful they will receive an alternative offer as soon as is practicable.

## **13.0. ACCOMMODATION FOR OLDER PEOPLE**

Throughout the County there are properties specifically for older people. These are usually bungalows and flats. These properties may also be let to people who have a disability and require adapted or easily accessible accommodation.

The Council will always try to let all its designated sheltered housing properties to older people over the age of 60 or who have accommodation related medical needs or a disability. There are some properties especially but not entirely in rural areas where this may not be possible. In such cases the property may be re-classified as general needs and 'mature' applicants under 60 will be offered the accommodation.

## **14.0. ADAPTED ACCOMMODATION**

The Council has very few properties purpose built for severely disabled people. However, adaptations can be made where this is reasonably practical and the Council work closely with Housing Associations to provide suitable property.

The Specialist Housing Group involving Housing Allocations, Social Services (Children's Service's and Community Support Services) will meet with local housing associations to ensure that adapted accommodation can be matched to meet to households in need of adapted accommodation. Offers of accommodation will result from this joint approach.



## **15.0. TRANSFERS**

Existing council tenants who need to move will be subject to the points system but specific points are available for tenants to facilitate transfers to tenants in need of a new home.

## **16.0 LOCAL LETTINGS POLICIES**

Section 167(2E) of the 1996 Housing Act enables Local Authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the Local Authority is able to demonstrate compliance with the requirements of s.167. This is the statutory basis for 'local lettings policies'.

Local Lettings allows the council to develop locally based policies to support developing mixed or sustainable communities. These will be developed as required according to the needs of a particular community.

## Appendix 1 - Allocation to eligible persons

### The Housing Act 1996 states: Section 160A – [Wales]

- (1) A local housing authority [in Wales] shall not allocate housing accommodation—
  - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5);
  - (b) to a person who the authority have decided is to be treated as ineligible for such an allocation by virtue of subsection (7); or
  - (c) to two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b).
- (2) Except as provided by subsection (1), any person may be allocated housing accommodation by a local housing authority [in Wales] (whether on his application or otherwise).
- (3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c. 49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority [in Wales] unless he is of a class prescribed by regulations made by the Secretary of State.
- (4) No person who is excluded from entitlement to [universal credit or] housing benefit by section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from benefits) shall be included in any class prescribed under subsection (3).
- (5) The Secretary of State may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities [in Wales] generally or any particular local housing authority [in Wales].
- (6) Nothing in subsection (3) or (5) affects the eligibility of a person who is already
  - (a) a secure or introductory tenant;
  - (b) an assured tenant of housing accommodation allocated to him by a local housing authority [in Wales].
- (7) A local housing authority [in Wales] may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by them if they are satisfied that—
  - (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and

(b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the authority by reason of that behaviour.

(8) The only behaviour which may be regarded by the authority as unacceptable for the purposes of subsection (7)(a) is—

(a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c. 68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or

(b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order.

(9) If a local housing authority [in Wales] decide that an applicant for housing accommodation—

(a) is ineligible for an allocation by them by virtue of subsection (3) or (5); or

(b) is to be treated as ineligible for such an allocation by virtue of subsection (7), they shall notify the applicant of their decision and the grounds for it.

(10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

(11) A person who is being treated by a local housing authority [in Wales] as ineligible by virtue of subsection (7) may (if he considers that he should no longer be treated as ineligible by the authority) make a fresh application to the authority for an allocation of housing accommodation by them.

## **Appendix 2 - THE POINTS SYSTEM**

Points will be allocated in the following way:

### **Residency**

1 point per year up to a maximum of 15 points for residency in Denbighshire.

This includes any period of residence including before the application is made and applies to all categories of applicants including tenants of the Council requesting a transfer.

### **Length of Application**

1 point per year for every calendar year on the waiting list up to a maximum of 10 points.

### **Local Community Areas**

Applicants will be able to choose up to 3 areas as choices for rehousing based on the following local communities.

- Rhyl
- Prestatyn & Meliden
- Dyserth
- Rhuddlan
- Bodelwyddan
- St Asaph
- St Asaph rural area (Tremeirchion, Waen, Rhuallt, Cwm, Cefn Meiriadog, Trefnant)
- Denbigh & Henllan
- Ruthin
- Vale Villages (Aberwheeler, Bodfari, Llandyrnog, Llanrhaeadr YC, Prion, Saron, Peniel, Nantglyn, Llanynys, Gellifor, Rhewl, Llanbedr, Clocaenog, Cyffylliog, Bontuchel, Llanfair, Graigfechan, Clawddnewydd, Derwen, Pwllglas, Llanelidan)
- Ial Villages - Eryrys, Llandegla, Llanferres, Graianrhyd, Llanarmon Yn Ial
- Corwen
- Corwen & Dee Valley areavillages – Cynwyd, Llandrillo, Carrog, Glyndyfrdwy, Gwyddelwern, Bettws GG, Melin Y Wig, Bryneglwys
- Llangollen & Llantysilio

## **Medical**

Up to 25 points are available to an applicant whose household includes a person with a serious illness or disability which is made significantly worse by their current living conditions and who would benefit from re-housing within Denbighshire.

### **Serious Medical Need - 25 points**

Where the applicant suffers extreme ill health, which will deteriorate rapidly if they remain in their present home.

### **Medium Medical Need - 15 points**

Where the applicant's present accommodation is having a significant impact on normal life and may cause a major deterioration of the applicant's health in the long term but which could improve through better / more suitable housing.

### **Lower or Long Term Medical need - 10 points**

Where the applicants present accommodation is having an impact on normal life and may cause a deterioration in the long term OR

Where the applicant's ability to lead a normal life is significantly impaired but the medical condition is not likely to get worse.

### **Low Medical Need – 5 points**

Where medical problems associated with your current accommodation exist but the medical condition is unlikely to get worse.

If no medical points are awarded:

This is not to say that a medical condition does not exist, it merely reflects the fact that the property is not directly affecting the condition.

## **Overcrowding**

Separate room is required for the following,

- Couples
- Single parents
- 2 children aged 1 to 7
- 2 children aged 8 to 15 of the same sex
- Extra bedroom required for carer where it is a proven medical need
- 2 adults of the same gender who are related
- 5 points will be awarded for each extra bedroom required

## **Condition and Amenities of Property**

Where an applicant shares amenities points will be awarded as follows,

- Kitchen-2
- BathorShower-2
- InternalWC-2
- Livingroom-2

N.B these points are not awarded if sharing with immediate families i.e. non related separate households will be awarded these points.

If the property of the applicant is in poor condition and this has not been reflected in the points above, additional points may be awarded in one of the following categories,

Properties where an improvement notice, prohibition or demolition order has been served by the Public Protection Department – 10, 15 or 20 points.

Property is in poor state of repair and the disrepair is due to a lack of maintenance by the Landlord.

- General disrepair – 3 or 6 points depending on severity.
- Dampness – 3 or 6 points depending on severity.
- Dangerous supply of electricity and/or gas supply – 6points.

Families with Children under the age of 12 who are living in flats above ground floor – 5 points

These points will be cancelled on the 12th birthday of the youngest child.

## **Under Occupation**

Social Housing tenants - for each bedroom unoccupied in family houses – 5

This is to ensure best use of scarce social housing.

Other tenures - applicants aged 55+. For each bedroom unoccupied – 3

## **Financial Hardship**

Difficulty with rent / mortgage payments or upkeep of property. This is subject to production of documentary evidence and availability of Housing Benefit

Renovation Grants, Disabled Facilities Grants, Mortgage Rescue schemes etc

The main factor to consider is the ratio of income to legitimate outgoings. Other factors include housing benefit entitlement (e.g. an expensive overly large property will not receive points). These points are assessed by a panel of Officers. 5, 10 or 15 points.

### **Homelessness Legislation**

Only awarded to applicants assessed under the Homelessness legislation and any subsequent amendments.

Applicants who have been assessed as homeless, in priority need and unintentionally homeless and owed a 'final' duty under Section 75 of the Housing (Wales) Act – 25 points (in total)

(Applicants only additionally receive residence points. In the event of two or more applications being indistinguishable the date of homelessness application will be the deciding factor.)

If applicants who qualify as above and have been living in temporary accommodation for a continuous period of more than 1 year – 10 points.

If applicant has been assessed as priority need but intentionally homeless 5 points for a period of 6 months following the homeless decision.

### **Insecurity of Tenure**

If an applicant has no fixed abode or is living with no security of tenure and received a notice to quit or informal notice to leave – 15. (Not awarded if placed in accommodation by any other Local Authority). These may be withdrawn if the notice is in force over a prolonged period of time.

### **Social and Community Factors**

To enable a greater degree of choice, 5 points per application will be awarded on receipt of proof from the applicant if accommodation is required near to:-

- Place of permanent employment.
- Specialist schools.
- Enable applicants to give or receive support from older, disabled or other family members.
- Have other links with the community e.g. involvement with voluntary, sporting or cultural groups and the applicant and / or the community would benefit from rehousing in the local community.
- Families who are intending to foster or adopt children known or in the care of the Local Authority.

### **Management Points (Additional Preference)**

These points will be awarded by a panel of Senior Officers appointed by the Head of Housing Services and only be awarded where housing issues are outside of this points scheme and securing alternative accommodation is in the best interests of the applicant, the estate or the community. This includes:

- Allocations within the Council's housing stock which release a property for which there is a particularly high demand e.g. family house, or an adapted property occupied by a tenant who no longer requires the adaptations.
- Where there is a matter of urgency but this is not reflected in the points scheme. This will be in accordance with the Code of Practice section relating to Additional Preference)

Maximum 50 points (bands of 10, 20, 30, 40, 50 points)

### **Re-housing from Support Projects**

10 points will be awarded in the following circumstances:

Where a young person is assessed by the Denbighshire Move On Panel as needing to move to more appropriate accommodation.

Supported Housing projects where reciprocal arrangements or Service Level Agreements are in place with Denbighshire County Council and partners agree that the applicant has successfully completed the objectives of the support plan and acquired suitable tenancy skills.

### **Reduced Preference**

When the Council has determined that an applicant has been guilty of unacceptable behaviour which does not justify suspending an application, but should be taken in to consideration 20 points will be deducted to reduce the applicant's priority on the waiting list. Examples can include anti-social behaviour, deliberately worsening of own circumstances to gain points, outstanding rent arrears to any landlord or when financial resources exist and can be used to provide an applicant's own accommodation.

In the case of rent arrears points will only be reinstated when the rent arrears are paid or an acceptable agreement has been made to pay the arrears over a period which is acceptable to the Head of Housing Services.

In other cases the applicant will be advised to provide evidence of improvement at the time of annual renewal or sooner if appropriate.