

# **Caerphilly County Borough Council**

## **Common Allocation Policy for Caerphilly County Borough**

**November 2015**

**Document Version 1.6**

# Table of Contents

1. Introduction .....	1
Legal Context .....	1
Decision Making .....	2
Single Integrated Plan .....	2
Participating Organisations.....	2
Policy Objectives .....	2
Publicising the Policy.....	3
Policy Review .....	3
Equality Monitoring.....	4
Other Information .....	4
 2. How Eligibility is Checked .....	 5
Definition of an Allocation.....	5
Allocations to Existing Tenants & Other Exemptions From Part VI .....	5
Eligibility Categories .....	5
The Habitual Residence Test .....	6
Asylum Seekers & Refugees.....	7
Unacceptable Behaviour .....	7
Property Related Debt.....	9
Residential Criteria .....	12
Applications from Owner-Occupiers .....	14
Financial Resources.....	15
No Fixed Address.....	16
 3. How Priority is Determined.....	 18
Reasonable Preference.....	18
Additional Preference .....	18
The Priority Banding Scheme – Criteria .....	19
Band 1: Urgent Need to Move – Reasonable Preference PLUS Additional Preference.....	19
Band 2: Need to Move – Reasonable Preference .....	24

Band 3: Wants to Move – No Reasonable or Additional Preference, or Reasonable or Additional Preference & No Local Connection .....	29
Administration Of The Priority Banding Scheme .....	29
4. How Accommodation is Allocated .....	30
Choice & Preferences .....	30
Management Discretion .....	30
Quota systems .....	31
Local Letting Policies.....	32
Annual Lettings Plans.....	34
5. How Offers Of Accommodation Are Made .....	35
Offers & Refusals .....	35
Period for Considering an Offer.....	36
Withdrawal of Offers.....	37
Property Related Criteria .....	38
Age Related Criteria .....	40
Accessible Housing .....	40
6. How to Make an Application.....	42
Who can Apply .....	42
Making an Application .....	42
Housing Solutions Interview .....	43
Notification of Registration.....	43
Time & Date of Registration .....	44
Criminal Records.....	44
Offences Related to Information Given or Withheld by Applicants .....	45
Incomplete Applications .....	46
Change of Circumstances .....	46
Home Visits .....	47
Worsening Own Circumstances .....	48
Self-Suspensions .....	48
Right to Buy / Acquire Applications .....	49
Annual Review of Applications .....	49

Cancelled Applications .....	50
7. How Applications are Assessed.....	51
General Assessment .....	51
Medical Assessments.....	52
Mental Health Assessments .....	53
Environmental Health Assessments.....	53
Risk Management .....	54
Financial Assessments.....	55
Tenancy Sustainability .....	55
Extra Care Housing .....	56
Housing Assessment Panel.....	57
Housing Review Panel .....	58
Complaints .....	59
Public Services Ombudsman for Wales .....	59
8. Tenancy Management .....	61
Management Transfers .....	61
Joint Tenancies .....	61
Joint to Sole Tenancy.....	62
Non-Statutory Succession.....	62
Mutual Exchanges.....	63
Domestic Household Pets .....	63
9. Other Information .....	64
Equalities Duty .....	64
Language, Interpretation & Other Support .....	64
Confidentiality & Data Protection.....	64
Information Sharing .....	65
The Right to be Notified of a Decision & to Request a Review.....	65
Low Cost Home Ownership & Intermediate Rent.....	66

## 1. Introduction

- 1.1 This section outlines the legal context in relation to the allocation of social housing, those organisations signed up to the policy, the key objectives that underline this policy and other relevant information on how this policy is maintained.
- 1.2 Unless stated otherwise, all references in this policy to 'local authority' or 'Council' means Caerphilly county borough council. All references to either 'landlords' or 'partners' mean those housing associations listed in paragraph 1.7, plus Caerphilly Homes, the section which carries out the management of the Council's own housing stock.

### Legal Context

- 1.3 This policy sets out in detail who is and who is not eligible for social housing in the county borough and how the Council will make this assessment. It also sets out how applicants can apply for and access this housing, and the order in which they will be rehoused.
- 1.4 This policy has been developed in accordance with the [Code of Guidance for Local Authorities: Allocation of Accommodation and Homelessness \(Welsh Government, 2015\)](#), associated legislation and the [Regulatory Framework for Housing Associations Registered in Wales](#) (Welsh Government, 2011).
- 1.5 Part 1 of the guidance provides information about the allocation of social housing under [Pt VI of the Housing Act 1996](#) by local authorities. It sets out the flexibility local authorities have in regard to meeting housing needs. Part 2 provides guidance on [Part 2 \(homelessness\) of the Housing \(Wales\) Act 2014](#). It provides information about how local authorities can meet their strategic responsibilities to tackle homelessness and to assist individual homeless people.
- 1.6 The following legislation and regulation applies only to the housing associations listed in paragraph 1.9:
  - (i) Section 170 of the Housing Act 1996 places a requirement on housing associations to 'co-operate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocations scheme.'
  - (ii) The Regulatory Framework for Housing Associations Registered in Wales places a requirement on housing associations to ensure that their work supports the local authority in its delivery of the strategic housing function.
  - (iii) Section 95 of the Housing (Wales) Act 2014 places a duty on housing associations to cooperate with local housing authorities in pursuance of their homelessness functions.

- 1.7 The policy has also been written in accordance with the requirements of [s.149 of the Equality Act 2010](#) and The Human Rights Act 1998.

#### Decision Making

- 1.8 Where this policy refers to decisions taken by “the Council” this means decisions taken in accordance with the Scheme of Delegation as amended from time to time and set out in the link here:  
<https://www.caerphilly.gov.uk/My-Council/Strategies,-plans-and-policies/Corporate-strategies,-plans-and-policies/Council-constitution>

Decisions taken by the Housing Assessment Panel or Housing Review Panel are set out in this policy at section 7.

#### Single Integrated Plan

- 1.9 This policy contributes towards the Council’s wider strategic objectives of transforming homes, lives and communities, as outlined in [Caerphilly Delivers: The Single Integrated Plan \(2013-2017\)](#).

#### Participating Organisations

- 1.10 The policy has been developed by the Council in partnership with the following organisations:
- Aelwyd Housing Association;
  - Cadwyn Housing Association;
  - Linc Cymru;
  - Pobl Group;
  - United Welsh Housing Association; and
  - Wales & West Housing.
- 1.11 Each of the housing associations listed in paragraph 1.9 have voluntarily signed up to this policy to ensure that all applicants applying for social housing in the county borough are provided with a single route of access and assessed using a single policy.
- 1.12 The contact details of each organisation can be found in Appendix 10.

#### Policy Objectives

- 1.13 The key objectives of this policy are underpinned by the fact that levels of housing need in the county borough are greater than the number of homes currently available to meet this need. Therefore, the objectives of this policy are to:
- (i) provide a fair and transparent system by which applicants can apply for and are assessed for social housing;

- (ii) provide good quality advice and support to enable applicants to make informed choices about their housing preferences;
  - (iii) make the best use of all available social housing stock in the county borough, which includes reducing the number of void properties and void turnaround times;
  - (iv) assist in the creation and maintenance of balanced and sustainable communities; and
  - (v) make efficient use of the resources of the Council and those of the participating organisations.
- 1.14 The policy is based on a simplified banding system where applicants are placed into one of three bands depending on an assessment of their circumstances. Those assessed with the greatest need will be afforded the highest priority.
- 1.15 The Council and participating organisations will undertake periodic reviews of this policy both to ensure compliance with statutory requirements and that it continues to address identified housing needs in the county borough.

#### Publicising the Policy

- 1.16 To comply with s.168(1) of the Housing Act 1996, the Council will publish a summary of this policy and will provide a copy of the summary, free of charge, to any member of the public who requests one.
- 1.17 In addition, a full copy of the policy will be published on the Council's website. If requested the Council will provide full copies of the policy on payment of a reasonable fee. Links to the policy will be provided on the websites of participating organisations.

#### Policy Review

- 1.18 The Council will undertake a joint review of this policy at least every two years, with participating organisations, to ensure compliance with the current legislation and good practice, and more frequently in relation to the publication of significant case law.
- 1.19 Under s.167(7) of the Housing Act 1996, before adopting or altering this policy, the Council will:
- (i) send a copy of the draft, or proposed alteration, to every housing association in the county borough; and
  - (ii) ensure that those housing associations have a reasonable opportunity to comment on the proposals.

- 1.20 Under s.168(3) of the Housing Act 1996, the Council will notify by letter, within a reasonable period, and consult with those affected by a major change to this policy. The Council will communicate with people in their preferred form, where this information is known (see paragraph 9.3). As part of the consultation, the Council will, in general terms, explain the effects of the change. This rule, however, will not be applied for minor changes.

#### Equality Monitoring

- 1.21 In order to ensure the effectiveness of this policy and compliance with the relevant equality duties, the Council, in association with each landlord, will monitor information about who is applying for and being allocated social housing.
- 1.22 This information will be used as a basis for policy review and development, and to help establish whether identified outcomes are in-line with this policy's objectives. The monitoring will provide the Council with robust data to carry out equality impact assessments to identify whether this policy or updates to it directly or indirectly discriminate against anybody with a protected characteristic.

#### Other Information

- 1.23 This publication is available in Welsh, and in other languages and formats on request. Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.



## **2. How Eligibility is Checked**

- 2.1 Anyone over the age of 16 years old may apply to be rehoused regardless of their housing need, subject to them meeting the eligibility criteria. This section outlines the eligibility criteria for an allocation of accommodation. It also sets out the criteria for allocations to existing tenants and other exemptions.

### Definition of an Allocation

- 2.2 For the purposes of Pt VI of the Housing Act 1996, a local authority allocates housing accommodation when it:
- (i) selects a person to be a secure or introductory tenant of housing accommodation held by them;
  - (ii) nominates a person to be a secure or introductory tenant of housing accommodation held by another person; or,
  - (iii) nominates a person to be an assured tenant (including an assured shorthold tenant) of housing accommodation held by a private registered provider of social housing or registered social landlord.

### Allocations to Existing Tenants & Other Exemptions From Part VI

- 2.3 Section 159(5) of the Housing Act 1996 provides that Pt VI of the same Act does not apply to allocations to existing secure tenants, unless the allocation is a transfer for which the tenant has applied. For example, Pt VI does not apply to transfers for management purposes (see paragraphs 8.2-8.4).
- 2.4 Section 160 of the Housing Act 1996 sets out other exemptions from the provisions of Pt VI. In summary, these include succession; assignment; transfers as a result of family proceedings; conversion of an introductory tenancy to a secure tenancy; and those rehoused as a result of a compulsory purchase, or from a defective dwelling.

### Eligibility Categories

- 2.5 Section 166(3) of the Housing Act 1996 obligates the Council to consider all applications for social housing that are made in accordance with the procedural requirements of this policy. It must, however, when considering applications, ascertain if an applicant is eligible for accommodation or whether they are excluded from allocation under s.160A of the same Act.
- 2.6 The following is a summary of the main categories of eligible applicants to whom the Council may allocate accommodation under Pt VI of the Housing Act 1996, taking account of nationality and immigration status. For the full criteria please refer to Chapter 2 of the Code of Guidance

for Local Authorities on the Allocation of Accommodation & Homelessness (2015):

(i) Existing tenants;

A person from abroad other than a person subject to immigration control; and

(ii) Persons subject to immigration control prescribed as eligible.

2.7 Welsh Ministers have prescribed classes of person who are to be considered eligible Allocation of Housing & Homelessness (Eligibility) (Wales) Regulations 2014. These are:

(i) Refugees;

(ii) Exceptional leave;

(iii) A person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, Channel Islands, the Isle of Man and the Republic of Ireland;

(iv) Persons who have been granted Humanitarian Protection; and

(v) An Afghan citizen who, as a result of serving in the UK Government, has been granted permission to relocate to the UK, Channel Islands, the Isle of Man and the Republic of Ireland, and who is habitually resident in one of those areas will be eligible.

The Habitual Residence Test

2.8 The Code of Guidance for Local Authorities on the Allocation of Accommodation & Homelessness (2015) details the factors that the Council should consider in determining whether an applicant is habitually resident in the Common Travel Area.

2.9 The criteria that determine whether a person from abroad is eligible for an allocation of accommodation or homelessness assistance are complex and the task of screening applicants extends beyond the normal requirements of evaluating applicants' housing circumstances. Where uncertainty arises about an applicant's immigration status, the Council may contact the UK Border Agency, using the procedures set out in Annex 5 of the Code of Guidance for Local Authorities on the Allocation of Accommodation & Homelessness (2015), to confirm status. Before doing so, the Council will advise the applicant that an inquiry will be made. If at this stage the applicant prefers to withdraw their application, no further action will be required.

2.10 In instances where the Council is required to determine habitual residence, the applicant will not be actively considered for housing until

such time that it is satisfied that the applicant is habitually resident in the Common Travel Area and is, therefore, eligible for an allocation of accommodation.

- 2.11 The Council will monitor its performance in screening the immigration status of housing applicants to ensure that minority ethnic people, who are eligible for an allocation, are not denied housing and do not experience unreasonably long delays while their application is being determined.
- 2.12 As part of the assessment process, the Council will determine whether it may treat an applicant as ineligible under this test. Applicants will be notified in writing of the Council's decision and the grounds for the decision. Applicants will have the right to request a review of any decision made by the Council regarding their eligibility within 21 calendar days of receiving their notification letter (see paragraphs 9.12-9.16). The Housing Review Panel will consider all requests for a review (see paragraphs 7.43-7.48).

#### Asylum Seekers & Refugees

- 2.13 Asylum seekers are not eligible for an allocation of accommodation under Pt VI of the Housing Act 1996. Once a positive decision on their claim for asylum is received and they are awarded refugee status, humanitarian protection or discretionary leave to remain, and, therefore, are no longer subject to immigration control, then they may be entitled to an allocation of accommodation.
- 2.14 Applications received from asylum seekers will not be eligible to be admitted onto the common housing register until a positive decision on their claim for asylum is received and they are awarded refugee status, humanitarian protection or discretionary leave to remain.

#### Unacceptable Behaviour

- 2.15 Under s.160A(7) of the Housing Act 1996, the Council, where it is satisfied that an applicant, or a member their prospective household, is guilty of unacceptable behaviour serious enough to make them unsuitable to be its tenant, may treat the applicant as ineligible for an allocation. These same provisions will apply where the applicant elects to become a tenant of a housing association.
- 2.16 Section 160A(8) of the Housing Act 1996 provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of their household that would, if they had been a secure tenant of the Council at the time, have entitled the local authority to a possession order under s.84 of the [Housing Act 1985](#) in relation to any of the discretionary grounds in Pt I of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as:

- (i) non-payment of rent;
  - (ii) breach of tenancy conditions;
  - (iii) conduct likely to cause nuisance or annoyance; and
  - (iv) use of the property for immoral or illegal purposes.
- 2.17 It is not necessary for the applicant to have actually been a tenant of the Council when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the Council to a possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.18 The Housing Assessment Panel will consider all cases where the Council considers it may treat an applicant or members of their prospective household as ineligible due to unacceptable behaviour (see paragraphs 7.36-7.42). Applicants will be notified in writing of the Panel's decision and the grounds for their decision. Applicants will have the right to request a review of any decision made by the Panel regarding their eligibility within 21 calendar days of receiving their notification letter. The Housing Review Panel will consider all requests for a review (see paragraphs 7.43-7.48).
- 2.19 This policy allows for applicants or members or their prospective household to be registered on the common housing register but suspended until such time as they have addressed current or past behavioural issues. The following criteria will apply where it is determined by either the Housing Assessment Panel (for applicants who are not social housing tenants of a partner landlord) or a partner landlord (for their own tenants) that the applicant or a member of their prospective household has:
- (i) failed to maintain their current or any previous social rented or private sector rented property within the terms of their tenancy agreement; or
  - (ii) committed acts causing or likely to cause harassment, nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.
- 2.20 In such instances as described in paragraph 2.19 above, the applicant or members of their prospective household will be informed, by either the Council or a partner landlord, of the action(s) that they will need to demonstrate before the suspension will be lifted. This may include co-operation over a period of time with support agencies, social services or other organisations where the express outcome is that there is a significant improvement in their conduct. Any action required to be

undertaken must be reasonable and proportionate, and take into account the protected characteristics of the individual.

- 2.21 Cases determined by the Council will be submitted to the monthly Housing Assessment Panel meetings to decide whether sufficient action has been taken by the applicant to address the issue so that an offer of accommodation can be made. Partner landlords will determine cases for their own tenants.
- 2.22 The status of the application will be reconsidered when there is clear evidence that:
- (i) the applicant (or a member of their prospective household) has addressed their behaviour to the satisfaction of the Housing Assessment Panel (for applicants who are not social housing tenants of a partner landlord) or a partner landlord (for their own tenants); and
  - (ii) there has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of 6 months from the point where action has been agreed with the applicant to address their or a member of their prospective household's behaviour or other identified problems.
- 2.23 All applicants can request a review of the decision to suspend their application. The review for applicants who are not social housing tenants of a partner landlord will be considered by the Housing Review Panel (see paragraphs 7.43-7.48). Tenants determined by partner landlord can request a review using the organisation's existing complaints procedure.
- 2.24 The Council will monitor all applications that are suspended to ensure that the criteria set out in paragraphs 2.19-2.23 is being applied fairly and consistently.

#### Property Related Debt

- 2.25 For the purpose of this policy the Council, when carrying out an assessment, will take into consideration all property related debts, associated with either a current or former tenancy or licence with any social housing provider in the UK or arising from the provision of accommodation by, or on behalf of, a UK local authority pursuant to any homelessness duty. Only debts that are both recoverable and not statute barred will be taken into consideration. These include:
- (i) current or former tenancy rent arrears;
  - (ii) current or former licence fee arrears;
  - (iii) outstanding re-chargeable repairs;

- (iv) current and former housing related service charge arrears;
  - (v) temporary accommodation charge arrears;
  - (vi) housing benefit overpayments; and
  - (vii) associated court costs.
- 2.26 Property related debts apply to both the applicant and members of their prospective household.
- 2.27 Where the property related debt is over £500 the application for housing would be automatically suspended. The applicant would not be actively considered for housing until such time as the Council is satisfied that the following criteria has been met:
- (i) entered into, and maintained, a repayment plan with the current/former landlord;
  - (ii) made a minimum of 13 consecutive weekly payments, at an agreed level; and
  - (iii) repaid a minimum of 25% of the debt.
- 2.28 This process can only be circumvented where the debt is repaid in full or in accordance with the criteria set out in paragraph 2.27. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge high interest rate loans, lump sums of 25% or over but below 100% would not apply unless the 13-week minimum period has been satisfied. Adherence with the plan must be checked by the landlord concerned prior to an offer of accommodation being made.
- 2.29 Applicants with a property related debt of up to £500 can be considered for housing immediately providing that they have agreed and are actively following a debt repayment plan. Applicants not entering into a debt repayment plan will have their application suspended. Adherence with the plan must be checked by the landlord concerned prior to an offer of accommodation being made. Failure to adhere to the plan will result in the application being suspended. The suspension can be lifted where either the debt is cleared or compliance is restored.
- 2.30 Where the applicant or a member of their prospective household has entered into a repayment plan to clear a property related debt before the application for housing was made, the criteria set out in paragraphs 2.25-2.29 would still apply.
- 2.31 The process set out in paragraph 2.27 may be circumvented where the Council believes that highly exceptional and significant circumstances

exist, and the need to move is considered urgent. Although, this does not mean recovery of the debt will not be pursued by the relevant landlord. In such circumstances, a report will be submitted to the Housing Assessment Panel for consideration. Should the Panel decide to waive the criteria in paragraph 2.27, the applicant or a member of their perspective household must have entered into and be following a repayment plan before an offer of accommodation is made.

2.32 The criteria set out in paragraphs 2.25-2.29 can be waived where the following is met:

- (i) an award of additional preference is made under paragraph 3.13 (i);
- (ii) the council has a interim duty to secure accommodation and would incur additional costs from a prolonged stay in temporary accommodation;
- (iii) the council is unable to secure suitable accommodation, on the basis of affordability, other than in the social housing sector; and
- (iv) the applicant(s) is unable to clear an existing property related debt, as set out in paragraphs 2.25 and 2.26, within a reasonable timescale.

The applicant(s) will only be considered for housing where they or prospective members of their household:

- (i) have entered into and are adhering to a debt repayment plan; and
- (ii) have made a minimum of 13 weekly repayments.

To ensure that repayments are affordable the terms of the debt repayment plan must not exceed 50% of disposable income once all essential costs have been taken into consideration. These terms may be reviewed by the landlord upon commencement of the tenancy or periods specified in the plan.

A decision to waive the criteria will be taken by the Housing Assessment Panel following the satisfactory completion of the relevant pro-forma by the homelessness team.

Where the Housing Assessment Panel chooses to waive the criteria, the landlord to whom the debt is owed may choose to bypass the applicant for offers of accommodation until the criteria in paragraphs 2.25-2.29 has been satisfied.

## Residential Criteria

- 2.33 Section 167 (2A) of the Housing Act 1996 provides that this policy may contain provision for determining priorities for reasonable/additional preference categories. The factors that the Council may take into account in determining priorities include any local connection (within the meaning of s.81 of the Housing (Wales) Act 2014) that exists between a person and the local authority area.
- 2.34 For the purpose of this policy, residential criteria will exist where the Council is satisfied that an applicant or a member of their prospective household:
- (i) is clearly settled in the area, e.g. having lived in the county borough, by choice, for either six months out of the last 12 months or for three years out of the last five years;
  - (ii) has family living in county borough, e.g. parent(s), children, brother(s) or sister(s), grandparent(s) or grandchildren and foster carer(s) or legal guardian(s);
  - (iii) has employment in the county borough;
  - (iv) has special circumstances:
    - a. to be near specialist medical or support services that are only available in the county borough;
    - b. to provide medium or high level support, as defined by the Council, to a family member as outlined in point (ii);
  - (v) is a serving member of the British Armed Forces or who was serving in the British Armed Forces at any time in the five years preceding their application for housing, and has previously lived in the county borough;
  - (vi) who is a bereaved spouse or civil partner of someone who has served in the British Armed Forces, where:
    - (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner;
    - (ii) the death was wholly or partly attributable to their service; and
    - (iii) either the bereaved spouse or civil partner of the deceased service person was a former resident of the county borough.



- (vii) is a serving member or former member of the British Reserve Forces who has been affected by a serious injury, medical condition, or disability which is wholly or partly attributable to their service, and has previously lived in the county borough.
- (viii) has been provided with accommodation in the county borough under [s.95 of the Immigration and Asylum Act 1999](#), unless paragraphs (v) a or b apply of Annex 7 of the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness.

2.35 For the purposes of determining residential criteria, living in county borough will not include the following:

- (i) occupation of a mobile caravan, other than on a residential caravan site, as determined by the Council;
- (ii) occupation of a motor caravan that is not permanently sited on a residential caravan site;
- (iii) occupation of a holiday let which includes a hotel;
- (iv) living in bed and breakfast accommodation, unless placed there by the Council in pursuance of its homelessness duties ; or
- (v) occupation of a permanent building whilst on holiday.

2.36 Applicants currently living outside of the county borough who satisfy the criteria in paragraph 2.34 (ii) will be placed in band 3 irrespective of an award of preference unless exceptional circumstances exist, e.g. a person needs to live in a specific area to provide or receive support from family, and that accommodation is not realistically obtainable in that area with family, friends or in the private rented sector.

2.37 Applicants currently living outside of the county borough who satisfy the criteria in paragraph 2.34 (iii) will be placed in band 3 irrespective of an award of preference unless exceptional circumstances exist, e.g. a person's employment cannot be sustained without living in the area. Factors to be taken into consideration include nature and type of employment, the person's current address, availability and accessibility of public or private transport.

2.38 Those applicants who do not satisfy the residential criteria but are currently living in the borough by virtue of the fact that they are fleeing domestic abuse, hate crime, anti-social behaviour etc. will be referred to the homelessness team for assessment before a decision to award any preference is made.

- 2.39 The Council may choose to waive the residential criteria where the applicant or member of their prospective household is unable to establish a local connection with any area in the United Kingdom.
- 2.40 All applicants where residential criteria cannot be established to the satisfaction of the Council, irrespective of whether or not they would be awarded reasonable preference or additional preference, will be placed in Band 3, subject to the criteria set out in paragraph 3.41.

#### Applications from Owner-Occupiers

- 2.41 All applications received from owner-occupiers will be assessed in accordance with the following criteria, taking into consideration any financial resources (see paragraphs 2.47-2.53):
- (i) Applicants with no reasonable or additional preference, who are adequately housed and/or with the financial resources to meet their own housing needs will be admitted to the common housing register but will not be considered for housing until such a time as they have sold their home. Such applicants will be placed in Band 3. The effective date of registration will be from when the home is sold.
  - (ii) Applicants with a reasonable or additional preference but who are adequately housed and/or with financial resources to meet their needs will be placed in the band that matches their need. However, they will not be considered for housing until such a time as they have sold their home. The effective date of registration will be from when the home is sold.
  - (iii) Applicants with a reasonable or additional preference who are not adequately housed and do not have the financial resources to meet their own needs will be placed the band relevant to their reasonable preference. Applicants with no reasonable or additional preference will be placed in Band 3.
- 2.42 In relation to paragraph 2.41 (i) and (ii), sold means contracts have been exchanged between all concerned parties.
- 2.43 The Council may choose not to apply this criteria where the applicant or a member of their prospective household:
- (i) requires retirement housing and satisfies the age criteria of the preferred landlord;
  - (ii) for owner-occupiers not requiring retirement housing where there is an imminent and evidenced threat that the home will be repossessed by the lending institution because of non-payment of mortgage and the only way to prevent homelessness from occurring is to lift the suspension on the application and actively

consider the applicant for social housing. The application will only be made active following a recommendation to the Council from a homelessness officer. In such instances paragraphs 2.47-2.53 will still apply.

- (iii) is disabled (as defined by the Equality Act 2010) and has an assessed need for accessible housing. In addition, their current property will need to have been assessed by the Council as being unsuitable for their needs and cannot be made suitable due to cost (of the adaptation and/or to the individual to meet the means test for Disabled Facilities Grants), structural difficulties or the property cannot be adapted within a reasonable amount of time; or
- (iv) has a severe mental health problem and their property is deemed likely by the Council to give rise to an imminent risk of harm and they do not have the financial means to carry out essential repairs.

2.44 All instances listed in points (i)-(iii) above, an assessment will be carried out to verify the circumstances in accordance with the criteria set out in section 7 of this policy.

2.45 The Council may also choose not to apply the criteria set out in paragraph 2.41 (i) and (ii) where a landlord has a property in a low demand area that has been classified as hard to let. In all other instances the criteria in 2.41 will stand.

2.46 Where the Council chooses not to apply the criteria and the applicant is actively considered for housing by a housing association before their property is sold, the landlord will only grant an assured shorthold tenancy until the property is sold. Upon confirmation of sale, the landlord will grant an assured tenancy. Those actively being considered by the Caerphilly Homes will be required to sign an addendum to their tenancy agreement.

#### Financial Resources

2.47 When assessing an application due regard will be given by the Council to the level of financial resources available to the applicant or a member of their prospective household, which would enable them to meet their own needs either through homeownership or renting privately. For the purpose of this policy, financial resources are defined as all household income, capital assets and savings, irrespective of where in the world they may be situated/held.

2.48 Households whose gross income, from all sources, exceeds £50,000 per annum and/or whose capital assets or savings exceed £50,000 may be admitted onto the common housing register. However, they will not actively be considered for housing until their financial resources

no longer exceed the stated limits, irrespective of whether or not the applicant has been awarded reasonable or additional preference. The effective date of registration will commence from when the level of financial resources drops below the permitted limit.

- 2.49 The policy in relation to financial resources will be disregarded where the applicant requires retirement housing, in accordance with paragraphs 5.25-5.28. The policy will not be applied to those people applying for an intermediate product (low cost home ownership or intermediate renting), where separate criteria apply.
- 2.50 The following payments will be disregarded from the financial assessment:
- (i) lump sums, on-going pensionable awards and/or Guaranteed Income Payments received by a member of the British Armed or Reserve Forces as compensation for an injury, medical condition or disability whilst sustained on active service. This includes sums received from the War Pensions Scheme and the Armed Forces Compensation Scheme.
  - (ii) compensation payments received by victims of crime or through personal injury claims.
  - (iii) Benefit payments designed to help people with the extra costs caused by ill-health or disability including but not limited to:
    - Personal Independent Payments;
    - Disability Living Allowance;
    - Attendance Allowance; and
    - Forces Independence Payment.
- 2.51 The criteria set out in paragraph 2.48 may be waived for disabled people who require adapted accommodation classified as A1 or A2 (see Appendix 7). This will be subject to a recommendation from the occupational therapist (housing).
- 2.52 The criteria set out in paragraph 2.48 may be waived where paragraphs 4.7-4.11 apply (management discretion).
- 2.53 The Housing Assessment Panel will consider all cases where the criteria in paragraph 2.48 needs to be waived.

#### No Fixed Address

- 2.54 Applicants who are of no fixed address (NFA) can apply for housing. However, before the Council can complete an assessment of their circumstances, they will be required to provide relevant proof to verify their status:

- (i) where unemployed the applicant will be required to provide confirmation from Job Centre Plus, either a 'NFA 1 document' or the equivalent;
- (ii) where employed the applicant will be required to provide confirmation from their employer; or
- (iii) where self employed the applicant will be required to provide confirmation from the HM Revenue & Customs or a chartered accountant.

Where required, advice and support will be provided by the Council to assist the applicant to confirm their address status.

- 2.55 In addition, as part the Council's homelessness prevention work, all applicants registering for housing who are NFA will be referred to the Council's homelessness team, if they have not previously been referred.
- 2.56 Where an applicant is homeless and unable to provide relevant proof or is not willing to be referred to the homelessness team, an assessment of their circumstances will be carried out on the basis of the accommodation where they are known to frequent the most or their last known accommodation.

### **3. How Priority is Determined**

- 3.1 This section sets out in detail the Council's priorities for rehousing applicants and the qualifying criteria used to award priority to applicants with a defined housing need.

#### Reasonable Preference

- 3.2 The allocation scheme has been designed to ensure that reasonable preference is given to all of the following categories of people, as set out in s.167(2ZA) of the Housing Act 1996:
- (i) people who are homeless (within the meaning of Pt II of the Housing (Wales) Act 2014);
  - (ii) people who are owed a duty by the local authority under section 66, 73 or 75 of the Housing (Wales) Act 2014;
  - (iii) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
  - (iv) people who need to move on medical or welfare grounds including grounds relating to disability, and
  - (v) people who need to move to a particular locality in the district of the Council, where failure to meet that need would cause hardship (to themselves or to others).

#### Additional Preference

- 3.3 This policy has been framed in accordance with s.167(2) of the Housing Act 1996, thereby giving additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs. Examples of people to whom the Council will consider giving additional preference within the policy include:
- (i) those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including:
    - victims of domestic or other abuse;
    - victims of hate incidents; and
    - 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.
  - (ii) 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.
- (iii) 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;
- (iv) 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 British Armed Forces;
- (v) people needing accommodation as a result of leaving the British Armed Forces and the loss of military accommodation; and
- (vi) 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.

#### The Priority Banding Scheme – Criteria

- 3.4 This policy operates a needs-based, time and date ordered, banding system as described below. A summary of the bands and criteria can be found in Appendix 1. The bands have been devised to reflect a range housing needs in the county borough, from high to low. Therefore, those being assessed as eligible and in greatest need of housing will be placed in the highest band, subject to satisfying residential criteria (see paragraphs 2.33-2.40).

#### Band 1: Urgent Need to Move – Reasonable Preference PLUS Additional Preference

##### *Medical & Welfare Grounds: hospital discharge*

- 3.5 Additional preference may be awarded by the Council to those people who have:
- (i) somewhere to live on leaving hospital but it is unsuitable for their needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time.

- (ii) nowhere at all to live when they leave hospital may qualify for Band 1 if the need to move is urgent, as assessed by the Council, and all other reasonable housing options have been explored.

For points (i) and (ii) above, the Occupational Therapist (Housing) and/or the Mental Health Assessor will carry out an assessment of the need to move and, where applicable, make a recommendation to the Council on the type and size of accommodation required.

*Medical & Welfare Grounds: emergency medical or disability*

- 3.6 Additional preference will be awarded where, upon assessment, the Council is satisfied that either the applicant or member of their prospective household:

- (i) is currently receiving palliative care and urgently requires rehousing to facilitate the on-going provision of this care;
- (ii) has a life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care;
- (iii) health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation;
- (iv) is disabled and, as a direct result of the limitations posed by the current property, are unable to carry out day-to-day activities or access facilities inside or outside their home. The award of additional preference will not be made where it has been assessed by the Council that rehousing would not facilitate a reduction in the limitations identified; or
- (v) overcrowding in their current property leaves them at risk of infection, e.g. is suffering from late-stage or advanced HIV infection.

- 3.7 For points (i)-(v) above, the Council will undertake an assessment of an applicant's or a member of their prospective household's need to move and the type of accommodation required. Such assessments will take into consideration all supporting information and will be carried out in accordance with paragraphs 7.6-7.13.

*Medical & Welfare Grounds: release of adapted property*

- 3.8 Additional preference may be awarded where:



- (i) a social housing tenant living in the county borough no longer requires the adaptations in their current home and by moving will free up an adapted property which is capable of meeting the needs of a disabled person waiting for accommodation or, without significant expense, could be adapted to meet the needs of a disabled person.

This award may still be valid if the applicant requires adaptations, provided that the adaptations required are substantially different from those in their current home, as assessed by the Council.

*Medical & Welfare Grounds: domestic abuse, violence or harassment*

- 3.9 Additional preference will be awarded by the Council, where upon consultation with the relevant agencies, it is satisfied that the applicant or member of their prospective household is:

- (i) a high-risk victim of domestic abuse, who is subject to a MARAC (Multi Agency Risk Assessment Conference), as part of an agreed safety plan for high-risk victims; or
- (ii) suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that it is not safe for them to remain in their present home/locality.

Prior to the award being made, the Council will liaise with the relevant agencies to ensure that the threat of domestic abuse, violence or harassment would be significantly reduced via rehousing.

*British Armed Forces: former member, serious injury or loss of military accommodation*

- 3.10 An award of additional preference will be made to the following categories of people who:

- (i) left the British Armed Forces or British Reserve Forces within the last 5 years. In extenuating circumstance the Council may consider extending the 5 year period. In such instances a report would be presented to the Housing Assessment Panel for consideration;
- (ii) are serving members of the British Armed Forces or British Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of service; or
- (iii) are bereaved spouses and civil partners of members of the British Armed Forces leaving services family accommodation following the death of their spouse or partner.

*Insanitary Housing Conditions: unsatisfactory housing conditions in the private sector*

3.11 Additional preference will be awarded to applicants:

- (i) that currently occupy a property where there is a statutory requirement to vacate due to a Demolition Order, Prohibition Order or clearance area (either by agreement or via compulsory purchase).
- (ii) whose living conditions pose an immediate threat to life or serious injury, as determined by an environmental health officer of the Council, and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable. However, if the issues are remedied before the applicant is re-housed, and the environmental health officer determines that no threats remain, the award will be rescinded.

*Medical & Welfare Grounds: serious threat to a child*

3.12 Additional preference will be awarded to an applicant where:

- (i) it has been established by the Council that a serious threat to the well-being of a child exists and that their accommodation is a contributory factor to the risk. These are cases where the Council can confirm that there is an urgent need to move to mitigate the risk to the child.

The award will only be made upon production of a satisfactory report from child's social worker supporting the requirement to move. The report will need to be countersigned by relevant the Social Services service manager.

Homeless with a duty to secure or owed a duty as a result of violence or threats of violence

3.13 Additional preference will be awarded to an applicant who is deemed by the Council to be:

- (i) in priority need and are owed a s.75 duty under the Housing (Wales) Act 2014.
- (ii) 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; and

- 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.
- 3.14 Applicants awarded additional preference under the criteria set out in paragraph 3.13 will be given one suitable offer of accommodation, as defined by s.59 of the Housing (Wales) Act 2014. If the offer is refused the homelessness duty will be ended and the reasonable preference award will be removed (s.84 of the Housing (Wales) Act 2014).
- 3.15 Where the award of additional preference is removed the application will be reassessed by the Council and placed in the band that reflects the newly assessed needs of the applicant. The applicant may receive up to two further offers of accommodation, under the criteria set out in paragraphs 5.2-5.9, providing the 3 offer limit has not been exceeded, before their application is suspended for 12 months.
- 3.16 Applicants have the right to request a review of the decision to discharge the duty owed by the local authority under s.85 of the Housing (Wales) Act 2014. Reviews must be submitted in writing to the Council within 21 calendar days of the applicant receiving notification (see paragraphs 7.41-7.46). Applicants who accept an offer of accommodation made to them retain the right to request a review of the suitability of the accommodation.

*Medical or Welfare Grounds: move on from supported accommodation*

- 3.17 Additional preference will be awarded to an applicant who is determined by the Council to be ready for independent living:
- (i) on the recommendation of the Young Persons Accommodation Officer or equivalent, is ready to move on from supported living in the county borough to independent housing and due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being.

Before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding.

- 3.18 If an application for housing is made before it has been determined by the Council that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will be placed in Band 1 and immediately suspended. The applicant will be able to request a review of the suspension via the criteria set out in paragraphs 7.36-7.42.

### *Exceptional Circumstances – Management Discretion*

- 3.19 An award of additional preference will be made where:
- (i) due to highly exceptional and significant circumstances, an applicant needs to move urgently and the only way to expedite a move is through the use of management discretion (paragraphs. 4.7-4.11).
- 3.20 In such circumstances, the Council will prepare a report for consideration by the Housing Assessment Panel. Should the Panel be satisfied that highly exceptional and significant circumstances exist and the need to move is urgent and could not be facilitated through normal means, then the applicant will be awarded reasonable preference with additional preference and placed at the top of Band 1, irrespective of waiting time.

### *Extreme Financial Hardship – Welfare Reform*

- 3.21 An award of additional preference will be made where the applicant is:
- (i) under-occupying a social rented property in the county borough and is suffering extreme financial hardship, as a direct result of welfare reform, and is prepared to downsize to a more suitable property with fewer bedrooms.
- 3.22 The responsibility for undertaking a financial assessment lies with the relevant landlord, who will liaise directly with the Council. The decision to award additional preference lies solely with the Council and will be considered on a case-by-case basis. The award will only be made where the applicant is prepared to move to a more suitable property with fewer bedrooms, which thereby contributes to the alleviation of the financial hardship.

### Band 2: Need to Move – Reasonable Preference

#### Homeless or Threatened With Homelessness

- 3.23 Reasonable preference will be awarded to an applicant who is deemed by the Council to be:
- (i) homeless within the meaning of Part 7 of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014;
  - (ii) owed a duty by a local authority under sections 66 and 73 of the Housing (Wales) Act 2014 or
  - (iii) owed a duty by a local authority under section 190(2), 193 (2) or 195(2) of Part VII of the Housing Act 1996 or who are occupying

accommodation secured by any local authority under section 192(3).

- 3.24 Applicants awarded reasonable preference under the criteria set out in paragraph 3.23 will be given one suitable offer of accommodation, as defined by s.59 of the Housing (Wales) Act 2014. If the offer is refused the homelessness duty will be ended and the reasonable preference award will be removed (s.84 of the Housing (Wales) Act 2014).
- 3.25 Where the award of reasonable preference is removed the application will be reassessed by the Council and placed in the band that reflects the newly assessed needs of the applicant. The applicant may receive up to two further offers of accommodation, under the criteria set out in paragraphs 5.2-5.8, providing the 3 offer limit has not been exceeded, before their application is suspended for 12 months.
- 3.26 Applicants have the right to request a review of the decision to discharge the duty owed by the Council under s.85 of the Housing (Wales) Act 2014. Reviews must be submitted in writing to the Council within 21 calendar days of the applicant receiving notification (see paragraphs 7.43-7.48). Applicants who accept an offer of accommodation made to them retain the right to request a review of the suitability of the accommodation.

*Insanitary Housing Conditions: unsatisfactory housing conditions in the private sector where there is one or more Category 1 hazards (excluding overcrowding).*

- 3.27 Reasonable preference is awarded to an applicant:
- (i) where an environmental health officer from the Council has determined that a private sector property (owner-occupied or tenanted) contains one or more serious Category 1 hazards, as defined by the [Housing Health & Safety Rating System](#). The awarded is made in respect of a significant risk to the health and well-being of the occupant(s), and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable for that situation; or
  - (ii) who lives in a House in Multiple Occupation, where a Suspended Prohibition Order is operative due to the lack of facilities and amenities for the number of occupants.
- 3.28 With regards to points (i)-(ii) above, if the Council is subsequently satisfied that all serious Category 1 hazards have been remedied the reasonable preference award will be rescinded.

*Under-Occupancy Grounds: under-occupying a social rented property*

- 3.29 Reasonable preference will be awarded to an applicant:

- (i) where they are under-occupying a social rented property in the county borough, are suffering financial hardship, as a direct result of welfare reform, and are prepared to downsize to a more suitable property with fewer bedrooms.

In cases of extreme financial hardship, following assessment, an applicant may be awarded additional preference (band 1). The responsibility for undertaking a financial assessment lies with the relevant landlord, who will liaise directly with the Council. The decision to award additional preference lies solely with the Council and will be considered on a case-by-case basis.

- (ii) who is regarded by the Council as an older person who is living in a social rented property in the county borough and wishes to downsize from 2, 3, 4 or 5 bed family accommodation to retirement housing, where there is an identified need for the accommodation they will be vacating.

By older person we mean 60 years plus for those applicants requesting Caerphilly Homes or Wales & West housing association accommodation only, and 55 years plus for those people requesting accommodation with the other landlords, unless age dispensation is applied (see paragraphs 5.25-5.28). Applicants requesting rehousing with both types of landlord will need to meet the specific age criteria with the relevant landlord to be eligible for the award.

*Acute Overcrowding: as defined by the bedroom standard.*

3.30 Reasonable preference will be awarded to an applicant who:

- (i) the Council is satisfied is overcrowding their current accommodation by 2 or more bedrooms. For the purpose of this policy, overcrowding is defined by Department for Work & Pensions 'bedroom standard' (see Appendix 3). The assessment of overcrowding will be undertaken by the Council.

Reasonable preference will not be awarded to facilitate a move on a like for like basis.

3.31 Applicants who are determined by the Council to have either caused or exacerbated overcrowding by allowing family member(s) or other(s) to move into their property, after taking into consideration any cultural requirements, will not be awarded reasonable preference under this category – see paragraphs 6.33-6.38.

*Medical Grounds: where housing conditions exacerbates a serious medical condition or disability.*

- 3.32 Reasonable preference will be awarded for an applicant or member of their prospective household requiring accessible or adapted housing where upon assessment by the Council is it identified that:
- (i) the current accommodation directly exacerbates a recognised medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person. The award of reasonable preference will only be made where it has been assessed by the Council that rehousing would facilitate an improvement in wellbeing, taking into consideration all relevant supporting information.

*Medical & Welfare Grounds: child protection*

- 3.33 Reasonable preference will be awarded where:
- (i) there are children that are part of the application, who need to move and their accommodation has been assessed by the Council as being a contributory factor to the risk to the child.
- 3.34 The award will only be made where:
- (i) there is a child protection plan in place; and
  - (ii) a report from the child's social worker supports the need to move, with rehousing being an important factor to the ongoing welfare of the child. The report will need to be countersigned by the relevant Social Services team manager.

*Medical & Welfare Grounds: domestic abuse, violence or harassment.*

- 3.35 Reasonable preference will be awarded to an applicant who:
- (i) needs to move due to domestic abuse, violence or harassment, where it has been assessed by the relevant agencies they are not in any immediate danger.

- 3.36 An assessment of an applicant's need to move will be made by the Council, who will liaise with the relevant organisations.

*Medical & Welfare Grounds: hardship grounds*

- 3.37 Reasonable preference will be awarded where an applicant:
- (i) needs to move to a particular locality within the county borough, where failure to meet that need would cause hardship (to themselves or to others). The Council will only award priority on

hardship grounds in exceptional circumstances. It will be for the applicant to reasonably demonstrate to the Council's satisfaction that hardship would occur if they were not to be awarded priority.

3.38 For the purpose of this award, hardship relates to the need to move:

- (i) to take up or continue an employment opportunity not available elsewhere in the borough. Applicants will only be considered for this award where they do not live within a reasonable commuting distance of their place of current or prospective employment, taking into consideration their ability to use and the availability of public/private transport. The applicant will be required to provide the Council with confirmation of employment details from their employer;
- (ii) to be near relatives to give or receive support. The level and nature of the support will need to be substantial and ongoing, and must be related to a disability, severe mental health or medical condition or welfare issue. Additionally, it will need to be proven why the support cannot be provided using either public or private transport; or
- (iii) to gain access to healthcare and/or social services care. An award will be made where the applicant is able to demonstrate that they need to move to access healthcare and/or social services care, and cannot be reasonably be expected to use or there is no access to public or private transport, including provision put in place by the healthcare facility or social services.

*Medical or Welfare Grounds: move on from a residential care setting*

3.39 Reasonable preference will be awarded to an applicant who have been assessed by the Council as:

- (i) needing to move on from a residential care setting in the county borough and is regarded by the Young Persons Accommodation Officer or equivalent as being vulnerable with a high level of housing need. To be eligible for this award they must be an "Eligible Child", as defined by the [Children \(Leaving Care\) Act 2000](#), and be a young person at risk.

3.40 If an application for housing is made before it has been determined by the Council that the individual is ready for independent living, taking into account information from the applicant's support worker and/or other agencies, the application will be placed in Band 2 and immediately suspended. The applicant will be able to request a review of the suspension via the criteria set out in paragraphs 7.36-7.42.



Band 3: Wants to Move – No Reasonable or Additional Preference, or Reasonable or Additional Preference & No Local Connection

- 3.41 All other categories of applicant not covered in Bands 1 or 2 will be placed in Band 3, this will include:
- (i) applicants who do not qualify for Reasonable Preference or Additional Preference but who would like to move to alternative accommodation, irrespective of whether or not they have a local connection;
  - (ii) applicants who qualify for Reasonable Preference or Additional Preference but are regarded by the Council as not having a local connection (see paragraphs 2.36-2.37); and
  - (iii) all other applicants as specified by this policy.

Administration Of The Priority Banding Scheme

- 3.42 Entry into the bands is upon assessment only, which will be undertaken by the Council. Applicants will be placed in a band that matches their assessed needs. Applicants are then ranked in bands by time and date order.
- 3.43 Where an applicant with an award of reasonable or additional preference fails to satisfy the residential criteria the application will be placed in Band 3 (see paragraph 2.33-2.40).
- 3.44 Applicants may move up or down bands to reflect a change in their circumstances. Applicants moving up a band will have the effective date of registration reset to the date when the change in circumstances occurred. Applicants moving down a band will retain their original, effective date of registration (see paragraphs 6.13-6.18).
- 3.45 When a property becomes available to let, landlords will normally allocate the property to the person at the top of the list, who best matches the property and/or household size criteria. However, in certain circumstances, which are outlined in this policy, landlords may be required to bypass an applicant (see Appendix 2). Reasons for bypassing must be recorded and the Council will monitor these to ensure compliance with the policy.
- 3.46 The Council reserves the right to suspend an application on the common housing register where the applicant, or a member of their prospective household, has deliberately worsened their circumstances in order to increase their priority for housing (see paragraphs 6.34-6.37). In such circumstances, a referral will be made to the Housing Assessment Panel for consideration and determination of the action that may be taken (see paragraphs 7.36-7.42).

## **4. How Accommodation is Allocated**

- 4.1 This section outlines the choices and preference applicants may express when registering for housing, discretion that the Council may use when prioritising applicants for housing and additional rules that the Council may implement to promote balanced and sustainable communities.

### Choice & Preferences

- 4.2 Under s.167 (1A) of the Housing Act 1996, this policy must include a statement on the Council's policy of offering eligible applicants a choice of accommodation or the opportunity to express preferences about housing accommodation to be allocated to them.
- 4.3 Against a backdrop of high levels of housing need, insufficient availability of accommodation to meet this the Council wishes to provide applicants with a wide range of choice over the preferences they can make over their housing. All applicants will, therefore, subject to criteria applied by each individual landlord (see Appendix 4), be able to express a choice of:
- landlord;
  - property type;
  - bedroom count, and
  - location.
- 4.4 Although, in the interests of community safety, the level of choice an applicant can express, as outlined in paragraph 4.3, may be restricted by the Council (see paragraphs 7.17-7.22).
- 4.5 The landlords provide housing in most parts of the county borough, although, the landlord, type and size of housing may vary from area to area. Applicants will be able to specify their locational preferences into the predefined housing areas. They will not normally, unless extenuating circumstances apply, for example a disability, medical condition or welfare requirement to be near to family or support networks to receive or provide support, be able to restrict their choices to street or property level. The Council will consider such requests.
- 4.6 Information on the social housing stock, including location, type and availability, will be provided to applicants as part of the application process and can also be found on the landlords' websites.

### Management Discretion

- 4.7 From time-to-time, there may be occasions where, due to highly exceptional and significant circumstances, an applicant needs to move urgently and the only way to expedite a move is through the use of

management discretion. Separate criteria apply to existing tenants of landlords party to this policy requiring a transfer of tenancy – see Management Transfers (paragraphs. 8.2-8.4).

- 4.8 In such circumstances, the Council will prepare a report for consideration by the Housing Assessment Panel. Should the Panel be satisfied that highly exceptional and significant circumstances exist and the need to move is urgent and could not be facilitated through normal means, then the applicant will be awarded with additional preference and placed at the top of Band 1, irrespective of time and date order.
- 4.9 Instances where the Panel may apply its discretion include:
- (i) threat to life;
  - (ii) emergency cases where the applicant's home is damaged by fire, flood or other disaster where it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life;
  - (iii) where on the advice of the police, the applicant requires rehousing immediately due to serious threats to one or more members of their household, or whose continuing occupation would pose a threat to the community;
  - (iv) where an applicant has an exceptional need that is not covered by this policy; and
  - (v) other exceptional circumstances as approved by the Panel.
- 4.10 Applicants awarded priority through management discretion will be made one reasonable offer of accommodation only, taking into consideration the needs of the applicant and members of their prospective household. In order to facilitate the move the Council may choose to disregard any of the preferences expressed by the applicant in paragraph 4.3. An unreasonable refusal of the offer will result in the award of preference being removed and the applicant being returned to their original place on the common housing register, subject to the criteria relating to refusal of offers.
- 4.11 All instances where management discretion is invoked and removed will be recorded and monitored by the Council to ensure that they do not disproportionately discriminate against particular groups of people.

#### Quota systems

- 4.12 The Code of Guidance for Local Authorities on the Allocation of Accommodation & Homelessness (2015) allows the Council to introduce quota systems for particular groups of people to meet its wider strategic objectives of creating sustainable and balanced

communities. The local authority and participating organisations have decided against the use of quotas during the first year of operation of this policy. However, it reserves the right to introduce a quota system to ensure that the policy continues to meet its statutory obligations. Any future quota system will be agreed and reviewed by the Council in partnership with participating organisations. An equality impact assessment will be undertaken prior to introducing a quota system and, where applicable, upon the review of an existing quota system.

#### Local Letting Policies

- 4.13 Section 167(2E) of the Housing Act 1996 provides the statutory basis for local lettings policies. This section of the Act allows the Council to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall it is able to demonstrate compliance with its statutory requirements.
- 4.14 The following are examples of local letting policies that may be deployed under the common allocation policy. The list is for illustrative purposes and is not exhaustive:
- (i) Age restrictions;
  - (ii) Prioritising applicants seeking a transfer who have a positive tenancy history with no rent arrears and exemplary behaviour;
  - (iii) Policies that are geared towards encouraging applicants who work or volunteer to live in an area where for example there may be an area, or street with high numbers of working age households not in work;
  - (iv) Prioritising applicants who are key workers as defined by the Council;
  - (v) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block;
  - (vi) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block;
  - (vii) Disregarding household type or property matching rules to allow for example under-occupation to reduce child density or to account for future family growth; and
  - (viii) Ensuring that there is a balance of working and non-working households allocated to a new build scheme.

- 4.15 All local lettings policies will be monitored by the Council to ensure that overall this policy operates to give reasonable preference for allocations to applicants in the reasonable preference categories (s.167(2) of the Housing Act 1996). This means that the policy may include other priorities, as determined by the Council, such as promoting job related mobility etc., providing that they do not dominate the allocations and overall, the policy operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not.
- 4.16 The Council and the landlords will agree the areas, estates, blocks or streets where a local letting policy may be appropriate and why.
- 4.17 There must be a clear evidence base for adopting a local lettings policy. A panel of at least 3 partners to the common allocation policy will agree each local lettings policy. One member of the panel must be the Council and one must be the landlord wishing to deploy a local lettings policy.
- 4.18 The panel will agree whether a local letting policy is appropriate based on the following test:
- (i) That there is a clear definition of the objective to be achieved by that particular local lettings policy;
  - (ii) That there is a clear evidence base to back up the need for a local lettings policy;
  - (iii) That any potential equality impact has been considered (see paragraph 4.20);
  - (iv) How long the local lettings policy is intended to operate; and
  - (v) When the policy should be reviewed (see paragraph 4.21).
- 4.19 The Council will keep a written record of each adopted or rejected local lettings policy. All current policies will be listed as an appendix to the online version of the common allocation policy so that the public can see which policies are in operation at any point in time.
- 4.20 Prior to being implemented and upon review, all local lettings policies will need to be equality impact assessed to ensure they do not discriminate against any of the protected characteristics listed in the [Equality Act 2010](#).
- 4.21 The Council and the relevant landlord, will monitor each local lettings policy to ensure that they are effective and are meeting their intended outcomes. They must be reviewed regularly, at predefined timescales, so that they can be revised or revoked where they are no longer

appropriate or necessary. A decision to extend a local lettings policy can only be made by the panel.

#### Annual Lettings Plans

- 4.22 The Council will periodically monitor all allocations made under this policy to ensure that it continues to meet its statutory obligations and its wider strategic objective of creating sustainable and balanced communities. It has agreed with participating organisations against using an annual lettings plan in the first year of operation of this policy. However, it reserves the right to introduce an annual lettings plan where it is found that the policy may not be meeting its statutory obligations or strategic objective.
- 4.23 Annual lettings plans will utilise the monitoring information to establish the percentage of lettings to be made to applicants within each band in the following year. Where applicable, the Council may choose to prepare them annually and will closely monitor all lettings made against the targets. Landlords will be expected to allocate their properties in-line with the plan to ensure that targets are achieved. The Council and participating organisations will publish all lettings plans on their websites.

## **5. How Offers Of Accommodation Are Made**

- 5.1 This section outlines how offers of accommodation will be made and an applicant's right to refuse an offer. It also sets out the criteria used to determine household property requirements and accessible housing.

### Offers & Refusals

- 5.2 The Council has a statutory duty to determine the policy on offers and refusals, taking into account choice and preference options. Accordingly, it will closely monitor all offers made by the landlords and, where applicable, the reasons for refusals.
- 5.3 All applicants are entitled to receive 3 offers of accommodation based on the preferences they express on their application, e.g. landlord, property size and type, and area.
- 5.4 All offers of accommodation that are made in accordance with the stated preferences which are subsequently refused by the applicant, without justification, will be regarded by the Council as an unreasonable refusal. Upon the third unreasonable refusal, the application will be suspended for 12 months, effective from the date of the third refusal. In order to minimize the number of applicants being suspended, after each refusal, the Council will provide the applicant with advice and assistance to help them refine their preferences.
- 5.5 Applicants owed a homelessness duty by the Council under section 66, 73 or 75 of the Housing (Wales) Act 2014 will be given one offer of suitable accommodation under this legislation. If the offer is refused, and the homelessness duty is ended (s.193(2) of the Housing Act 1996 or the relevant section of the Housing (Wales) Act 2014 the applicant has the right to request a review of this decision under s.85 of the Housing (Wales) Act 2014 within 21 days from the date of the original notification of the decision. Where the homelessness duty is ended, the Council will automatically remove the preference awarded for homelessness. The application will be reassessed and the applicant will be placed in a band that reflects their newly assessed need. The applicant may receive up to two further offers under Pt VI of the Housing Act 1996, in accordance with the criteria set out in paragraphs 5.2-5.9, providing that the 3 offer limit has not been exceeded, before their application is suspended.
- 5.6 All offers of accommodation will be made formally and will be subject to the necessary pre-tenancy checks, which will be carried out at or before the point of offer, to verify that the applicant's circumstances have not changed as to affect their eligibility and/or priority to receive the offer. For social housing tenants living in the county borough, a property inspection will be undertaken and a tenancy reference provided prior to an offer of accommodation being made. For social

housing tenants living outside of the county borough and all private rented sector tenants, a tenancy reference will be requested.

- 5.7 In addition, some landlords will undertake an affordability assessment with the applicant(s) prior to them making an offer of accommodation. However, for applicants wanting to be rehoused by a housing association only, where the assessment identifies an affordability issue the housing association may choose to withdraw the offer (see paragraphs 5.13-5.16). In such instances, the offer will not be counted as an unreasonable refusal.
- 5.8 Applicants who refuse 3 offers of accommodation and are consequently suspended, have the right to request a review of this decision. A request for a review should be made in writing to the Council within 21 calendar days of receiving the notification letter, setting out the applicant's reason(s) for making the request. The Housing Assessment Panel will undertake the review.
- 5.9 Where the applicant is suspended for 12 months and there is a significant change in circumstances that materially affects the application, requiring the applicant(s) to be rehoused urgently, the Council will carry out a review of the application and send a report to the Housing Assessment Panel. Should the Panel decide to lift the suspension before the 12 month period expires the effective date of registration will be amended to the date the suspension was lifted. Any review of the Panel's decision will be carried out in accordance with the criteria set out in paragraphs 7.43-7.48.

#### Period for Considering an Offer

- 5.10 All offers of accommodation will be made in writing, using the applicants' preferred language and/or method of communication. Offers may be sent in the post or via email, depending on the personal choices specified at the point of application. Applicants will be allowed 3 working days from the receipt of the letter to make a decision about the offer of accommodation (see paragraph 5.11). When adhering to this timescale, landlords will need to take into consideration the personal circumstances of the applicant, which may include:
- (i) difficulty for an applicant who is working or has a child or other care commitments to make arrangements to view the property;
  - (ii) the property's distance from the applicant's current accommodation;
  - (iii) where acceptance of the offer would involve a child changing schools or create difficulties for members of the household maintaining work or training;



- (iv) need for advocate / support worker / health professional to be present at the viewing;
- (v) the availability / timings of essential furniture or public funding to enable the applicant to move; or
- (vi) the individual's circumstances, with consideration for individuals with protected characteristics as defined by the Equality Act 2010.

5.11 The deemed day of delivery is as follows:

- (i) 1<sup>st</sup> class post is the second day after it was posted;
- (ii) *2<sup>nd</sup> class post is the 4<sup>th</sup> day after it was posted;*
- (iii) For electronic methods, it is the second day after the day on which it was transmitted; and
- (iv) For hand delivery, it is the day after it was delivered.

5.12 Applicants not responding to an offer of accommodation within timescales set out within the offer letter, no less than 3 working days, will be deemed by the Council to have refused the offer, unless extenuating circumstance apply.

#### Withdrawal of Offers

5.13 In exceptional circumstances, a landlord may choose to withdraw an offer of an accommodation. This may be done at any stage before the tenancy agreement has been signed. Reasons for withdrawing an offer include but are not limited to:

- (i) where the property fails to become vacant;
- (ii) where the property is found to be unsuitable for the applicant's or a member of their perspective household's needs;
- (iii) where it comes to light that the applicant or a member of their perspective household has a property related debt (see paragraphs 2.25-2.32);
- (iv) in the interest of community safety or the safety of the applicant or a member of their perspective household (see paragraphs 7.17-7.22);
- (v) in relation to offences related to information given or withheld by either the applicant or a member of their perspective household (see paragraphs 6.19-6.24);

- (vi) where the applicant's or a member of their perspective household's circumstances change or new information comes to light, which either changes their priority, makes them ineligible for the property or makes them ineligible to appear on the common housing register;
  - (vii) where the landlord requires the property for an emergency reason;
  - (viii) where it is found that the landlord has made an offer in error;
  - (ix) where the applicant has been asked to provide supporting documentation by either the Council or the landlord and fails to do so;
  - (x) where following a financial assessment it is found that the applicant would not be able to fulfil their obligation to pay the rent; or
  - (xi) The applicant is a tenant of the social landlord making an offer and their property has failed the required tenancy inspection.
- 5.14 A decision by the landlord to withdraw an offer of accommodation will be made by a housing manager or equivalent.
- 5.15 Where an offer of accommodation is withdrawn, the landlord will write to the applicant explaining reasons for the withdrawal. The landlord will also notify the Council of all instances where an offer of accommodation is withdrawn so that reasons for withdrawal can be recorded and monitored.
- 5.16 A withdrawn offer will not be counted as an offer of accommodation for the purposes of the three offer rule. In instances where the applicant cannot satisfy the affordability criteria set down by the housing association and an offer of accommodation is withdrawn the applicant(s) will be contacted by the Council and provided with advice on alternative housing options.

#### Property Related Criteria

- 5.17 Unless a restriction is placed on an application (see paragraphs 7.17-7.22), applicants are able to express a preference for landlord, bedroom count and property type in accordance with the criteria set out by each landlord (see Appendix 4 and 5). In order to make the best use of the housing stock, the landlords may apply restrictions on who is eligible to be accommodated in certain property types and sizes.
- 5.18 Family designated accommodation (2, 3, 4 & 5 bedroom housing) is allocated by the landlords in accordance with the criteria set out in Appendix 4.

- 5.19 Household members who are temporarily living away from home, for example in Further Education or the British Armed Forces (Regular or Reserves), may be included as part of the application. However, the individual will need to confirm in writing to the Council that they wish to be re-housed with the household. Until such a time as the Council receives the written confirmation the application will be assessed as the individual not being part of the household.
- 5.20 Priority for accommodation designated by landlords as accessible, including bungalows, will be allocated to applicants who have been assessed by the Council as requiring such accommodation (see paragraph 5.29-5.32).
- 5.21 Expectant mothers who would be entitled to an additional bedroom on the birth of their child or children must provide a copy of their Maternity Certificate (MAT B1) to verify a pregnancy and confirm the expected week of confinement. Where proof is provided the application may be amended to reflect an increase in household size and the need for a larger property, subject to the household criteria applied by each landlord.
- 5.22 If the applicant or a member of their household is an approved foster carer with Caerphilly county borough council, one extra bedroom will be allowed under the household size criteria (see Appendix 4) for use by a foster child or children. If the applicant or a member of their prospective household ceases to be an approved foster carer or their approval is revoked at any stage before an offer of accommodation is made, the additional room entitlement will cease to apply.
- 5.23 In exceptional circumstances landlords may also choose to overlook the property related criteria so that they may take account of the specific needs of the household:
- (i) Where because of a disability or medical condition an applicant or member of their prospective household requires a specific size and type of accommodation. In such instances the requirement will need to have been recommended by either the Council's occupational therapist (Housing) or the Mental Health Assessor;
  - (ii) Where the applicant or a member of their household requires support from a carer who needs to sleep in the home and they cannot reasonably be expected to share a bedroom with another member of the household; and
  - (iii) For hard to let properties where no suitable applicants can be found who satisfy the relevant criteria.

For points (i) and (ii) above, a report will need to be submitted by the Council to the Housing Assessment Panel.

- 5.24 Many of the landlords party to this policy allocate their properties in strict accordance with the social size criteria. Therefore, an applicant who has overnight access to a child may not necessarily be allocated a property with an additional bedroom with one of these landlords. Although, for their low demand properties, these landlords reserve the right to overlook this criteria.

#### Age Related Criteria

- 5.25 All landlords apply minimum age related criteria to social housing designated as retirement housing (see Appendix 6). Applicants can only apply for this type of housing if they meet the criteria or are given special dispensation as outlined in paragraphs 5.26 and 5.28 below.
- 5.26 Age dispensation may be granted by the Council where:
- (i) an applicant or a member of their prospective household has a disability or medical condition and has been assessed by either the Council's occupational therapist (Housing) or the Mental Health Assessor as requiring retirement housing; or
  - (ii) the property has been deemed hard to let by the landlord and there are no suitable applicants on the common housing register in the required age range.
- 5.27 Requests for age dispensation for people:
- (i) aged less than 50 years old will be considered by the Housing Assessment Panel, unless paragraph 5.28 applies; and
  - (ii) aged 50 years old and over will be considered by the Council.
- 5.28 Requests for non-sheltered designated, retirement accommodation (A1 and A2 classifications only), irrespective of the age of household members, will be considered by the Council following a recommendation from the occupational therapist (Housing).

#### Accessible Housing

- 5.29 Accessible housing is a term given to properties which enable disabled people to live independently. These may be properties that have already had major adaptations carried out, are suitable for adaptation or through design are suitable with no additional adaptation works necessary, e.g. some properties built to [Design Quality Requirements](#). In order to address the severe shortage of such accommodation in the county borough, and thereby make best use of the social housing stock, priority for such accommodation will be given to people, who

have been assessed by the Council as requiring accessible accommodation.

- 5.30 In order to establish the requirement for accessible housing the Council may need to undertake an assessment of the housing needs of the applicant and prospective members of their household (see paragraphs 7.6-7.11). Following assessment a recommendation will be made by the occupational therapist (Housing) on the level of accessibility a property should have. The landlords must adhere to the recommendation when matching applicants to available properties.

Coding is used by the landlords as a means of identifying the degree of accessibility a property offers. This is primarily in relation to the access to and circulation within the property but also to the potential for the property to be adapted, e.g. stair lifts (see Appendix 8).

- 5.31 All properties owned and managed by the landlords should be coded to indicate the level of accessibility, either before becoming vacant or at the point it becomes vacant. When allocating accommodation, landlords will be required to ensure that disabled applicants or those with a medical condition requiring accessible or adapted accommodation are matched with a property that most closely meets their needs, taking into consideration the 'best match shortlisting criteria' (see Appendix 9).
- 5.32 Where a property has been coded as accessible or adapted, it may be necessary, in some instances, to overlook an applicant with a lesser requirement for such housing, irrespective of time and date order, to ensure a best match. This criterion will also apply to new build properties, which have been specifically designed to meet the needs of an individual applicant.

## **6. How to Make an Application**

- 6.1 The common housing register provides applicants with a single point of access to all social housing in the borough. This section sets out how applicants can apply for this housing.

### Who can Apply

- 6.2 Anyone aged 16 and over can apply if their current address is their only home, or sole residence, and they are not already registered on the common housing register on someone else's housing application.
- 6.3 In law, a minor cannot hold a legal estate in land. Therefore, if the applicant is aged between 16 and 17 years old, they may be required by their prospective landlord to provide details of a trustee and/or a guarantor before they can actively be considered for housing. The trustee/guarantor maybe an appropriate adult or a social worker. The Council will be able to provide advice to 16 and 17 year olds on trustees and guarantors to ensure that they are not prevented from accessing housing.
- 6.4 Applications from ineligible applicants will not be registered.

### Making an Application

- 6.5 Applications can be made either on-line, over the telephone or in person at designated locations across the county borough.
- 6.6 A home visit service will be provided:
- (i) in exceptional circumstances only, where the person is unable to use one of the methods listed in paragraph 6.5 due to infirmity, disability or vulnerability (see paragraphs 6.32-6.33); or
  - (ii) where a home visit is deemed necessary to clarify the circumstances of the applicant or a prospective member of their household.
- 6.7 All applications for housing must be made in accordance with this policy, using the standard form.
- 6.8 All applications for housing will be assessed by the Council in accordance with this policy and underlying procedures. The Council carries out this assessment to ensure that the applicant and members of the prospective household are eligible to be admitted to the common housing register, ascertain the level of preference they might receive and to take into consideration any other grounds that might materially affect their application.

### Housing Solutions Interview

- 6.9 Where an applicant has been initially assessed as having a housing need which places them in a reasonable preference category and, as a result, is placed in either Band 1 or 2, before their application is made active, they will be required to complete a housing solutions interview. The purpose of the interview is to ensure that those applicants, with either an urgent or fairly urgent need to move, are provided with good quality housing advice to enable them to make informed choices about their housing preferences. Once the interview has been undertaken, and providing there are no outstanding pieces of information required to enable the Council to complete its assessment, the application will be made active.
- 6.10 Those applicants assessed as being in Band 3 will not be required to complete a housing solutions interview at this stage, unless otherwise requested. Their applications will be made active immediately, providing the Council is in receipt of all the information it requires to complete its assessment.
- 6.11 All housing solutions interviews will be completed within 14 days of the application being submitted, unless there are circumstances beyond the control of the Council which prevents the interview from taking place. The date of the interview will have no bearing on the effective date of registration (see paragraphs 6.13-6.18).

### Notification of Registration

- 6.12 The Council will inform the applicant in writing of the following information when they are accepted onto the common housing register:
- (i) effective time/date of registration;
  - (ii) application reference number;
  - (iii) address details;
  - (iv) all people named in the application;
  - (v) the areas, property types and size that the applicant has selected and is entitled to;
  - (vi) the priority band and how it has been calculated; and
  - (vii) the landlord(s) they wish to be rehoused with.

### Time & Date of Registration

- 6.13 Priority within bands is determined by the length of time the applicant has been placed in that band. This may either be the time and date of registration or the time and date of entry into a priority band.
- 6.14 Where an applicant drops out of a priority band (Band 1 or 2) and into Band 3 their effective date will return to their original date of registration.
- 6.15 Where a new but incomplete application is made active (see paragraphs 6.25-6.28) and placed in Band 3 pending further information to verify an award of reasonable preference, the effective date will remain as the date of registration, irrespective of whether the award is subsequently made. Paragraphs 6.13-6.14 will apply for subsequent changes in priority.
- 6.16 Where a suspension on an application is lifted, then the effective date of registration will change to the date of when the suspension was lifted, except in the case of self-suspension (see paragraphs 6.39-6.41).
- 6.17 See paragraphs 2.41 (points i & ii) for the additional criteria applied to owner-occupiers.
- 6.18 To redress the disadvantage people who have served in the British Armed Forces often face when accessing social housing, the effective date of registration may be reset set to the date they joined the British Armed Forces in the following instances:
- (i) where an existing member of the British Armed Forces is likely to be homeless upon discharge;
  - (ii) where a British Armed Forces veteran applies for rehousing within 3 months of discharge and may be homeless or threatened with homeless within 56 days of submitting their application; or
  - (iii) in extenuating circumstances, and at the discretion of the Council, where a British Armed Forces veteran applies for rehousing beyond 3 months and up to 2 years from their date of discharge and are able to demonstrate that during this time they have been unable to establish stable accommodation.

### Criminal Records

- 6.19 In the interests of community safety, all applicants and members of their prospective household will be required to disclose any pending court cases or unspent criminal convictions. Where the information is disclosed the Council may seek further information to ascertain whether they are likely to be regarded as ineligible due to unacceptable



behaviour (see paragraphs 2.15-2.31) and/or pose a serious risk to a community where they might be rehoused (see paragraphs 7.17-7.22). The Council may also seek this information where it believes that the applicant or a member of their prospective household failed to disclose the required information.

- 6.20 Such requests for information will be carried out in accordance with paragraphs 9.8-9.11 and 7.5.

#### Offences Related to Information Given or Withheld by Applicants

- 6.21 Under Pt VI of the Housing Act 1996, the applicant or a member of their prospective household may commit a criminal offence if they:

- (i) knowingly or recklessly give false information; or
- (ii) knowingly withhold information which the Council have reasonably required the applicant to give.

The offence is punishable on summary conviction of a fine not exceeding level 5 of the standard scale of fines for summary offences.

- 6.22 Circumstances where the Council may choose to initiate criminal proceedings include:

- (i) any false information given in application for social housing;
- (ii) any false information given in response to subsequent review letters or other updating mechanisms; or
- (iii) any false information given or submitted by applicants during the proceedings of a review.

- 6.23 Where it comes to light that an applicant or a member of their prospective household may have committed a criminal offence in relation to paragraph 6.19, the application will be suspended whilst the Council carries out a full investigation of the circumstances. Where necessary a report surrounding the circumstances will be presented to the Housing Assessment Panel for consideration. Providing the applicant or member of their prospective household has not been deemed ineligible (see paragraphs 2.15-2.18), the Panel may choose to suspend the application for a period of up to but not exceeding 12 months, depending on the severity of the offence.

- 6.24 Where the applicant has been made either a full or provisional offer of accommodation, the landlord may choose to withdraw the offer and make a referral to the Council (see paragraphs 5.13-5.16). In such instances, the applicant will not actively be considered for housing, as per paragraph 6.22.

### Incomplete Applications

- 6.25 Incomplete applications may not be made active until such time as the Council is satisfied that it has in its possession all of the information it requires to complete its assessment. A checklist of the required information will be attached to the application form to assist applicants complete their applications quickly, without any undue delays.
- 6.26 Although, there may be occasions where an incomplete application can be made active. This will generally apply where an application is complete except for evidence to substantiate an award of preference. In such instances, at the applicant's request, the application may be made active and placed in Band 3 and considered for housing immediately.
- 6.27 An award of preference will not be made until such time as the Council is in possession of the information it requires to make the award. When the Council is satisfied that the information is complete, the award of reasonable preference can be made and, providing the applicant satisfies the residential criteria, the application will be placed in either Band 1 or 2, depending on their assessed level of need.
- 6.28 All incomplete applications will be cancelled after a period of 28 calendar days of inactivity from the applicant where information has been requested and not been provided. This cancellation does not prevent the applicant making a subsequent application at a later date. Although, the effective date of registration will not be backdated to an early application.

### Change of Circumstances

- 6.29 As the circumstances of applicants change, so may their eligibility, priority and housing requirements. It is the responsibility of the applicant to inform the Council of a change of circumstances and, where requested, provide proof of the change. Notification of a change in circumstances should be done without undue delay and within a reasonable period of time, taking into consideration the needs of the applicant.
- 6.30 Examples of a change in circumstances include but are not limited to:
- (i) a change of address or contact details, for either themselves or members of their prospective household;
  - (ii) a change in their medical condition or disability (either existing or newly acquired);
  - (iii) additional family members or other people they wish to add to their application (It will be for the Council to decide whether they will allow additional people to join the application);

- (iv) any family member or any other person on the application who has left the accommodation; and
- (v) any significant changes in income, savings or assets, which is likely to have a material effect on the application.

- 6.31 It does not follow that every change in circumstance will result in a change in priority. The Council will verify and assess the extent of the change to ascertain whether this will result in a change in priority. However, given the nature of the banding system, only significant changes in circumstance are likely to result in a change in prioritisation. Applicants will not actively be considered for housing whilst the change of circumstance is being verified, where this is found likely to have a material affect to their application.
- 6.32 Applicants who are promoted into a higher band because of a change in circumstances will have their effective date of registration changed to the date the circumstances changed. Applicants remaining in the same band will keep their current date. Applicants demoted to a lower band will retain their original date of registration.

#### Home Visits

- 6.33 In order to complete its assessment of the application, or to update a completed assessment, the Council may need to undertake a home visit. Such visits may be carried out in the following circumstances where the applicant or a member of their prospective household:
- (i) is unable to attend the Council's office due to a physical or mental health condition which prevents them from attending a Council office or would cause a significant delay in completing their application due to support needs;
  - (ii) states that they have a disability or medical condition that is significantly affected by their current housing circumstances or their accommodation no longer meets due to the disability or medical condition;
  - (iii) may be living in insanitary housing conditions; and
  - (iv) in other exceptional circumstances where a home visit is required to verify any aspect of the application.
- 6.34 As far as is reasonably practicable, all applicants will be visited in their current home by their prospective landlord prior to an offer of accommodation being made. The purpose of the visit is to verify the applicants' circumstances to ensure an offer of accommodation can be made.

### Worsening Own Circumstances

- 6.35 Worsening own circumstances is regarded by the Council as either a deliberate act or failure to do something that resulted in a change of circumstances in order to gain priority. Examples of worsening own circumstances include but are not limited to:
- (i) moving from suitable accommodation to less settled or overcrowded accommodation;
  - (ii) giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
  - (iii) requesting or colluding with a landlord or family member to issue them with a Notice to Quit;
  - (iv) where a homeless applicant is deemed intentionally homeless by the Council due to unacceptable behaviour; or
  - (v) deliberately overcrowds their property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, and subsequently requests rehousing to larger accommodation.
- 6.36 Where an applicant or a member of their prospective household has been found to worsened their own circumstances then the application may be suspended for up to 12 months. The length of suspension will depend on the severity of the case. Therefore, only the most severe cases are likely to be suspended for the full 12 months.
- 6.37 In such instances, a report produced by the Council will be referred to the Housing Assessment Panel for consideration and determination (see paragraphs 7.36-7.42). The applicant will be informed in writing of the Panel's decision and, where appropriate, their right to a review of the decision.
- 6.38 When the suspension is lifted and the application is made active, the effective date of registration will be reset to the date the suspension ended.

### Self-Suspensions

- 6.39 This policy has been designed to give priority to those people requiring rehousing either urgently or fairly urgently. Applicants will not, therefore, be permitted to suspend their own application for housing, unless extenuating circumstances exist which mean they are not currently ready to be considered for rehousing. These include but are not limited to:

- (i) family bereavement;
  - (ii) hospitalisation;
  - (iii) holiday; and
  - (iv) work commitments.
- 6.40 In such circumstances the applicant will be permitted to self-suspend their application for up to 28 calendar days. Applicants will not be permitted to self-suspend more than twice in a 12 month period. The date of suspension will be valid from the day the applicant notifies the Council. The effective date of registration will remain unchanged by a self-suspension.
- 6.41 In extenuating circumstances, upon request from the applicant, the Council may grant the applicant permission to extend the period from 28 days.

#### Right to Buy / Acquire Applications

- 6.42 Applicants who make a right to buy or right to acquire application will have their housing application suspended pending the outcome of their application. Where the right to buy or right to acquire application is subsequently withdrawn, the suspension will be lifted and the applicant will actively be considered for housing. The effective date of registration will remain unchanged.
- 6.43 Where an applicant completes the purchase of their council or housing association home and wishes to remain on the common housing register, the applicant will be required to notify the Council of the change in circumstances. In such instances, the application will be reassessed in relation to the new circumstances.

#### Annual Review of Applications

- 6.44 In order to ensure that the information held on the common housing register is accurate and up-to-date, thereby ensuring that the applicant is ready to receive an offer of accommodation, the Council will carry out a review of all applications on or around the anniversary of their original date of registration, or more frequently if operational requirements dictate.
- 6.45 To remain on the common housing register, all applicants will be required to respond to the review within 14 calendar days. Applicants failing to respond within 14 calendar days will be sent a reminder. If there is no response within 14 calendar days of the reminder, the application will be cancelled and removed from the common housing

register. A response after this time will be considered as a new application, unless the criterion in paragraph 6.47 applies.

#### Cancelled Applications

- 6.46 The Council reserves the right to remove applications from the common housing register in the following instances:
- (i) at the applicant's own request;
  - (ii) once the applicant has been rehoused;
  - (iii) upon a change in circumstance which now renders the applicant ineligible to remain on the common housing register;
  - (iv) following failure to respond to an annual review of their application;
  - (v) following failure to respond to correspondence in connection with their housing application; and
  - (vi) where an applicant has knowingly and wilfully given false or misleading information, or has not disclosed relevant information, in connection with their application, which now renders them ineligible (under the direction of the Housing Assessment Panel).
- 6.47 The Council will notify applicants whose applications are cancelled and removed from the common housing register in writing. If the applicant's current address is unknown, the Council will retain a copy of the letter for the applicant to collect.
- 6.48 Unless extenuating circumstances apply, cancelled applications will not be reinstated. Applicants wanting to rejoin the common housing register will, therefore, be required to make a new application. Where extenuating circumstances exist, which meant that the applicant could not have reasonably prevented their application from being cancelled, the Council may choose to reinstate the application with their original date of application.

## **7. How Applications are Assessed**

- 7.1 This section sets out the different types of assessment the Council may undertake to assess an application.

For the purposes of this policy the assessment of the housing application and associated decision making will be carried out by Common Housing Register Assessment Officers with, where necessary, input from the Common Housing Register Senior Assessment Officer and/or the Housing Solutions Manager. These roles are referred to collectively throughout this policy as 'The Council'.

### General Assessment

- 7.2 All applications for housing will be assessed on a case-by-case basis, in accordance with this policy. The Council will have responsibility for carrying out the primary assessment of the application and may, where necessary, contract out part of the assessment to a specialist organisation.
- 7.3 The reason the Council assesses each application is to ensure that the applicant or a member of their prospective household:
- (i) is eligible to be admitted on to the common housing register (see section 2);
  - (ii) to ascertain the level of priority they might receive (see section 3);
  - (iii) to ensure a match to the most suitable type of accommodation that meets the household's needs (see section 4).
  - (iv) to verify the accuracy of the information provided (see section 6); and
  - (v) to take into consideration any other grounds that might affect their application (see section 7).
- 7.4 The application and any award of priority made by the Council will be based on the information provided by the applicant. Incomplete applications will not be made live. Where the information is not forthcoming, the Council will delete all incomplete applications after 28 calendar days (see paragraphs 6.25-6.28).
- 7.5 The Council may require additional information to establish eligibility and/or priority, or to substantiate the accuracy of the information supplied. Organisations that the Council may contact and share information with include but is not limited to:

- UK Border Agency;
- other departments within the local authority;
- other local authorities or housing associations;
- the police;
- the probation and/or prison services;
- health professionals including GP's;
- Department for Work & Pensions;
- Driver & Vehicle Licensing Agency;
- a former landlord(s);
- a solicitor(s);
- mortgage provider;
- Land Registry; and
- voluntary sector support agencies.

### Medical Assessments

- 7.6 This policy seeks to promote the social model of disability. Therefore, medical assessments are carried out by the Council to ensure that applicants or members of their prospective household are matched with accommodation which meets their needs and actively promotes their independence and wellbeing.
- 7.7 As part of the application process all applicants are asked a series of questions to establish if they or a member of their prospective household has a medical condition and/or disability and whether their existing accommodation affects their independence and wellbeing. Where a medical condition or disability is disclosed by the applicant, their application will be referred to the occupational therapist (Housing) for assessment. An application may also be referred to the occupational therapist (Housing) when the applicant notifies the Council of a change in an existing or newly acquired medical condition or disability.
- 7.8 The role of the occupational therapist (Housing) is to establish the extent to which the current housing situation effects the individual's ability to live independently and their overall wellbeing. The occupational therapist (Housing) will recommend the preferred type of accommodation needed together with an indication of the level of urgency and, where applicable, whether an award of reasonable or additional preference should be made.
- 7.9 Not all applicants, with a recognised medical condition, who are referred to the occupational therapist (Housing) will receive an award of reasonable or additional preference (see paragraphs 3.2-3.3). This will be because the Council has concluded that rehousing would not necessarily improve the independence and wellbeing of the applicant or a member of their prospective household. In such instances, the occupational therapist (Housing) will recommend the type of



accommodation required, taking into consideration long-term needs of that applicant.

- 7.10 Where an applicant or a member of their prospective household has a recognised medical condition or disability but the occupational therapist (Housing) determines that a highly accessible or adapted property is not a determining factor in the promotion of independence and wellbeing, a code is attached to the application as an indicator as to the type of accommodation required (see paragraph 5.29-5.32), taking into consideration the accessibility and long-term needs of the applicant.
- 7.11 In the absence of the occupational therapist (Housing) the Council may choose to use a trusted assessor / occupational therapist to undertake medical assessments and/or associated tasks.

#### Mental Health Assessments

- 7.12 Where the applicant or a member of their prospective household indicates on their application that their current housing situation is significantly detrimental to their mental health and well-being the Council will refer the application to the Mental Health Assessor for assessment. The purpose of the assessment is to establish the extent to which the current housing situation is impacting on the individual, due to the mental health problem. The Mental Health Assessor will make a recommendation to the Council on the type of accommodation required, together with an indication of the level of priority required.
- 7.13 Not all mental health conditions initially identified and referred to the Mental Health Assessor will necessitate the need for rehousing or greater priority. In such instances, the applicant will be permitted to apply for housing but will not receive an award of preference.

#### Environmental Health Assessments

- 7.14 At the point of application, all applicants will be asked about their current housing situation by the Council to establish whether there is any disrepair in their property. Where an applicant, living in the private sector, indicates that their property is in serious disrepair, a referral will be made to an environmental health officer (housing) from the Council.
- 7.15 The purpose of the environmental health assessment is to:
- (i) determine whether there are any serious category 1 hazards in existence, using the Housing Health & Safety Rating System;
  - (ii) determine whether a recommendation for reasonable or additional preference should be made in respect of the application; and

- (iii) where applicable, work with the landlord to remedy the problem(s).
- 7.16 The process in paragraphs 7.14 and 7.15 will also apply where the Council is notified of the disrepair via a change in circumstances.
- Risk Management
- 7.17 In the interests of community safety, where there is good reason to believe that either the applicant or a member of their prospective household poses a risk to an individual or community, the Council will work closely with the relevant agencies to assess the level of risk prior to an offer of accommodation being made. The purpose of the assessment will be to establish the nature and level of risk, whether the applicant is ineligible due to unacceptable behaviour, and to ensure that if the applicant is re-housed, the risk is minimised and managed.
- 7.18 A risk assessment may be required irrespective of whether an applicant or a member of their prospective household has satisfied the test of unacceptable behaviour (see paragraphs 2.15-2.31).
- 7.19 These provisions may apply but are not limited to people:
  - (i) who have been charged with or convicted of a serious sexual offence or violent crime who are seeking rehousing for themselves or their family because of the fear of retaliatory violence;
  - (ii) released from custody having served a sentence for a serious sexual offence or crime of violence;
  - (iii) being discharged from institutional care whose history includes offences of a violent and/or sexual nature; or
  - (iv) with a history of drug, alcohol or other substance misuse who have been convicted of related offences.
- 7.20 In order for the assessment to be completed, the Council will liaise with agencies such as the police, the probation service, social services or health care professionals. As a result of the assessment, the Council may choose to place restrictions on the landlord, location and property type for which the applicant is eligible. Such restrictions placed on the application will be agreed jointly between the various agencies.
- 7.21 The Council will notify applicants or prospective members of their household who are subjected to a risk assessment in writing. The application will not actively be considered for housing until such a time as the Council is satisfied that the assessment has been completed.

- 7.22 Any person whose entitlement to rehousing is restricted under the provision of paragraphs 7.17-7.21 will be notified, in writing, of the grounds and their right to review the decision.

#### Financial Assessments

- 7.23 At the point of application the Council will undertake a financial assessment to verify whether the applicant or a member of their prospective household has sufficient resources that would enable them to meet their own needs either through homeownership or renting privately (see paragraphs 2.41-2.46 and 2.47-2.53). Financial resources assessed include all household income, capital assets and savings, irrespective of where in the world they may be situated/held.
- 7.24 The landlords may also undertake financial assessments as part of their tenancy sustainability checks (see paragraphs 7.25-7.27). Where upon assessment it is found that the prospective tenant would be unable to afford to pay their rent the landlord may choose to bypass an applicant during the shortlisting process, as per paragraphs 2.1-2.13 of Appendix 3, or withdraw an offer of accommodation, as per paragraphs 5.13-5.16. A completed financial assessment form must be attached to the on-line housing application form by the landlord responsible for undertaking the assessment.

#### Tenancy Sustainability

- 7.25 In order to promote sustainable and cohesive communities, all tenants will be provided with practical support from their landlord to help them manage their home and abide by the terms of their tenancy agreement. Prospective tenants may be required to complete a financial assessment to assess their ability to pay their rent and other housing related costs, prior to them being made an offer of accommodation.
- 7.26 Where it is found that a prospective tenant of a housing association is going to under occupy their property, using the social size criteria (see Appendix 3) and cannot satisfy their prospective landlord that they can afford the rent, the landlord will not actively consider them for housing. If the circumstances change and it is found that the applicant can now satisfy the affordability criteria, the restriction on their rehousing will be removed.
- 7.27 Where it comes to light, after an offer of accommodation has been made, that a prospective tenant of a housing association cannot satisfy the affordability criteria set down by the housing association, the offer of accommodation may be withdrawn (see paragraphs 5.13-5.16). In such instances, the applicant will be contacted by the Council and provided with advice on alternative housing options.

### Move on Process

- 7.28 Applications from people moving on from either residential or supported accommodation will be assessed by the Young Persons Accommodation Officer or equivalent, taking into consideration all available information. Where the officer concludes that the person would be able to sustain a tenancy and, therefore, is ready to move on from their existing accommodation, the application will be placed in the relevant band and made active with immediate effect, providing all other criteria has been satisfied. Where the officer concludes that the person is not ready to move on, the application will be placed in the relevant band but suspended until such a time as the officer later concludes that the person is ready to move on.
- 7.29 In instances where the officer concludes that the person is not ready to move on the Council will write to the applicant notifying them of their reasons. The applicant has the right to request a review of the officer's decision within 21 days of receiving their notification letter. The request will be considered by the Housing Assessment Panel (see paragraphs 7.36-7.42). A review of the panel's decision will be carried out in accordance with paragraphs 7.43-7.48.

### Extra Care Housing

- 7.30 There are currently 3 extra care schemes in the county borough, which provide housing and support to enable people to maintain their independence. The schemes are designed to meet the needs of older people who require some care and support. Care staff are based at these schemes to support the needs of people who live there whilst giving them the security and privacy of their own home.
- 7.31 The 3 extra care schemes are:
- (i) Cefn Glas, Blackwood, managed by Charter Housing Association;
  - (ii) Tredegar Court, Crosskeys, managed by the Council; and
  - (iii) Plas Hyfryd, Caerphilly, managed by United Welsh Housing Association.
- 7.32 The landlords listed in paragraph 7.31 will be responsible for assessing the suitability of applicants applying for extra care housing in their respective scheme before an offer of accommodation is made.
- 7.33 To satisfy the suitability criteria for extra care housing the applicant must:
- (i) be 50+ years of age, unless exceptional circumstances exist, and be unable (or likely to become unable) to continue living independently in their current home; eligibility for the scheme will be considered on the basis of the applicant's assessed need.

- 7.34 Applicants assessed by the landlord as being unsuitable for extra care housing will be informed in writing by the landlord, setting out the grounds for their decision. Applicants have the right to request a review of the decision within 21 calendar days of receiving their notification letter in accordance with the criteria set out in paragraphs 9.12-9.16.
- 7.35 Applicants failing the suitability test will be provided with information from the Council on the other housing options available to them.

#### Housing Assessment Panel

- 7.36 The Housing Assessment Panel will meet on a monthly basis or more frequently if required. The role of the Panel will be to consider and make decisions on applications that have been forwarded to it by the Council.
- 7.37 The Panel will be responsible for considering the circumstances where an applicant or a member of their prospective household:
- (i) may be ineligible due to unacceptable behaviour;
  - (ii) may be suspended due to unacceptable behaviour;
  - (iii) worsens their own circumstances to increase priority;
  - (iv) knowingly or recklessly makes a statement which is false, or knowingly withholds information;
  - (v) requires a risk assessment before being rehoused;
  - (vi) is aged under 50 years old and requires age dispensation to move into retirement housing;
  - (vii) requests a review of a decision not to support an application to move on from supported or residential accommodation; and
  - (viii) consider cases where the circumstances are such that they may lead to an applicant being bypassed for an offer of accommodation other than in accordance with the bypassing criteria set out in paragraph 2.5 of Appendix 2.
- 7.38 When exercising its discretion the Panel may choose to call on the expertise of another organisation for assistance when dealing with a particularly difficult and/or complex case. In addition, the Panel will also have the discretion to waive the criteria in relation to current or former rent arrears in extenuating circumstances.

- 7.39 The Panel will consist of senior representatives from the following organisations:
- Private Sector Housing – Caerphilly CBC ((Housing Solutions Manager) chairperson);
  - Partner landlords (housing manager or equivalent); and
  - Additional members may be co-opted on, at the discretion of the Panel, as and when required.
- 7.40 To be considered quorate, at least three people will need to be present at the meeting, from at least two different organisations. To ensure the continuity of meetings, the principal housing officer – strategy and standards (Caerphilly CBC) will stand-in in the absence of the chairperson. A representative from the Council’s legal section may attend meetings to provide guidance and advice to the Panel on legal and procedural matters.
- 7.41 The Panel will base their decision on all available information. Therefore, applicants or their representatives will not be required to attend Panel meetings. To allow time for consideration, any supporting information should be submitted by the applicant to the Council at least 7 calendar days before the date of the meeting, although, depending on the type and detail of the information, this timescale can be waived at the discretion of the Council.
- 7.42 Applicants will not actively be considered for housing whilst the Panel is reviewing their application. Applicants will be notified in writing of any Panel decision and, where applicable, the grounds. Applicants will also be notified of their right to review a decision made by the Panel.

#### Housing Review Panel

- 7.43 The role of the Housing Review Panel is to consider reviews from applicants relating to decisions made in relation to:
- (i) a decision to make an applicant or a member of their prospective household ineligible from being considered for an offer of accommodation;
  - (ii) the removal of reasonable preference;
  - (iii) the non award of additional or reasonable preference for medical, mental health, social, welfare or hardship reasons; and
  - (iv) other unforeseen cases, at the discretion of the Panel.
- 7.44 All reviews will need to be submitted in writing to the Council by the applicant, or a representative acting on their behalf, within 21 calendar days of being notified of a decision. The Panel will consider and determine the review within 56 calendar days of the request and will

notify the applicant in writing of the outcome of their review including the reasons if the original decision is confirmed.

- 7.45 The Panel will consist of three people, all of whom must not have been involved in the original decision. It will include:
- (i) Chief Housing Officer ((Caerphilly CBC) chairperson); and
  - (ii) two senior representatives from participating organisations (one per organisation).
- 7.46 A representative from the Council's legal section may to attend meetings to provide guidance and advice to the Panel on legal and procedural matters.
- 7.47 The applicant is permitted to attend the Panel meeting in person or to be represented by a support worker or advocate. The applicant must notify the Council of their decision to attend the meeting so that adequate provision can be made for their attendance. To allow time for consideration, any supporting information should be submitted by the applicant to the Council at least 7 calendar days before the date of the meeting, although, depending on the type and detail of the information, this timescale can be waived at the discretion of the Council.
- 7.48 The Panel's decision is final and any challenge of that decision can only be made through the Public Sector Ombudsman for Wales (see paragraph 7.50) or a judicial review.

### Complaints

- 7.49 The Council and all participating landlords signed up to this policy are committed to dealing effectively with any complaints you might have about the application process. All complaints must be made to the Council in accordance with the [corporate complaints policy](#), which can be found on its website.

### Public Services Ombudsman for Wales

- 7.50 Where the applicant considers that their application has not been dealt with fairly and/or are dissatisfied with the outcome of a review, they have the right to make a complaint to the Public Service Ombudsman for Wales. For further information please contact:

#### [Public Services Ombudsman for Wales](#)

1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 0300 790 0203  
Fax: (01656) 641199

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)



## **8. Tenancy Management**

- 8.1 This section sets out those aspects of the allocations process that relate specifically to the management of the tenancy. All requests for a review made in relation to the areas covered in this section will be carried out by the relevant landlord (see paragraph 9.15).

### Management Transfers

- 8.2 There may be occasions where the Council requires a tenant to move for good management reasons. Such transfers, which must be initiated by the Council, are considered an exempt allocation for the purposes of this policy under s.159(5) and s.160 of the Housing Act 1996.
- 8.3 For the purpose of this policy, landlords may initiate management transfers. Examples of management transfers include:
- a temporary decant to allow repairs to a property to be carried out;
  - succession;
  - assignment;
  - transfers as a result of family proceedings;
  - conversion of an introductory tenancy to a secure/assured tenancy; and
  - those rehoused as a result of a compulsory purchase order.
- 8.4 Although management transfers are exempt allocations under this policy, the landlords have agreed to record certain types of transfer on the common housing register. This is to ensure that the Council has accurate information about housing needs in the county borough for strategic planning purposes. The types to be recorded include:
- Permanent decants;
  - Those rehoused as a result of a compulsory purchase order; and
  - Emergency transfers.

### Joint Tenancies

- 8.5 Under s.160A (1)(c) of the Housing Act 1996, the Council shall not allocate housing accommodation to two or more people jointly if any one of them is a person from abroad who is ineligible, or is a person who is being treated as ineligible because of unacceptable behaviour (see paragraphs 2.15-2.31).
- 8.6 Taking into consideration the circumstances of each application, a joint tenancy will normally be granted where household members can demonstrate, to the satisfaction of the landlord, a long-term commitment to the home, e.g. adults sharing accommodation as family, partners, friends or unpaid live-in carers.

- 8.7 When making an offer of accommodation, landlords should ensure that applicants are made aware of the option of creating a joint tenancy including the legal and financial implications and obligations. Where the landlord refuses to create a joint tenancy, they will need to provide the applicants with clear, written reasons for the refusal.

#### Joint to Sole Tenancy

- 8.8 In the event of relationship breakdown, resulting in one partner terminating a joint tenancy, landlords may, at their discretion, grant a new tenancy to the partner remaining in occupation only. In such instances a new tenancy will be created but only after the 28-day notice period has elapsed. However, in the following circumstances, landlords may refuse to grant a new tenancy:

- (i) due to a property related debt (see paragraphs 2.25-2.31);
- (i) where the tenant is now ineligible on the grounds of his/her behaviour (see paragraphs 2.15-2.18);
- (ii) where the landlord is satisfied that either points (i) or (ii) of paragraph 2.19 applies in relation to the partner or a member of their prospective household.
- (iii) where the size/type of accommodation no longer matches the requirements of the household (see paragraphs 5.17-5.24); or
- (iv) where the applicant currently resides in but no longer requires accessible housing (this criterion may be overlooked by the landlord where it is found that no demand for the property exists).

In order to make best use of the housing stock, in instances where points (iv) or (v) above apply the landlord may, at their discretion, make a suitable offer of alternative accommodation.

#### Non-Statutory Succession

- 8.9 Rights to succession are governed by *Section 87 of the Housing Act 1985* (secure tenancies) and *Section 17 of the Housing Act 1988* (assured tenancies). There may be occasions where occupants have no statutory entitlement to succeed to or be assigned the tenancy of a property of which they have been left in occupation. In such instances, and in accordance with their own procedure, landlords may use their discretion to permit such persons to remain in the property or, in the interests of making best use of the housing stock, to be offered suitable, alternative accommodation.

### Mutual Exchanges

- 8.10 All of the social landlords operating in the borough subscribe to organisations such as [Homeswapper](#), which match social housing tenants wanting to swap their homes – defined in law as a mutual exchange. If you are a social housing tenant, you have the right to swap your home with another social housing tenant. To be able to do this you must first get your landlord's written consent, which can only be refused in certain circumstances. Your landlord will be able to provide you with further information on mutual exchanges, as these fall outside of the scope of this specific policy – for their contact details please see Appendix 10.

### Domestic Household Pets

- 8.11 Each landlord will maintain their own policy in relation to applicants keeping domestic household pets upon being rehoused. Applicants will, therefore, be required when completing their application to declare whether they require rehousing with their pet(s).
- 8.12 Applicants will be allowed to keep domestic household pets when rehoused, except in the circumstances defined by the policies of each individual landlord. Applicants with pets may not, therefore, be eligible to be rehoused in certain types of properties, i.e. those with shared common hallways and/or access points.
- 8.13 These policies will not generally be applied to assistance dogs that are trained to assist a disabled person.

## 9. Other Information

- 9.1 This section sets out information on equalities, support, data protection and information sharing, the review process and intermediate products.

### Equalities Duty

- 9.2 The Council will regularly monitor the application process to ensure that people with a protected characteristic, as defined in the Equality Act 2010, are not discriminated against. All applications will be assessed on their individual merits, taking into consideration the circumstances of the household and the information provided to the Council at the point of application.

### Language, Interpretation & Other Support

- 9.3 It is the intention of the Council to communicate with all applicants in their preferred format. Applicants will be asked to specify their preferred format when applying for housing.
- 9.4 In order to assist applicants applying for housing, the Council will make available language and interpretation support to those who have difficulty speaking or reading English, or who are visually and/or hearing impaired.
- 9.5 Where requested, the Council will provide assistance to support applicants during all aspects of the application process including, but no limited to, filling out an application form, completing an annual review, requesting a review of their application.
- 9.6 The Council will ensure that any information and advice it publishes in relation to this policy is available in Welsh, and in other languages and formats on request.
- 9.7 Landlords will need to ensure that similar levels of support are made available to their prospective tenants.

### Confidentiality & Data Protection

- 9.8 The Council will ensure that all information provided to it by applicants, and by third parties in relation to an application, is treated in strictest confidence. In doing so, the Council will ensure that it complies fully with the requirements of the [Data Protection Act 1998](#), in relation to the way it stores and processes the information it holds on applicants, and with s.166(4) of the Housing Act 1996. This undertaking is also extended to all participating landlords that are signed up to this policy.

### Information Sharing

- 9.9 The local authority and participating organisations are signed up to a protocol, which governs the way information is shared for the purpose of maintaining the common housing register. The information sharing protocol has been developed in-line with the framework produced by [The Wales Accord on the Sharing of Personal Information](#). The protocol ensures that information is shared between organisations safely and securely. This and, where applicable, other protocols will be utilised by the Council to verify any aspect of the application to ensure that it fulfils all statutory requirements.
- 9.10 As part of the application process, applicants will be required to consent to their personal information being shared for the purpose of being rehoused. Those applicants unwilling to consent to their information being shared will be considered by the Council not to have completed their application and, consequently, will not be admitted onto the common housing register (see paragraphs 6.25 & 6.28). Paragraphs 6.26-6.27 will not apply in this instance.
- 9.11 An applicant may request at any time that the information held on their application by the Council is, where applicable, shared with a support worker or advocate. The Council will not share this information until such a time as the applicant has provided it with disclosure authorisation, usually in the form of signed or informed consent.

### The Right to be Notified of a Decision & to Request a Review

- 9.12 In accordance with s.167(4A) of the Housing Act 1996, the Council will notify applicants in writing of any decision it makes to render either the applicant, or a prospective member of their household, ineligible on the grounds of unacceptable behaviour.
- 9.13 The applicant also has the right, on request, to be informed of any decision relating to the application, which has been, or is likely to be, taken into account, by either the Council or participating landlord, when considering whether or not to make them an offer of an allocation.
- 9.14 Applicants may request a review of a decision mentioned in either of the two paragraphs above or in respect of s.160A(9) of the Housing Act 1996 regarding those who are ineligible or who may be treated as such on the grounds of unacceptable behaviour.
- 9.15 With the exception of the areas covered under section 8, which will be considered directly by the respective landlord, a request for a review should be made in writing to the Council within 21 calendar days of receiving notification of a decision. Either the applicant or their representative, acting on their behalf, can make the request for a review. All such reviews will be considered by the Housing Review Panel and will be completed with 56 calendar days from the date of

request. The Council will inform the applicant in writing of the outcome of the review.

A request for a review under Section 8 should also be made to the relevant landlord in writing within 21 days of receiving notification of a decision. The review should be completed by the landlord within 56 calendar days from the date of request. The responsibility to inform the applicant of the outcome of the review lies with the relevant landlord.

- 9.16 Where the review is regarding eligibility, relating either to a person from abroad, unacceptable behaviour, or financial resources, the applicant will not be actively considered for housing until the outcome of the review is known.

#### Low Cost Home Ownership & Intermediate Rent

- 9.17 All applications for intermediate products, such as low cost home ownership & intermediate renting, will be made through the common housing register to ensure that applicants have access to a wide range of housing options to meet their needs. Assessment of their suitability for intermediate products, however, is governed by a separate, stand-alone policy.