

## Portfolio Holder for Regeneration and Planning

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Meeting Venue

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Meeting date  
**Thursday, 19 May 2016**

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Meeting time

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For further information please contact  
**Stephen Boyd**  
Stephen Boyd  
[steve.boyd@powys.gov.uk](mailto:steve.boyd@powys.gov.uk)  
01597 826374



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

13 May 2016

### AGENDA

1.	<b>COMMON ALLOCATIONS SCHEME - POLICY STATEMENT CORRECTION</b>
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(Pages 3 - 22)

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**CYNGOR SIR POWYS COUNTY COUNCIL****Portfolio Holders Report  
May 2016**

**REPORT AUTHOR:** County Councillor Rosemarie Harries, Portfolio Holder for Property, Buildings & Housing  
County Councillor Avril York, Portfolio Holder for Regeneration and Planning

**SUBJECT:** Common Allocations Scheme - Policy Statement correction.

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**REPORT FOR:** Information

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## **1 Summary**

- 1.1 On the 20<sup>th</sup> October 2015 Cabinet approved changes to the Council's Allocations Scheme – Policy Statement and in particular inclusion and clarification relating to unacceptable behaviour in accordance with the revised code of guidance from Welsh Government and latest legal advice received.
- 1.2 Attached to the Cabinet report was a copy of the draft revised policy statement which was subsequently published on the Council's internet pages. Unfortunately it was noted by the Common Housing Register Working Group that the wording relating to unacceptable behaviour in the draft policy published was incorrect and did not reflect the changes intended in the report. This is shown on page 2 of annexe 1
- 1.3 This report seeks approval for the revised and corrected policy, and recommends that this replaces the incorrect version on the council's internet pages.
- 1.4 A copy of the corrected "Common Allocations Scheme - Policy Statement" is attached (Annex 2). The corrected form of wording is on page 2.

## **2 Proposal**

- 2.1 That the correct version of Common Allocations Scheme – Policy Statement is now published on the Council's internet site, which is compliant with the latest code of guidance and legal advice.

## **3 One Powys Plan**

- 3.1 The allocations scheme promotes collective responsibility towards those in housing need in Powys. It promotes joint working and will deliver a better, more efficient service to Powys citizens and service users and challenges the traditional models of delivering services, particularly in relation to those who are homeless or threatened with homelessness and areas of pre-tenancy work.

#### **4 Preferred Choice and Reasons**

- 4.1 That the corrected version of the policy is published on the council's website, which ensures that the policy is compliant with the latest legal advice received and the revised Code of Guidance issued by Welsh Government in April 2015.

#### **5 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

- 5.1 An Equalities Impact Assessment was undertaken with regard to the scheme introduced in November 2014 and the amended policy ensured compliance with the new code of guidance and legal advice received. The assessment undertaken previously is still valid.

#### **6 Local Member(s)**

- 6.1 The policy will have an equal impact across the County.

#### **7 Other Front Line Services**

- 7.1 The policy will have no impact on other services.

#### **8 Support Services (Legal, Finance, HR, ICT, BPU)**

- 8.1 Finance – The Finance Business Partner “notes the content of the report and supports the amendments to the policy to ensure compliance with the code of guidance issued by Welsh Government and the relevant legislation.”
- 8.2 Legal – The Professional Lead states “the approach to the change of policy and the recommendation suggested in the report is sound from a legal service point of view.”

#### **9 Local Service Board/Partnerships/Stakeholders etc**

- 9.1 No impact.

#### **10 Communications**

- 10.1 The correct policy statement has been inserted on the Councils website and the service received no comments from external organisations or housing applicants regarding the incorrectly worded policy.

#### **11 Statutory Officers**

- 11.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report.
- 11.2 The Strategic Director Resources (S151 Officer) notes the contents of the report.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p>1. That a corrected version of the Common Allocations Scheme as set out in Annex 2 to the report is approved.</p> <p>2. That the revised and corrected version of the Policy Statement is to be made available on the Councils website.</p>	To ensure that the policy is compliant with the code of guidance issued by Welsh Government and the relevant legislation.

<b>Relevant Policy (ies):</b>	Common Allocations Scheme		
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	<b>All</b>
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<b>Person(s) To Implement Decision:</b>	<b>Dafydd Evans</b>
<b>Date By When Decision To Be Implemented:</b>	<b>February 2016</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Dafydd Evans	07775704531	-	dafydd.evans@powys.gov.uk

**Background Papers used to prepare Report:**  
**Cabinet report 20<sup>th</sup> October 2015 - Common Allocations Scheme - Policy Statement amendments and Powys Common Allocation Scheme and Homelessness Partnership Agreement.**



Annexe 1.pdf

**Annex 1 -**



Annexe 2.pdf

**Annexe 2 -**

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# **Common Allocations Scheme - Policy Statement**

**Applicable from November 2015**

**This document is available on request in alternative formats (e.g. Large print type/Braille/on tape).**

## **1. Introduction**

To increase housing choice and for ease of access by applicants a Common Allocations Scheme, has been devised by Powys County Council and the following registered social landlords (RSLs):

- Mid-Wales Housing Association
- Newydd Housing Association
- Wales & West Housing
- Clwyd Alyn Housing Association
- Melin Homes
- Grwp Cynefin
- Gwalia

This policy applies to selection of applicants to whom lettings will be made by the partner organisations within Powys. It has been written to comply with the legal requirements of “The Housing Act 1996” and the “Homelessness Act 2002” together with the Welsh Government’s “Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness”. It also takes regard of welfare reforms and is consistent with relevant Powys County Council strategic plans, in particular the Housing Strategy.

The policy aims to contribute to the prevention of homelessness, minimizing exclusion, improving sustainability and social inclusion, and to ensure reasonable choice to those requiring accommodation.

## **2. Housing Options**

Following a review of allocation services, the partner organisations identified a need for a change in attitude and approach to delivering housing advice and allocating housing within Powys.

Given the lack of social housing available within Powys, it has been recognised that a wider housing options approach is needed to meet housing need. In order to help find the right solution for a person and to know what the right options may be, it is necessary to find out what matters to a person in relation to their home.

Where social housing is the right option, it is important to find the applicant a home they can afford, in the right place at the right time, ensure they move in prepared and build and maintain a relationship with their landlord.

An applicant will be expected to declare any past or current behavioural issues which may have an impact on any future tenancy from the outset, take responsibility for such behaviour and be willing to engage with partner organisations or a third party to achieve a suitable course of action. Where necessary a “Housing Plan” will be agreed to help ensure the applicant is able to maintain a successful tenancy in the future.

### **3. Eligibility**

There is legislation which governs who can be allocated council and housing association properties. To be eligible an applicant must be:

- Residents of the United Kingdom aged 16 and over – including our existing tenants who wish to transfer.
- British Nationals and European Economic Area Nationals (European Union countries plus Iceland, Norway and Liechtenstein) aged 16 and over who have been habitually resident in the United Kingdom, Channel Islands, Isle of Man or the Republic of Ireland (Common Travel Area). Any period of residence less than two years may have to be tested by us.
- Refugees or other persons granted permission to remain in the United Kingdom.
- Applicants, or members of their household, who have been guilty of unacceptable behaviour serious enough to render them unsuitable to be a tenant of a partner landlord. The only behaviour that can be regarded as unacceptable is behaviour by the person that would have entitled a local authority to an outright possession order, if the person had been a secure tenant of the local authority at the time.

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

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



Each application will be considered on its merits and the applicant's personal circumstances (and those of the applicant's household) will be taken into account, including any health and medical needs, dependents and any other factors relevant to the application. Previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible where the applicant can show that the behaviour has improved.

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

Applicants deemed ineligible for housing will be notified of the decision and grounds of this in writing. They will also be informed of their right to request a review and their further right to appeal any decision upon review.

Proof of eligibility may be required.

#### **4. Assessment**

Irrespective of eligibility, everybody who makes contact will be interviewed in order to gain an understanding of their circumstances and be in a position to offer the most appropriate advice and assistance.

All partner organisations aim to match applicants to the correct size of home, usually in line with the Department of Work and Pension's (DWP) property size criteria. In some instances applicants may apply for a property with one extra bedroom over and above this criteria.

In order to have priority on the Scheme all applicants must be:

- Ready to move.
- In housing need

It is an offence which may be punishable by a fine, for anyone to knowingly or recklessly give false information or to knowingly withhold information that is reasonably requested. If an applicant is granted a tenancy based on a false statement, the tenancy may be terminated.

#### **5. Criteria**

It is the aim to allocate social housing to those in need. The housing need criteria on which applicants are considered are those referred to in legislation and Welsh Government guidance.

For an applicant to be deemed in housing need they must meet one of the reasonable preference categories, as set out in s.167(2) of the Housing Act 1996:

- (i) People who are homeless within the meaning of Part 7 of the 1996 Act.;

(ii) People who are owed a duty by any local authority under section 190(2),193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any local authority under section 192(3).;

(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, and

(iv) People who need to move to a particular locality in the area of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

Proof of circumstance may be required.

Please note: Transfer applicants are not given any additional preference, they are to be treated on the same basis as a general applicant.

## **6. Banding**

Priority will be given to applicants who fall into the following bands. Within each band priority is given to those on the list the longest. In the event of the application date being the same, priority will be given to the application with the lowest application number. If the application is re-banded, the date of re-banding will become the new application date.

### **Band 1**

Priority will be given to those who have a housing need, as defined in s.167(2) of the Housing Act 1996, and who are ready to move and require an urgent move. Senior staff of the relevant partner organisation will need to agree, based on evidence, when emergency / urgent moves are required.

### **Band 2**

Priority is next given to social housing tenants in Powys who are affected by the under-occupation of their homes in accordance with the DWP property size criteria, have a housing need and are ready to move or Service Personnel who have been seriously injured or disabled in Service and who have an urgent need for social housing.

### **Band 3**

Priority is next given to those who have a housing need, as defined above, are ready to move but who also have a local connection to the area / town / village of their choice. An applicant may have a connection with more than one community.

Serving members of the Armed Forces, and other persons who normally live with them as part of their household, establish a local connection with an area in Powys by virtue of serving, or having served there while in the Forces, irrespective of the length of time spent in that area.

This is in line with the Powys Armed Forces Covenant.

### **Band 4**

Priority is then given to those who have a housing need, as identified above. If the applicant subsequently qualifies for local connection and/or becomes ready to move, it is the responsibility of the individual to notify Powys County Council of their change in circumstance so that their application can be re-banded.

#### **Band 5**

Priority is then given to those who have no housing need, as defined above.

### **7. Formal Offers**

Applicants may receive two offers of accommodation; however refusal of the second offer will result in the application being reviewed. If no reasonable explanation is given for the refusal, the application will be removed from the Scheme.

Applicants removed from the Scheme can reapply but their housing need will be re-assessed and, if eligible, they will be accepted onto the Scheme as at that date.

#### **Priority Need Homeless**

If an applicant is priority need homeless a first and final offer will be made in writing.

### **8. Reviews**

Reviews of applicants' circumstances will be carried out on a rolling basis at least every 6 months.

### **9. Older persons' Accommodation**

For older persons' accommodation, we will aim to allocate to applicants or their partners who are over 55 years of age for housing association properties and 60 years and over for Powys County Council properties, however consideration may also be given to those of a younger age with health issues.

Where partner organisations are unable to allocate properties designated as suitable for occupation by older persons, consideration will then be given to allocate via the Accessible Homes Register.

### **10. Disabled persons' Accommodation**

The partner organisations will aim to allocate properties which have been adapted to be suitable for disabled persons, wherever possible, to persons requiring those adaptations via the Accessible Homes Register. This will supersede any other banding.

Where partner organisations are unable to allocate adapted properties to those requiring the adaptations, consideration may be given to applicants aged 60 plus and then applicants who do not have a disability.

### **11. Grounds to Request a Review of a Decision**

Applicants have the right to request a review of a decision regarding their:

- \* Eligibility to join the register

- \* Any facts on which have been relied upon to reach a decision in respect of the band the applicant has been placed in

Requests for review should be made in writing, within 28 days of notification of the decision.

Applicants' circumstances at the time of the review will be considered, particularly if they have changed from when the decision was first made.

A member of the partner organisation's Management Team will consider the review, unless they were involved in the original decision. In this event another Manager will consider the review. Applicants will be informed of the outcome of the review within 14 days of receipt of the request.

If the applicant remains dissatisfied with the way in which the common allocations policy has been followed, or legislation interpreted, then a request can be made for two members of the relevant partner organisation's Management Teams to consider the appeal. This request must be made within 28 days of notification of the review decision. The applicant will be advised of the outcome within 14 days of receipt. This decision will be final.

## **12. Equal Opportunities**

The partner organisations are committed to equal opportunities and do not discriminate either directly or indirectly on grounds of gender, sexual orientation, religion, colour, race, nationality, disability, age or ethnic origin.

In order for equal opportunities to be monitored, applicants will be asked to answer monitoring questions. In addition to assessing housing need the information provided by applicants will be used to refer the applicant, where necessary, to the relevant support services and agencies.

## **13. Amending Existing Tenancies**

Current tenants may wish to add / remove a name/s to an existing sole / joint tenancy. Such requests will be considered in accordance with the appropriate current guidance. Where this request is agreed by all parties, but current legislation does not allow for a transfer, assignment or succession to the tenancy, a new tenancy must be allocated and the existing tenancy terminated.

## **14. Local Lettings Policy**

The partner organisations may wish to consider and implement local lettings policies in particular communities or areas within the County. Such policies will only be introduced in consultation with the local communities, areas, partners and agencies

affected. These policies will supersede this common allocation policy.

## **15. Declaration**

As part of assessing applicants' needs permission is required for enquiries to be made, if necessary, to any third party (i.e. landlords, doctor/consultant, and other agencies) for information regarding the applicant's circumstances.

The partner organisations are also committed to the prevention and detection of fraud and therefore advise applicants that the data held by partner organisations may be used for cross-system and cross-partner comparison purposes, for the prevention and detection of fraud.

All organisations are also committed to the Powys-wide Unified Assessment. Any information provided for re-housing will be placed on the Housing Register computer system and any participating organisation of the Common Allocations Scheme may have access to it.

It is an offence punishable by a fine of up to £5000 for anyone to knowingly or recklessly give false information or to knowingly withhold information that is reasonably required.

Any false statements will disqualify the applicant from any further consideration for housing accommodation and if as a result of such a statement, an applicant becomes a tenant of one of the partners to the scheme, the partner will take action to terminate their tenancy.

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# **Common Allocations Scheme - Policy Statement**

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