

# **Common Allocations Scheme - Policy Statement**

**Applicable from November 2015, revised August 2017**

**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
- Grwp Gwalia Cyf

This policy applies to a 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 (Wales) Act 2014, 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.

The policy should be read in conjunction with the Common Allocations Scheme procedure.

## **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.

However, 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 may be classed as ineligible. 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.

In order to make best use of housing stock and encourage sustainable tenancies, applicants who are in receipt of housing benefit (partial or full) will be allocated properties in the line with the Department of Work and Pension's (DWP) property size criteria. Applicants who are in work and able to afford a larger property will have the option to apply for one bedroom above what is needed.

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

- Ready to move.
- In housing need

**A weeks rent at the commencement of a tenancy will be expected for each letting, however where an affordability check has revealed it would not be appropriate, the individual partner organisation will have the discretion to apply an alternative agreement.**

It is a criminal 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 and prosecution may be considered.

### 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 and supporting evidence 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 in a higher band, the date of re-banding will become the new application date.

For further clarification see the Common Allocations Scheme procedure.

### **Band 1**

This band will only be used in exceptional circumstances. **Placement within this band will be decided by senior officers of Powys County Council based on the evidence provided..**

### **Band 2**

Priority is next given to social housing tenants in Powys who are under occupying their homes, 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.

### **Homeless Duty**

If an applicant is owed a duty under the Housing (Wales) Act 2014, 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. Disabled Person's 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. 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.

### **10. 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.

## **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 7 days of the hearing or receipt of the written statements.

If the applicant remains dissatisfied with the review decision they may apply for a judicial review

## **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**

It is a criminal offence to knowingly or recklessly provide false or misleading information, or knowingly withhold information reasonably requested. Powys County Council will seek to take further action including prosecution action against anyone who commits these offences.

Any false or misleading statement will disqualify the applicant from further consideration for housing; and if as a result of such a statement they become a tenant of one of the partners of the CHR, they may have the tenancy terminated and further action including criminal proceedings taken against them.

It is the applicants responsibility to notify PCC of any changes in circumstances immediately in writing as failing to do so may be considered a criminal offence and action may be taken.

The applicant gives their permission for partner agencies to contact any third party (e.g. Landlords, doctors, Housing Benefits, Council Tax, DWP, other agencies including credit reference agencies) for information in relation to this application.

PCC and its partners process the personal information supplied to assess the applicants housing needs as part of the CHR. This information will be shared so that suitable housing solutions can be found more effectively, and for the prevention and detection of crime.

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, including credit reference 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 a criminal 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 and consider prosecution.